UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

December 16, 2016

Deidra Johnson
Attorney Supervisor
Office of the Secretary
Legal Division
Louisiana Department of Environmental Quality
P.O. Box 4302
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Dear Ms. Johnson:

Thank you for the opportunity to review and comment on the proposed revisions to the Louisiana Administrative Code (LAC) in response to the EPA's Startup, Shutdown, and Malfunction (SSM) State Implementation Plan (SIP) Call. See 80 FR 33840, June 12, 2015. The EPA appreciates LDEQ's efforts to address the SSM SIP Call.

Previously, we commented on the June 20, 2016 proposed revisions to LAC 33:III.2201.C.8 (identified as AQ364) in a letter dated August 3, 2016. A copy of our August 3, 2016 comment letter is enclosed for your reference. In a letter dated, November 22, 2016, Louisiana provided an initial submittal to address the SIP call. In that submission, the LDEQ provided a narrative that attempted to address many of the comments in our August 3, 2016 letter. The EPA understands the proposed additional revisions to LAC 33:III.2201.C.8 and K are also intended, in part, to address comments from our August 3, 2016 letter. It is in this context, that we have reviewed the proposed revisions.

It is our understanding that the proposed revisions will repeal the exemption in LAC 33:III.2201.C.8 and add a LAC 33:III.2201.K which would allow the owner/operator of an affected point source to comply either with the applicable emission factor in LAC 33:III.2201.D (or an alternative plan approved in accordance with LAC 33:III.2201.E.1 or 2) or with the work practice standards in LAC 33:III.2201.K.3.

We offer the following comments which should be addressed to provide the necessary record for the proposed revisions:

1. Louisiana's SIP submittal letter should include a statement that Louisiana is requesting the EPA's review/approval of the removal of the exemption in LAC 33:III.2201.C from the Louisiana SIP, in response to the EPA's SSM SIP Call of June 12, 2015 (80 FR 33967).

2. A demonstration under Section 110(l) of the federal Clean Air Act (CAA) concerning AQ364S is necessary for Louisiana's SIP submittal to the EPA. See 80 FR 33975, June 12, 2015. Please contact the EPA Region 6 to discuss the specifics of an acceptable Section 110(l) demonstration. Furthermore, the submittal to the EPA will need to include an underline/strikethrough of the entire Chapter 22, not just the selected texts.

3. As noted in the EPA's SSM SIP Call, SIP provisions may include alternative emission limitations for startup and shutdown as part of a continuously applicable emission limitation when properly developed and otherwise consistent with CAA requirements. The EPA recommends seven specific

criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown. See Enclosure and 80 FR 33980 (June 12, 2015). The first criterion is that the revision is limited to specific, narrowly defined source categories using specific control strategies. We note that LAC 33:III.2201 applies to a wide range of NOx affected point sources, including electric power generating system boilers, industrial boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines. While proposed rule LAC 33:III.2201.K.3 does provide specific startup and shutdown work practice requirements for coal-fired and fuel oil-fired electric power generating system boilers and fuel oil-fired stationary gas turbines, it does not appear that other categories of affected point sources will be subject to specific work practice requirements other than "general duty" provisions for minimizing emissions. *See* Comment 4 below.

4. The requirement in proposed rule LAC 33:III.2201.K.3.a is considered a "general duty" provision. We support the inclusion of general duty provisions as separate *additional* requirements in SIPs, for example, to ensure that owners and operators act consistent with reasonable standards of care; however, the EPA does not recommend the submittal of general duty-type provisions as alternative emission limitations because such provisions standing alone may not meet the applicable stringency requirements for SIPs (e.g., RACT). In general, the EPA believes that a legally and practically enforceable alternative emission limitation applicable during startup and shutdown should be expressed as a numerical limitation, a specific technological control requirement, or a specific work practice. See 80 FR 33879-80 (June 12, 2015). As noted in Comment 3 above, it appears for some affected point source categories, the general duty provision of LAC 33:III.2201.K.3.a is the only requirement of the alternative emission limitation. We recommend that the alternate emission limits only be available to categories of affected point sources where specific work practices have been identified.

5. Additionally, the work practice requirements will need to meet applicable Clean Air Act (CAA) stringency requirements and be legally and practically enforceable. See 80 FR 33910 (June 12, 2015). As such, Louisiana's SIP submittal should explain how proposed rule LAC 33:III.2201.K meets these requirements during startup and shutdown modes for each category of affected point sources covered by the rule. In this case, the SIP submission needs to explain how the work practice requirements meet the CAA's Reasonably Available Control Technology (RACT) requirements. We note the November 22, 2016 submittal includes a discussion that draws a general conclusion. We recommend the submittal concerning AQ364S explain how the work practice standard meets RACT for **each** source category and that the specific discussions be included with the evaluation of each affected point source category.

6. The proposed revision to LAC 33:III.2201.K.3.c states that the applicable permit for each affected facility will contain appropriate requirements describing conditions and parameters when operation of a control device starts. The EPA has stated that the SIP rule needs to reflect the control obligations of sources, and any revision or modification of those obligations should not be occurring through a separate process, such as a permit process. See 80 FR 33915 (June 12, 2015). By including the work practice standards, conditions, or parameters pertaining to startup and shutdown activities in an air permit, the permit conditions (as well as any modification or revision of those conditions and parameters) would be occurring outside the SIP revision process. Therefore, it would be necessary to submit such applicable permits to the EPA as source-specific SIP revisions to ensure attainment/maintenance of NAAQS, preservation of PSD increments, and SIP enforcement.

Should you have any questions regarding this letter, please feel free to contact me at (214) 665-7242. I appreciate your efforts to address this important requirement.

Sincerely,

FOR

Guy Donaldson
Chief
Air Planning Section

Enclosures (2)

ENCLOSURE 1
Alternative Emission Limitations Applicable to the Source During Startup and Shutdown from 80 FR 33980 (June 12, 2015)

The EPA recommends the following seven (7) criteria be considered in developing alternative requirements for a source during startup and shutdown events. To be approvable, these alternative requirements should be narrowly tailored and properly bounded.

(1) The revision is limited to specific, narrowly defined source categories using specific control strategies (*e.g.*, cogeneration facilities burning natural gas and using selective catalytic reduction);

(2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods;

(3) The alternative emission limitation requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;

(4) As part of its justification of the SIP revision, the state analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable alternative emission limitation;

(5) The alternative emission limitation requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;

(6) The alternative emission limitation requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and

(7) The alternative emission limitation actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.

ENCLOSURE 2
EPA's Comment Letter of August 3, 2016

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Dear Ms. Johnson:

Thank you for the opportunity to review and comment on the proposed revisions to the Louisiana Administrative Code (LAC) in response to the EPA's Startup, Shutdown, and Malfunction (SSM) State Implementation Plan (SIP) Call. (See Enclosure 80 FR 33840, (June 12, 2015).) The EPA appreciates the LDEQ's efforts to address the SSM SIP Call.

Proposed revisions to sections LAC 33:III.1507.A, LAC 33:III.1507.B, LAC 33:III.2307.C.1.a, and LAC 33:III.2307.C.2.a will repeal and remove exemptions from the existing Louisiana SIP.

Proposed revisions to section LAC 33:III.2201.C.8 will repeal the exemption, and amend Chapter 22 to add new proposed rule LAC 33:III.2201.K to allow the owner/operator of an affected point source to comply either with the applicable emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with the newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

We offer the following comments which should be addressed to provide the necessary record for the proposed revisions:

1. Louisiana's SIP submittal letter should include a statement that Louisiana is requesting the EPA's review/approval of the removal of the sections identified above from the Louisiana SIP, as required by the EPA's SSM SIP Call of June 12, 2015 (80 FR 33967).

2. Due to the fact that Louisiana is proposing to remove certain provisions from the Louisiana SIP, a demonstration under Section 110(l) of the federal Clean Air Act (CAA) is a necessary component of Louisiana's SIP submittal to the EPA. (See Enclosure 80 FR 33975, (June 12, 2015).) If you require assistance with the requirements for an appropriate Section 110(l) demonstration, the EPA Regional staff can provide such assistance.

3. With respect to the replacement of the exemption set forth in LAC 33:III.2201.C.8 with new provisions in proposed rule LAC 33:III.2201.K that would allow the owner/operator of an affected point source to comply with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards, we offer the following specific comments related to proposed rule LAC 33:III.2201.K:

a. As noted in the EPA's SSM SIP Call, SIP provisions may include alternative emission limitations for startup and shutdown as part of a continuously applicable emission limitation when properly developed and otherwise consistent with CAA requirements. In addition, the EPA has noted that it may be appropriate in some cases for an emission limitation to include an approach to control for startup and/or shutdown periods other than a numerically expressed emission limitation. The EPA recommends seven specific criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown. (See Enclosure and 80 FR 33980, (June 12, 2015).) Louisiana's SIP submittal should include a clear explanation as to how the requirements in proposed rule LAC 33:III.2201.K.3.a-f are consistent with the criteria found at 80 FR 33980, (June 12, 2015), for all affected point sources subject to LAC 33:III.2201.

b. In addition to Comment 3.a above, the work practice requirements will need to meet applicable Clean Air Act (CAA) stringency requirements and be legally and practically enforceable.(See Enclosure 80 FR 33910, (June 12, 2015).) As such, Louisiana's SIP submittal should explain how proposed rule LAC 33:III.2201.K meets these requirements during startup and shutdown modes for each category of affected point sources covered by the rule. In this case, the SIP submission should explain how the work practice requirements meet the CAA's RACT requirements.

c. We note that proposed rule LAC 33:III.2201.K.3.b imposes work practice requirements specific to coal-fired and fuel oil-fired electric power generating system boilers and fuel oil-fired stationary gas turbines during periods of startup and shutdown requiring the use of natural gas during these time periods. When combined with appropriate monitoring, recordkeeping, and reporting requirements, such requirements likely satisfy CAA requirements. As described in comment 3.a. and 3.b above, Louisiana's submission should include an explanation of how the seven criteria are met by this work practice for coal-fired and fuel oil-fired EGU's.

   Moreover, we note that affected point sources covered by the proposed rule also include other boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines which would not be subject to the requirements of proposed rule LAC 33:III.2201.K.3.b. Louisiana's SIP submittal should also include a clear explanation of how the seven criteria and the stringency requirements (e.g., NOx RACT requirements) were considered in developing the work practice requirements for *each* category of affected point sources not subject to proposed rule LAC 33:III.2201.K.3.b (i.e., boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines). For every category/type of affected point source that could opt to comply during startup and shutdown with the alternative emission limitations (work practice requirements), those requirements need to be included in proposed rule LAC 33:III.2201.K.3.

d. The requirements in proposed rule LAC 33:III.2201.K.3.a and LAC 33:III.2201.K.3.c constitute "general duty" provisions. We support the inclusion of general duty provisions as separate *additional* requirements in SIPs, for example, to ensure that owners and operators act consistent with reasonable standards of care; however, the EPA does not recommend the submittal of general duty-type provisions as alternative emission limitations because such provisions standing alone may not meet the applicable stringency requirements for SIPs (e.g., RACT). In general, the EPA believes that a legally and practically enforceable alternative emission limitation applicable during startup and shutdown should be expressed as a numerical limitation, a specific

technological control requirement or a specific work practice. (See 80 FR 33879-80, (June 12, 2015).)

e. The proposed LAC 33:III.2201.K.2 provides for *all other affected sources* (i.e., sources that are *not* shut down intentionally more than once per month) with the option of either complying with LAC 33:III.2201.K.1, or with the work practice standards outlined in LAC 33:III.2201.K.3. The rule should be clear how the LDEQ would be notified in advance which of the two options the source has chosen. Any alternative emission limitation applicable during startup and shutdown must be independently enforceable. Thus, the LDEQ must determine before a startup or shutdown event occurs what emission limitation applies during such times. Otherwise, the limitation may not be practicably enforceable. In addition, this situation may create a problem regarding how to account for startup and shutdown events in emissions inventories and SIP planning.

f. The EPA encourages the operation and maintenance of control devices in accordance with safety and manufacturer recommendations, as required by proposed rule LAC 33:III.2201.K.3.c; however, for enforceability purposes, we believe that the rule should make clear that the source's Title V operating permit will include specific conditions that identify/detail when safe operation of control devices (including SCR/SNCR) will begin.

g. With respect to proposed rule LAC 33:III.2201.K.3.d, please explain if there is a limit to the number of startups for stationary internal combustion engines (e.g., number of startups per day, per month, or per year) and explain how such limitations are legally and practically enforceable as well as how the seven criteria and stringency requirements noted in Comment 3.a and Comment 3.b above were considered in developing these startup requirements.

Should you have any questions regarding this letter, please feel free to contact me at (214) 665-7242, or Alan Shar of my staff at 214-665-6691. If you have legal questions, please contact Richard Bartley at 214-665-7242. Again, I appreciate your efforts to address this important requirement.

Sincerely,

Guy Donaldson
Chief
Air Planning Section

Enclosure

ENCLOSURE

Alternative Emission Limitations Applicable to the Source During Startup and Shutdown from 80 FR 33980 (June 12, 2015)

The EPA recommends the following seven (7) criteria be considered in developing alternative requirements for a source during startup and shutdown events. To be approvable, these alternative requirements should be narrowly tailored and properly bounded.

(1) The revision is limited to specific, narrowly defined source categories using specific control strategies (*e.g.*, cogeneration facilities burning natural gas and using selective catalytic reduction);

(2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods;

(3) The alternative emission limitation requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;

(4) As part of its justification of the SIP revision, the state analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable alternative emission limitation;

(5) The alternative emission limitation requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;

(6) The alternative emission limitation requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and

(7) The alternative emission limitation actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.