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**LDEQ's Proposed Rule for
Regulatory Permits for Concrete Manufacturing Facilities**

LDEQ recently published Proposed Rule AQ299, 'Regulatory Permits for Concrete Manufacturing Facilities.' The proposed rule for concrete manufacturing facilities is the fifth regulatory permit proposed for air emission sources.

Regulatory Permitting

To put this proposal in context, the LDEQ was authorized in 2006 to develop regulatory permits. Acts 2006, No. 115. The Legislature authorized these types of permits for certain air emissions and water discharges.

LDEQ published rules governing the issuance of regulatory permits for air emissions. LAC 33:III.Chapter 3. To-date, LDEQ has issued regulatory permits for oil and gas well testing (§III.307), releases of natural gas from pipelines (§III.309), emergency engines (§III.311), and portable air curtain incinerators (§III.313). In each case, LDEQ has published a three to four page notification form (the 'application') for coverage under the RP provision.

The Proposed Rule

A. Applicability

The RP authorizes the construction and operation of facilities engaged in the manufacture of "ready-mixed portland cement concrete, including central-mixed concrete, shrink-mixed concrete, and truck-mixed concrete." §III.315.A.1. It may be used to authorize "both stationary and portable concrete manufacturing facilities." §III.315.A.2.

The law and regulations prohibit any regulatory permit from applying to any major source or any major modification of an existing source. La. R.S.30:2054(B)(9)(b); §III.303.A.

B. Coverage and Notification

A notification form must be submitted to the LDEQ and LDEQ must determine that the form is complete. §III.315.A.1 and E. Historically, the RP notification forms are about three to four pages in length and take about two weeks to process. At this time, LDEQ has not developed a form specific to this RP.

For portable facilities, the owner or operator must notify the LDEQ prior to moving the portable facility to a new site. Approval must be obtained before operations at the new site may commence. §III.315.F.

C. Costs

The fee for the RP is only \$713 with an annual maintenance fee of \$143. §III.315.H. This fee (Fee No. 1722) is the same as for a small source permit. The current fee (Fee No. 0820 for 'Ready-Mix Concrete,' SIC No. 3273) is \$2,874 with an annual maintenance fee of \$946. LAC 33:III.223, Table 1.

D. Basic Controls

The RP does not establish numeric emission limits. Instead, it mandates certain operating practices that, if followed, are presumed to minimize emissions. The regulatory permit establishes controls for: 1) fugitive emissions; 2) filter vents or baghouses; and 3) internal combustion engines. §III.315.B, C, and D.

1. Fugitive emissions - §III.315.B

a. Organic Compound Emissions: The RP requires that "best housekeeping and maintenance practices" must be employed to minimize organic compound emissions. §III.315.B.1. It then incorporates certain existing practices from the regulations, §III.2113.A.1-5, that constitute "good housekeeping." The incorporated standards include minimizing emissions "wherever feasible," avoiding spills, keeping containers closed, conducting clean-ups, or storing and disposing of organic compounds in a manner that reduces or eliminates emissions.

However, two of the incorporated standards should be noted:

i. A "written plan for housekeeping and maintenance" that emphasizes reduction of organic compound emissions is required. A copy must be kept at the facility. §III.2113.A.4.

ii. "Good housekeeping shall be determined by compliance with LAC 33:III.2121." §III.2113.A.5. This is also known as the Leak Detection and Repair (LDAR) Program, which mandates fugitive emission monitoring, tracking, and repair. LDAR applies to petroleum refineries or the synthetic organic chemical manufacturing industry and has no applicability to ready-mix concrete. It should be noted that some existing permits for ready-mix facilities have this provision included. Despite this, LDEQ has not, to date, issued enforcement actions or indicated that LDAR is applicable. To avoid confusion, a logical remedy is to modify the reference to §III.2113.A.1-5 to §III.2113.A.1-4, thus eliminating the incorporation of LDAR into the RP.

b. Particulate Emissions: The facility must take “all reasonable precautions” to prevent particulate matter to give rise to airborne materials, promptly remove dirt on paved roads, and watering roads and passageways on a frequent basis.

2. Filter vents or baghouses - §III.315.C

Filter vents and filter elements (bags) must be kept free of damage and impairments. Filter elements must be changed in accordance with manufacturer’s recommendations or more frequently, if necessary.

3. Internal combustion engines - §III.315.D

Internal combustion engines (ICEs) may combust only commercially available fuels (gas or diesel). Used oil, waste oil, or other noncommercial fuels are prohibited. A maximum sulfur content of 0.5 weight percent is placed on distillate oil if it is combusted.

Opacity due to smoke and PM from ICEs is controlled. Smoke or PM must be controlled so that a 20% opacity or less is maintained, except that average opacity of greater than 20% for one six minute period in any sixty consecutive minutes is allowed.

Any gas storage tank associated with an ICE with a storage capacity greater than 250 gallons must have a submerged fill pipe.

The RP also incorporates specific national standards for specified equipment. §III.315.D.4. New Source Performance Standards (NSPS) are applied to stationary compression ignition ICEs (40 CFR 60.Subpart IIII) and stationary spark ignition ICEs (40 CFR 60.Subpart JJJ). National Emission Standards for Hazardous Air Pollutants (NESHAPS) (40 CFR 63.Subpart ZZZZ) are applied to stationary reciprocating ICEs. Obviously, if the facility does not have the named ICE, NSPS is not applicable.

While the incorporation of NSPS and NESHAPS into the RP may seem to increase regulatory burdens, LDEQ would normally apply the standards to individual emission sources, if the standard is otherwise applicable to that source. For example, if the facility has a stationary compression ignition ICE at its facility and the NSPS applicability provisions are met, the facility’s permit would apply NSPS to the source and list each NSPS provision applicable to that source. The RP does the same, although generally and by reference. The difference is that the facility must now research and understand which provisions of the NSPS are applicable.

E. Monitoring and Record-keeping

The RP is replete with monitoring and record-keeping requirements. They are mentioned in this section for ease of reference.

1. Filter Vents

Filter vents must be inspected daily for visible emissions. Filter elements (bags) must be inspected every six months or when visual checks indicate a change is necessary. §III.315.C.1.

Records must be kept of the daily visual checks of the filter vents, the results of the filter elements (bags) maintenance inspections, and any maintenance or repair conducted on the elements. §III.315.C.2.

2. ICEs

The opacity must be measured for “visible emissions” once per month. If visible emissions are detected for more than one six-minute period over a sixty minute test period, an opacity reading (Method 9) must be performed. If the opacity reading shows that the opacity is greater than 20%, corrective action must be taken and a new opacity reading performed. LDEQ must be notified of the exceedences. Records must be kept of the visible emissions checks, the Method 9 readings, and any corrective action taken. §III.315.D.2.b.

The operating time of ICEs must be monitored by any technically sound means. Operating time must be recorded each month and the preceding 12 months. §III.315.D.3.

The NSPS and NESHAPS rules also require monitoring and record-keeping. The provisions are too detailed and ICE-specific to be discussed herein.

F. Standby Plan - §III.315.G

A stand-by plan for the reduction or elimination of emissions during an air pollution alter, warning, or emergency must be developed and maintained. The plan must conform to the requirements of LAC 33:III.5611. This provision is already included in many permits.

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