



# Office of Environmental Compliance

## 2012 Update

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**Assistant Secretary**

**October 30, 2012**

# Inspection Division

- **Inspection Priorities**
  - Compliance presence
  - Planned inspections provide full coverage of major facility universe within a specified time period
  - Planned inspections provide partial coverage of minor facility universe (e.g., 20% Large quantity generators of hazardous waste)
  - Incidents may lead to in-depth “for cause” inspections to address emerging problems
  - Complaints

# Inspection Division

- **New Initiatives**
  - Regional enforcement actions
  - Inspecting for results: improved water quality with watershed-based water inspections



# Inspection Division

- **Current Observations from the Field**
  - Compliance assistance leads to increased compliance rates
  - Minor facility compliance rates generally lower than those at major facilities
  - Environmental conditions guide efficient deployment of inspection resources

# Inspection Division

- “Field Guide to Environmental Compliance for the Oil and Gas Exploration and Production Industry”
- Final April 2012. Report to EPA September 2012.
- Compliance assistance tools developed resulted in a demonstrated increase in environmental compliance of the industry sector

# Inspection Division

- **Compliance with air quality regulations improved 16.9%**
- **Compliance with air permitting requirements improved 22.8%**
- **Compliance with water quality regulations improved 11.7%**
- **Compliance with LPDES permit requirements increased 10.0%**

# Regulation Update



# Asbestos Regulations

- Stakeholders requested clarification of various parts of Chapters 27 and 51
- Also requested language related to asbestos-contaminated debris (post-Katrina/Rita)
- Date for proposed rules to LA Register is either December or January, with final rules promulgated 60 days after (February or March 2013).



# Asbestos - Chapter 27

- Asbestos Containing Materials in Schools and State Buildings
- Clarification of requirements related to inspections and management plans in state buildings that occupy a portion of a building
- Updated EPA citations
- Updated Appendix A (Agent Accreditation Plan) at request of training providers

# Asbestos - Chapter 5151

- Emission Standard for Asbestos
- Added and clarified
- Updated Section F. Emission Standards
- Updated Section J. Standards for Waste Disposal
- Updated OSHA citations related to containment and work practice requirements.
- Updated Section P. Training and Accreditation requirements to match Chapter 27 Appendix A revisions.

# Lead Statutes and Regulations

- Three Bills
  - SB200 = Act 733
  - SB201 = Act 734
  - SB211 = Act 736
- **ONLY APPLIES** to licensed day care, pre-schools, and public and non-public elementary schools that are first places in operation **AFTER 8/1/12**. No inspection required if the facility or its grounds have been inspected or subject to lead abatement or remediation since 1978.
- Provides for a definition of “child occupied facility.”
- Rulemaking underway

# Lead

## SB 200 – Act 733

- Requires owners of day care centers, pre-schools, and certain elementary schools that are child occupied facilities to have the facilities and grounds inspected for lead hazards.
- Requires such facilities to report their findings to DHH/OPH and DEQ *if* any lead hazard was found in the inspection.
- OPH publishes lead results in the annual "Louisiana Health Report Card".

# Lead

## **SB 201 – Act 734**

- Requires state and local agencies engaged in lead hazard reduction activities to publish on-line certain lead standards.
- This bill merely requires on-line publication of acceptable lead levels.

# Lead

- **SB 211 – Act 736**
- Requires the secretary of DEQ to notify BESE and DCFS that notification is required for lead hazards, lead abatement activities, or any lead testing performed which exceeds federal lead standards. **THIS HAS BEEN COMPLETED**



# Lead

- **SB 211 – Act 736**
- Requires owners of the child occupied facilities and the lead inspector who found the high levels to report to DEQ and OPH when lead testing finds levels that exceed federal standards. Also requires notification to be displayed prominently in the child occupied facilities.

# Lead

- **SB 211 – Act 736**
- Requires child occupied facilities to provide notification to all parents and legal guardians of each child enrolled in their facility of ANY lead abatement activities, lead testing with exceeds federal standards, or lead hazard reduction activities performed at the facility or on its grounds. This notification can be by email or posting on its website or by written notice.

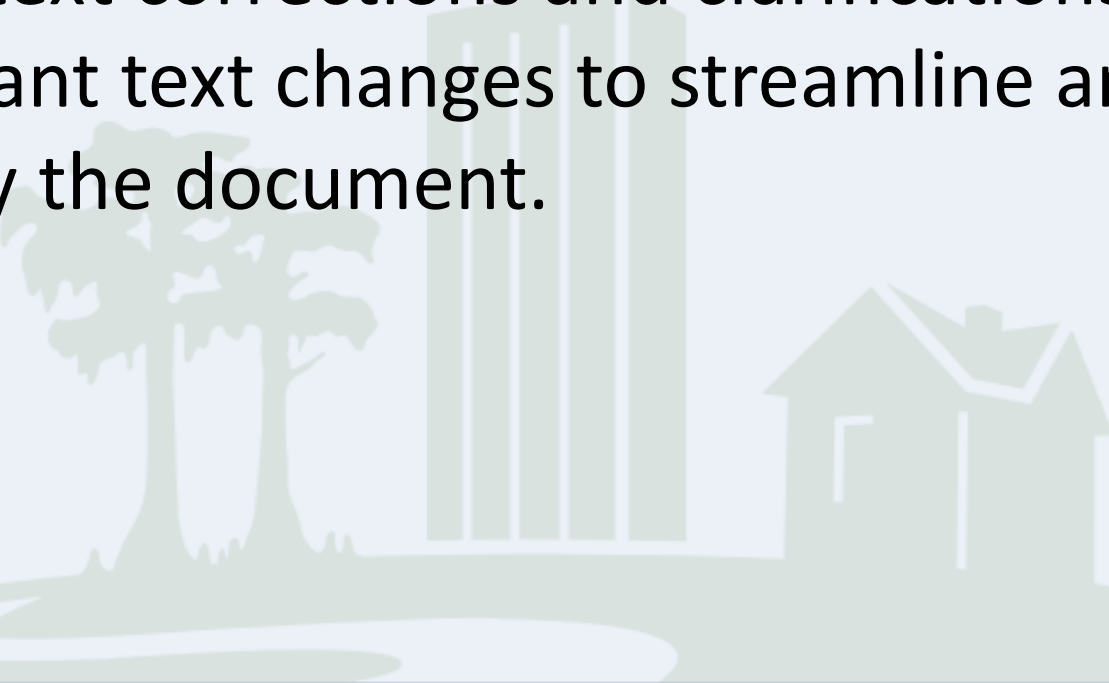


# RECAP

- LDEQ is beginning to revise RECAP and will be soliciting input from the public and regulated community in the form of workgroups
- Updates of equations, toxicity values, and default parameters (used for the calculation of RECAP Standards).
- Expand Appendix D address non-traditional parameters (e.g., chlorides, sulfates, etc) and constituents with special considerations (e.g., nitrates/nitrites/ammonia; PAHs, mutagens, etc).

# RECAP

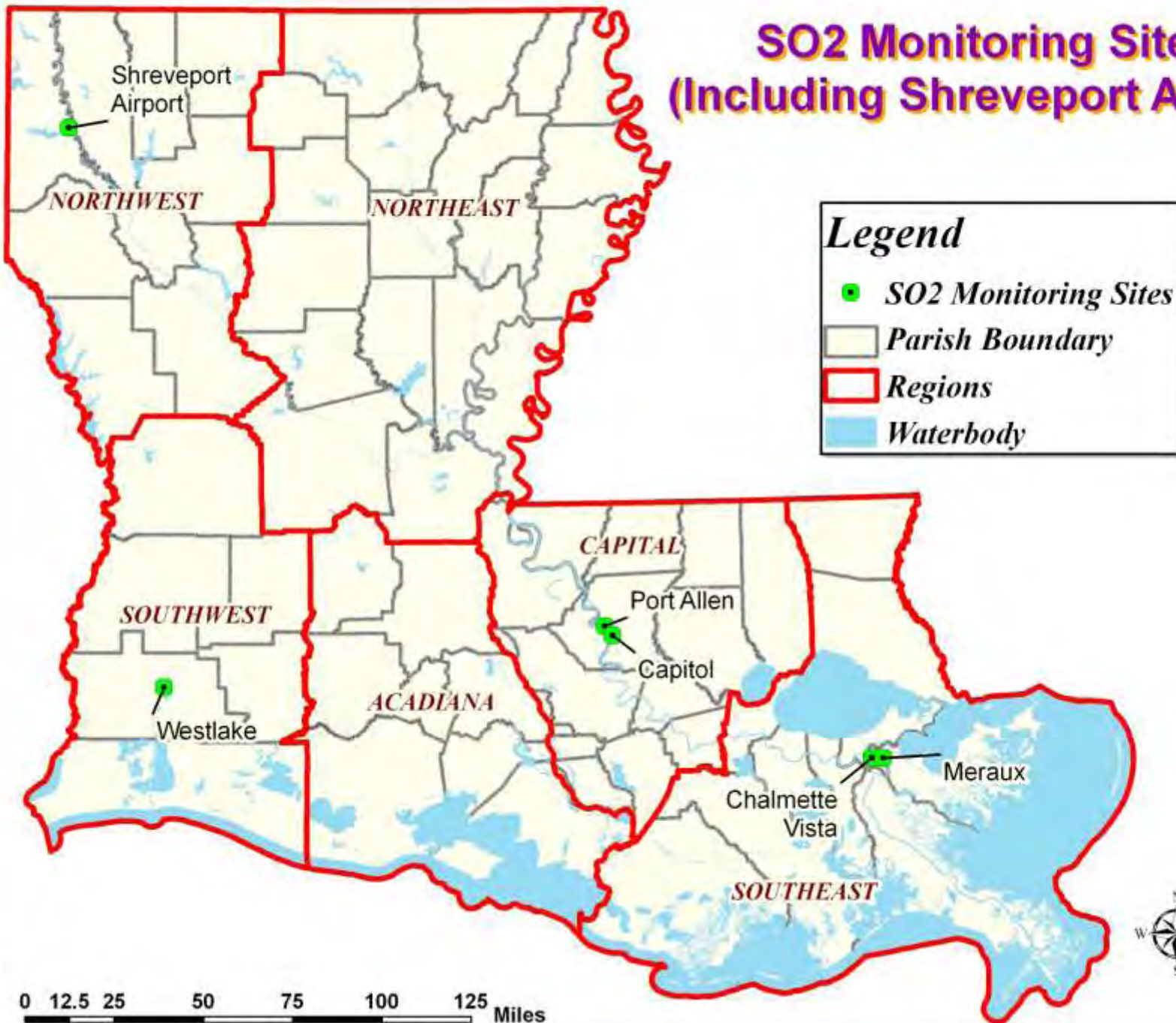
- Revision of the methods used to evaluate the vapor intrusion pathway
- Minor text corrections and clarifications; more significant text changes to streamline and simplify the document.



# Ambient Air Monitoring Sites

- Lead
  - Four Total Suspended Particulars (TSP)
  - New sources emitting greater than ½ TPY Lead require reevaluation
- SO<sub>2</sub>
  - Additional monitor at Shreveport Airport by 12/31/2012.
  - Total of 6 monitors
- One Near Road NO<sub>2</sub> Site by the end of 2013.

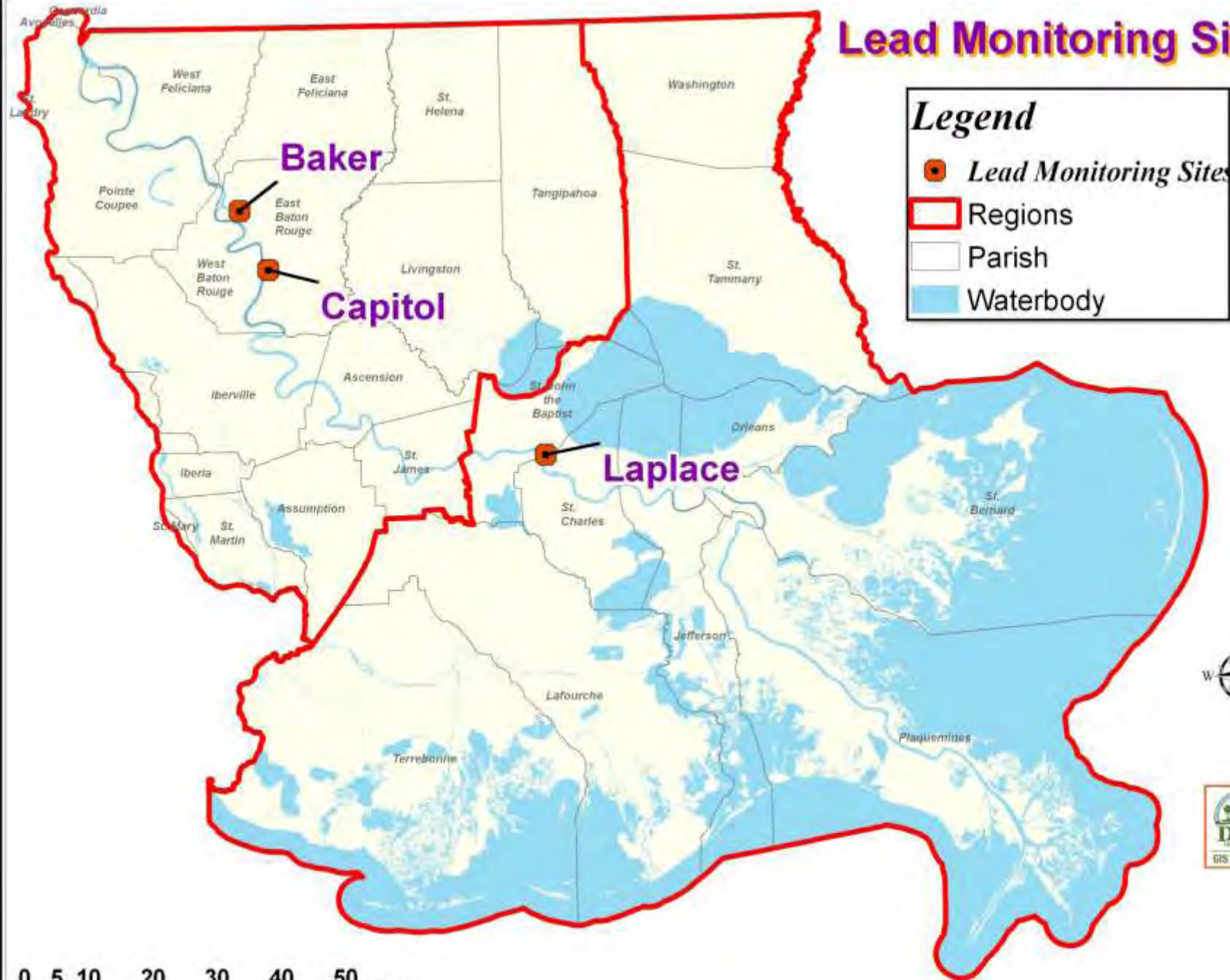
# SO2 Monitoring Sites (Including Shreveport Airport)



0 12.5 25 50 75 100 125 Miles



# Lead Monitoring Sites



**Legend**






- Lead Monitoring Sites
- Regions
- Parish
- Waterbody

0 5 10 20 30 40 50 Miles

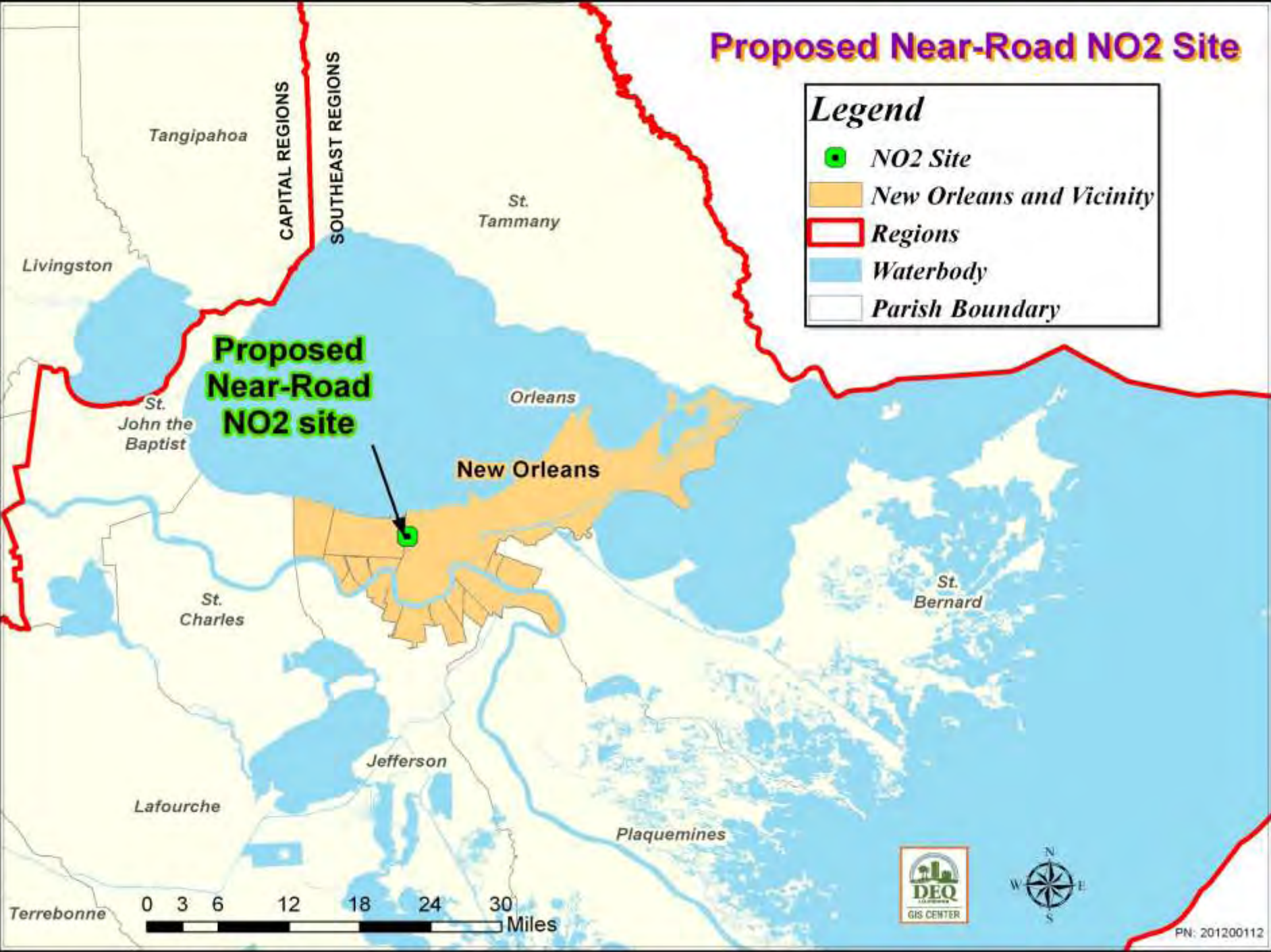


# Proposed Near-Road NO2 Site

## Legend

-  NO2 Site
-  New Orleans and Vicinity
-  Regions
-  Waterbody
-  Parish Boundary

**Proposed  
Near-Road  
NO2 site**



# Enforcement Update

- NetDMR
- Regional Compliance Orders
- Settlements & BEPs
- Penalty Regulations



# NetDMR

- Electronic Reporting for DMR data
- NetDMR became available for use by states and regions on June 29, 2009, and was immediately implemented by LDEQ.
- Free hands-on training available from LDEQ
  - November 14, 2012 – New Orleans, LA
  - UNO's Lake Front Campus
- Webinar training also offered periodically by EPA



# Regional Compliance Orders

- 5 Standardized forms
  - 2 water
  - 1 waste tires
  - 1 illegal dumping & open burning
  - 1 UST
- Applicability determined in Regions by Circuit Rider, Regional Attorney and Regional Mgr
- Reviewed and signed Electronically

# Regional Compliance Orders

- Provides instructions on how to request Closure of the Order
- Designed to address common, minor violations that can be addressed in a relatively short timeframe
- Goal to reduce the time frame from violation discovery to correction
- Implementation of pilot phase in October 2012

# Settlements & BEPs

- Internally we continue to seek ways to improve processing time
- Respondents can delay or expedite the process
  - Settlement offer
  - Settlement review
  - Settlement scope

# Settlements & BEPs

- Working with IT to establish an online BEP library
- Settlement webpage has a new look to allow for at a glance information on the settlement





## 2012 Settlement Agreements

Company	AI	Settlement #	Subject	Cash Payment	BEPs	Injunctive Relief	Date to AG	Finalized	Document
Sandalwood Exploration, L.P., Cameron, Cameron Parish, Louisiana	128629	SA-AE-12-0004	State settlement agreement regarding air quality regulation issues (no BEP included) Enforcement No. AE-CN-08-0241	\$4,313.53	n/a	n/a	6/11/2012	10/18/2012	
M. A. Patout & Son Limited, Jeanerette, Iberia Parish, Louisiana	1347	SA-AE-12-0011	State settlement agreement regarding air quality regulation issues (no BEP included) Enforcement Action Nos. AE-C-06-0103, AE-CN-07-0093, AE-CN-07-0093A, and AE-CN-07-0093B	\$4,686.00	n/a	n/a	5/24/2012	10/18/2012	
BEUSA Energy, Inc., Multiple cities, DeSoto Parish, Louisiana	166741, 166742, 166743, and 166744	SA-AE-11-0049	State settlement agreement regarding air quality regulation issues (no BEP included) Enforcement No. AE-PP-09-0678	\$7,000.00	n/a	n/a	5/24/2012	10/18/2012	
D & S Oil & Gas Operators, Inc., Athens, Claiborne Parish, Louisiana	136124	SA-AE-11-0068	State settlement agreement regarding air quality regulation issues (no BEP included) Enforcement No. AE-PP-11-0589	\$600.00	n/a	n/a	5/23/2012	10/18/2012	
Merit Energy Company, LLC, Multiple cities, Multiple Parishes, Louisiana	81556, 89255, 98244, and 98248	SA-AE-11-0070	State settlement agreement regarding air quality regulation issues (no BEP included) Enforcement Nos. AE-PP-08-0042 and AE-PP-10-00999	\$8,900.00	n/a	n/a	5/23/2012	10/18/2012	

# Penalty Regulations

- Update of Penalty regulations
  - Penalty Maximum
  - Revisit the Matrix
  - Increase predictability
  - Reduce subjectivity
- Establishing a stakeholder group
- Statutory changes
- XP statues and regulations

# Bayou Corne

- Initially engaged by Department of Natural Resources, Office of Conservation in late June 2012
- Support DNR and Assumption Parish through sampling and monitoring
- Focus has been on human health/safety and to evaluate for environmental conditions

# Sampling Efforts

- Infra-red “HAWK” camera used on old well sites
- Air and Water quality monitoring at bubble sites
- Community air monitoring using the MAML, handheld monitors and summa canisters
- Hazard Assessments at private residences for flammability hazard
- Sampling support for isotopic analysis



# Sampling Efforts

- Canister sampling at the Sinkhole
- Slurry samples at the Sinkhole, including sampling at depth
- NORM sampling at sinkhole
- Groundwater sampling at industrial water wells
- Ion data to compare to Mississippi River Alluvial Aquifer

# Sampling Efforts

- 24/7 air monitoring during drilling of observation well
- In-home hazard monitoring to assess flammability inside homes
- No environmental hazards identified
- No threat to human health as a result of environmental conditions associated with the sinkhole.

# Current Sampling Activities

- DEQ maintains community monitoring to date, monitoring for flammability, H<sub>2</sub>S, and VOCs.
- Mobile Air Monitoring Lab (MAML) is deployed and provides continuous air monitoring for methane/non-methane VOCs and H<sub>2</sub>S.
- Summa canisters are collected periodically for TO-15 (air toxics) analyses.
- No hazards have been identified to date.

# Current Activities at Bayou Corne

- Air and Water Sampling in support of DNR and Parish
- MAML onsite
- Oil Recovery from the sinkhole and cavern
- Continue to support Science Team as needed and requested
- Participate in community outreach efforts and meetings
- Unified Command Meetings

# Contacts

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# Questions?

