



Agency Focus for 2011-2012

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Office of Environmental Services

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Presentation Outline

- Rulemaking
 - LELAP
 - Status of TMDLs
 - Solid Waste Regulation Updates
- Litigation
 - SO₂
 - CSAPR
 - GHG
- NAAQS Implementation
 - BR Redesignation
- Permitting



Laboratory Accreditation Program Regulation Update

- Primary intent is to adopt The NELAC Institute 2009 national standard
- Workgroup meetings started October 11, 2011, to discuss proposed regulatory changes with stakeholders
- Representatives of accredited laboratories, stack testers, and state laboratories participated
- Additional focus will be on documentation, proficiency demonstration, consistency of interpretation, and other streamlining efforts



2011 Water - TMDL Update

- Developed 28 non-Consent Decree TMDLs in 2010-2011
- Reviewing last 34 Consent Decree TMDLs issued by EPA
- Final Consent Decree TMDLs - Lake Pontchartrain Basin.
 - 11 TMDLs are approved or at EPA for approval
 - 7 TMDLs are at public notice

NOTES:

- EPA approval of 4 Bayou Bonfouca/Bayou Liberty Dissolved Oxygen TMDLs expected: 11/1/2011
- LDEQ's last 2 Consent Decree TMDLs (Bayou Lacombe) public noticed on 10/21/11



Solid Waste Regulations Update

Phase I of the SW Regulations are expected to be promulgated on
11/20/11!

- Solid Waste Section now has
 - standardized applications required for submittals. These applications are specific to the type of permit being requested. Guidance and Applications are available on the SW webpage.
 - Written draft permits with fact sheets that detail the justifications for included permit conditions will be provided to the facility for review/comments prior to the permit being placed on Public Notice.
 - Written permits (Operating and Closure) that will be issued through the Department's TEMPO system.
 - Section is finalizing drafts of SW Regulatory permits for Air Curtain Incinerators (ACI) and Emergency Debris Sites.



Solid Waste Regulations Update (cont.)

Phase II of the SW Regulations

- Workgroup meeting will be scheduled soon. Please contact Evita Legard for dates (225-219-3388).
- Proposed changes will focus on groundwater monitoring, statistics, and recycling.
- Input will be sought from the regulated community, environmental groups, and from within LDEQ.
- Please participate if you can!



Solid Waste Regulations Update (cont.)

Applications and Guidance

<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/SolidWastePermitApplications.aspx>

Phase II

<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/SolidWastePermits/SolidWasteRegulationsReviewPhaseII2011.spx>



OS087 – Permit Review Regulations

- Implements Act 986 (HB 1163) of 2010 Reg. Legislative Session.
- Provides an applicant with an opportunity for a technical review period prior to public notice (if required) or a final decision.
- Requires LDEQ to provide “a written summary of specific changes to the existing permit” in the case of renewals and substantial modifications.
- Proposed September 20, a hearing is scheduled for October 26, and the comment deadline is November 2.
- Procedures have already been implemented for air permits.



Litigation

The State of Louisiana and/or LDEQ is now party to five federal suits related to air permitting.

1-Hour SO₂ NAAQS

- Motion to Intervene filed by the State of LA/LDEQ on September 22, 2010.

Cross-State Air Pollution Rule (CSAPR)

- Petition for Review filed by LDEQ on October 6, 2011.



Litigation (cont.)

GHG Endangerment Finding

- Motion to Intervene filed by State of LA on March 18, 2010.

GHG Tailoring Rule

- Petition for Review filed by LDEQ on August 2, 2010.

Reconsideration of the Johnson Memo

- Motion to Intervene filed by LDEQ on August 2, 2010.
- The motion, in the alternative, provided notice of LDEQ's intent to file an amicus brief.



Redesignation of BR Nonattainment Area

- On August 30, 2011, EPA proposed to redesignate the Baton Rouge area to attainment with respect to the 1997 8-hour ozone NAAQS of 0.08 parts per million (ppm).
 - No adverse comments were received.
 - We anticipate final action on the proposal shortly.

- Given that the area is not in attainment with the 2008 8-hour ozone NAAQS of 0.075 ppm, LDEQ will likely move forward with a state-only offsets rule.



2008 8-Hour Ozone NAAQS

- By memo dated September 22, 2011, EPA announced the agency is “moving ahead with certain required actions to implement the 2008 standard.”
- Based on air quality data from 2008 – 2010, only “Baton Rouge” would be designated as a nonattainment area.
 - EPA’s memo notes that “precise area boundaries will be established through the designations process.”
 - LDEQ presumes that this area will encompass Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes (i.e., the historical Baton Rouge Nonattainment Area).



2008 8-Hour Ozone NAAQS (cont.)

- EPA expects to finalize area designations by “mid-2012.”
 - Based on the “percent above the standard approach,” Baton Rouge would be classified as marginal.
- EPA will “begin an expedited rulemaking to outline the implementation requirements for the 2008 standard in the very near future.”



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This is what happens when you have LSU grads prepare a presentation for an Ohio State grad.