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Report Highlights

Monitoring and Enforcement of Air Quality

Department of Environmental Quality

Audit Control # 40200007

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Why We Conducted This Audit

We evaluated the Louisiana Department of Environmental Quality's (DEQ) monitoring and enforcement of air quality regulations. It is important to achieve and maintain clean air to protect public health and the natural environment. We conducted this audit because Louisiana has a high concentration of industrial facilities requiring air permits. In addition, the Environmental Integrity Project compared budgets and staffing for environmental agencies across states and found that between fiscal years 2008 and 2018, DEQ ranked 4th among states in staffing cuts and 3rd in budget cuts, which may affect its ability to effectively perform its regulatory activities.

What We Found

- **Louisiana has seen improvement in air quality since calendar year 2008. However, certain areas of the state are highly industrialized and have high concentrations of air pollution.** As a result, it is important for DEQ to have robust monitoring and enforcement processes to protect human and environmental health. According to our analysis of EPA data, the number of good air quality days in Louisiana has increased by 20.9%, from 191.9 days in calendar year 2008 to 232 days per year in calendar year 2018, while the number of unhealthy days for sensitive groups has decreased 75.1%, from 14.3 days to 3.6 days. However, according to the EPA's Toxics Release Inventory, Louisiana has the highest toxic air emissions per square mile than any other state. In addition, according to the EPA's most recent (2014) National Air Toxics Assessment (NATA), parts of Louisiana have high potential cancer risks and/or a high respiratory hazard index.
- **While DEQ conducted inspections on permitted facilities as required by the EPA, it should strengthen its monitoring process by identifying and holding accountable those facilities that fail to submit required self-monitoring reports. In addition, DEQ should review these reports in a timely manner so it can identify and address those facilities with self-reported violations.** Automating and standardizing the submission of these self-monitoring reports could help DEQ improve its regulation of air quality in Louisiana and decrease the resources needed to review these reports manually.

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What We Found (Cont.)

- **DEQ does not issue enforcement actions in a timely manner to permitted facilities that violate air permit requirements. From fiscal years 2015 through 2019, the time it took DEQ to issue enforcement actions increased by 102.1%, from an average of 289 days to an average of 585 days.** As a result, there is a risk that facilities may have violations that remain uncorrected for years. Best practices state that effective enforcement includes swift and predictable responses to violations. In addition, developing additional reports could assist DEQ in better monitoring the enforcement program overall and help it hold permitted facilities accountable.

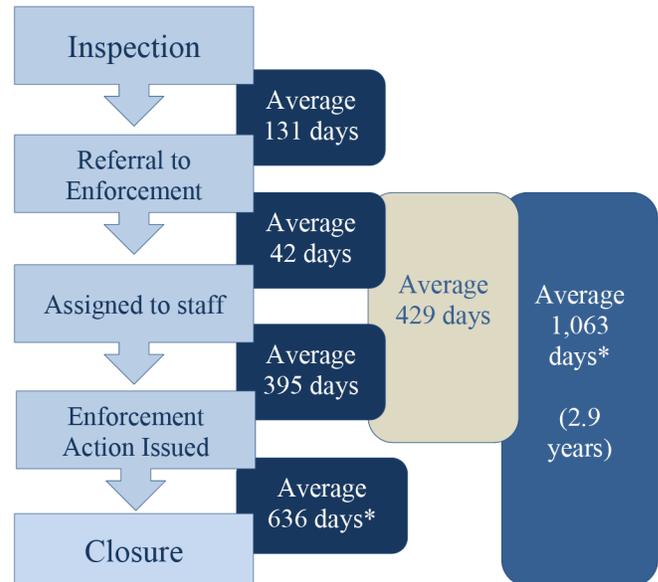
- **DEQ does not effectively track the penalties it has assessed and whether facilities have paid their penalties. In addition, DEQ could improve its settlement process by developing deadlines for when facilities must submit settlement offers and by processing these offers more quickly.**

DEQ gives facilities the option to submit an initial settlement offer after it issues a notice of potential

penalty, which often involves negotiating with facilities regarding the amount facilities must pay to resolve violations. Of the 46 enforcement actions that were finalized through settlements during fiscal years 2015 through 2019, it took an average of 4.4 months for DEQ to receive a settlement offer after issuing the enforcement action, and then an additional 2.1 years on average to finalize the settlement agreement.

- **DEQ faces challenges in performing its required regulatory duties, including low staffing levels, high workloads, frequent turnover of staff, and ineffective data systems.** Despite Louisiana's large number of Title V facilities, DEQ's positions dedicated to air regulation decreased 14.6%, from 247 in fiscal year 2010 to 211 in 2019. These challenges may impact DEQ's ability to effectively hold facilities accountable for air violations.

Enforcement Process Timeliness Fiscal Years 2015 through 2019



*Includes 262 (39.3%) of 666 cases that were still open as of 7/31/2020.

Source: Prepared by legislative auditor's staff using DEQ's Advantage RM data.