

SECTION 1: GENERAL

1.1 Background and Introduction

1.1.1 Purpose of Plan

The LDEQ is seeking redesignation to attainment of the BRNA for the 8-hour ozone standard under Section 107(d)(3)(E) of the Clean Air Act (CAA), which states that the Environmental Protection Agency (EPA) can redesignate an area to attainment if all of the following conditions are met.

- The EPA has determined that the NAAQS have been attained;
- The applicable implementation plan has been fully approved by the EPA under section 100(k);
- The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions;
- The state has met all applicable requirements for the area under Section 110 and Part D; and
- The EPA has fully approved a maintenance plan, including a contingency plan, for the area under Section 175A.

The purpose of this SIP revision is to address all of the above requirements, including submittal of an eight-hour ozone maintenance plan that will fulfill the requirements under Section 175(A) of the CAA and ensure that the BRNA continues to maintain attainment of the 1997 8-hour ozone standard through the horizon year 2020. This revision includes a commitment to submit a second 10-year maintenance plan in eight years as required.

All outstanding one-hour and eight-hour SIP elements are being submitted under a separate SIP revision.

1.1.2 1-Hour Ozone in the Baton Rouge Area

Louisiana parishes have historically been in compliance with the National Ambient Air Quality Standards (NAAQS) for all criteria pollutants except for the five-parish Baton Rouge nonattainment area (comprised of East Baton Rouge, West Baton Rouge, Ascension, Livingston, and Iberville Parishes). The five-parish BRNA has historically not attained the NAAQS for ozone.

EPA first designated the BRNA as an ozone nonattainment area in 1978 (43 FR 8964, 8998). In 1991, the BRNA was designated nonattainment by operation of law, with the CAA

Amendments of 1990, and EPA classified the BRNA as a “serious” ozone nonattainment area (56 FR 56694). The attainment date for the BRNA was November 15, 1999.

By operation of law contained in the CAA Amendments of 1990, the failure of the BRNA to attain the standard was to be noticed by EPA and the area was to be “bumped-up” to the next higher classification, “severe”. Recognizing that some areas may have difficulty in achieving attainment due to transport from another area, EPA issued a guidance memorandum¹ that allowed an area to retain its existing classification and receive a later attainment deadline if EPA found that the area met all of its existing classification requirements, approved a demonstration that the area would attain but for transport from another area, and approved the attainment demonstration SIP with its associated elements.

The department submitted the 1996 Post Rate of Progress, Attainment Demonstration and Contingency Plan to EPA and it was approved on July 2, 1999 (64 FR 35930). On May 9, 2001, EPA proposed that the BRNA did not attain the ozone standard by November 15, 1999 and recommended the BRNA be “bumped-up” to the “severe” classification. In a letter dated May 10, 2001, Governor Foster requested an extension of the attainment date for the BRNA under the 1998 Extension Policy and committed to submit a revised SIP that met the criteria for the Extension Policy. On October 2, 2002, EPA approved the revised attainment demonstration SIP and its associated elements, found the area met all of the serious area requirements, found there was transport from Texas affecting the BRNA’s ability to reach attainment, and extended the attainment date for the BRNA to November 15, 2005, without reclassifying the area from “serious” to “severe”.

Following a ruling by the U.S. Court of Appeals for the Fifth Circuit vacating EPA’s Extension Policy which was used to extend the 1-hour ozone attainment deadline for the Beaumont-Port Arthur, Texas Area, EPA withdrew its approval of the BRNA’s revised attainment demonstration and granting of an extended attainment deadline and this reclassified the BRNA by operation of law to “severe” on April 24, 2003 (68 FR 20077). This rule had an effective date of June 23, 2003.

The BRNA has monitored attainment with the 1-hour NAAQS as of December 31, 2008. Accordingly, LDEQ has submitted a request for determination of attainment based on EPA’s Clean Data Policy. On March 26, 2009, EPA proposed a determination of attainment of the 1-hour ozone standard for the BRNA.

¹ “Guidance on Extension of Air Quality Attainment Dates for Downwind Transport Area” (Richard D. Wilson, Acting Assistant Administrator for Air and Radiation issued July 16, 1998, [64 FR 14441, March 29, 1999])

1.1.3 8-Hour Ozone in the BRNA

In 1997, EPA promulgated a new, more protective standard for ozone based on an 8-hour average concentration. On April 15, 2004, EPA designated (69 FR 23858, April 30, 2004) the BRNA as nonattainment and the area as “marginal”. This rule was effective June 15, 2004 and gave the BRNA an attainment date of June 15, 2007.

On March 21, 2008 EPA finalized its finding that the BRNA, by operation of law, was reclassified from a “marginal” to a “moderate” 8-hour ozone nonattainment area effective on April 21, 2008. This “bump-up” requires the state to submit a SIP revision addressing the CAA’s pollution control requirements for “moderate” 8-hour ozone nonattainment areas. The area’s new attainment deadline is June 15, 2010.

1.2 Geographic Location/ Area Description

The BRNA is located in the southeastern part of Louisiana and encompasses 2205.3 square miles². (See Figure 1) The area is very diverse in its economic and agricultural aspects. Ascension Parish is one of the original 12 “counties of Louisiana” and one of the original 16 parishes of the state. Ascension Parish is home to industries such as petrochemical, lumber and related wood products and is comprised of 291.6 square miles³. The estimated population of Ascension parish in 2004, based on the US Census Bureau of April 2005, was 87,164⁴. Agricultural products include sugarcane, soybeans, corn, strawberries, and livestock. Ascension Parish is also known for its tourist attractions such as the numerous antebellum homes located throughout the parish.

Located in East Baton Rouge Parish is the city of Baton Rouge which is the dominant center of business, culture and finance within the area and is comprised of 455.7 square miles⁵. East Baton Rouge Parish is the site of the Port of Baton Rouge, diversified industrial plants, over 150 industries, including petrochemical, machine shops, foundries, steel fabrications, brick, concrete, cabinet works, ironworks, etc. The Port of Baton Rouge ranks seventh in the country in total tonnage among major ports and second in Louisiana. The estimated population of East Baton Rouge Parish in 2004, based on US Census Bureau of April 2005, was 412,633⁶.

Livingston Parish is one of the earliest settled parishes in the state and is home to plywood, door works, pulpwood, ironworks, and aluminum industries and is comprised of

² Louisiana Almanac 2006-2007 Edition, pages 291, 299, 304, 309, and 327

³ IBID – page 291

⁴ IBID – page 229

⁵ IBID – page 299

⁶ IBID – page 229

648.1 square miles⁷. Agricultural activities include poultry, beef cattle, vegetable farming, dairying, and forestry. Boating and fishing are popular pastimes in Livingston Parish along the Amite River and Lake Maurepas. The estimated population of Livingston Parish in 2004, based on the US Census Bureau of April 2005, was 105,653⁸

Iberville Parish is one of the original State of Louisiana 19 parishes and is comprised of 618.7 square miles⁹. Industry in Iberville parish includes chemicals manufacturing, industrial fill materials, and plastics manufacturing. Agricultural activities include sugarcane, soybeans, grain, sorghum, pecans, beef cattle and horse breeding. The estimated population of Iberville Parish in 2004, based on the US Census Bureau of April 2005, was 32,497¹⁰.

West Baton Rouge Parish is primarily agricultural, consisting of sugarcane farming and is the smallest area in the state covering 191.2 square miles¹¹. It is located on the west bank of the Mississippi River, across from metropolitan Baton Rouge. The estimated population of West Baton Rouge Parish in 2004, based on the US Census Bureau of April 2005, was 21,880¹²

The combined population of the four parishes in the Baton Rouge Maintenance Area for the 2000 Census was 636,214. The population of the area, specifically in East Baton Rouge, Ascension, and Livingston Parishes, has grown significantly since Hurricane Katrina in August 2005. The estimated post-Katrina population as of January 2006 for East Baton Rouge Parish was 500,000¹³.

⁷ IBID – page 309

⁸ IBID – page 229

⁹ IBID – page 304

¹⁰ IBID – page 229

¹¹ IBID – page 326

¹² IBID – page 229

¹³ IBID – page 229 (footnote **)

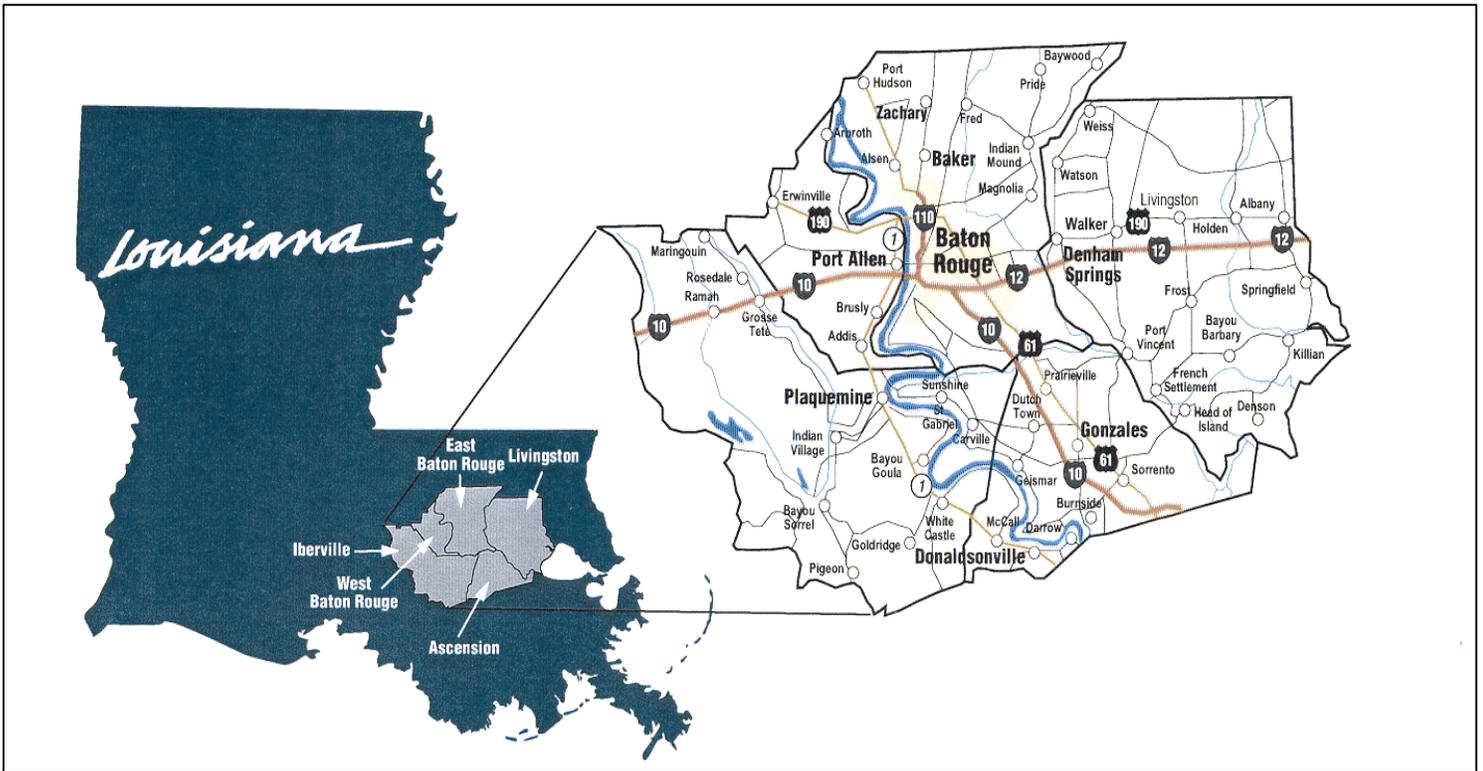


Figure 1: State Map Illustrating the Baton Rouge Ozone Maintenance Area

1.3 Public Notice

In accordance with La. R.S. 49.950 et seq., and to comply with 40 CFR 51.285 Public Notification, the Louisiana DEQ published a notice seeking comment on this SIP revision on August 20, 2009 in the *Louisiana Register*. A public hearing concerning this proposed SIP revision will be held at 1:30 pm on September 24, 2009 in the Galvez Building, Oliver Pollock Room C-111, at 602 N. Fifth Street in Baton Rouge, Louisiana. Interested parties are invited to submit written or oral comments on the proposal at this time. The comment period will end on September 24, 2009. A copy of the notice is included in Appendix A.