



# **Regulatory Background History of Air Pollution Control in Louisiana**

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**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
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# The Air Control Law

- **The Air Control Commission was established on July 12, 1964. Act 259 was signed into law by Governor John Julian McKeithen.**



# The First Air Control Rule

## November 4, 1965

- **General definitions, duties of the Air Control Commission and a prohibition against undesirable levels of air pollution.**
- **The focus seemed to be associated with open burning. The rule stated what was acceptable to burn.**





# Teepee Burners

- Teepee burners, or wood burners, were used to burn mill waste up until the mid-70s. And what a lot of waste there was. Even by 1970 it is estimated that only about 50% of every tree cut was utilized. Even less was used in the early days when refuse was often sent down a river or burned in open pits. Mills were tinderboxes just waiting to ignite (and many did) and the flammable sawdust needed to be disposed of.



# Regulation #1 Amended

- **Rule #1 was amended on June 19, 1969 to require emission sources to receive a certificate of approval (a permit) for emissions of new pollutants or an increase in emissions of existing pollutants.**



# The First Permit

## September 9, 1969

Angus Chemical today



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# Events of 1969

1<sup>st</sup> moon landing



1<sup>st</sup> La air permit issued





## **Federal Law**

# **The Clean Air Act of 1970**

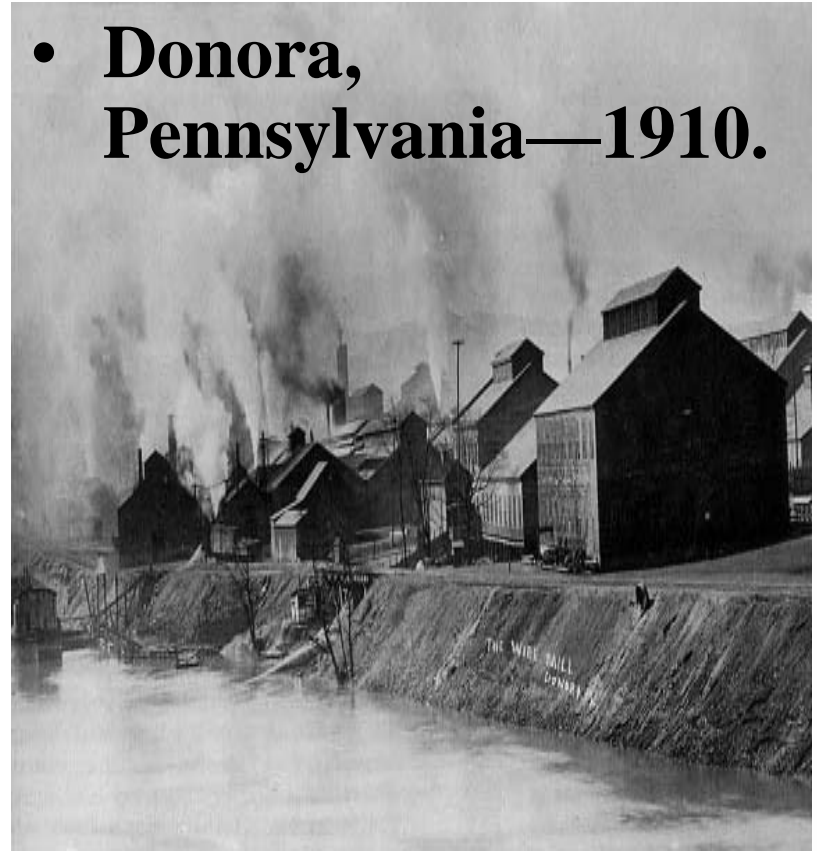
- **Although important legislative precedents had been set as far back as 1955, the existing air control laws were deemed inadequate. Although technically an amendment, the Clean Air Act of 1970 was a major revision to 1963 law and set much more demanding standards for a modern age of air pollution control.**



# Donora Pennsylvania

- **DONORA, Pa., Oct. 30, 1948**  
18 persons died in this steel mill town of 15,000 and health authorities said their deaths apparently were the indirect result of a smothering "smog."

- **Donora, Pennsylvania—1910.**





**Around 1972 – Baton Rouge**



# CAA of 1970

- **Primary and Secondary standards for ambient air (NAAQS)**
- **New emission limits on both stationary and mobile sources**
- **New funding for research**
- **Allowed for citizen suits**
- **States could choose to enforce the law**



# CAA of 1970

- **State Implementation Planning**
- **Air Quality Control Regions (247)**
- **Attainment & Non-Attainment areas**
- **PSD – class I, II, III areas**
- **RACT, BACT, LAER control concepts**
- **NSPS & NESHAPs**



# **New Source Performance Standards**

- **Louisiana received delegation of this federal program in 1982.**
- **These are uniform national standards which do not relate to air quality levels and mesh poorly with NAAQSs. This is because they may provide more control than needed in some areas and not enough in others.**
- **82 subparts for new or modified stationary sources at last count.**



# **Reasonably Available Control Technology**

- **Under the '77 amendments, States were directed to require RACT for existing sources in nonattainment areas.**
- **Rules which addressed lowest emissions while considering technical and economic feasibility.**



# **Lowest Achievable Emission Rate**

- **LAER applies to new major sources in nonattainment areas.**
- **It the lowest emission rate achieved anywhere in the country.**
- **It has to be at least as strict as NSPS.**



# **Prevention of Significant Deterioration**

- **PSD applies to major sources in attainment areas.**
- **It is intended to prevent an area from becoming nonattainment.**
- **Takes into consideration cost and available technology.**



# NESHAPs & MACT Programs

- **The National Emission Standards for Hazardous Air Pollutants**
  - Asbestos
  - Vinyl Chloride
  - Others
- **New NESHAPs or MACT standards apply to source categories instead of individual compounds.**



# The '77 Amendments

- **Congress gave States more time to meet attainment deadlines.**
- **States were required to expand programs and add staff in order to receive additional federal aid and compliance time.**



# The Decade of the 80's

- Louisiana environmental programs were consolidated into DNR in 1980.
- By 1980, we had moved from Rule#1 all the way up to Rule #30.
- In 1984, Louisiana lawmakers elevated environmental programs to the department level. “DEQ was born!”
- Wiston Day was the 1<sup>ST</sup> Secretary. Pat Norton followed soon after.



# Continuing with the 80's

- Louisiana received delegation of the NSPS and NESHAPs programs from the EPA – (1982).
- The SIP was greatly expanded to add new hydrocarbon control rules in an attempt to address the ozone problem.
- DEQ staff numbers expanded rapidly to meet growing regulatory responsibilities.





# **‘80’s Event Highlights**

- AHERA was keeping us busy with asbestos in schools. We added public buildings in LA version.**
- On December 3, 1984, in Bhopal India, a toxic gas leak from a pesticides manufacturing plant killed thousands of people.**
- SARA right to know law was developed in 1986.**
- The 1<sup>st</sup> TRI report to the public in 1987 under SARA listed Louisiana as the 3<sup>rd</sup> highest emitter of air toxic pollutants in the country.**



# Louisiana's Air Toxic Rule

- Prompted by the SARA report and a number of industrial accidents, Louisiana lawmakers directed a 50% reduction in air toxics.
- The Louisiana Comprehensive Toxic Air Pollutant Emissions Control Act of 1989 was passed in advance of the CAA amendments of 1990.
- Representative Kip Holden sponsored the bill and Governor Buddy Roemer signed it into law.





# The Clean Air Act Amendments of 1990

- **The Clean Air Act Amendments of 1990 signed into law by President Bush on 11/15/1990 is described as a regulatory behemoth.**
- **EPA was required to write more rules in 2 years than it had in the prior 13 years.**





# **Clean Air Act 1990 Amendments**

- **145,000 words compared to 70,000 in prior act**
- **The word “revision” occurs 250 times compared to 70 in the prior act**
- **The phrase “the Administrator shall” occurs 615 times compared to 215 in the prior act**



# Clean Air Act 1990 Amendments

- **Title I – Criteria pollutants**
- Title II- Mobile sources
- **Title III- Hazardous Air Pollutants**
- Title IV- Acid Rain
- **Title V- Permits**
- Title VI- Stratospheric Ozone
- Several other titles



# '90 Amendments Classification Scheme

- **Based on Design Value**
  - **Marginal**      **-Lake Charles area**
  - **Moderate**
  - **Serious**      **-Baton Rouge Area**
  - **Severe**
  - **Extreme**



# **Impact on Louisiana of '90 Amendments**

- **Attainment by 11/15/'99 for ozone - BR**
- **New rules to reduce emissions by 15%.**
- **Several SIP revisions required**
- **New EI's to develop**
- **New Title V permit program to design**
- **Stage II regulations at gas stations**
- **Vehicle I&M program in BR area**
- **MACT merging with La. air toxics program**
- **Etc.**



# What is a SIP?

- **The plan to ensure that Louisiana attains, or maintains, the National Ambient Air Quality Standards for 6 primary air pollutants:**

**Sulfur Oxides**

**Carbon Monoxide (CO)**

**Lead**

**Particulate (PM 2.5 & PM10)**

**Ozone**

**Nitrogen Dioxide (NO<sub>x</sub>)**

- **Mandated by Section 110 of the Clean Air Act.**



# State Implementation Plans (SIPs)

- **SIP submittals are formal notifications to the EPA that the State wants to enforce the CAA provisions.**
- **The SIP consists of narrative, rules, technical documentation, and agreements that an individual state will use to attain the standard.**



# **SIP Implementation for present day DEQ**

- **AQAD                      SIP development**
- **Air Permits            Add rule requirements of  
   SIPs in permits**
- **Surveillance-       Inspect to ensure SIP  
   compliance**
- **Enforcement-       Issue citations for SIP  
   violations**



# Ozone Non-Attainment

- **Louisiana originally had 20 parishes designated as non-attainment**
- **5 parishes continue to have problems today.**
- **New proposed standard may result in 40+ parishes in non-attainment.**



# Baton Rouge Ozone Nonattainment History

## November 1990

- Designated nonattainment. “Serious” classification under 1-hour ozone standard. Attainment date of Nov 15, 1999

## November 1990-1999

- LDEQ implements CAA requirements for “Serious” areas

## November 1999

- Area fails to attain and becomes subject to “bump-up” to “Severe”

## May 2000

- EPA notified that LDEQ intends to pursue attainment date extension under EPA’s Transport Policy

## December 2000

- LEAN files suit to have EPA file notice of failure to attain and to “bump-up” the area

## December 2001

- LDEQ submits transport SIP with attainment plan



# Baton Rouge Ozone Nonattainment History

## March 2002

- Court rules on LEAN lawsuit requiring EPA to notice failure to attain and to reclassify Baton Rouge area

## May 2002

- EPA reclassifies Baton Rouge to “Severe”, but with extended effective date

## October 2002

- EPA approves LDEQ Transport SIP, withdraws reclassification, and gives new 2005 attainment date

## April 2003

- EPA reclassifies Baton Rouge to “Severe” with an effective date of June 23, 2003 and an attainment date of November 15, 2005



# Baton Rouge Ozone Nonattainment History

## **April 2003**

- LDEQ implements CAA requirements of areas with “Severe” classification with the exception of RFG and Section 185 penalty fees

## **April 2004**

- EPA designates Baton Rouge as “Marginal” under new 8-hour ozone standard with an effective date of June 15, 2004 and an attainment date of June 15, 2007

## **June 2005**

- Revocation of the 1-hour ozone standard

## **June 2006**

- Baton Rouge fails to attain the 1997 8-hour standard. Will be bumped up to Moderate in December 2007. New attainment date will be June 15, 2009

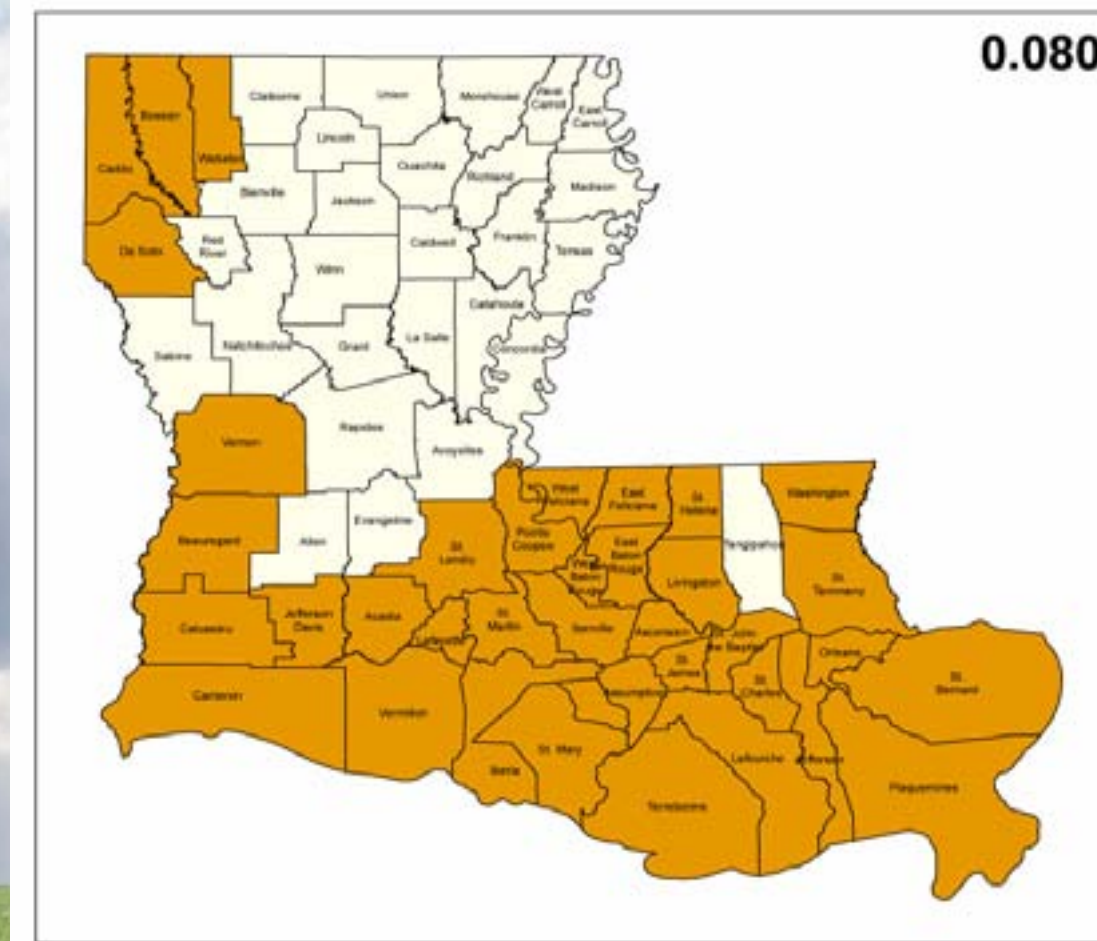


# Status for Ozone

- **We achieved attainment for the 1 hour standard (which has since been revoked) at the end of 2006.**
- **The 1997 8-hour standard, which was heavily litigated, is yet to be achieved in the BR area.**
- **EPA is discussing lowering the standard again.**



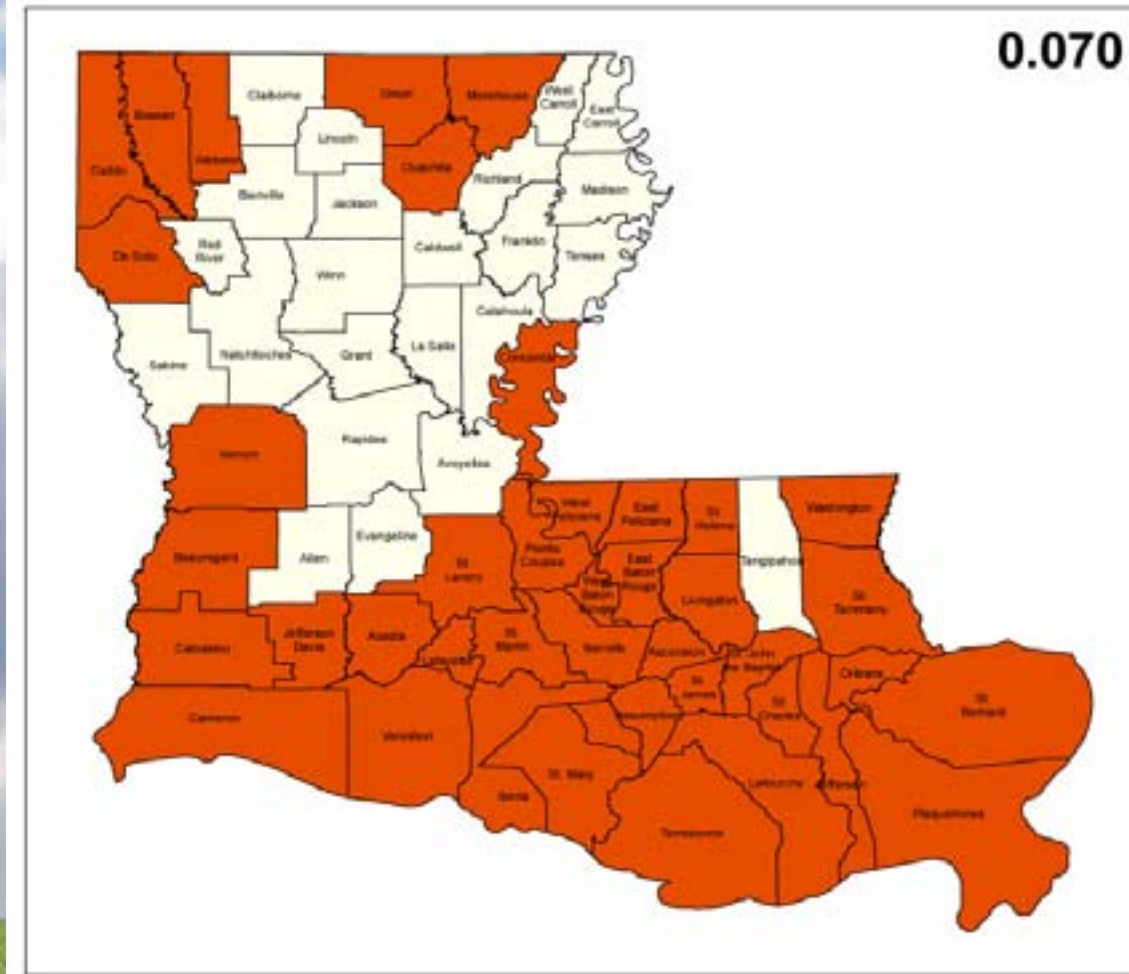
# Draft New Ozone Standard Impact



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# Draft New Ozone Standard Impact





# Looking ahead

- **The Clean Air Interstate Rule (CAIR)**
- **The Clean Air Mercury Rule (CAMR)**
- **Regional Haze (RH)**
- **Best Available Retrofit Technology (BART)**
- **Maintain “Level of Effort” on existing rules**
  
- **Possible NAAQS Revisions for SO<sub>x</sub>, NO<sub>x</sub>, and Pb (currently under review by EPA)**