

Louisiana Department of Environmental Quality Title V Program Evaluation

Questionnaire

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A. Title V Permit Preparation and Content

1. Since 2018, what % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve the quality of applications if this % of complete applications was low?

Between January 1, 2018, and March 31, 2021, LDEQ issued **52** initial Title V permits for **39** Part 70 sources. Of these, additional information was received or required for **45** applications.

However, LDEQ does not believe that revisions to the air permit application would minimize additional information submittals for several reasons.

One, 40 CFR 70 allows for a Title V application to be submitted “within 12 months after the source becomes subject to the permit program” or “within 12 months after commencing operation” (40 CFR 70.5(a)). However, in Louisiana, a Title V permit must be issued before construction can commence (LAC 33:III.501.C.2, LAC 33:III.507.C.2). Thus, additional submittals are often prompted by design changes and selection of specific compliance options (e.g., 40 CFR 60.112b(a)(1)(ii)(A), (B), or (C)) while the permit application is under review.

Two, it is not uncommon for Environmental Assessment Statements (where required by R.S. 30:2018) and/or air quality dispersion modeling to be submitted subsequently to the primary application documents (i.e., the Application for Approval of Emissions of Air Pollutants from Part 70 Sources).

Three, LDEQ’s air permit application has been updated a number of times, most recently on July 7, 2017, to address the needs of the Air Permits Division (e.g., to capture stationary internal combustion engine-specific data to assess applicable requirements under 40 CFR 60 Subparts IIII and JJJJ and 40 CFR 63 Subpart ZZZZ).

2. Do you utilize any streamlining strategies in preparing the permit such as:
 - a. Incorporating by reference: test methods, major and minor New Source Review permits, MACT, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.

For Part 70 sources not subject to New Source Review (NSR) provisions, Louisiana does not issue separate state preconstruction permits (see LAC 33:III.501.C.8). Louisiana’s Title V permits are both state preconstruction and Part 70 operating permits. Applicable requirements are not identified simply by reference to a federal or state regulation, *Federal Register* notice, etc., but are listed individually in the Specific Requirements section of the Title V permit.

When a new major stationary source or major modification triggers Prevention of Significant Deterioration (PSD) review, LDEQ issues a PSD permit that is wholly independent of the Title V permit. The terms and conditions of the PSD permit (including LDEQ’s best available control technology (BACT) determinations) are applicable requirements as defined in 40 CFR 70.2 and are therefore incorporated into the Specific Requirements section of the Title V permit.

- b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.

Yes, LDEQ typically addresses multiple sources subject to the same requirements using Common Requirements Groups, or CRGs. For example, see CRG 0004 in Permit No. 2560-00295-V1.

(<https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=10688678&ob=yes&child=yes>)
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Regarding “listing the requirements of the most stringent applicable requirements,” see “c” below.

- c. Use of White Paper 2 for streamlining applicable requirements or any other streamlining processes? Please describe.

Yes. In fact, LDEQ’s Statement of Basis (SOB) contains a section pertaining to streamlined requirements and specifically cites White Paper No. 2.

As detailed in EPA’s “White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program,” when applicable requirements overlap or conflict, the permitting authority may choose to include in the permit the requirement that is determined to be most stringent or protective. The overall objective is to determine the set of permit terms and conditions that will assure compliance with all applicable requirements for an emissions unit or group of emissions units so as to eliminate redundant or conflicting requirements. The proposed permit modification contains the following streamlined provisions.

Where a permit contains streamlined requirements, they are described in this section of the SOB. However, LDEQ includes citations to the subsumed requirements consistent with the white paper (“[p]ermitting authorities must include citations to any subsumed requirements in the permit’s specification of the origin and authority of permit conditions” (p. 13)).

Example:

(<https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=10310896&ob=yes&child=yes>)
(p. 89 of 274)

3. Please discuss training and guidance given to your permit writers, and the frequency of such training.

New permit writers are assigned an experienced mentor to provide them with instruction and guidance pertaining to reviewing air permit applications and preparing draft permit actions using LDEQ’s Tools for Environmental Management and Protection Organizations (TEMPO) software. Less experienced permit writers are also directed to take job-relevant training courses offered by the Central States Air Resources Agencies Association (CenSARA) and various other organizations as they are available. Further, all permit writers must complete two (2) continuing education courses each year (July 1 - June 30).

Guidance to permit writers is also provided on an as-needed bases (for example, in response to relevant D.C. Circuit or Supreme Court decisions and significant changes to federal regulations). Permit writers are also notified of all amendments to federal air quality regulations when they are promulgated in the *Federal Register*.

4. Since 2018, how many “new” sources have been issued Title V permit? Are there any backlogged title V permits?

Since January 1, 2018, LDEQ has issued **33** Title V permits for **20** new (greenfield) sources (or new process units at existing Part 70 sources). Currently (as of April 28, 2020), **10** applications for Title V permits for new sources are pending. Four (**4**) have been pending for longer than 18 months; however, LDEQ believes that three of the four applicants (AI 190627, AI 197717, and AI 198284) are no longer pursuing development of their proposed projects. Regarding the fourth (AI 217523), processing of the permit application was suspended for approximately 10 months by the permit applicant.

5. Since 2018, how many synthetic minor source permits have been issued each year that contain practically enforceable permit limits and conditions? What percentage (if any) of synthetic minor source permits have been issued to existing, major facilities?

Between January 1, 2018, and March 31, 2021, LDEQ issued **41** synthetic minor permits that contain limits that are enforceable as a practical matter. None of the facilities were major sources, as major sources require Part 70 permits.

Please provide any additional comments on Title V permit preparation or content.

LDEQ has nothing further to add.

B. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3)) if monitoring is not specified in the underlying standard or CAM?

Determining the sufficiency of monitoring is necessarily a circumstance-specific task.

EPA has acknowledged that “[a]ny Federal standards promulgated pursuant to the Act amendments of 1990 are presumed to contain sufficient monitoring.”¹ Indeed, EPA’s Compliance Assurance Monitoring (CAM) rule under 40 CFR 64 includes an exemption for “emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act” [40 CFR 64.2(b)(1)(i)] since “monitoring for these standards would be needlessly duplicative.”²

Where the monitoring associated with an applicable requirement is *not* presumed to be sufficient as described above, the permit writer would consider all relevant

¹ 57 FR 32278 (July 21, 1992)

² 62 FR 54918

data pertinent to the emission unit in question, including but not limited to the following, in deciding whether additional monitoring (or recordkeeping designed to serve as monitoring) is appropriate:

- its potential emissions;
- whether emissions are restricted by a control device or work practice;
- the extent to which the efficiency of any control device is impacted by its operation;* and
- existing monitoring requirements (or recordkeeping designed to serve as monitoring) imposed on the emissions unit and/or control device.

* For example, monitoring the temperature in the firebox of a thermal oxidizer is typically performed continuously, but monitoring visible emissions from a baghouse/fabric filter is often performed daily.

- a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the criteria or guidance used.

LDEQ has developed general stack testing guidelines and standard monitoring requirements for commonly utilized control devices. These documents will be provided to EPA as requested. Note that the efficiencies referenced in the conditions for carbon adsorption units and carbon canisters would be revised to reflect the actual control efficiency of the unit being permitted. LDEQ may take action at variance with these documents when site-specific circumstances warrant.

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

Training is provided as described in A.3 above.

3. How often do you “add” monitoring not required by underlying NSR requirements in a specific permit? Have you seen any effects of the monitoring in your permits such as better source compliance? Has LDEQ evaluated any *Sierra Club vs. EPA* decisions to determine the potential impact on how LDEQ will ensure that permits have adequate monitoring?

LDEQ routinely adds monitoring not required by underlying PSD permits in Title V permits. Such “LAC 33:III.507.H.1.a” and/or “LAC 33:III.501.C.6” conditions may be added where no applicable federal or state regulation exists or where an applicable regulation does not contain sufficient monitoring, recordkeeping, and/or reporting provisions to ensure compliance. LAC 33:III.507.H.1.a provisions, which may include recordkeeping requirements, are intended to fulfill Part 70 periodic monitoring obligations under 40 CFR 70.6(a)(3)(i)(B).

While it is not possible to quantify the impact of such conditions, LDEQ believes that such conditions have improved compliance with applicable requirements because they often require the permittee to physically interact with process and/or control equipment, to deliberately monitor or evaluate relevant operating parameters, and/or to record pertinent operational data.

LDEQ is not certain as to what *Sierra Club v. EPA* decision EPA is referring. In what appears to be the most relevant case – *Sierra Club v. EPA*, 536 F.3d

673 (D.C. Cir. 2008) – the court found that 40 CFR 70.6(c)(1) “ensures that all Title V permits include monitoring requirements ‘sufficient to assure compliance with the terms and conditions of the permit,’ even when § 70.6(a)(3)(i)(A) and § 70.6(a)(3)(i)(B) are not applicable.” In *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008), the court found that “the SSM exemption violates the CAA’s requirement that some section 112 standard[s] apply continuously.” In *Sierra Club v. EPA*, 705 F.3d 458 (D.C. Cir. 2013), the court vacated EPA’s Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) for PM_{2.5}.

LDEQ is also aware of EPA’s positions regarding sufficiency of monitoring that the agency has advanced in responding to Title V petitions.

4. Are you incorporating CAM monitoring into your permits? What process is used by the permit writers to determine if CAM is necessary?

Yes. Applicability is assessed per the provisions of 40 CFR 64.2(a) and (b). LDEQ also utilizes the technical guidance documents published by EPA at <https://www.epa.gov/air-emissions-monitoring-knowledge-base/compliance-assurance-monitoring>.

5. In cases where there are no underlying requirements to a permit condition, and periodic monitoring is required to demonstrate compliance with an applicable requirement in the Title V permit, is the periodic monitoring practicably enforceable? Give examples and explain.

Yes. In order for such limits “to be enforceable as a practical matter, the permit must clearly specify how emissions will be measured or determined for purposes of demonstrating compliance with the limit.” In addition, the “limitations must be supported by monitoring, recordkeeping, and reporting requirements ‘sufficient to enable regulators and citizens to determine whether the limit has been exceeded and, if so, to take appropriate enforcement action.’”³

For example, consider Specific Requirements 35-38 of Permit No. 2560-00295-V1. In this permit, aggregate VOC emissions from a group of storage vessels are limited to 6.10 tons per 12-consecutive month period. The permit specifies how emissions are to be calculated (Specific Requirement 36), what parameters must be monitored (Specific Requirements 37 and 38), and the associated recordkeeping and reporting requirements (Specific Requirement 35).

See <https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=10688678&ob=yes&child=yes> (p. 54 of 87).

6. Have you added federally enforceable conditions to permits that were Title V authorized only, i.e., testing, monitoring, reporting, maintenance of records? If so, please provide examples.

Yes, such conditions are cited as LAC 33:III.507.H.1.a and added where testing, monitoring, recordkeeping, and/or reporting requirements are necessary to assure

³ *In the Matter of Yuhuang Chemical Inc. Methanol Plant*, Order Granting in Part and Denying in Part a Petition for Objection to Permit, August 31, 2016 (p. 14) (<https://www.epa.gov/title-v-operating-permits/title-v-petition-database>)

compliance with the terms and conditions of the permit consistent with 40 CFR 70.6(a)(3)(i)(B) and 40 CFR 70.6(c)(1). See, for example, Specific Requirements 36-38, 74-79, 115-119, 123-128, 150, 200, 247-248, 255-258, 261, and 304-306 in Permit No. 2560-00295-V1.

Please provide any additional comments on Monitoring that you would like EPA to consider in assessing program implementation.

LDEQ has nothing further to add.

C. Permit Issuance / Revision / Renewal

Permit Issuance

1. What has been your average time in the past two years for processing Title V permits from an administratively complete application to permit issuance?

In 2019 and 2020, based on issued permits, the average processing time was as follows:

Initials:	854 days *
Significant modifications:	237 days
Minor modifications:	97 days
Renewals:	412 days

- * This value includes the 14 initial Title V permits issued to FG LA, which should not be considered representative. These applications were received on September 28, 2015, in order to meet the deadline imposed by 40 CFR 51.166(i)(11)(i). LDEQ's review of the applications was immediately placed "on hold" while FG LA made design changes to the project. FG submitted updated applications between November 1, 2017, and February 28, 2018 (i.e., almost 2.5 years after the original applications were submitted). Omitting these 14 permits, the average processing time falls to **382** days.

- a. Are there any types of permits that take a much longer time? Why?

Generally speaking, for initial permits, processing time is directly related to the number of emission units at the facility and the applicable requirements to which they are subject. For modifications, processing time is related to nature of the modification itself (e.g., how many emission units are affected), the applicable requirements to which the affected emission units are subject, and whether or not any federal or state regulations applicable to non-affected emission units have been promulgated or amended since the permit was last modified.

Permit Revisions

2. For those permits that have been issued, and where the permitted facility has undergone a change, how many Title V permits have you processed per year?
 - a. What percentage of changes at the facilities is processed as:

- i. Significant? **8.8 %**
- ii. Minor? **85.8 %**
- iii. Administrative? **5.4 %**

* Reflects data from permits issued in 2019 and 2020. Total actions include significant modifications, minor modifications, and administrative permit amendments. Note that significant modifications and minor modifications may also be processed as a component of a Title V renewal.

- b. Does LDEQ have guidance on what can be considered an off-permit change? How many (or what percentages) were off permit?

LDEQ has adopted Clean Air Act §502(b)(10) / 40 CFR 70.4(b)(12)(i) at LAC 33:III.507.G.2. However, LDEQ does not have specific guidance on this topic. Permittees in Louisiana do not utilize this provision, presumably because it is ambiguous as to what types of changes could potentially qualify.

Notably, such changes cannot result in an exceedance of emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions, or contravene any testing, monitoring, recordkeeping, reporting, or compliance certification requirements of the existing permit.

- c. What kind of CAA 502(b)(10) changes have been processed by LDEQ?

See “b” above. This question is not applicable.

- 3. Have you taken longer than the Part 70 timeframes of 18 months for significant revisions, 90 days for minor permit revisions and 60 days for administrative? Explain.

Though not requested above, in 2019 and 2020, based on issued documents, the average processing time for administrative permit amendments was 52 days.

LDEQ met the 18-month deadline for all significant modifications issued during 2019 and 2020.

On occasion, applications for minor modifications and administrative permit amendments have taken longer than 90 days and 60 days, respectively, to process. Based on the average processing time of 97 days and 52 days, respectively, it is clear that the issue is not resource-related. However, the specific reasons for the need for additional time can vary widely. For example:

- an application may need to be reassigned following the resignation or retirement of a permit writer;
- an application may address a project that involves numerous emission units;
- the applicant may amend the application while it is under review;
- the permit writer may need additional information in order to process the application; or
- other applications assigned to the permit writer may be assigned a higher

priority by upper management or executive staff.

4. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures, and a request that such procedures be used?

The “Application for Approval of Emissions of Air Pollutants from Part 70 Sources” (Section 10) requires responsible officials to certify the following:

Based on information and belief, formed after reasonable inquiry, the company and facility referenced in this application is in compliance with and will continue to comply with all applicable requirements pertaining to the sources covered by the permit application, as outlined in Tables 1 and 2 in the permit application. For requirements promulgated as of the date of this certification with compliance dates effective during the permit term, I further certify that the company and facility referenced in this application will comply with such requirements on a timely basis and will continue to comply with such requirements.

For corporations only: By signing this form, I certify that, in accordance with the definition of Responsible Official found in LAC 33:III.502, **(1)** I am a president, secretary, treasurer, or vice-president in charge of a principal business function, or other person who performs similar policy or decision-making functions; or **(2)** I am a duly authorized representative of such person; am responsible for the overall operation of one or more manufacturing, production, or operating facilities addressed in this permit application; and either the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or the delegation of authority has been approved by LDEQ prior to this certification.

CERTIFICATION: I certify, under provisions in Louisiana and United States law which provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information contained in this Application for Approval of Emissions of Air Pollutants from Part 70 Sources, including all attachments thereto and the compliance statement above, are true, accurate, and complete.

The express language of 40 CFR 70.7(e)(2)(ii)(C) is not included in the application form itself; however, LAC 33:III.525.B.2.b requires an application requesting a minor modification to include “certification by a responsible official that the proposed modification meets the criteria listed in Subsection A of this Section and a request that minor modification procedures be used.”

5. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

In accordance with LAC 33:III.531.A.3.b.iii, the public notice must identify the “activities involved in the permit action.”

Permit Renewal or Reopening

6. How many permit renewals have you processed?

LDEQ issued **120** Title V renewals in 2019 and **102** Title V renewals in 2020.

7. What % of renewal applications have you found to be untimely and late? What action have you taken on these permittees?

The number of Title V renewal applications received after the regulatory deadline is very small. LDEQ received 260 Title V renewal applications in 2019 and 2020. According to LDEQ's Title V Permit Data Reports (TOPS), only **7** (or **2.7 %**) were submitted late. Late submittal of a Title V renewal application results in a referral to LDEQ's Enforcement Division.

8. How many complete applications for renewals do you presently have in-house ready to process?

As of May 18, 2021, 166 Title V renewal application were pending.

9. Have you ever determined that an issued permit must be revised during the renewal process, to assure compliance with the applicable requirements?

Yes, when applicable requirements have been promulgated or revised during the term of the permit.

Please provide any additional comments on Permit Issuance / Revision / Renewal that you would like EPA to consider in assessing program implementation.

LDEQ has nothing further to add.

D. Title V Benefits

1. Compared to the period when you first started implementing the title V program, does the Title V staff generally have a better understanding of:

Y ☒ N ☐

a. NSPS requirements?

Y ☒ N ☐

b. The stationary source requirements in the SIP?

Y ☐ N ☒

c. The minor NSR program?

LDEQ had a well-established minor NSR program prior to the promulgation and implementation of the Title V program.

Y ☒ N ☐

d. The major NSR/PSD program?

Y ☒ N ☐

e. How to design monitoring terms to assure compliance?

Y ☒ N ☐

f. How to write enforceable permit terms?

Y ☒ N ☐ g. Sources' operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?

Y ☒ N ☐ h. Your stationary source emissions inventory?

Yes, in the sense that the Emissions Inventory is no doubt more accurate and complete subsequent to the implementation of the Title V program.

Y ☒ N ☐ i. Applicability and more enforceable (clearer) permits?

2. Has your title V universe changed since you first implemented the title V program? Please explain.

The Title V universe has remained relatively stable. According to the July 31, 2010, TOPS report provided to EPA, there were 509 Part 70 sources in Louisiana. LDEQ's most recent fee demonstration dated February 12, 2015, reported 511 Part 70 sources. Today (as of May 3, 2021), Louisiana has **495** Part 70 sources – **490** that have obtained Part 70 permits plus **5** for which Part 70 permit applications remain pending (AIs 17363, 51692, 81024, 105476, and 167323).

3. In issuing the title V permits:

Y ☒ N ☐ a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.

In years past, LDEQ noted inconsistencies in Title V permits with respect to requirements for performance tests (i.e., which combustion units were required to be tested, what pollutants were targeted, and the frequency at which such tests must be repeated).

Y ☒ N ☐ b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.

LDEQ developed the general stack testing guidelines described in B.1.a above.

4. What changes in compliance behavior on the part of sources have you seen in response to title V? (Check all that apply.)

Y ☒ N ☐ a. increased use of self-audits?

Y ☒ N ☐ b. increased use of environmental management systems?

Y ☒ N ☐ c. increased staff devoted to environmental management?

Y ☒ N ☐ d. increased resources devoted to environmental control systems (e.g., maintenance of control

equipment; installation of improved control devices; etc.)?

Y ☒ N ☐

e. increased resources devoted to compliance monitoring?

Y ☒ N ☐

f. better awareness of compliance obligations?

Y ☐ N ☒

g. other? Describe.

5. Have you noted a reduction in emissions due to the title V program?

Y ☐ N ☒

a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?

While there has certainly been a marked decline in annual emissions over the last two plus decades since approval of Louisiana's Operating Permits Program (60 FR 47296, September 12, 1995), LDEQ is hesitant to attribute such reductions to the program itself. As per 40 CFR 70.1(b), "title V does not impose substantive new requirements." These reductions are more appropriately attributed to new federal regulations, particularly those promulgated pursuant to Sections 111 and 112 of the Clean Air Act, and new and revised state regulations promulgated to achieve compliance with declining national ambient air quality standards (NAAQS) (e.g., LAC 33:III.Chapter 22).

Y ☐ N ☐

b. Did that lead to a change in the fee rate (dollars/ton rate)?

While not expressly associated with LDEQ's Part 70 Operating Permits Program as explained above, LDEQ's Title V fee (now fee no. 2310, Table 2, LAC 33:III.223) has been increased several times since the program's inception, including twice since EPA's last Title V fee audit (see MM018, promulgated May 20, 2017, and MM020, promulgated July 20, 2018, at <https://www.deq.louisiana.gov/page/rules-regulations>).

6. Has title V resulted in improved implementation of your air program in any of the following areas due to title V:

Y ☐ N ☒

a. netting actions?

LDEQ has always required a permittee to secure a permit modification prior to the modification of a stationary source – independently of the Title V program (see LAC 33:III.501.C.2). Thus, there has always been a "paper trail" to document physical changes and changes in the method of operation that are contemporaneous with a proposed modification.

Y ☒ N ☐

b. emission inventories?

See D.1.h above.

Y ☐ N ☒

c. past records management (e.g., lost permits)?

Improvements in records management have occurred, but are attributed to LDEQ's

Electronic Document Management System (EDMS). EDMS is the electronic repository of official records that have been created or received by LDEQ. Members of the public can search and retrieve documents stored in EDMS via the internet at <http://edms.deq.louisiana.gov>.

- Y ☒ N ☐ d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance⁴)?
- Y ☒ N ☐ e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.?

Yes, via the required semiannual monitoring and deviation reports.

- Y ☒ N ☐ f. clarity and enforceability of NSR permit terms?
- Y ☒ N ☐ g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)?
- Y ☐ N ☒ h. emissions trading programs?

Emissions trading, as described in 40 CFR 70.6(a)(8), is allowed by LAC 33:III.507.G.3 and 4. However, permittees in Louisiana do not utilize these provisions.

Emissions trading is more typically associated with offsets under the nonattainment new source review (NNSR) program. LDEQ's Emission Reduction Credit (ERC) banking program, LAC 33:III.Chapter 6, which establishes the means of enabling stationary sources to identify and preserve or acquire offsets, pre-dates the department's Title V program.

- Y ☒ N ☐ i. emission caps?

LDEQ routinely utilizes emission caps to limit aggregate emissions from two or more emissions units, though the limit is not always established to avoid an applicable requirement to which the source would otherwise be subject. The Air Permits Division's original "Permitting Caps" guidance is dated April 29, 1999, and, among other things, requires permits to include "provisions for monitoring, recordkeeping, and reporting sufficient to make the cap practically enforceable."

- Y ☐ N ☒ j. other? (describe)

7. If yes to any of the above, would you care to share how this improvement came about? (e.g., increased training; outreach; targeted enforcement)

Comments have been added under each entry where appropriate.

8. Has title V changed the way you conduct business?

⁴ <https://www.epa.gov/sites/production/files/2015-08/documents/lowmarch.pdf>

Y ☒ N ☐

- a. Are there aspects of the title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

The requirement to submit annual Title V compliance certifications (40 CFR 70.6(c)(5) / LAC 33:III.507.H.5) inspired the certification of compliance requirements in LDEQ's solid waste regulations promulgated on November 20, 2011 (see LAC 33:VII.525).

Y ☐ N ☒

- b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

Due to the preconstruction nature of LDEQ's Part 70 Operating Permits Program (LAC 33:III.507.C.2), Title V permits and PSD permits for new major stationary sources and major modifications are typically issued concurrently. The terms and conditions of the PSD permit are applicable requirements (40 CFR 70.2) and therefore incorporated into the Title V permit. For this reason, the content of LDEQ's PSD permits has not been significantly impacted by the Title V program.

However, the associated Statement of Basis, which would accompany proposed Title V and PSD permits, includes sections pertaining to NSR issues, including applicability of the PSD and NNSR programs, BACT or LAER (as applicable), air quality impacts, offsets (if applicable), notification of the Federal Land Manager, and reasonable possibility.

Y ☒ N ☐

- c. Do you work more closely with the sources? If yes, describe.

While LDEQ has always worked closely with the regulated community, the Air Permit Division's level of interaction with representatives of Part 70 sources has necessarily increased due the comprehensive nature of a Title V permit.

Y ☒ N ☐

- d. Do you devote more resources to public involvement? If yes, describe.

Yes, more resources were required to satisfy the public participation requirements of 40 CFR 70.7(h), particularly the mailing list notification requirements of 40 CFR 70.7(h)(1). Staff in the Public Participation Group of LDEQ's Public Participation and Permit Support Division publish notices of proposed Title V permits on LDEQ's "Public Notices" webpage (<https://deq.louisiana.gov/public-notice>), schedule public hearings when necessary, mail and e-mail notifications to those on the mailing list, and compile any public comments received.

Y ☒ N ☐

- e. Do you use information from title V to target inspections and/or enforcement?

Y ☐ N ☒ f. Other ways? If yes, describe.

9. Has the title V fee money been helpful in running the program? Have you been able to provide:

Y ☒ N ☐ a. better training?

The Air Permits Division's travel budget covers not only travel, but also fees and expenses associated with all non-complimentary training opportunities.

Y ☒ N ☐ b. more resources for your staff such as CFRs and computers?

The Air Permits Division's budget, which is funded in part with Title V revenue, is sufficient to cover all reasonable needs of division staff. Computers are not specifically funded via the division's budget.

Y ☒ N ☐ c. better funding for travel to sources?

Yes, see D.9.a above.

Y ☒ N ☐ d. stable funding despite fluctuations in funding for other state programs?

Y ☐ N ☒ e. incentives to hire and retain good staff?

LDEQ does not provide financial incentives to employees beyond their salary and associated benefits.

Y ☐ N ☒ f. are there other benefits of the fee program? Describe.

10. Have you received positive feedback from citizens? Y ☐ N ☒

As noted in D.5 above, LDEQ has now implemented the Title V program for over 25 years. Feedback from the public does not typically pertain to the Title V program itself.

11. Has industry expressed a benefit of title V? If so, describe. Y ☐ N ☒

Again, because the Title V program is now mature, the regulated community is not overtly vocal about its benefits. However, LDEQ believes that the program has improved compliance with applicable requirements due to program requirements such as semiannual monitoring reports (40 CFR 70.6(a)(3)(iii)(A)) and annual compliance certifications (40 CFR 70.6(c)(5)).

Please provide any additional comments on title V benefits that you would like EPA to consider in assessing program implementation.

LDEQ has nothing further to add.

E. Title V Administration and Fee Review

Current Title V Resources

1. Please refer to EPA's prior Louisiana Title V fee audit report for fiscal year 2012 (final report dated March 6, 2015).⁵ Please call out and summarize any changes that LDEQ has implemented to improve the title V fee program and/or specific ways that LDEQ is now managing the program to address any of EPA's prior findings.

LDEQ began to impose a 20% surcharge to annual maintenance fees for Part 70 sources, effective July 1, 2017; this surcharge will enhance revenues dedicated to the Title V program. See LAC 33:III.209.B.⁶

2. For fiscal years 2018, 2019 and 2020, provide updated information on how LDEQ administers the fee portion of the title V with respect to EPA observations and recommendations in the prior audit.

As noted above, effective July 1, 2017 (first day of fiscal year 2018), LDEQ began to impose a 20% surcharge on the annual maintenance fees for Part 70 sources. These revenues are accounted for separately from the annual fees.

LDEQ tracks its revenues available for the Title V program and ensures these fees are expended on associated direct and indirect costs.

3. For fiscal years 2018, 2019 and 2020, provide a spreadsheet or financial report (like Table 1 from the prior TV fee audit) documenting LDEQ's annual account receivables and LDEQ's annual expenses for the title V permitting program. Are LDEQ's current title V fees sufficient to support the title V program?

LDEQ's current Title V fees are sufficient to support the Title V program. See "Table 1.xlsx."

LDEQ's Title V program is funded with what LDEQ specifically identifies as Title V fees – criteria pollutant annual fees from Title V facilities, the 20% surcharge for Part 70 sources (see E.1 above), and fees charged for processing a Title V application on an expedited basis.⁷ The criteria pollutant fee (fee no. 2310, Table 2, LAC 33:III.223) is currently \$14.11/ton of actual PM₁₀, SO₂, NO_x, and VOC emissions reported per LAC 33:III.919.

As noted in LDEQ's final Title V Fee Demonstration dated February 12, 2015, this revenue is supplemented by additional funds – again, solely from Part 70 sources – in the form of permit application fees,⁸ annual maintenance fees,⁹ and air toxics annual fees.¹⁰ The revenue generated from these other sources is sufficient to subsidize the difference between the defined Title V fees and projected Title V expenditures. Based on LDEQ's current estimates, these other sources will

⁵ A copy of EPA's 2015 report is available online at <https://www.epa.gov/sites/production/files/2016-02/documents/ldeq-title-v-review-022515final.pdf>. Of note, LDEQ's final Title V Fee Demonstration dated February 12, 2015, was acknowledged in EPA's 2015 audit report.

⁶ Authority was provided by Act No. 451 of the 2016 Louisiana Regular Legislative Session.

⁷ LAC 33:I.1805

⁸ LAC 33:III.207, 211, & 223

⁹ LAC 33:III.209, 211, & 223

¹⁰ LAC 33:III.211.B.14 & 223 (fee number 2200)

generate sufficient revenue for the foreseeable future.

4. Provide a list of title V permittees and fee revenues generated from each of these permittees.

See “Table 2.xlsx.”

5. How many title V permit writers does the agency currently have on staff? Specifically indicate both number of FTEs allocated versus actual positions filled. How has this changed since the prior fee audit?

The Air Permits Division currently has 22 permit writers that review Title V permit applications. In addition, the managers of the Petrochemical Section and the Manufacturing Section, one supervisor in the Petrochemical Section, and the division’s Environmental Scientist Senior occasionally process Title V permit applications. Based on the number of Title V actions that these additional staff members completed between 2018 and 2020 and the average number of Title V actions that a permit writer completes in a year, they effectively increase the number of permit writers by one FTE.

All positions for permit writers that primarily review Title V permit applications are currently filled.

In 2011, when EPA initiated its “limited scope programmatic oversight audit” of the LDEQ’s Title V fee program, it appears that the Air Permits Division had 25 permit writers that reviewed Title V permit applications.

6. Do the permit writers work full time on title V or do they work on other items such as NSR permits?

The aforementioned 22 permit writers primarily process applications for Part 70 permits, including permit modifications, renewals, and administrative permit amendments. However, they may also process applications for PSD permits, Acid Rain permits, and minor source permits and permit modifications, as well as applications for other actions such as authorizations to construct, changes of tank service, letters, variances, etc.

- a. If not, describe their main activities and percentage of time on title V permits.

It is estimated that the permit writers spend approximately 90 percent of their time on Title V permits.

- b. Please describe very specifically how LDEQ tracks the time allocated to title V activities versus other non-title V activities?

In 2014, LDEQ implemented the LaGov Enterprise Resource Planning System by SAP (hereafter LaGov). LDEQ uses the Finance Module of LaGov to track revenues and expenses associated with the Title V program. In LaGov, Work Breakdown Structure (WBS) E.990011.10 identifies Title V expenditures.

Salaries, related benefits, and overtime costs for work performed in support of the Title V program (e.g., permitting, surveillance, enforcement), as well as all related travel, training, and professional service contracts associated with Title V activities, are captured through the WBS expenditure code identified above.

On March 31, 2014, LDEQ implemented a new timekeeping system called CATS (Cross Application Time Sheet). CATS allows each employee to code his or her time to any established WBS, including that for the Title V program (i.e., E.990011.10). Accordingly, each employee in the department directly codes time worked in support of the Title V program – without the need for assistance from a timekeeper, revisions to the employee’s timesheet, or any other external timekeeping adjustment.

For a more complete explanation of LDEQ’s Title V accounting procedures, see LDEQ’s Fee Demonstration dated February 12, 2015.

7. Has your state legislature of the state budget process implemented a ceiling on FTE staffing? In FY2018, FY2019, or FY2020; have title V fees collected been on par with the FTE’s allocated for the program by the state budget process?

The Louisiana legislature annually appropriates LDEQ’s budget, including authorized positions. Once this count is finalized for each fiscal year, LDEQ is required to maintain that as a maximum staffing level. There are options available during the fiscal year to obtain an additional allocation of authorized positions or other staff. These options include hiring a job appointment (only allowable for 48 months) or part-time employee or obtaining approval from the legislature mid-year to add authorized positions. All of these options are subject to funding and budgetary availability. No additional ceilings have been put in place by the legislature during fiscal years 2018, 2019, and 2020.

The Title V fees collected have been on par with the positions allocated for the program by the state budget process.

8. What is the ratio of permits to permit writers?

There are currently 716 effective Part 70 permits. Thus, the ratio of Title V permits to permit writers is **32.5:1** ($716 / 22 = 32.5$). Based on FTEs, the ratio would be **31.1:1**.

9. Describe staff turnover and how do you minimize turnover?

Since January 1, 2018, four (4) Air Permits Division employees have retired, and three (3) such employees have resigned to pursue other employment. In addition to the benefits offered to all Louisiana state employees (health insurance, retirement plan, etc.), LDEQ offers several incentives to retain staff, including flexible work hours and the possibility to telecommute up to 2 days per week where job requirements allow. Most employees in the Air Permits Division are allowed to telecommute.

10. Is there anything that EPA can do to assist/improve your training?

As noted in A.3 above, numerous training courses are offered through CenSARA and various other organizations. However, should a specific need arise for which quality training is not available, LDEQ will request assistance from EPA.

11. Overall, what is the biggest internal roadblock to permit issuance from the perspective of Resources and Internal Management Support?

LDEQ does not view resources and/or internal management support to be impediments to permit issuance.

12. Since issuance of EPA's revised 2018 Title V fee [guidance](#)¹¹, has LDEQ reviewed your TV fee program to ensure that the air program fees your agency collects are used **solely** for covering the cost of administering and enforcing your Part 70 title V permit program as outlined in EPA's guidance? If so, what were your conclusions? If not, is this something you intend to do in the near future?

LDEQ has not conducted a formal review of the Title V fee program pursuant to EPA's revised guidance. The agency currently has no plans in the near future to do so, but is open to relevant recommendations. LDEQ does regularly conduct informal reviews of its fee revenues and program expenditures by media to ensure fees are adequate.

Fees Calculated

13. What is your title V fee? What is the basis of your fees?

LDEQ's Title V program is funded with what LDEQ specifically identifies as Title V fees – criteria pollutant annual fees from Title V facilities, the 20% surcharge for Part 70 sources (see E.1 above), and fees charged for processing a Title V application on an expedited basis. The criteria pollutant fee (fee no. 2310, Table 2, LAC 33:III.223) is currently \$14.11/ton of actual PM₁₀, SO₂, NO_x, and VOC emissions reported per LAC 33:III.919.

See also E.3 above.

14. How are title V fees calculated? Show formula for calculation of emission-based fee, annual maintenance fee, application fees, late fees, expedited permit fee, and fees associated with the air toxics program.

See Exhibit A for calculation of fees for each invoice type.

- a. Provide examples of the calculations of actual emissions for fee purposes.

Examples included in Exhibit A (pp. 10-14).

- b. Provide an example of an expedited permit fee and calculation of fee associated with the air toxics program.

See Exhibit B for the regulations that pertain to the expedited permit processing program.

Examples for the expedited permit processing program are included in Exhibit A (pp. 22-26); examples for the air toxics program are also included in Exhibit A (pp. 10-14).

15. Are appropriate (actual or allowable) emission records used for dollars-per-ton based fees?

¹¹ March 27, 2018 Memo from OAQPS Director Peter Tsirigotis entitled, "Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs Under Title V."

These fees are based on actual emissions.

16. How does LDEQ verify the actual emissions for fee purposes?

Actual emissions for the preceding calendar year are reported to LDEQ's Emission Reporting and Inventory Center (ERIC) annually per LAC 33:III.919 (Emissions Inventory). In accordance with LAC 33:III.919.F.1.c, each submission must be accompanied a certification statement signed by a responsible official to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official.

See example in Exhibit A (pp. 13-14).

Collections Tracked

17. Please refer again to EPA's prior fee audit, have there been any changes to how collections are tracked? Specifically, identify any changes or improvements to your process since our last evaluation.

There have not been any changes as to how LDEQ's collections are tracked since EPA's last evaluation.

- a. How do you ensure that a facility has paid all applicable title V permit fees prior to issuance of the permit?

A fiscal review task is assigned in the TEMPO work activity log for all title V air permit applications. While a permit application is being processed, Financial Services verifies that all fees have been paid, and if not, contacts the company to resolve any outstanding balances. When necessary, Financial Services will contact the air permit writer and inform him or her of any serious fee issues and request that the permit issuance be held until the fees can be resolved.

The Title V Criteria Pollutant Fee and the Title V Additional Annual Fee have also been flagged as fees that should be referred to legal for collections if not paid by the end of the fiscal year.

- b. Have all title V fees been collected for the FY2018, FY2019, and FY2020?

0.2% of the Title V fee invoices (8 of 3035 invoices) have a balance owed for FY2018, FY2019 and FY2020. These balances are in the collections process.

36 invoices have credit balances because of updated reporting or other accounting issues; these credits will be transferred or refunded as appropriate.

- c. Provide LDEQ's data detailing actual collections vs. Billings or fee tracking for the title V permitting program. Illustrate what procedures are maintained for collection of outstanding title V revenues.

See "Table 2.xlsx" for actual versus collections, Exhibit C for SOP for referring debts to the Louisiana Office of Debt Recovery, and Exhibit D for

an outline of the collections process.

- d. Provide copies or documentation of examples detailing late fee assessment and recording collection of fees to title V accounts.

See “Table 2.xlsx” for collections information (including late fees) and Exhibit A (pp. 15-21) for late fee assessment detail.

Billing Process

18. Calling out any changes to your process since our last evaluation, can LDEQ show that sources are billed in accordance with your fee requirements?

There have been no notable or significant process changes since EPA’s last evaluation. As part of technology upgrades, LDEQ has performed an internal evaluation to ensure fees are assessed correctly and creates reports to verify such prior to generating annual invoice batches. E-mails documenting relevant discussions are available upon request.

Revenue Allocated

19. For FY2019 and FY2020, provide account balances by object/facility codes for fees including title V emissions, air toxics and expedited permit fees.

See Table 2.

20. Please refer again to EPA’s prior fee audit, have there been any changes to how revenue is budgeted and/or allocated? Specifically, identify any changes or improvements to your process related to administrative personnel costs, overhead, and non-labor costs.

LDEQ has not made any changes to how revenue is budgeted or allocated.

21. Provide examples of time sheets for project managers, administrative support staff and management personnel.

See Exhibit E.

22. Provide examples of procurement documents, travel vouchers, training, etc. Please include travel vouchers which illustrate dual purpose travel. For example, where more than one type of facility was visited.

See Exhibit F.

Cost of “Effective” Program (Resources to Address Backlog/Renewals)

23. Provide end-of-year accounting reports that illustrate actual and estimated costs of the program. Provide the FTE and itemized cost estimates LDEQ uses to budget your title V program. Also, include the total amount of title V fees expended and the total amount billed to facilities for Title V (by FY 2018, FY 2019, and FY 2020) for the last three years.

See “Table 3.xlsx.”

24. Provide a report that estimates costs of running the program, i.e., direct and indirect program costs that are broken down into specific cost categories. How are these expenditures calculated/tracked?

Title V expenditures are tracked using a WBS element E.990011.10; indirect expenditures are tracked using the aforementioned WBS element along with an order number DEQMS1000053.

25. Provide a summary of title V obligations and encumbrances for FY 2018, FY 2019, and FY 2020.

Governmental accounting standards require liquidation of all encumbrances at the end of the fiscal year (i.e., there are no encumbrances at fiscal year-end). Salaries, related benefits, and travel are never items that DEQ encumbers, leaving only professional services (i.e., laboratory contracts) that are encumbered during the fiscal year but liquidated and carried forward at year end.

Split of 105 vs. Title V

26. Since the prior audit, have there been any changes or adjustments to how LDEQ segregates title V revenue from all other state generated revenues? If so, please provide details of why non-title V funds or general appropriations were utilized.

There have been no changes since the prior audit in how LDEQ segregates Title V revenue from other revenues.

27. How does LDEQ account for excess monies (if any) collected for the title V program?

There have not historically been any excess monies collected for the Title V program, including for fiscal years 2018, 2019, and 2020.

28. What mechanism(s) is LDEQ using to differentiate title V activities from non-title V activities? Please provide an updated list of specific accounting codes for each specific expenditure and revenue type.

LDEQ uses revenue object codes in the state's accounting system (ISIS). This system is used for classifying revenues to accounts held at the Louisiana Department of the Treasury. The table below outlines the revenue object codes used for Title V and related fees. This allows LDEQ to track collections of each fee type separately.

Revenue Object Code	Revenue Object Code Description
1560-01	ANNUAL FEE
1560-02	PERMIT FEE
1560-14	AIR TOXIC
1560-24	CRITERIA POLLUTANTS
1560-29	TITLE V CRITERIA POLLUTANTS
1560-33	TITLE V ADDITIONAL FEE
1925-XP	EXPEDITED PERMITS

It is important to note that expedited permit fees are not currently tracked by media due to limitations with the state's accounting system.

29. Since the prior audit, have you updated any features in your accounting/financial management system to make it easier to identify and separate title V expenditures from other non-title V permitting program expenses? Please describe.

The state of Louisiana is in the process of converting to LaGov ERP accounting system, and LDEQ started this system in 2014. Instead of using Reporting Categories to track expenditures, LDEQ now uses WBS Element E.990011.10.

- a. If so, are the same expenditure codes used in each organizational unit of LDEQ that conducts work in support of title V related activities? Please provide a comprehensive listing of all such codes and their descriptions and indicate each of the organizational units within the LDEQ that uses them. Include each expenditure code that may be used to support title V related activities.

The same expenditure codes are used in each organizational unit of LDEQ that conducts work in support of Title V-related activities.

WBS element E.990011.10 is used by the following organizational units within LDEQ: Enforcement Division, Surveillance Division, Air Planning and Assessment Division, Public Participation and Permit Support Division, and Air Permits Division.

30. Does the LDEQ keep separate records that identify title V monies collected from other non-title V permitting program fees, like have the fees associated with the air toxics program and expedited permit program?

Yes, these revenue types are all accounted for separately.

- a. If so, is this recordkeeping process the same for each of the revenue streams used throughout all of the LDEQ? Please explain.

Yes, this recordkeeping process is the same for each of LDEQ's revenue streams.

31. What are the amounts of the 105 grants funds received in FY 2018, FY 2019, and FY 2020, respectively?

Section 105 PPG Grant			
Grant Dates	Year	Grant Number	Amount of Federal 105 Funds Received
10/1/2017-09/30/2018	2018	BG-98640318	\$2,864,325
10/1/2018-09/30/2019	2019	BG-98640319	\$2,918,248
10/1/2019-09/30/2020	2020	BG-98640320	\$2,897,756

32. What are the amounts of the 105 grants funds used in FY 2018, FY 2019, and FY 2020 respectively?

Section 105 PPG Grant

Grant Dates	Year	Grant Number	Amount of Federal 105 Funds Used
10/1/2017-09/30/2018	2018	BG-98640318	\$2,864,325
10/1/2018-09/30/2019	2019	BG-98640319	\$2,918,248
10/1/2019-09/30/2020	2020	BG-98640320	\$2,897,756

33. What are LDEQ's source(s) of 105 matching funds? Please discuss.

The source of matching funds for the 105 matching funds was LDEQ's statutorily dedicated Environmental Trust Fund. Note that this fund was converted to fees and self-generated revenue effective July 1, 2020. This legislative action did not have any operational or budgetary impact.

- a. Please provide total funds by accounting code for each category or source of matching funds for each of FY 2018, FY 2019, and FY 2020.

Section 105 PPG Grant			
Grant Dates	Year	Grant Number	State Matching Funds
10/1/2017-09/30/2018	2018	BG-98640318	\$2,585,761
10/1/2018-09/30/2019	2019	BG-98640319	\$2,195,665
10/1/2019-09/30/2020	2020	BG-98640320	\$1,917,766

Section 105 Match by Category			
Expenditure Category	FY2018	FY2019	FY2020
Salaries	\$932,421	\$874,727	\$752,569
Related Benefits	\$460,837	\$431,761	\$377,543
Indirect costs	\$1,090,085	\$786,897	\$704,738
Travel	\$6,628	\$6,489	\$1,245
Professional Services	\$95,602	\$95,602	\$81,671
Other Charges	\$189	\$189	\$0
Totals	\$2,585,761	\$2,195,665	\$1,917,766

34. How does your accounting system produce reports, periodically and as requested, with which you will be able to certify the disposition of title V funds? Please discuss.

The state's accounting system is "real time," so reports can be run as requested from a list of established reports. The software also provides the ability to build new reports or tailor existing reports to agency-specific needs. Verification of the data in the state's accounting system is done at a statewide level by the Division of Administration. See example in Table 3.

Environmental Justice Resources

Note: By EJ analysis we refer to any procedures applied during the permitting process,

regardless of whether they are called EJ, that consider demographics (race, income, nationality, etc.), cumulative effects, (burden, exposure, risk), comparative effects or modifications to the public involvement processes to address unique characteristics of the project.

35. Do you have Environmental Justice (EJ) legislation, policy or general guidance, which helps to direct permitting efforts?

LDEQ does not have department-specific environmental justice-related policies or guidance that pertains directly to air permitting. LDEQ's practice has been to consider guidance published by EPA's External Civil Rights Compliance Office (formerly the Office of Civil Rights) in evaluating environmental justice/Title VI (Civil Rights) issues.

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial operations. Meaningful involvement means:

- people have an opportunity to participate in decisions about activities that may affect their environment and/or health;
- the public's contribution can influence the permitting authority's decision;
- community concerns will be considered in the decision making process; and
- decision makers will seek out and facilitate the involvement of those potentially affected.¹²

LDEQ understands EPA's current "approach to adversity" is set forth in the "U.S. EPA's External Civil Rights Compliance Office Compliance Toolkit," dated January 18, 2017 (hereafter "Toolkit").¹³ While EPA's approach described therein eliminates application of the rebuttable presumption (see "Investigative Report for Title VI Administrative Complaint File No. 5R-980R5 (Select Steel Complaint)"), it is still intrinsically linked to whether a given area is compliant with the NAAQS. According to the Toolkit, in analyzing a civil rights complaint:

EPA will consider the information provided in the complaint, including any information pertinent to whether the air quality in the area in question does not meet the NAAQS. EPA will examine whether site-specific information demonstrates the presence of adverse health effects from the NAAQS pollutants, even though the area is designated attainment for all such pollutants and the facility recently obtained a construction and operating permit that ostensibly meets applicable requirements. For instance, EPA's assessment would seek to establish whether a localized adverse health impact, as indicated by the NAAQS, exists in the area at issue and has been (or will be) caused by the emissions from the [facility] even though the impact of the facility had previously been modeled to demonstrate that the source met the criteria for obtaining a construction permit. (Note that some NAAQS, especially those that

¹² <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

¹³ https://www.epa.gov/sites/production/files/2017-01/documents/toolkit-chapter1-transmittal_letter-faqs.pdf

are source-oriented in nature, are more likely to be associated with localized air quality impacts than those that are more regional.) The localized adverse health impact may result from the increased emissions from the [facility], but was not identified at the time of the permit review.

* * *

EPA's investigation would seek to ascertain the existence of such adverse impacts (e.g., violations of the NAAQS) in an area regardless of the area's designation and the prior permitting record.¹⁴

EPA goes on to encourage complainants to "provide precise allegations and quantified information about the location and nature of the adverse impact from higher-than expected concentrations of the NAAQS pollutant" and concludes by stating:

EPA will determine if a health-based NAAQS is likely not being met at the location in question, and whether the likely localized violation of a NAAQS is due, at least in part, to the impact of the particular source of air pollution that has recently obtained permits to construct and operate.¹⁵

a. If so, may EPA obtain copies of appropriate documentation? **Not applicable.**

36. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?

No.

37. Have you provided EJ training / guidance to your permit writers? When?

Training on EJSCREEN was provided to key personnel on October 12, 2017.

38. Do the permit writers have access to demographic information necessary for EJ assessments (e.g., socioeconomic status, minority populations, etc.)? If so, how are they taken into account in the permitting process?

Yes, through EJSCREEN. Demographic information may be used in the preparation of Basis for Decision and Public Comments Response Summary documents and to validate public comments received. See, for example:

<https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=12104125&ob=yes&child=yes> (p. 11 of 83); and

<https://edms.deq.louisiana.gov/app/doc/view.aspx?doc=12668172&ob=yes&child=yes> (p. 3 of 8).

39. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.

¹⁴ *Id.* (pp. 12-13)

¹⁵ *Id.* (p. 13)

When LDEQ reviews an application for a new Part 70 source, EJSCREEN is typically employed to determine if environmental justice may be a primary issue.

40. Are any other EJ factors or additional community information and/or demographics (for example – children, the elderly) taken into account or considered during the permitting process?

While no relevant metrics are discounted or ignored, LDEQ recognizes that primary national ambient air quality standards (NAAQS) are designed to protect public health, including people with compromised respiratory systems, with an adequate margin of safety.¹⁶

41. Do you allow public involvement during an EJ analysis? Y ☒ N ☐

Yes, with the understanding that an “EJ analysis” is not a written document akin to a Statement of Basis that accompanies a proposed permit.

Environmental justice concerns are typically addressed by the applicant in its Environmental Assessment Statement (EAS), where required by R.S. 30:2018(A), and directly addressed by LDEQ in all Basis for Decision documents (when prepared) and in responses to public comments when EJ-related issues are raised.

If yes, please answer the following:

- a. What stakeholder groups do you try to involve?

LDEQ does not specifically solicit input from any one particular group or class. All members of the public, including NGOs, may provide input on an application or proposed permit. Applications are available for public review shortly after receipt via LDEQ’s EDMS.

- b. At what point in the EJ analysis or permitting process do stakeholders become involved?

Anyone may provide comments to LDEQ on an application or EAS once it has been submitted to LDEQ; however, most interested parties typically become involved during the public comment period on a proposed permit.

- c. To what degree and in what manner do stakeholders or the community influence the permit decision making process?

LDEQ considers all relevant comments prior to making a final permit decision and responds to all such comments in writing.

- d. To what degree do you know about how stakeholders or the affected community participated in the permit decision making process?

LDEQ responds to all relevant public comments in writing.

- e. Describe how you make information available to stakeholders and the affected community (for example – translation of information,

¹⁶ Clean Air Act § 109(b)(1)

understandable and accessible materials, personal contacts, clearly explained technical information including potential risk, distribution of information, public meetings, etc.).

LDEQ employs a variety of methods to disseminate information to the public.

Though not required by statute or federal or state regulations, LDEQ has historically placed copies of air permit applications, Statements of Basis, and proposed permits in local libraries during the public comment period.

As mentioned previously, LDEQ's EDMS provides continuous access to all records that have been created or received by LDEQ.

Each public notice published by LDEQ contains the name of a person from whom additional information about the proposed permit can be obtained.

LDEQ has also provided information in Spanish and Vietnamese.

Please discuss any overall improvements made to your title V Fee program since the 2012 TV fee audit conducted by EPA, and any additional comments on title V Review that you would like EPA to consider in assessing your current program implementation.

LDEQ has nothing further to add.

Department of Environmental Quality
 Revenue and Expenditures for Title V

	Budget 2017-2018	Actual 2017-2018	Difference 2017-2018	Budget 2018-2019	Actual 2018-2019	Difference 2018-2019	Budget 2019-2020	Actual 2019-2020
REVENUE								
By Total Adjusted Invoice	4,300,000.00	4,690,557.51	(390,557.51)	4,300,000.00	4,706,735.20	(406,735.20)	4,300,000.00	4,810,544.98
By Total Adjusted Payment	4,300,000.00	4,691,348.05	(391,348.05)	4,300,000.00	4,713,548.07	(413,548.07)	4,300,000.00	4,817,039.32
EXPENDITURES								
Salaries	3,284,000.00	3,353,112.83	(69,112.83)	3,284,000.00	3,682,558.86	(398,558.86)	3,284,000.00	3,635,942.24
Other Compensation	0.00	14,084.10	(14,084.10)	0.00	17,741.60	(17,741.60)	0.00	17,962.20
Related Benefits	970,000.00	1,384,683.44	(414,683.44)	970,000.00	1,528,048.76	(558,048.76)	970,000.00	1,582,684.67
Total Personal Services	4,254,000.00	4,751,880.37	(497,880.37)	4,254,000.00	5,228,349.22	(974,349.22)	4,254,000.00	5,236,589.11
Travel	10,000.00	1,295.65	8,704.35	10,000.00	3,578.26	6,421.74	10,000.00	1,341.76
Professional Services	36,000.00	321,840.60	(285,840.60)	36,000.00	385,833.41	(349,833.41)	36,000.00	438,780.24
Total Operating Services	46,000.00	323,136.25	(277,136.25)	46,000.00	389,411.67	(343,411.67)	46,000.00	440,122.00
Total Expenditures	4,300,000.00	5,075,016.62	(775,016.62)	4,300,000.00	5,617,760.89	(1,317,760.89)	4,300,000.00	5,676,711.11
Indirect Rates	70.91%	78.24%		78.24%	60.23%		60.23%	62.36%
Indirect Costs	3,016,511.40	3,717,871.20	(701,359.80)	3,328,329.60	1,583,918.36	1,744,411.24	2,562,184.20	3,265,536.97
Total Program Costs								
Direct Costs (Personnel +Travel+Lab)	4,300,000.00	5,075,016.62	(775,016.62)	4,300,000.00	5,617,760.89	-1,317,760.89	4,300,000.00	5,676,711.11
Indirect costs (Rate*Personnel)	3,016,511.40	3,717,871.20	(701,359.80)	3,328,329.60	1,583,918.36	1,744,411.24	2,562,184.20	3,265,536.97
TOTAL	7,316,511.40	8,792,887.82	(1,476,376.42)	7,628,329.60	7,201,679.25	426,650.35	6,862,184.20	8,942,248.08
RECAP:								
Title V Revenue (Adjusted Invoice)	4,300,000.00	4,690,557.51	(390,557.51)	4,300,000.00	4,706,735.20	(406,735.20)	4,300,000.00	4,810,544.98
Total Expenditures (Direct + Indirect)	7,316,511.40	8,792,887.82	(1,476,376.42)	7,628,329.60	7,201,679.25	426,650.35	6,862,184.20	8,942,248.08
Balance (Paid with Non Title V Air Revenue	(3,016,511.40)	(4,102,330.31)	1,085,818.91	(3,328,329.60)	(2,494,944.05)	(833,385.55)	(2,562,184.20)	(4,131,703.10)
FTE's		51.97			55.32			53.59

Table 2
Actual Collections v. Billings

Fee Type	HREV_OBJ_CODE	2018	2018	2018
		inv adj	adj pmt	Bal
Annual	1560-01	\$6,231,198.65	\$6,231,198.65	\$0.00
Annual Late	1835-01	\$8,617.58	\$8,617.58	\$0.00
Application	1560-02	\$1,358,567.45	\$1,361,121.52	-\$2,554.07
Application Late	1835-02	\$655.44	\$655.44	\$0.00
Toxics	1560-14	\$1,245,686.63	\$1,245,686.63	\$0.00
Toxics Late	1835-14	\$1,552.65	\$1,552.65	\$0.00
Title V Criteria Pollutant	1560-29	\$3,678,369.18	\$3,679,468.07	-\$1,098.89
Title V Criteria Pollutant Late	1835-29	\$3,941.21	\$3,941.21	\$0.00
Title V additional	1560-33	\$994,000.58	\$994,000.58	\$0.00
Title V additional late	1835-33	\$2,694.13	\$2,637.33	\$56.80
Expedited	1925-XP	\$217,944.49	\$217,944.49	\$0.00
Expedited Late	1835-XP	\$1,208.55	\$1,208.55	\$0.00

Information is as of May 24, 2021

2019	2019	2019	2020	2020	2020
inv adj	adj pmt	Bal	inv adj	adj pmt	Bal
\$6,286,375.40	\$6,286,375.40	\$0.00	\$6,308,085.82	\$6,347,198.90	-\$39,113.08
\$47,942.06	\$47,942.06	\$0.00	\$9,374.21	\$9,374.21	\$0.00
\$1,373,749.81	\$1,369,570.71	\$4,179.10	\$1,138,010.88	\$1,169,204.28	-\$31,193.40
		\$0.00	\$48.31	\$96.62	-\$48.31
\$1,283,560.97	\$1,284,807.81	-\$1,246.84	\$1,197,937.08	\$1,209,107.79	-\$11,170.71
\$2,170.62	\$2,170.62	\$0.00	\$360.39	\$360.39	\$0.00
\$3,699,201.34	\$3,706,014.21	-\$6,812.87	\$3,802,200.02	\$3,805,096.88	-\$2,896.86
\$9,954.28	\$9,954.28	\$0.00	\$5,280.86	\$5,280.86	\$0.00
\$1,000,299.74	\$1,000,299.74	\$0.00	\$1,002,588.67	\$1,006,054.26	-\$3,465.59
\$7,932.88	\$7,932.88	\$0.00	\$904.15	\$904.15	\$0.00
\$331,465.58	\$331,465.58	\$0.00	\$468,148.01	\$468,954.80	-\$806.79
\$2,305.52	\$2,305.52	\$0.00	\$7,668.82	\$7,668.82	\$0.00

Table 3

LDEQ FY18 Title V Expenditures

Business Area	WBS Element	Fiscal Year	CI/Obj/RevSrc Cat Desc	Expenditure Total
856	E.990011.10	2018	IAT EXPENSE	0.00
856	E.990011.10	2018	OPERATING SERVICES	0.00
856	E.990011.10	2018	OTHER COMPENSATION	14,084.10
856	E.990011.10	2018	PROFESSIONAL SERVICES	321,840.60
856	E.990011.10	2018	RELATED BENEFITS	1,384,683.44
856	E.990011.10	2018	SALARIES	3,353,112.83
856	E.990011.10	2018	SUPPLIES	11.45
856	E.990011.10	2018	TRAVEL	1,295.65
856	E.990011.10	2018	TOTAL DIRECT EXPENDITURES	5,075,028.07
856	E.990011.10	2018	INDIRECT COSTS	3,717,871.20
856	E.990011.10	2018	TOTAL EXPENDITURES	8,792,899.27

LDEQ FY19 Title V Expenditures

Business Area	WBS Element	Fiscal Year	CI/Obj/RevSrc Cat Desc	Expenditure Total
856	E.990011.10	2019	OPERATING SERVICES	10.00
856	E.990011.10	2019	OTHER COMPENSATION	17,741.60
856	E.990011.10	2019	PROFESSIONAL SERVICES	385,833.41
856	E.990011.10	2019	RELATED BENEFITS	1,528,048.76
856	E.990011.10	2019	SALARIES	3,682,558.86
856	E.990011.10	2019	TRAVEL	3,578.26
856	E.990011.10	2019	TOTAL DIRECT EXPENDITURES	5,617,770.89
856	E.990011.10	2019	INDIRECT COSTS	1,583,918.36
856	E.990011.10	2020	TOTAL EXPENDITURES	7,201,689.25

LDEQ FY20 Title V Expenditures

Business Area	WBS Element	Fiscal Year	CI/Obj/RevSrc Cat Desc	Expenditure Total
856	E.990011.10	2020	OTHER COMPENSATION	17,962.20
856	E.990011.10	2020	PROFESSIONAL SERVICES	438,780.24
856	E.990011.10	2020	RELATED BENEFITS	1,582,684.67
856	E.990011.10	2020	SALARIES	3,635,942.24
856	E.990011.10	2020	TRAVEL	1,341.76
856	E.990011.10	2020	TOTAL DIRECT EXPENDITURES	5,676,711.11
856	E.990011.10	2020	INDIRECT COSTS	3,265,536.97
856	E.990011.10	2020	TOTAL EXPENDITURES	8,942,248.08