

2022 Regular Session

SENATE BILL NO. 65

BY SENATOR CONNICK

ENVIRONMENTAL CONTROL. Provides for reporting by minor air sources. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 30:2054(B)(2)(b)(ix), relative to the powers and duties of the
3 secretary of the Department of Environmental Quality; to provide for reporting
4 requirements for certain persons who discharge toxic air pollutants into the
5 atmosphere of Louisiana; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2054(B)(2)(b)(ix) is hereby amended and reenacted to read as
8 follows:

9 §2054. Air quality control; secretary of environmental quality; powers and duties

10 * * *

11 B. The secretary shall have the following powers and duties:

12 * * *

13 (2) * * *

14 (b) Nothing in this law shall be deemed to grant to the secretary any
15 jurisdiction or authority to make any rule, regulation, recommendations, or
16 determination with respect to any of the following:

17 * * *

1 (ix) Permitting regulations, with respect to air quality, requiring authorization
 2 to construct or operate any source for which facility-wide potential emissions are less
 3 than five tons per year for each of any regulated air pollutant as defined by the Clean
 4 Air Act, 42 U.S.C. 7401 et seq., less than fifteen tons per year emitted of all such
 5 defined pollutants combined, and less than the minimum emission rate for each toxic
 6 air pollutant established pursuant to R.S. 30:2060, unless such source is required to
 7 obtain a permit pursuant to the Clean Air Act, 42 U.S.C. 7661 et seq.
 8 Notwithstanding the provisions of this Item, the secretary ~~may~~ **shall** adopt,
 9 promulgate, and enforce standards, limitations, and other regulations applicable to
 10 sources which are not required to obtain a permit. The standards or regulations shall
 11 not include any requirement for approval by the department. The standards or
 12 regulations ~~may~~ **shall** include the requirement to determine, document, ~~and~~ maintain
 13 records, **and reporting** to demonstrate the potential or actual emissions of the
 14 facility. For purposes of this Item, "potential emissions" shall mean the emissions the
 15 facility is capable of emitting considering all control measures in place, utilized, and
 16 properly maintained and historical practices, including hours of operation and
 17 number of employees at the facility.

18 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

SB 65 Original

2022 Regular Session

Connick

Present law authorizes the secretary of the Department of Environmental Quality to adopt and promulgate certain rules and regulations under the Louisiana Air Control Law.

Present law provides that nothing in present law was deemed to grant to the secretary any jurisdiction or authority to make any rule, regulation, recommendations, or determination with respect to permitting regulations, with respect to air quality, requiring authorization to construct or operate any source for which facility-wide potential emissions are less than five tons per year for each of any regulated air pollutant as defined by the federal Clean Air Act, less than fifteen tons per year emitted of all such defined pollutants combined, and less than the minimum emission rate for each toxic air pollutant established pursuant to present law unless the source was required to obtain a permit pursuant to the federal Clean Air Act.

Present law authorizes the secretary to adopt, promulgate, and enforce standards, limitations and other regulations applicable to sources which are not required to obtain a permit. Requires that these standards or regulations not include any requirement for approval by the

DEQ and provides that such standards or regulations may include the requirement to determine, document, and maintain records to demonstrate the potential or actual emissions of the facility.

Proposed law requires the secretary to adopt, promulgate, and enforce standards, limitations, and other regulations for sources that are not required to obtain a permit. In addition, proposed law requires the standards or regulations to include reporting along with the requirement to determine, document, and maintain records to demonstrate the potential or actual emissions of the facility.

Effective August 1, 2022.

(Amends R.S. 30:2054(B)(2)(b)(ix))