



## Nonattainment? Wait, Attainment? HELP!

On **March 27, 2008**, the United States Environmental Protection Agency (EPA) established a National Ambient Air Quality Standard (NAAQS) for ozone based on an eight-hour average equal to 75 parts per billion (ppb). At that time, the Greater Baton Rouge area (West Baton Rouge, East Baton Rouge, Iberville, Ascension, and Livingston Parishes), was found to have ozone concentrations in the ambient air that were in **non-compliance -- greater than the 2008 eight-hour ozone standard**. This resulted in the Baton Rouge area being classified as an **ozone nonattainment area**. Ozone nonattainment areas are required to implement stringent emissions controls for any facilities that want to increase emissions of nitrogen oxides (NOx) and/or volatile organic compounds (VOC) above set thresholds using a standard known as Lowest Achievable Emission Rate (LAER). In addition, these facilities must obtain Emissions Reduction Credits (ERCs) for these pollutants to offset these increases, which will reduce the total area-wide emissions of ozone.

On **October 26, 2015**, the EPA established a more stringent eight-hour ozone standard of 70 ppb. Current available air monitoring data *suggests* that the Greater Baton Rouge area will be classified as nonattainment with the 2015 eight-hour ozone standard. However, on **March 21, 2017**, the EPA designated the Greater Baton Rouge area to be in attainment with the 2008 eight-hour ozone standard.

On **June 6, 2017**, the EPA delayed enforcement of the 2015 eight-hour ozone standard until at least **October 2018**. This means that the EPA will not officially designate any regions in the country to be nonattainment under the 2015 eight-hour standard until that time. Based on 2014-2016 air quality data, the LDEQ's official recommendation to the EPA was nonattainment under the 2015 eight-hour standard for the Greater Baton Rouge area. However, with this delay, there is the potential for states' recommendations to change based on 2017 air quality data.

**In summary, there are currently no ozone standards that the Greater Baton Rouge area is officially exceeding.**

### WHAT DOES THIS MEAN FOR FACILITIES IN THE GREATER BATON ROUGE AREA?

1. **LAER does not apply** since the area is not officially in violation of any NAAQS standards.
2. **Fewer ERCs are needed for new projects.** Before March 21, 2017, when the Greater Baton Rouge area was officially classified as nonattainment, facilities would need to obtain 1.1 tons' worth of ERCs for each 1 ton of emissions increase. Now that **the area is classified as attainment, facilities that want to increase NOx and/or VOC emissions must still obtain ERCs, but using an offset ratio of 1.0 to 1**. This is required per *LAC 33:III.504.M* to prevent the area from backsliding so that it would not re-exceed the 2008 eight-hour ozone standard.

## Inter-Pollutant Trading

One way to address the continued need for ERCs is through inter-pollutant trading. The Greater Baton Rouge area has essentially zero VOC ERCs available for purchase, which limits the ability for facilities build or expand within the area. Through new state regulations passed in 2016 (*LAC 33:III.504.F.2*), it is now possible to use NOx ERCs in lieu of VOC ERCs. The exact exchange ratio must be established using computer simulations that model how NOx and VOC photochemically react to produce ozone. The results of the model will establish the required exchange ratio, but current regulations state that the ratio must be at least 1.10 to 1. This minimum ratio must be used for all cases of inter-pollutant trading, even if the Greater Baton Rouge area is in attainment with all ozone standards. Stated another way, while the Greater Baton Rouge area is in attainment with all ozone standards, ERCs can be exchanged at a 1.0 to 1 ratio when exchanging within the same pollutant (*e.g.*, NOx ERCs for NOx emissions increases, VOC ERCs for VOC emissions increases), but must be exchanged at a rate determined by computer simulations, which can be no less than 1.10 to 1, when trading between pollutants (*e.g.*, NOx ERCs for VOC emission increases and vice versa.)

## MORE INFORMATION

## We Can Help!



Interpreting and implementing new rules and regulations can be challenging, but Providence can help -- whatever your needs may be. Providence can provide assistance with any required permitting, antibacksliding provisions, and inter-pollutant trading modeling. Contact us at (225) 766-7400.

1201 Main Street | Baton Rouge, Louisiana 70802 | Phone: (225) 766-7400 | Fax: (225) 766-7440