

## **LOUISIANA AIR TOXICS REGULATIONS REVISED BY LDEQ**

The Louisiana Department of Environmental Quality recently finalized revisions to the “Comprehensive Toxic Air Pollutant Emission Control Program” set forth in LAC 33:III.Chapter 51 of the Louisiana Air Quality Regulations. A final rulemaking, first initiated in September 2005, was published in the December 20, 2007 Louisiana Register and can be obtained at the following web address: <http://www.deq.louisiana.gov/portal/tabid/2644/Default.aspx>. Unlike some states, Louisiana has its own air toxics program, which applies to major sources of “toxic air pollutants” as defined in LAC 33:III.5103. State toxic air pollutants include all federal “hazardous air pollutants” set forth in Clean Air Act § 112, and also 13 other pollutants, including ammonia, sulfuric acid, nitric acid, and hydrogen sulfide.

The final rulemaking, published in AQ-256, provides for the following revisions:

1. a provision that “compliance with an applicable federal standard promulgated by the US EPA in 40 CFR Part 63 shall constitute compliance with [Chapter 51] for emissions of toxic air pollutants;”
2. a clarification of the definition of “virgin fossil fuel” and a related exemption in LAC 33:III.5103 to exclude both refinery fuel gas

and certain types of plant produced fuel with a Btu value greater than 7,000 Btu/lb and that is generated onsite and collected by a “fuel gas system” as defined in 40 CFR 63, Subpart G;

3. the deletion of certain regulations pertaining to air toxic compliance plans;
4. an exemption from the Standard Operating Procedure requirements set forth in LAC 33:III.5109.C for sources complying with applicable federal MACT standards in 40 CFR Part 63;
5. a requirement that the LDEQ review the ambient air standards listed in LAC 33:III.5112 at least every three years, instead of annually;
6. the replication of a complete exemption from the Louisiana Air Toxics Program for “electric utility steam-generating units;” and
7. the deletion of certain provisions no longer effective since the original promulgation of the Chapter 51 air toxic regulations in 1991.

The LDEQ is continuing to review proposed revisions to the ambient air quality standards for TAPs. Ambient standards for toxic air pollutants are set forth in LAC 33:III.5112. In the September

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20, 2007 Louisiana Register, the LDEQ proposed to revise the ambient standards for existing TAPs and also proposed to add new short-term standards for Class I TAPs. Various industry groups submitted comments on the proposed revisions to the rulemaking (AQ-281) on October 25, 2007. In response, the LDEQ requested additional information for specific TAPs, including sulfuric acid, MEK, and ammonia in a Potpourri Notice published on December 20, 2007. The deadline to submit comments on this notice was March 4, 2008. According

to an LDEQ spokesperson, the Department intends to finalize the AQ-281 rulemaking in 2008 after reviewing all relevant comments.



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