



## DEPARTMENT OF ENVIRONMENTAL QUALITY

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### **DEQ Files Request for Reconsideration for EPA's Interstate Emissions Rule**

BATON ROUGE – Today, the Louisiana Department of Environmental Quality filed a Request for Reconsideration with the U.S. Environmental Protection Agency concerning EPA's interstate emissions rule known as the Cross-State Air Pollution Rule. This rule addresses emissions from power plants in one state which are supposed to create air pollution problems in another state.

A Request for Reconsideration is a formal request of EPA to go back and look at the rulemaking process to ensure 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.

Governor Jindal stated, "Unfortunately, this is another example of the EPA circulating rules that unduly burden our citizens and create uncertainty for our businesses. For instance, Louisiana's electric generating units only have seven months within which to become compliant with the regulation's requirements. If they are unable to install new emission controls or buy emission allowances, then their ability to generate electricity will be greatly restricted – which means there is a chance of rolling blackouts across Louisiana during summertime, which of course are the hottest and highest usage months of the year. The consequences and costs associated with the implementation of this misguided rule will negatively impact our citizens, and it's critical that the EPA reconsider the formulation of this rule."

When the rule was proposed, the Louisiana cap for ozone season NOx emissions from power plants was 21,220 tons. However, that number was lowered by EPA to 13,482 tons 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.

"We informed EPA that we were willing to actively participate in revisions to the transport rule, and we asked to review the modeling before the final rule was promulgated," said DEQ Secretary Peggy Hatch. "Our efforts were denied. Now, we are in a situation where we have two ways to comply with the EPA rule, and both pose serious challenges for the citizens of Louisiana. The first option is for Louisiana utilities 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. The second is for the utilities 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. This is unacceptable for the citizens of Louisiana. This is why we are challenging this rule."

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.