

Key Engagements Opportunities and Deliverables

Needed for Successful Implementation of the 2012 PM NAAQS (A.K.A. Big List)

LCAP Sub-team – July 18, 2012

1) NAAQS Setting Stage

a) Issue: Lack of closure regarding the many components of a NAAQS standard until the NPRM or even the final rule prevents well informed early state awareness of what monitors will be violating, planning for needed resources, and outreach to key stakeholders. This puts significant time pressure on the designation recommendation process once the NAAQS is final and precludes early state input to EPA on potential implementation issues and state efforts to assemble necessary NAAQS implementation resources such as for changes to the monitoring network and for new modeling. Additionally, the breadth of optional levels in recently proposed NAAQS (such as ozone) diminishes commitments to early planning and effective outreach for co-regulators. A similar problem would arise with major proposed changes to standard forms including averaging times and any PM sizing variations.

- Success: States are well informed and have a common, broad mutual understanding of the issue which allows a collective assessment of program and then technical needs and related staffing support. States have a clear sense of the potential sources and controls they may face, the form and possible range for the level of the revised NAAQS, an

understanding of the critical precursors that may need to be addressed and the most likely nonattainment areas.

- Potential Solutions: EPA to provide briefing to states on the possible range and forms of the revised NAAQS in order to facilitate a dialogue to obtain their input as co-regulator on the possible implementation planning concerns arising from the potential form changes (averaging period, level, indicator) to NAAQS following the 2nd draft of the Policy Assessment. The purpose of the outreach effort to the co-regulators is to provide an earlier opportunity for discussions regarding the potential technical and assessment approaches, , the most significant precursor issues, and other implementation issues. Additionally, the period between NAAQS proposal and finalization provides a critical window for dialogue on alternate analytical approaches to setting boundaries that can inform boundary recommendation guidance. The proposal of alternatives or ranges for the NAAQS provides opportunity for dialogue regarding the best implementation approaches to balance local and regional precursor contributions.
- Timing: Shortly after the second draft of the Policy Assessment (PA) and the period between NAAQS proposal and final rule.

b) Issue: As the NAAQS cycles repeat, operating permit updates fostered by the “next” revision take longer and longer to address in the major source operating permit updates. States face the prospect of having to look at whether existing controls (i.e., RACT rules and CTGs) are sufficient to address control strategies that will be needed to meet an updated standard. This is quite critical for NO_x as that pollutant is sometimes addressed in conflicting mechanisms between ozone and PM (e.g., potential need for “RACT-like” control requirement for PM for facilities otherwise exempted from NO_x control for ozone control efforts).

- Success: EPA provides more clarity regarding what emissions reductions will come from regional and national programs versus what will need to come from local controls with potential change to that resulting from a proposed standard. How precursors are to be addressed by either RACT or RACM is identified early. The earlier co-regulator permit writers understand the critical precursor contributions, the earlier new limits will be able to be adopted into operating permit renewals.
- Potential Solution: Develop a means for EPA to vet issues regarding RACT, RACM and PSD implications regarding source size in anticipation of developing NAAQS NSR guidance. Draft guidance at this stage will help state permitting programs ramp up to an earlier 5 year cycle of permitting renewals.
- Timing: Prior to NAAQS final rule.

2) Designations Stage

- a) Issue: After EPA promulgates a new or revised NAAQS, States have limited time/resources to work with local areas and sources to develop boundary recommendations for area designations. Early guidance from EPA would help states refine their scope of work.
- Success: With early guidance from EPA, States can engage their stakeholders early in the process of developing and analyzing area designation and boundary recommendations.
 - Potential Solutions: States and EPA could begin discussing designations guidance shortly after the end of the comment period for a proposed new/revised NAAQS. These discussions could continue after promulgation of the final NAAQS with the goal of assisting the affected state with area recommendations and boundary determinations, preparing analyses to

- support area recommendations, and informing boundary considerations for multi-state areas. . Early discussions will also provide States and EPA with a common understanding by which States can develop analyses to support designation recommendations.
- Timing: EPA to initiate discussions shortly after NAAQS promulgation (early assessments begin following the close of the comment period for the NAAQS proposal).
- b) Issue: EPA and States expend too much time and resources with administrative burdens related to reviewing analyses, writing TSDs, and justifying recommended nonattainment areas and boundaries.
- Success: States submit to EPA area and boundary designation recommendations with technical analyses / TSDs that support nationally consistent designation decisions.
 - Potential Solutions: EPA could develop standard templates for States to use when submitting their recommendations and supporting documentation. Standardization would provide states with some transparency into EPA's review process, facilitate EPA's review of states' recommendations, aid states' development of TSDs, and support nationally consistent designation determinations.
 - Timing: At or soon after promulgation of the new or revised NAAQS

3) Implementation and Guidance Stage

- a) Issue: Guidance is often prepared too late in the process, if at all, to be useful to States for SIP development. At times, guidance developed late by EPA is counter to the interpretations and approaches already used by states in their draft SIP submissions which causes States to either

submit SIPs that EPA might not be able to approve or sends States back to the drafting stage which is time and resource consuming.

- Success: SIPs submitted by States are approvable by EPA because they meet EPA's timely and consistent guidance.
- Potential Solutions: Early discussions are needed on considerations related to develop meaningful and timely guidance. General guidance topics are as follows:
 - a. Infrastructure SIPs, including transport guidance.
 - b. Base year emissions inventory (including MVEBs for transportation conformity), future year rate of progress inventories, modeling inventories (Including multi-state areas).
 - c. Identify issues and concerns related to a list of pending/potential national rules, measures and tools, and model rule language.
- Timing: Finalized within one year of the final NAAQS

b) Issue: EPA does not understand States' concerns with modeling and States don't know EPA's modeling expectations. This understanding is needed to inform EPA's modeling guidance.

- Success: Modeling year selection, met data and other technical issues are sorted out prior to the final implementation rule to facilitate getting agreement on approach and a transition to developing a work product.
- Potential Solution: For modeling guidance, early discussions during the development of the proposed implementation rule need to occur. Current processes for early input

from key stakeholders and cross-regional involvement can be improved and are essential to a successful process.

- Timing: Prior or at the time to the final implementation rule.

c) Issue: A wealth of information on control options is available, but spread out among EPA, States, MJOs and others. This information is often not shared which causes States to “re-create the wheel” for each individual planning effort.

- Success: EPA, States, MJOs and other involved in developing controls have access to the most current and relevant control option information.
- Potential Solutions: A coordinated effort to share information between EPA, States and MJOs on control options be undertaken to make all control option information available and avoid duplication of efforts.
- Timing: This needs to happen early in the planning process – immediately after the promulgation of the implementation rule.

4) SIP Development Stage

a) Issue: Avoidance of delays in SIP development due to resolution of national implementation issues.

- Success: Timely resolution of national policy and technical issues needed for national consistency in SIP development.
- Potential Solutions:

i) Develop a system for States to raise SIP and attainment demonstration issues through EPA Regional Offices for EPA's Implementation Work Group to develop an issue paper to facilitate decisions needed from EPA senior management.

ii) Ensure stable commitment of funding support to regional planning organizations for RPOs to provide technical support to states.

iii) Determine the size and extent of nonattainment areas for co-located PM and NOx roadside monitors to aid in determining control strategies for SIPs.

- Timing: Address known issues in the implementation rules and document other issues that arise after implementation rules for inclusion in national guidance.

b) Issue: SIPs are resource intensive to develop and approve.

- Success: Streamline the SIP process to facilitate approvable SIPs and establish a means for paperless electronic submittals of SIPs
- Potential Solution: Develop a SIP checklist for states that identifies the core requirements needed for an approvable SIP.
- Timing: Develop a SIP checklist for the PM NAAQS by the time the PM areas are designate.

5) SIP Submittal and Approval (includes attainment and redesignation)

a) Issue: States are not aware of general requirements that need to be addressed in SIPs or potential approvability issues prior to submitting SIPs to EPA regions.

- Success: The state will submit an approvable SIP revision to EPA by SIP submittal deadline. Issues are elevated early and delays are avoided (i.e., not elevated to dashboard). States will save FTE resources by eliminated delays in the SIP development process.
- Potential Solution: EPA provides guidance and checklists to states (with input from key stakeholders) on minimal requirements for SIP submissions. Regions/states develop timeline and engage in early discussions on key issue areas of SIP. States submit early drafts to regions. Regions engage in meaningful review of early drafts, and HQ/OGC engaged in discussion on approvability issues.
- Timing: Guidance and checklists provided to states one year prior to SIP submission due date. States engage regions as they begin to draft their SIPs.

b) Issue: Regions' approach to address approvability issues is not consistent across regions and nonattainment areas.

- Success: Regions are consistent in the approach they provide to States in terms of addressing issues/concerns across nonattainment areas. EPA regions can approve plans within the statutorily required timeframes and not enter backlog.
- Potential Solution: Develop protocol for EPA workgroups (similar to the elevations process for management) that outlines a process for discussion of issues at the workgroup level to keep SIPs from entering the backlog. Protocol would address how to raise issues early, how to track those issues, and to ensure consistent remedies across regions.

- Timing: Workgroups begin discussing issues as states/regions are drafting SIPs, and would continue through submittal of plan to regions, and as regions conduct approvability.

c) Issue: There is too often unnecessary rework of FR notices and excessive time for OGC review

- Success: Development of quality FR notices with limited OGC review and comment needed
- Potential Solution: Develop templates for SIP Federal Register notices and highlight model examples of good attainment demonstrations and SIP submittals. This could be achieved through sub-teams of the EPA Implementation Work Group.
- Timing: To have a FR notice be approved within two weeks.