

LDEQ Updates

**Bliss M. Higgins, Assistant Secretary
LDEQ Office of Environmental Services
A&WMA Louisiana Section Meeting, March 23, 2023**



Topics

- LDEQ Executive Staff Transitions
- SSM SIP Call
- Self-Audit Program Update
- Interstate ozone transport SIP disapproval
- Good Neighbor FIP Rule
- Court cases and EPA rulemakings to watch
- Permitting, EJ and Climate Change

SSM Excess Emissions SIP Call

- EPA proposed finding of substantial inadequacy
- Reinstates SIP call for TX, NC and IA
- Adds proposed findings for 6 states
- Louisiana – cites LAC 33:III.917. Variances
- Comments on proposal due April 25, 2023
- Proposing 18 months from final SIP call for state to submit SIP revision
- EPA anticipates state will reexamine and revise the underlying emission limitations

Variance Provisions

- Incorporated in LAC since 1972
- Gives LDEQ authority to grant a variance from limitations, rules and regulations upon adequate showing by applicant
- “by reason of exceptional circumstances strict conformity with an provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible...”

EPA Findings

- LAC 33:III.917 contains an impermissible director's discretion exemption
- EPA finds that LDEQ has granted variances allow for excess emissions during SSM periods
- Makes LDEQ the “unilateral arbiter” of whether excess emissions constitute a violation
- No other provisions in the LA SIP that could act as an appropriate alternative emission limit

Path Forward

- Variance provisions remain in effect
- Possible appeals and court actions
- Short term – consider all potential permitting mechanisms to address a given circumstance
- Prepare for possible restrictions on variance provisions in the future
- Examine circumstances for which variances have been requested
- Incorporate SSM scenarios and other special circumstances in permit

Keep in Mind

- Affirmative defense
- Enforcement discretion
- Emergency declarations
- State-only permit terms and conditions
- Regulatory permits
- Miscellaneous permitting actions

Voluntary Environmental Self-Audit Program

**Office of Environmental Compliance-
Enforcement Division**



La. R.S. 30:2044

The regulations for a voluntary environmental self-audit shall provide the following:

- 1) Procedures for conducting voluntary environmental self-audits.
 - The procedures include violations that are not eligible for relief under the audit program.
- 2) Submission of the results of voluntary environmental self-audits to the department.
- 3) Incentives in the form of reduction or elimination, or both, of civil penalties for violations disclosed to the department in a voluntary environmental self-audit.
- 4) Corrective action for violations discovered as a result of a voluntary environmental self-audit.
- 5) Submission to the department of the plans to correct violations discovered during a voluntary environmental audit.
- 6) A fee for reviewing voluntary environmental self-audit reports and actions taken to correct the violations reported.

General Information

- The Environmental Self-Audit Section will be a part of the Enforcement Division.

Voluntary Environmental Self-Audit Regulations

- Part I. Office of the Secretary
- Subpart 5. Voluntary Environmental Self-Audit Program (*new*)
- Chapter 70. Voluntary Environmental Self-Audit Regulations (*new*)

Timeline

- March 20, 2023-Notice of Intent, rule language, and Fiscal Economic Impact Statement due to Legislative Fiscal Office
- April 10, 2023-Proposed rule package due to Louisiana State Register
- Rule promulgation by late summer 2023.

Voluntary Environmental Self-Audit Regulations

Sections

- Authority
- Purpose
- Definitions
- Exclusions
- Program Scope
- New Owner
- Fees
- Prescription

Scope

- Advance notice of self audit
- Disclosure of violations identified
- Audit complete within 6 months, unless extension granted
- Corrective actions complete within 90 days from discovery, unless requirement specifies compliance period or extension granted
- Environmental audit report
- Penalty mitigation

Exclusions

- Serious actual harm to environment
- Imminent or substantial endangerment
- Discovered by LDEQ or EPA prior to disclosure
- Detected through required monitoring, sampling or auditing
- Chemical accident prevention provision violation
- Deliberate or intentional
- Same or closely related violations within past 3 years

Ozone Transport SIP and FIP

Office of Environmental Assessment



Louisiana Interstate Transport 2015 8-hour Ozone SIP Disapproval

- February 13, 2023 Federal Register
- EPA Disapproved SIPs for 21 States
- EPA performed updated modeling
- Concluded Louisiana max contribution to downwind nonattainment receptor 9.51 ppb at Galveston
- Rejected Louisiana comments regarding contribution threshold of 1%, found technical assessments flawed

Good Neighbor FIP

- EPA issued final interstate transport Federal Implementation Plan on March 15, 2023
- Louisiana and 22 other states affected
- Requires NO_x reductions from power plants and other industrial sources
- EGUs in CSAPR NO_x Ozone Season Group 3 Trading beginning 2023
- Compliance date 2026 unless extension granted

FIP Affected Industrial Source Categories

- Natural gas pipelines
- Cement kilns
- Iron and Steel Mill reheat furnaces
- Glass Manufacturing furnaces
- Boilers – Iron and Steel Mills; Metal Ore Mining; Chemical Manufacturing; Petroleum and Coal Products Manufacturing; Pulp, Paper and Paperboard Mills

FIP NOx Emissions Limits

NG Pipeline Transportation Engines

Engine type	NOx limit
NG Four Stroke Rich Burn	1.0 g/hp-hr
NG Four Stroke Lean	1.5 g/hp-hr
NG Two Stroke Lean Burn	3.0 g/hp-hr

Boilers

Fuel	NOx lb/mmBtu
Coal	0.20
Resid oil	0.20
Distillate oil	0.12
Natural gas	0.08

FIP NOx Emissions Limits

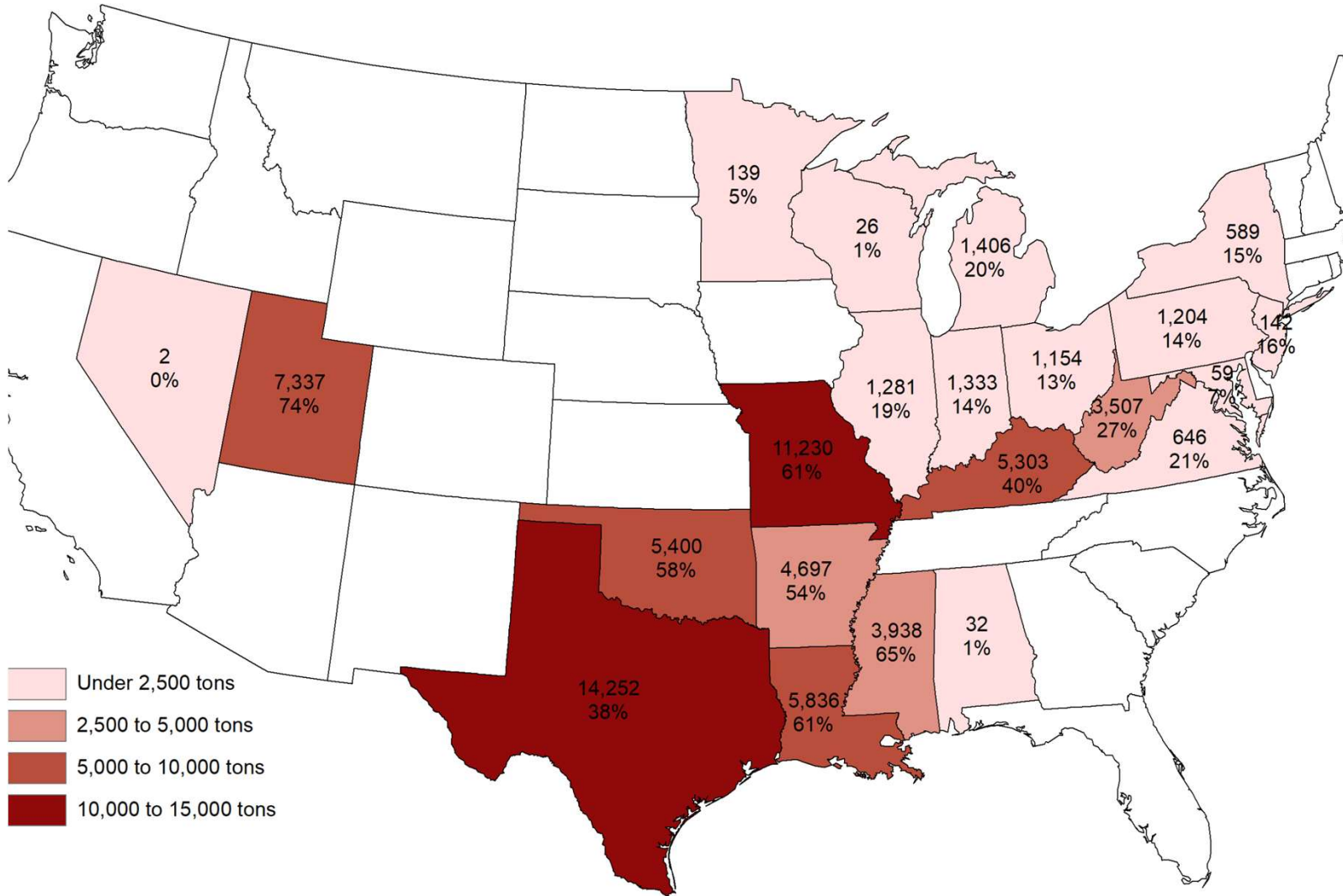
Glass Manufacturing Furnaces

Furnace Type	NOx lb/ton of glass
Container glass	4.0
Pressed/blown or fiberglass	4.0
Flat glass	7.0

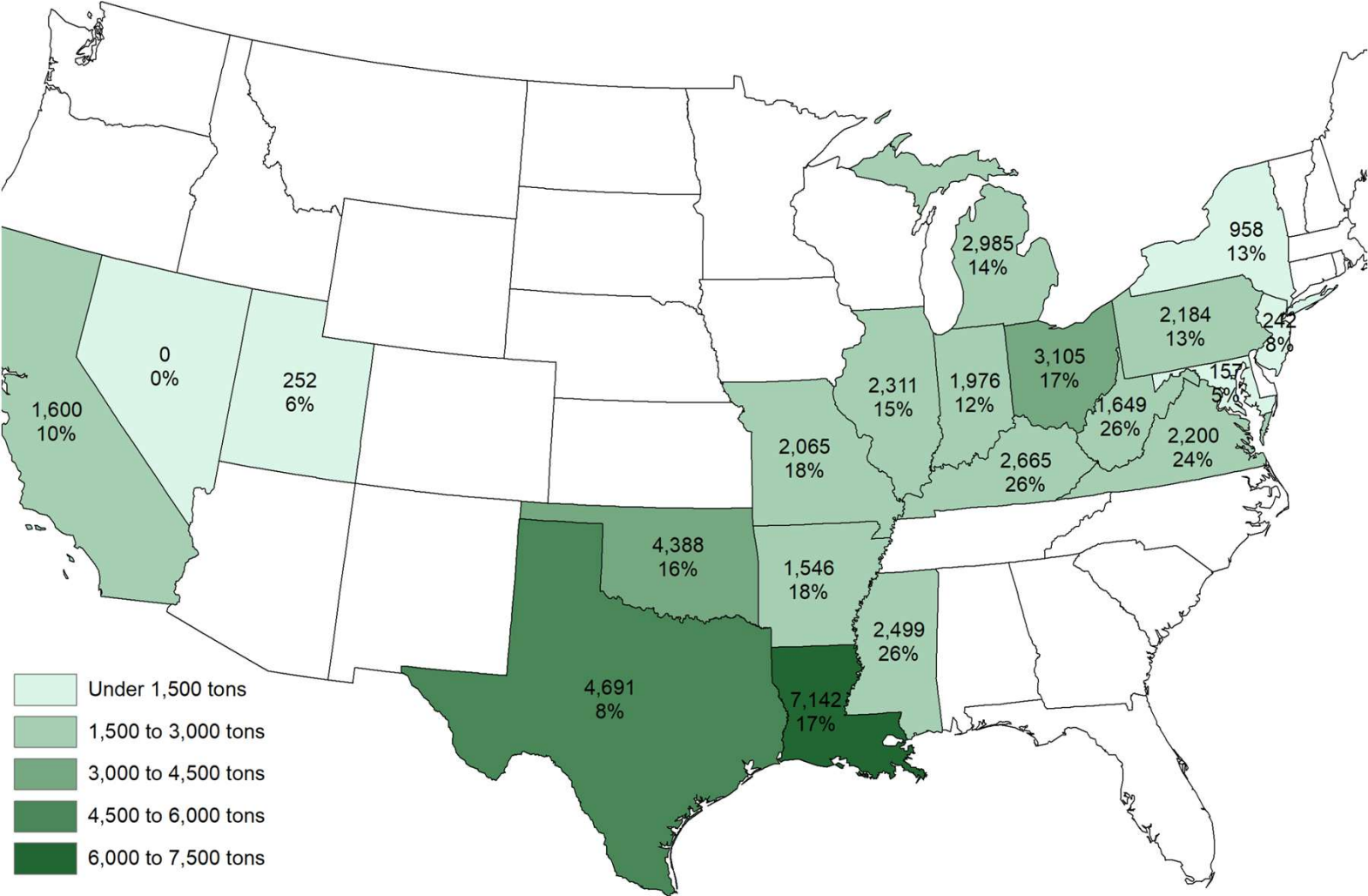
Solid Waste Combustors and Incinerators

Averaging period	NOx ppmvd
24-hour block	110
30-day rolling	105

Power Plant Emission Reductions (epa.gov)



Industrial Source Emissions Reductions (epa.gov)



Court Cases and EPA Rulemakings

- Interstate Transport
- FG LA air permits
- MON Risk and Technology Review
- HON and Group 1 Polymers and Resins
- Chloroprene IUR and ISE complaint
- Parish Land Use and Zoning
- Title VI complaints

EJ and Climate Change

- EJ Screen
- Louisiana Climate Action Plan
- CCUS