The Rulemaking Process for the State Implementation Plan

Presented to the AWMA Young Professionals by
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October 26, 2011
Overview of the Process

- EPA issues a new or revised standard, MACT, NSPS, NESHAP, etc.
- Is it applicable to the state?
- Is it SIP applicable?
- What industries will it affect?
- What controls are necessary or available to reduce emissions?
In-house Brainstorming

- Query TEMPO and ERIC databases to determine those industries that will be affected.
- LDEQ uses this list to form a stakeholder workgroup, similar to the one we currently have for SO$_2$.
- Control technology is researched and then the necessary modeling is determined.
Stakeholder Workgroup

• Participants are usually industry personnel, consultants, lawyers, and environmentalists;
• Collaborate to develop the best possible rule;
• Sometimes it is a compromise between controls and emission reductions;
• Sometimes a small committee reports back to a larger stakeholder group.
Rulemaking Example

• 1-Hr. Ozone Standard
  – Early work controlled VOCs
  – Modeling showed that once VOCs were controlled, BR became a NOx limited area
  – Work began on control measures and implementation costs
  – LDEQ worked with vendors and industry engineers to formulate control strategy.
What information do we need to begin rulemaking?
Which industries will be affected?
• How much do they emit?

What is the control strategy?
• Will emissions reductions meet attainment goals?

How much will it cost?
• Will the costs outweigh the emissions reductions?
Now, the writing begins

- Draft Rule
- Proposal in LR
- Comment period
- Response to Comments
Stakeholder committee meetings and comment period

Discussion of drafts
- Is rule feasible?
- What other states are implementing same strategy?
- Can vendors deliver controls timely?
- Will area meet EPA deadline?

Comment Period
- Public hearing transcripts
- Oral statements
- Written comments
- Response summary
- Internal review
Technical Amendments or Substantive Changes?

• Following a rule proposal, there are usually some changes that are necessary to make
  – Technical amendments can be made without reproposal, i.e., grammatical errors, etc.
  – Substantive changes will cause reproposal of the rule, but comments can only be taken on the changes.
Final Rule!

- The final rule is published in the Louisiana Register on the 20th of the month.
- It is included as an appendix of the SIP.
- It will supplement the discussion on emission reductions in the area.
- Rule effectiveness will be used as a reference in the modeling demonstration.
Questions?

- Now is your chance...
- Current NAAQS are for Ozone, SO2, NO2, Lead, PM 2.5;
- There will be nonattainment areas in Louisiana.
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