



DISCOVER DEQ

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

Wednesday, November 9, 2011 Issue Number: 11

DEQ files request for reconsideration with EPA on the Cross-State Air Pollution Rule

In early October DEQ filed a Request for Reconsideration with the U.S. Environmental Protection Agency on the Cross-State Air Pollution Rule, which addresses emissions from power plants in one state which impact air pollution in another state. A Request for Reconsideration is a formal request for EPA to reassess the rulemaking process to ensure that the rule does not contain errors. In the request, DEQ said there were errors in modeling used to develop the regulation as well as the timeframe developed for compliance.

When the rule was proposed, the Louisiana cap for ozone season Nitrogen Oxide emissions from power plants was 21,220 tons per year. However, that number was reduced by EPA to 13,482 tons per year when the final rule was issued in July 2011, without any opportunity for DEQ to review or comment on the final version. The EPA later advised DEQ that any shortfall in electricity due to the implementation of the rule could be compensated for by transporting electricity from other states. However, based on localized transmission constraints, that may not be possible.

DEQ informed EPA of their willingness to participate in revisions to the transport rule, asking for a review of the modeling before the final rule was promulgated. DEQ's efforts were denied, and the two remaining options to comply with EPA's rule pose serious challenges for Louisiana.

For one, Louisiana utilities will be forced to spend millions of dollars to have controls in place by May 1, 2012; an endeavor that may not be feasible given the short amount of time to comply with the rule. In addition, utilities will have to reduce the amount of electricity produced in Louisiana and import power from outside the state. Under this scenario, there could be a shortage of electricity for the state next summer.

On October 6, EPA announced proposed changes to what had been the final Cross States Air Pollution Rule. These changes would add 4,321 tons per year of emissions to Louisiana's budget with corresponding revision to assurance levels and new unit set-asides. This action will also change the deadline for enforcing the assurance limit to January 2014.

In light of the data from states and companies, prompting further review of the rule, EPA announced the proposal as a routine rulemaking and stated that it "will maintain the extensive public health benefits of the Cross-State Air Pollution Rule while also making technical adjustments to account for the updated information."

These adjustments, which are possible due to the inherent flexibility of the Clean Air Act, will increase CSAPR emission budgets in ten states and ease limits on market-based compliance options. While individual state adjustments vary, overall, the budget increases are slight – about one percent – when compared to the millions of tons of pollution reductions required by CSAPR.

While the CSAPR trading program begins in January 2012, companies have until the end of 2012 and early

WHAT'S INSIDE?

- **DEQ files request for reconsideration with EPA on the Cross-State Air Pollution Rule**
- **DEQ monitored air during APEX/Center Point blending event**
- **Air Quality Update**
- **Bayou Vermilion kicks off five environmental projects**
- **DEQ On The Move**
- **DEQ Workshops generate positive feedback**
- **NetDMR Workshop**
- **How to report an environmental concern/complaint/threat**



DISCOVER DEQ

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2013 to demonstrate compliance. As with any proposal, this technical adjustment to the rulemaking will go through a public comment period.

“In general, our efforts have resulted in a budget that should avert rolling blackouts next summer and one that will significantly lessen the financial burden on our citizens,” said Paul Miller, Assistant to the Secretary of DEQ. “This was accomplished by adding an additional 4,231 tons of emissions, or allowances, to our 2012 and 2014 emissions budgets, increasing our ability to purchase variability allowances of 3,709 tons, and pushing the Assurance Penalty Provisions to January 2014.”

Miller noted that 12 electric generating units in Louisiana have Non-economic Dispatch capabilities, also known as “must run,” which will require additional allowances in order for that capability to continue in a safely functioning, environmentally-sound manner. Major facilities include the R.S. Nelson Coal Power Plant in Lake Charles; Nine Mile Point Power Plant in Jefferson; Michoud Assembly Facility in New Orleans; Little Gypsy Power Plant in LaPlace; and Waterford 3 in New Orleans.



In response to the Bush-era Clean Air Interstate Rule, or CAIR, some power plants in the state began implementing emission-reduction technology in 2005 in preparation to reach a goal of approximately 17,000 tons of NOx emissions for 2009-2014. Louisiana power plants emitted a total of 23,174 tons during the ozone season of 2010, which was down from the 2005 total of 29,443 tons.

DEQ monitored air during APEX/Center Point blending event

In late September, air monitoring teams from the Louisiana Department of Environmental Quality were staged around the APEX Oil Company tank farm in Port Allen in anticipation of a scheduled blending event. The need for direct monitoring was the result of an unauthorized release of ammonia that occurred from an APEX tank during an offloading event in mid-July. APEX, owned by Center Point Terminal Company and operated by Petroleum Fuel and Terminal Company, sells and transfers fuel, kerosene and asphalt, which are housed in tanks at the facility.

DEQ issued a compliance order to APEX with regard to the unauthorized release, as the facility is not permitted to release ammonia or hydrogen sulfide. As APEX

made preparations to heat and conduct a mixing of light cycle in the tank responsible for the earlier ammonia release, DEQ ordered APEX to install a vapor scrubber in order to prevent any additional toxic air release from occurring, and to potentially eliminate any residual ammonia content that may be present in the tank. DEQ air monitoring personnel were mobilized to the site to ensure that those measures were adequate and in full compliance with state and federal regulations. Teams monitored air near the facility and along various points in the surrounding neighborhood to detect for any ammonia, hydrogen sulfide or volatile organic compounds that might be generated as a result of the mixing. DEQ’s Mobile Air Monitoring Laboratory (MAML), capable of taking instantaneous ambient air



DISCOVER DEQ

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

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readings, was also staged near the facility's perimeter to take continuous air readings.

Teams took air samples on the day prior to the event and over a 24 hour period throughout the course of the event to ensure that the readings would be comprehensive and accurate. Additionally, DEQ collected and reviewed data from the air monitoring contractor, Eagle Environmental.

"Eagle Environmental has been monitoring this facility closely since the July incident at the insistence of the Louisiana Department of Environmental Quality. We took precautions to ensure that APEX's blending operation occurred according to plan and without any

adverse public health or environmental impact," said Peter Ricca, DEQ's Emergency Response Manager. "Air monitoring teams were deployed throughout a half-mile radius within the area and collected data to ensure that APEX's operation was in compliance with their permitted guidelines."

The process was successful in that no releases occurred. However, additional work remains to remove the product from the tank. DEQ will re-deploy when that effort begins. Monitoring data from the initial event returned all zeros, and DEQ will continue monitoring at APEX when they commence an asbestos transfer event in the coming months. DEQ is currently waiting on a plan from APEX regarding that event.

Air Quality Update

According to the 2008-10 data, Louisiana's air quality is the best it has been since the inception of the Clean Air Act in the 1970s. In order to maintain this level of air quality the Environmental Protection Agency is continually reviewing the National Ambient Air Quality Standards (NAAQS) to be sure they are protective of human health. The NAAQS are promulgated for six criteria pollutants – Ozone, Sulfur Dioxide (SO₂), Nitrogen Oxides (NO_x), Particulate Matter (PM 2.5 and PM 10), Carbon monoxide (CO) and Lead.

In August, EPA announced the proposed approval of Louisiana's request to redesignate the Baton Rouge Ozone Nonattainment Area to attainment with the 1997 8-hour standard. This nonattainment area consists of East and West Baton Rouge, Iberville, Livingston and Ascension parishes. Achieving this goal signifies that the businesses, industries and the citizens of the Baton Rouge area worked diligently to significantly reduced ground level ozone.

"Many people felt like this day would never come," said DEQ Secretary Peggy Hatch. "However, with the help from industry, the public, environmental groups and more, we have reached this incredible air quality milestone. Louisiana's environment is the best it's been

since the Clean Air Act and Clean Water Act. Our goal is to continue to use technology, creative measures and our regulatory authority to protect human health and the environment."

EPA recently implemented the 2008 Ozone standard of 75 parts per billion, which is more stringent than the 1997 8-hour standard of 80 parts per billion. DEQ is awaiting the formal designation letter from EPA. Based on quality assured and controlled data from 2008-2010, EPA has indicated that East Baton Rouge Parish will be designated as nonattainment.

The new SO₂ standard, which is based on the same 2008-2010 data, shows that Louisiana may have two parishes designated as nonattainment. The parishes are St. Bernard and West Baton Rouge.

EPA also set a new standard for NO₂; based on the data from Louisiana, EPA intends to designate those parishes with monitors as unclassifiable/attainment. EPA's main focus in this new standard is near-roadway NO₂, which is emitted from vehicles instead of industry.

Louisiana remains in attainment with the other NAAQS and continues to work to improve air quality.

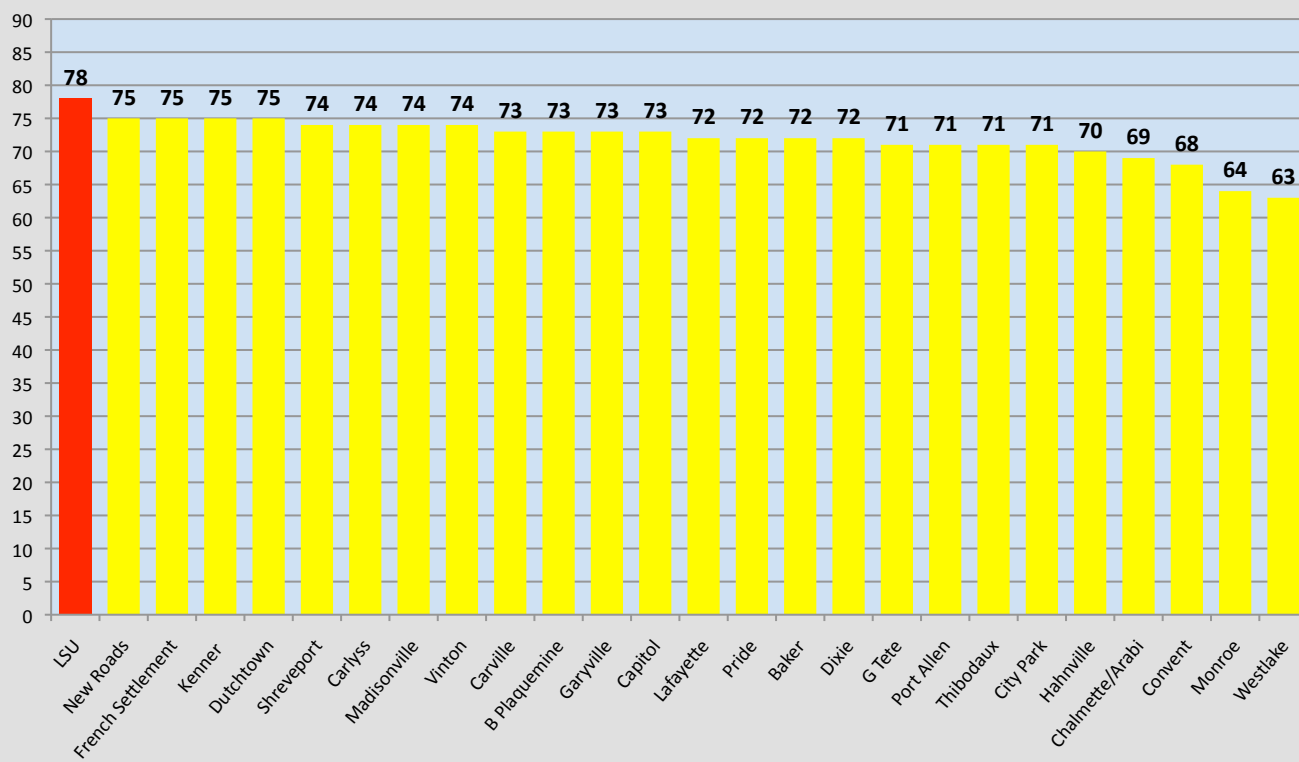


DISCOVER DEQ

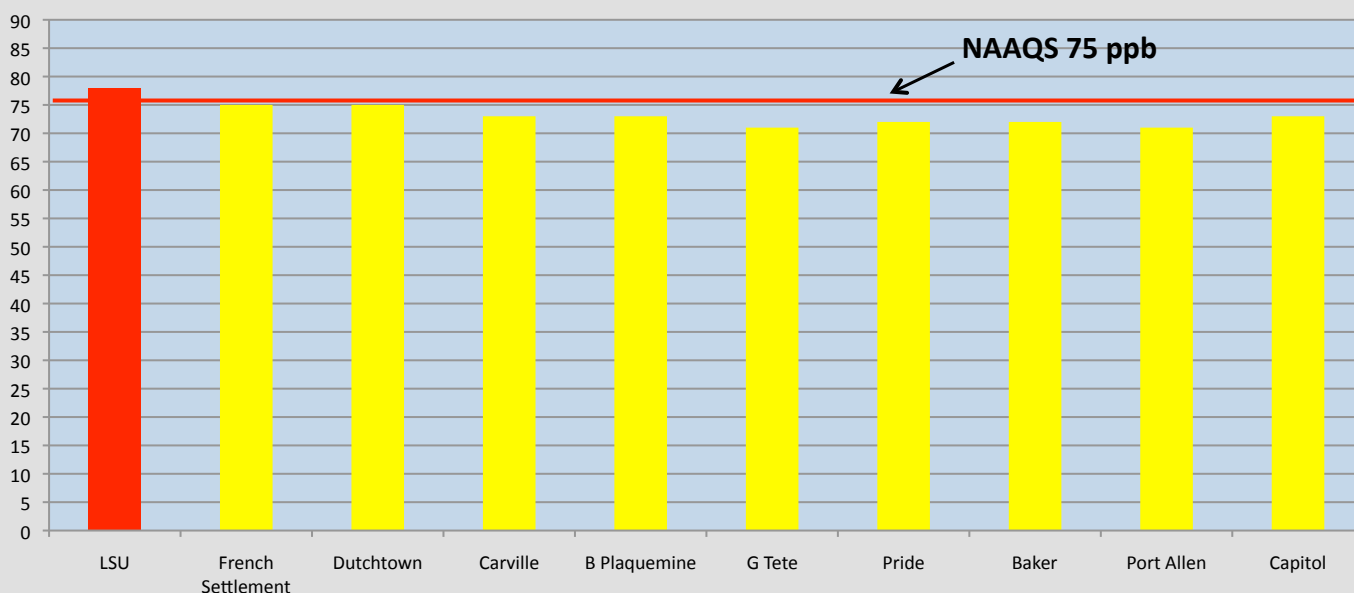
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

Wednesday, November 9, 2011 Issue Number: 11

8-hr Design Value as of December 31, 2010



Baton Rouge Area 8-hr Design Value as of December 31, 2010





DISCOVER DEQ

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

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Bayou Vermilion kicks off five environmental projects

In late September, the Bayou Vermilion District announced the start of five projects designed to help reduce the quantity of storm water while improving the water quality that enters into the Vermilion River. The projects were awarded as part of 319 water quality improvement demonstration grants from the Louisiana Department of Environmental Quality.

The five projects are the wetland plant nursery, a rain garden, pervious pavement, rain barrels and a retention pond. The projects are designed to demonstrate storm water management options for agricultural, residential and commercial properties.

“With recent completion of the grant with DEQ, we are planning to host another grand opening later this fall,” said Jackie Tidwell, Assistant to the Bayou Operations Coordinator for the Bayou Vermilion District. “In the fall or spring of 2012, we will have another plant giveaway, which has proven to be a beneficial way to filter pollutants and reduce the risk for inner city and river flooding.”

The Wetland Plant Nursery will be used to grow native grasses, shrubs, vines and trees, which will be distributed at no cost in order to restore banks and reduce and treat storm water runoff. The rain garden consists of a 10,000 foot area which includes native wetland plants, such as iris, rush and buttonbush, that hold rain long enough for it to soak into the ground, capturing and processing parking lot pollutants rather than draining into the streets and storm drains. A plant demonstration area has been set up as well.

Pervious Pavement is a 5,200 foot parking lot that has four different permeable parking space options and three green spaces that are designed to reduce runoff and capture parking lot pollutants such as oil, gas and debris. The site is currently open for public parking.

Another project was the free distribution of 100 rain barrels to residents of Lafayette Parish; a project completed in 2009-10. The barrels are used to reduce



Retention Pond

storm water runoff from roofs, thereby becoming a water source for plants and animals. With support from the DEQ grant, the Bayou Vermilion District hosted several rain barrel workshops where participants were provided materials and shown how to create rain barrels – free of charge. The Bayou Vermilion District is planning on initiating another distribution event, and they are currently taking names for those who wish to be on the list.

Retention ponds comprise another project that is currently open for public fishing. The ponds are small bodies of water designed to receive runoff and hold it indefinitely until the water either soaks into the ground or evaporates. Retention ponds are an effective method for preventing chemicals and debris from entering the bayou, while also reducing flood problems and increasing wildlife habitat formation.

In total, these five projects have been a boon for the Bayou Vermilion watershed as well as promoting environmental awareness in the local community as citizens have begun to take a more hands-on approach to preventing erosion while taking steps to improve water quality.



DISCOVER DEQ

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Wednesday, November 9, 2011 Issue Number: 11

DEQ On The Move

DEQ employees man paint swap in Ascension Parish

One way that employees of DEQ help with the environment is by working with various Household Hazardous Materials Collection Days around the state.

In September, 12 DEQ volunteers manned the paint swap at the Ascension Parish HHMD.

The latex paint swap area took in reusable paint and mixed it in five-gallon containers. The objective of the swap is to recycle unused paint. The paint was collected, screened and blended by DEQ volunteers and the reusable paint was then sent to the Salvation Army in Ascension Parish. This year, DEQ produced 103 five-gallon buckets of good usable paint. In 2008, 85 five-gallon buckets were rescued and in 2009 65 five-gallon buckets were put back into use. Recycling usable paint keeps it out of the landfills, helps the environment, and provides a reuse of the paint which preserves resources.

Upcoming HHMD events are listed below:

October 22

Lafayette

October 29

Minden in Webster Parish

November 5

Opelousas & Eunice in St. Landry Parish

Shreveport Green

November 19

Baton Rouge

DEQ will have volunteers at the upcoming Opelousas HHMCD paint swap on November 5 and the East Baton Rouge HHMCD Paint Swap on November 19.



Judy Schuerman mixing paint at Household Hazardous Materials Collection Day



Tiffani Cravens, DEQ Geologist, asking Bienville Parish School students if they know something for which we use drinking water.



DISCOVER DEQ

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DEQ Workshops generate positive feedback

Throughout the spring of 2011, DEQ conducted a series of open burning and storm sewer system workshops across the state in order to inform the public and assist municipalities with understanding regulations while doing their part to enhance the quality of the environment. The workshops were free and open to the public.

The Open Burning workshops provided background information on the regulations concerning what items are acceptable or unacceptable for public burning. Presenters included members of DEQ's Air Permits and Surveillance divisions, along with DEQ regional office managers. More than 226 participants were on hand at over 8 workshops held across the state. Firefighting staff were also in attendance, with high marks given to DEQ as one of the most successful workshops to ever take place.

Workshops on Municipal Separate Storm Sewer Systems (MS4) were designed to inform and assist parish governments and municipalities with water

permitting regulations and Total Maximum Daily Load (TMDL) guidelines, as they apply to their local waterways. TMDLs are guidelines on how much of a pollutant a water body may take while remaining within healthy standards. Personnel from DEQ's Small Business/Community Assistance Program, Water Permits Division and Non-Point Source division hosted the sessions, with assistance from local parish governments. Nine sessions were conducted statewide, with more than 215 participants on hand.

Evaluations were provided to the attendees at the end of each session, resulting in mostly upbeat reviews. "All around, feedback was positive. Most of the attendees commented on how they came away with a better understanding of the regulations along with information on how they can help promote regulatory awareness and environmental stewardship in their communities," said Lance Green, DEQ Environmental Scientist. "Additionally, we received several requests for additional information and additional classes, so the sessions were deemed a success."

NetDMR Workshop

As part of the effort to increase efficiency and decrease costs, the Louisiana Department of Environmental Quality offers the NetDMR online application for the submission of discharge monitoring reports. A discharge monitoring report, known as a DMR, is a self-reporting document that is generated by permittees that have a Louisiana Pollutant Discharge Elimination System permit. The DMR contains information pertaining to water discharges into waters of the state.

NetDMR is available to all major and significant minor permits. Other permittees interested in using NetDMR can email deqnetdmr@la.gov with permit numbers and contact information. They will be asked to submit subscriber agreements in order to be added to the priority list for entry into NetDMR. The following general permit types are unavailable for NetDMR: Oil & Gas Exploration Development and Production

Facilities in Territorial Seas, Light Commercial Facilities, Hydrostatic Test Wastewater and Stormwater General Permit Covered Facilities.

"We believe that the online application of NetDMR is definitely more efficient. Not only does it save the time of preparing the paper DMRs, signing each page and then mailing the DMRs, but it also cuts down on errors generated through the manual process because the facility is warned when they enter information that is questionable," said Christine Mayeux, DEQ Environmental Scientist. NetDMR improves the timeliness and accessibility of the data and provides instant confirmation of submissions. NetDMR helps facilities keep track of their DMR submissions and they can search to see if they have been submitted or not."

Even before NetDMR was released, DEQ began outreach and education efforts. The team started by



DISCOVER DEQ

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

Wednesday, November 9, 2011 Issue Number: 11

giving short presentations at trade shows and other events attended by the regulatory community. EPA periodically offers webinar training, but DEQ has provided eight hands on classes throughout the state. These classes have attracted 174 participants including permit representatives and consulting firms. There are two more scheduled trainings – one in Baton Rouge and one in New Orleans this fall.

There are 57 facilities actively using NetDMR and DEQ has received a total of 1,855 DMRs through NetDMR.

2011: 57 facilities actively using NetDMR with 1184 DMRs submitted through NetDMR

2010: 29 facilities actively using NetDMR with 601 DMRs submitted through NetDMR

2009: 7 facilities actively using NetDMR with 73 DMRs submitted through NetDMR

The advent of online submissions for DMRs and other applications has allowed DEQ to increase the efficiency and ease with which facilities can meet their requirements and has decreased manpower and costs.

How to report an environmental concern/complaint/threat

The Louisiana Department of Environmental Quality has Technician Level Emergency Responders available to provide 24 hour, 7 days a week response capabilities for environmental hazards or potential threats to the environment.

Citizens may report any complaint or non-emergency issues they are aware of to our Single Point of Contact hotline at (225) 219-3640 or 1-888-763-5424 (toll free in Louisiana only). After business hours, the Single Point of Contact number is 225-342-1234 or the toll free number. Complaints can also be reported online at <http://www.deq.louisiana.gov/apps/forms/irf/forms>. DEQ will accept anonymous complaints only by phone during the business hours of 9am to 3 pm, Monday through Friday. In the event of an emergency, citizens should call their local emergency response agencies, 911 or the Department of Public Safety's 24-hour Hazardous Materials Hotline at 877-925-6595. Emergencies are determined by any condition that could reasonably be expected to (1) endanger the health and safety of the public; (2) cause significant adverse impact to the land water or air, or (3) cause severe damage to property.

When reporting an environmental concern, be sure to be as comprehensive and provide as much information as possible. Provide your name, call back number, the specific location/address of the incident, the nature and cause of the concern, the time the event occurred, its current status and proximity to residential areas, and

if any injuries or fatalities have occurred as a result. Be specific and be sure to include as much pertinent information as possible, in order that DEQ emergency personnel may respond accordingly.

Failing to provide as much information as possible about the event will be detrimental to the process. For example, providing the location of the incident is imperative so that emergency responders can access the site quickly and effectively. An incorrect address or property description can drastically slow down the emergency response capabilities and actually increase the potential environmental threat. Any obstruction that is known in advance should be mentioned, along with as much information as possible regarding landmarks or signage if the incident is in a rural setting. It is important to be as concise and as precise as possible when reporting the incident. The caller should never place themselves in danger while trying to collect information regarding an environmental complaint.

The Louisiana Department of Environmental Quality is one of several federal, state and local agencies that are part of the statewide response network. This network is mobilized by a call to the Hazardous Materials Hotline. Each of these agencies performs specific functions at the scene of an emergency while joining together in a "Unified Command" structure to address protective actions during the ongoing incident.



DISCOVER DEQ

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY NEWSLETTER

Wednesday, November 9, 2011 Issue Number: 11

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY'S THIRD QUARTER SUMMARIES

3rd Quarter 2011 Enforcement Actions:

<http://www.deq.louisiana.gov/portal/tabid/225/Default.aspx>

3rd Quarter 2011 Settlement Agreements:

<http://www.deq.louisiana.gov/portal/tabid/2838/Default.aspx>

3rd Quarter 2011 Air Permits:

<http://www.deq.louisiana.gov/portal/tabid/2922/Default.aspx>

3rd Quarter 2011 Water Permits:

<http://www.deq.louisiana.gov/portal/tabid/2899/Default.aspx>

3rd Quarter 2011 Solid and Hazardous

Waste Permits:

<http://www.deq.louisiana.gov/portal/tabid/2586/Default.aspx>

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