

Congress of the United States
Washington, DC 20510
March 11, 2011

The Honorable Lisa Jackson
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to respectfully request that the Environmental Protection Agency (EPA) act expeditiously to redesignate the five-parish Baton Rouge Ozone Nonattainment Area to attainment, an action the facts indicate is long overdue. The monitored air quality in the area has demonstrated attainment with the 8-hour ozone standard since 2008. Yet, EPA still has not completed the process for formal redesignation.

We find this inaction troublesome as it hampers economic growth of this area. The region continues to carry the stigma of Nonattainment, even though the area has attained the standard since 2008. This is a disincentive to both businesses and individuals potentially looking to locate in the area and is not supported or appropriate based on monitored, verified ambient air data.

Furthermore, the uncertainty over legally applicable attainment requirements is distracting the regulated community, the Louisiana Department of Environmental Quality (LDEQ), and members of the public from focusing on meeting the challenging requirements of the newly revised National Ambient Air Quality Standards (NAAQS). The economic impact to regulated entities (including governmental entities such as Louisiana State University, the East Baton Rouge City-Parish wastewater system, etc.) is causing a loss in sales tax revenue, a loss of potential income taxes and other taxes due to each lost investment opportunity in businesses and jobs in the region.

It should be noted that other EPA Regions have been able to address similar redesignation requests in much shorter time periods. The disparate treatment for the businesses and citizens of Louisiana is hard to miss and deserves quick action by EPA to remedy.

The time being taken to process the request for redesignation of the Baton Rouge area has been extraordinary. By contrast:

- **Atlanta:** EPA Region 4 proposed redesignation for the Atlanta area within two months of the date of Georgia's request and took final action in less than five months. **Total: seven months.**
- **Knoxville:** A redesignation request for Knoxville was submitted to EPA Region 4 in July 2010 and amended in September 2010 was approved on March 8, 2011. **Total: nine months.**
- **Birmingham:** Region 4 was almost as prompt for Birmingham, with a proposed redesignation within 3 months and final decision within 7 months of Alabama's request. **Total: ten months.**
- **Detroit:** Region 5 proposed redesignation for the Detroit Area within 2 months of the date of Michigan's request and took final action in 4 months. **Total: six months.**

- **Cincinnati:** Region 5 proposed redesignation for Cincinnati within 3 months and made a final decision within 6 months of Ohio's request. **Total: nine months.**
- **Chicago:** Region 5 proposed redesignation for the Chicago Area within 9 months and took final action in 11 months. **Total: 20 months.**
- **St. Louis:** Region 7 took proposed action on Missouri's request for redesignation of St. Louis within 1 month and made a final decision within 6 months. **Total: seven months.**

In spite of knowing that the area had met the standard since 2008, your agency has admitted to the LDEQ that they have not initiated a review of the LDEQ's redesignation package; instead, your agency claims they must first review historical SIP submittals made by LDEQ dating back to 1996. As such, the Region 6 review of Baton Rouge's redesignation package has not even begun, with more time already elapsed than most other EPA Regions have taken to complete a full redesignation. As it stands now, even if the Region 6 review is given the appropriate priority within the agency and is accelerated, the length of time for completion will be more than **double** all but one of the areas listed above.

In addition to frustrating planning efforts, uncertainty concerning applicable Clean Air Act requirements is causing economic harm to existing businesses in the area. Many businesses have created escrow funds for potential Section 185 penalty fees – thus tying up job-creating capital investment that could be used for operations and new projects. The threat of Section 185 penalty fees is substantial. If imposed, these fees could result in annual penalties of over \$10 million per year for several of the larger sources in the area and even up to \$100,000 per year for sources such as LSU, which can ill afford any extra expenditure in this time of severe state budget cuts. The threat of these fees also repeals new projects that are reluctant to locate here as they may also be subject to annual Section 185 penalty fees.

In conclusion, we respectfully ask you to look into this matter, specifically as to why Baton Rouge, and Louisiana, is being treated differently than all the aforementioned areas that have been redesignated in a much more expeditious fashion. In a state already suffering the lasting effects of last year's unfortunate oil spill and the continuing slow recovery of the oil and gas and fishing industries, the last thing Louisiana needs is to face unnecessary hurdles to economic development solely created by Federal bureaucracy and a failure to act.

We thank you in advance for looking into this matter and look forward to your response.

Sincerely,



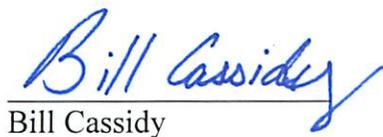
 Mary L. Landrieu

United States Senator



 David Vitter

United States Senator



 Bill Cassidy

United States Congressman