

Louisiana State Implementation Plan Revision

Section 185 Fee Determination of Termination, Baton Rouge Nonattainment Area

Submitted to:

EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Final May 2010



BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

May 18, 2010

Mr. Guy Donaldson
Section Chief 6PD-L
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

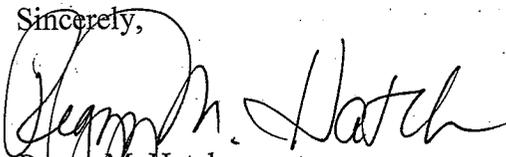
RE: Section 185 Fee Determination of Termination
Baton Rouge Ozone Nonattainment Area

Dear Mr. Donaldson:

Please find enclosed two (2) bound copies of the revision to the State Implementation Plan for the Baton Rouge Nonattainment Area with regard to the 1-hour Ozone National Ambient Air Quality Standards.

If you have any questions concerning this matter, please feel free to contact Vivian H. Aucoin at (225) 219-3509.

Sincerely,



Peggy M. Hatch
Secretary

c: Sandra Rennie, EPA Region 6

Enclosures

**Louisiana State Implementation Plan Revision
Section 185 Fee Determination of Termination, Baton Rouge
Nonattainment Area**

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Determination of Termination Request

The Baton Rouge 5-Parish Ozone Nonattainment Area, which consists of Ascension, East Baton Rouge, Iberville, Livingston and West Baton Rouge parishes, was classified as severe under the 1-hour ozone standard on June 23, 2003. Accordingly, the area became subject to Clean Air Act Amendments (CAAA) §185, which requires a state to develop and implement a fee collection rule. The 1-hour ozone standard was revoked by the Environmental Protection Agency on June 15, 2004 which was prior to the attainment deadline.

On January 5, 2010, the US Environmental Protection Agency (EPA) issued guidance on *Developing Fee Programs required by Clean Air Act Section 185 for the 1-hour Ozone NAAQS*. (Appendix A) In this memorandum, EPA states that:

“for an area we (EPA) determine is attaining either the 1-hour or the 1997 8-hour ozone NAAQS, based on permanent and enforceable emissions reductions, the area would no longer be obligated to submit a fee program SIP revision to satisfy the anti-backsliding requirements associated with the transition from the 1-hour standard to the 1997 8-hour standard. In such cases an area’s existing SIP should be considered an adequate alternative program.”

EPA further states that once the 1997 8-hour ozone standard is met, the purpose of retaining the Section 185 fee program as an anti-backsliding measure would be fulfilled.

Based upon monitoring data for the years 2006, 2007, 2008 and 2009, the Baton Rouge Nonattainment Area has reached attainment with the 1-hour. EPA published a final rule which determined that the Baton Rouge nonattainment area had attained the 1-hour standard (75FR 6570). This final rule became effective on March 12, 2010. As of December 31, 2008, based on the monitoring data, the Baton Rouge Nonattainment Area also attained the 1997 8-hour ozone standard. A request for a determination of attainment with regard to the 1997 8-hour standard has been submitted to EPA Region 6 for approval. Therefore, the Baton Rouge Nonattainment Area is eligible to request a termination of the CAAA §185 fee collection. The present design value for the area is

0.075 ppm. As such, the Department is submitting this request for a determination of termination of the requirement to implement Section 185 of the CAAA of 1990.

The following attachments have been included for your convenience:

- Section 185 fee guidance issued by EPA on January 5, 2010;
- Statutory authority to collect fees;
- Public Notice and Participation Documentation;
- Determination of Attainment of the 1-hour and 8-hour ozone standard;
- Attainment Demonstration for the Baton Rouge Nonattainment Area;
- Permanent and Enforceable Control Measures.