

NAAQS AND OTHER IMPLEMENTATION UPDATES

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OVERVIEW

- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
 - Lead
- Transport
- Regional Haze
- Startup, Shutdown, and Malfunction (SSM) Policy for SIPs and SIP Call
- NSR and Title V Permitting Updates
- Reducing the SIP Backlog
- State Plan Electronic Collections System for SIPs



NAAQS Reviews: Status Update

(April 2017)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	Jan 2010	Jun 2010	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)³	TBD ⁴	TBD ⁴	<u>Jan 2016</u> Final ISA <u>Sep 2016</u> 1 st Draft PA <u>Spring 2017</u> Final PA	<u>Dec 2016</u> 2 nd Draft ISA <u>Feb 2017</u> REA Planning Document <u>March 2017</u> CASAC review of Draft ISA and REA Planning Document	<u>Jan 2017</u> Final IRP <u>Spring 2017</u> CASAC review of 1 st Draft ISA	<u>Dec 2016</u> Final IRP <u>Winter 2017/2018</u> 1 st draft ISA REA Planning Document	TBD ⁴

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = to be determined



Anticipated NAAQS Implementation Milestones

(April 2017)

Pollutant	Final NAAQS Date	Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO ₂ (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016 (+2 rounds)	June 2013	April 2015, March 2018 (2019, 2022)	Oct 2018, Sept 2021 (2023, 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Dec 2017	Oct 2018	Dec 2020-2021	2020-2037



2008 Ozone NAAQS Implementation

- **Final Implementation of the 2008 NAAQS for Ozone: State Implementation Plan Requirements Rule** published March 6, 2015 (80 FR 12264)
 - Provides interpretive rules and guidance on nearly all aspects of the attainment planning requirements for designated nonattainment areas
 - Revoked the 1997 NAAQS (effective April 6, 2015) and established anti-backsliding requirements
- Key implementation dates for nonattainment areas:
 - Emissions inventories, emissions statement rules and RACT SIPs due July 2014
 - Attainment plans and demonstrations due July 2015 (Moderate) or July 2016 (Serious and above)
 - Marginal area attainment date July 20, 2015 (attainment determined by 2012-2014 air quality data)
 - Moderate area attainment date July 20, 2018 (2015-2017 air quality data)



2008 Ozone NAAQS Implementation: Litigation

- South Coast Air Quality Management District and environmental petitioners (Sierra Club *et al.*) challenged various aspects of the 2008 Ozone NAAQS SIP Requirements Rule, including creditability of reasonable further progress (RFP) control measures, revocation of 1997 NAAQS and application of regulatory anti-backsliding requirements (final briefs submitted; oral arguments schedule TBD)
- In response to a complaint filed by environmental petitioners, the EPA found that 15 states and the District of Columbia failed to submit certain SIP revisions required under the 2008 ozone NAAQS (82 FR 9158; February 3, 2017).
 - The finding of failure to submit action gives formal notice to affected parties, and establishes deadlines by which they either must submit complete SIP revisions or become subject to mandatory sanctions.
 - Petitioners further alleged that EPA failed to take final action on SIP submittals by various states under the 1997 and 2008 ozone NAAQS.
 - EPA entered into a Consent Decree with the petitioners on January 19, 2017, which sets deadlines for EPA to complete final actions on SIP submittals by various dates ranging from June 2017 to July 2018.



Progress on Ozone NAAQS Attainment

(as of April 2017)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)
Initial Nonattainment Areas	115	46
Areas Redesignated to Attainment	80 (prior to revocation)	6
Current Nonattainment Areas	35	40
Clean Data Determinations	26	18*
Redesignation Substitutes	2	0
Reclassifications to Higher Classification	N/A after revocation	13

*Includes 15 Marginal area determinations of attainment by the attainment date and 3 Moderate area clean data determinations.



2015 Ozone NAAQS: Implementation-Related Rules/Guidance/Activities

- **Final National Ambient Air Quality Standards for Ozone Rule** signed October 1, 2015 (40 FR 65292), revising the primary and secondary 8-hour ozone standards to 0.070 ppm
 - Litigation pending on the level of the standard (oral arguments scheduled for April 19, 2017)
- **Proposed Rule: Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements** published November 17, 2016 (81 FR 81276)
 - Can be found at <https://www.epa.gov/ozone-pollution/implementation-2015-national-ambient-air-quality-standards-naaqs-ozone-state>
 - Proposed rule comment period closed February 13, 2017; timing of final rule TBD
- PSD permitting tools/guidance:
 - Final update to Guideline on Air Quality Models (Appendix W to 40 CFR Part 51)
 - Guidance on compliance demonstration tools:
 - Ozone and PM_{2.5} significant impact levels (SILs) (posted for comment in August 2016)
 - Model emissions rates for precursors (MERPs)
- Update to transportation conformity guidance specific to nonattainment areas for 2015 NAAQS (Fall 2017)



Intended Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	(Actual) and Planned Dates
EPA proposes nonattainment area SIP rules/guidance (including area classifications thresholds, SIP due dates, and nonattainment NSR provisions)	12 months	(November 2016)
EPA finalizes designations, classifications, and nonattainment area SIP rules/guidance	24 months	October 2017
States submit infrastructure and transport SIPs	36 months	October 2018
States submit attainment plans	5-6 years	2020-2021
Nonattainment area attainment dates (Marginal – Extreme)	5-22 years	2020-2037

2015 Ozone NAAQS Implementation Rule Proposal: Key Topics

- Nonattainment area classification thresholds
 - Proposed the current “percent-above-the-standard” classification thresholds method.
Moderate=81ppb
- Revocation of the 2008 Ozone NAAQS - 2 options
 - Opt 1: revoke the 2008 NAAQS for all areas and purposes 1 year after designations are effective (historical ozone approach)
 - Opt 2: revoke the 2008 NAAQS only in areas attaining the 2008 NAAQS at time of its revocation, and later for areas upon redesignation to attainment for the 2008 or 2015 NAAQS (similar to PM_{2.5} approach)
- Submitting nonattainment area and OTR SIP elements
 - Clear listing of required SIP elements
 - How to submit “certification” SIPs



2015 Ozone NAAQS: Anticipated Timeline for Designations Process

Milestone	Date
The EPA promulgates 2015 Ozone NAAQS rule	October 1, 2015
The EPA issues designations guidance	February 25, 2016
Air agencies submit exceptional events demonstrations for data years 2014-2015	No later than the date recommendations are due to EPA (October 1, 2016)
States and tribes submit recommendations for ozone designations (and exceptional events demonstrations for data years 2014-2015) to EPA	2016 Exceptional Events Rule revisions changed the due date from October 1, 2016 to November 29, 2016
The EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	No later than June 2, 2017 (120 days prior to final ozone area designations)
The EPA publishes public notice of state and tribal recommendations and the EPA's intended modifications, if any, and initiates 30-day public comment period	On or about June 9, 2017
End of 30-day public comment period	On or about July 10, 2017
States and tribes submit additional information, if any, to respond to the EPA's modification of a recommended designation	No later than August 7, 2017
The EPA promulgates final ozone area designations	No later than October 1, 2017



2010 SO₂ NAAQS Implementation

- EPA revised **Primary NAAQS for Sulfur Dioxide (SO₂) standard** on June 3, 2010 to 75 ppb/1-hour (75 FR 35520)
- EPA designated 29 areas as nonattainment on July 25, 2013 (Round 1)
 - **Guidance for 1-hr SO₂ NAAQS NAA SIP Submissions** was issued on April 23, 2014
 - Attainment plans for the 29 areas were due April 4, 2015
 - EPA issued findings of failure (FFS) to submit attainment plans for 16 areas in 11 states, effective April 18, 2016 (81 FR 14736; published March 18, 2016)
- EPA is required to promulgate a Federal Implementation Plan (FIP) if a state does not submit, and EPA does not approve the required SIPs within 24 months of the effective date of the FFS (i.e., April 18, 2018)
- EPA is working with affected states to develop SIPs

2010 SO₂ NAAQS Designations

- Consent decree entered on March 2, 2015, by U.S. District Court for Northern California in *SIERRA CLUB and NATURAL RESOURCES DEFENSE COUNCIL v. EPA* “triggered” the following deadlines:
 - July 2, 2016 - The EPA must complete a round of designations for 61 areas associated with approximately 64 EGUs in 24 states and any undesignated areas with violating monitors (“Round 2” designations)
 - December 31, 2017 - The EPA must complete an additional round of designations for any area a state has not established a new monitoring network by January 1, 2017 per the provisions of the SO₂ Data Requirements Rule
 - December 31, 2020 - The EPA must complete designations of all remaining, undesignated areas (expected to be areas where states elected to monitor per the provisions of the DRR)

2010 SO₂ Designations Due on July 2, 2016 Under Consent Decree

- On June 30, 2016, EPA finalized designations for 61 areas for “Round 2”:
 - Areas where there are sources (electric power plants) that as of March 2, 2015, have not been “announced for retirement,” and
 - Areas that meet one of the following emissions thresholds:
 - 16,000 tons of emitted in 2012 or
 - 2,600 tons of SO₂ emitted in 2012 with an average emission rate of at least 0.45 pounds of SO₂ per mmBtu
 - Areas where 2013-15 data indicate monitored violations – only Hawaii County, HI – which was determined to be an Exceptional Event
- These designations included 4 nonattainment areas, 41 unclassifiable/attainment areas, and 16 unclassifiable areas

SO₂ NAAQS Data Requirements Rule: Milestones

- **January 15, 2016:** Deadline for air agency to identify applicable sources (i.e., those exceeding threshold and other sources for which air quality will be characterized)
 - EPA notified states in March 2016 that review of source lists was complete. In a few cases, EPA added sources to characterization list
- **July 1, 2016:** Deadline for air agency to specify (for each applicable source) whether it will monitor air quality, model air quality, or establish an enforceable limit
 - Air agency also accordingly submits a revised monitoring plan, modeling protocols, or descriptions of planned limits on source emissions to less than 2,000 tpy, or documentation that a source has shut down
- **January 2017**
 - January 1: Deadline for new monitoring sites to be operational
 - January 13: Deadline for air agency to submit modeling analyses or documentation of emission limits/shut down
- **Early 2020:** Monitoring sites will have 3 years of quality-assured data which must be submitted to EPA
- EPA's website has recently been updated with state submittals associated with these milestones and related correspondence with EPA
 - <https://www.epa.gov/so2-pollution/final-data-requirements-rule-2010-1-hour-sulfur-dioxide-so2-primary-national-ambient>

Intended Schedule for Area Designations for 2010 SO₂ NAAQS Due on December 31, 2017 (Round 3)

Milestone	Date
States and tribes may submit updated recommendations and supporting information for area designations to the EPA	No later than January 13, 2017
States and tribes submit modeling analyses pursuant to SO ₂ Data Requirements Rule	No later than January 13, 2017
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2015-2016	No later than July 14 , 2017
The EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	on/about August 14, 2017 (no later than 120 days prior to final designations)
The EPA publishes public notice of state and tribal recommendations and the EPA's intended modifications and initiates 30-day public comment period	on/about August 24, 2017
End of 30-day public comment period	on/about September 24, 2017
States and tribes submit additional information, if desired, to demonstrate why an EPA modification is inappropriate	No later than October 13, 2017
The EPA signs notice promulgating final SO ₂ area designations for Round 3	on/about December 14, 2017 (can be no later than December 31, 2017)

PM_{2.5} NAAQS Implementation: SIP Requirements Rule

- **PM_{2.5} NAAQS SIP Requirements Rule** finalized on August 24, 2016 (81 FR 58010) provided framework for planning requirements for 2012 and future PM_{2.5} NAAQS and informs implementation for areas still violating 1997 and/or 2006 PM_{2.5} NAAQS
- November 2016 EPA issued draft **PM_{2.5} Precursor Demonstration Guidance**
 - Recommends technical approaches for precursor demonstrations to assess whether air quality impact from a particular precursor can be considered to be insignificant in a given area
 - Comment period extended to March 31, 2017
- South Coast Air Quality Management District filed suit challenging two aspects of the rule:
 1. Requirement that emissions reductions for RFP come from sources within the nonattainment area (consistent with past court decision)
 2. Lack of explicit “de minimis” source category exclusion for Reasonably Available Control Measures (RACM) and Best Available Control Measures (BACM)
 - Petitioner’s brief due on April 4, 2017; EPA response brief due June 6, 2017



2006 PM_{2.5} NAAQS Implementation

- In December 2016, EPA proposed:
 - Determinations of attainment for 7 areas
 - Findings of failure to attain by the December 31, 2015 attainment date, and reclassification to Serious for 4 areas
 - The action is a mandatory requirement under the CAA and will fulfill obligations included in consent decrees resulting from two lawsuits.
- Serious area attainment date is December 31, 2019
 - Extension up to December 31, 2024 is possible if cannot demonstrate attainment by 2019. Requires Most Stringent Measures in any state.
- EPA plans to take final action this year on a number of submitted Moderate area plans and will continue to work with states developing Serious area plans to address air quality challenges.



2012 PM_{2.5} NAAQS Implementation

- December 14, 2012 revised the PM_{2.5} NAAQS primary annual PM_{2.5} standard to 12µg/m³ (78 FR 3086)
 - Nine Moderate nonattainment areas were designated in 2015
 - Moderate area attainment plan due date - October 2016
 - Moderate area attainment date - December 31, 2021
 - Serious area attainment date - December 31, 2025



Progress on PM_{2.5} NAAQS Attainment

(as of April 2017)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	31	16	0
Current Nonattainment Areas	8	16	9
Clean Data Determinations	5	8	1
Proposed Redesignations	0	0	0



Lead NAAQS Implementation Update

- In 2008, EPA strengthened the standard and changed the level to $0.15\mu\text{g}/\text{m}^3$
 - EPA initially designated 22 areas as nonattainment:
 - 16 areas were designated nonattainment effective Dec. 31, 2010
 - 5 additional areas were designated nonattainment effective Dec. 31, 2011
 - 1 area was designated nonattainment effective October 3, 2014
- As of January 2017, 20 areas remain in nonattainment:
 - For most of the nonattainment areas, the Pb emissions and monitored concentrations are declining due to facility closures or implemented control measures.
- On September 16, 2016, EPA completed its review of the Pb NAAQS and issued a decision to retain the existing 2008 standards without revision



Interstate Transport SIP Obligations

- The CAA's "Good Neighbor Provision" [section 110(a)(2)(D)(i)] obligates states to prohibit emissions that will contribute significantly to downwind nonattainment or interfere with maintenance of any NAAQS in another state
- States must submit Good Neighbor SIPs within 3 years of promulgation of a new or revised NAAQS
- EPA must promulgate a FIP for a state within 2 years of finding that the state failed to submit a complete Good Neighbor SIP or if EPA disapproves the SIP



Framework for Interstate Transport

- EPA's framework provides a roadmap for addressing the Good Neighbor Provision
 - This familiar framework has been used to address transported air pollution for ~20 years (*e.g.*, NO_x SIP Call, CAIR, CSAPR) with updates in response to stakeholder feedback and court decisions
 - EPA most recently applied this framework in the CSAPR Update for the 2008 ozone NAAQS
- The framework has four overarching steps:
 - Step 1: Identify downwind areas that are expected to have problems attaining and/or maintaining the NAAQS
 - Step 2: Determine which upwind states are “linked” to these downwind areas
 - Step 3: For linked states, quantify the level of upwind emission reductions that are needed to address the good neighbor obligation
 - Step 4: Implement reductions via enforceable requirements



Cross-State Air Pollution Rule

- CSAPR (finalized July 2011) addresses interstate transport obligations for the 1997 ozone NAAQS (and the 1997 and 2006 PM_{2.5} NAAQS)
- CSAPR Update (finalized September 7, 2016) updates CSAPR ozone season program by addressing summertime transport of ozone for the 2008 ozone NAAQS in the eastern US
 - Covers 22 eastern states (see map on next slide) and sets power sector ozone season NO_x emission budgets for each covered state starting with the 2017 ozone season (May 1, 2017).
 - Establishes a new ozone season NO_x allowance trading program for CSAPR Update states
 - Facilitates a smooth shift from original CSAPR by transitioning a limited number of banked allowances for compliance
 - Responds to the July 2015 D.C. Circuit remand of CSAPR Phase 2 ozone season emission budgets for 11 states
 - Additional information at <http://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>



Key Implementation Dates and Actions for the 2008 Ozone NAAQS

- Outstanding Good Neighbor obligations for the 2008 ozone NAAQS
 - CSAPR Update was a partial remedy for 21 eastern states (full remedy for TN)
 - The statutory date to promulgate a full FIP for KY passed in 2016 and the statutory full FIP deadline will expire for a number of other states starting in August 2017
 - CSAPR Update did not “FIP” western states or otherwise provide their interstate transport obligation (EPA is subject to statutory deadlines to promulgate FIPs for 4 western states)
 - 8/2017 statutory FIP deadline for CA and NM
 - 11/2018 statutory FIP deadline for UT
 - 3/2019 statutory FIP deadline for WY based on SIP disapproval, effective 3/6/2017 (82 FR 9142)
- These obligations can be remedied via SIPs or FIPs



Key Implementation Dates for the 2015 Ozone NAAQS

- **10/2015:** Revised ozone NAAQS promulgated
 - Implementation memo committed to issuing transport data (Air Quality Modeling NODA in December 2016 – see following slide)
- **10/2017:** Initial Area Designations (based on 2014-2016 data)
- **10/2018:** Good Neighbor SIPs due
- **12/2020:** Marginal attainment deadline; Moderate area attainment SIPs due
 - Assumes effective date of designations is December 31, 2017 (or later) such that attainment year would be 2020
- **12/2023:** Moderate attainment deadline
 - Using same assumptions above, attainment year would be 2023
 - Note that clean data in 2023 could be used for an extension



Implementing Good Neighbor Provision for 2015 Ozone NAAQS

- EPA recognizes...
 - States have expressed a desire for regulatory certainty when complying with CAA requirements, planning for emissions reductions and planning for attainment
 - The CAA envisions a SIP-led process even while states have made clear that they need information and direction from EPA to understand how to compose approvable and timely transport SIPs to address regional (multi-state) air quality problems
 - While states have asked for additional information in developing SIPs, they can ultimately use any available information to demonstrate that they are meeting their interstate transport obligations



Key Implementation Dates for the 2015 Ozone NAAQS

- In December 2016, EPA shared preliminary interstate ozone transport modeling information through a Notice of Data Availability (NODA) (82 FR 1733, January 6, 2017), which:
 - was developed considering stakeholder feedback
 - intends to help states prepare for (or start discussions on) transport SIPs for the 2015 ozone NAAQS
 - uses the first 2 steps of the CSAPR framework to provide preliminary interstate ozone transport information, including projected nonattainment and maintenance receptors for 2023
 - requests feedback on the datasets used in the modeling efforts and on the projection and modeling approach
 - Comment period closed on April 6, 2017

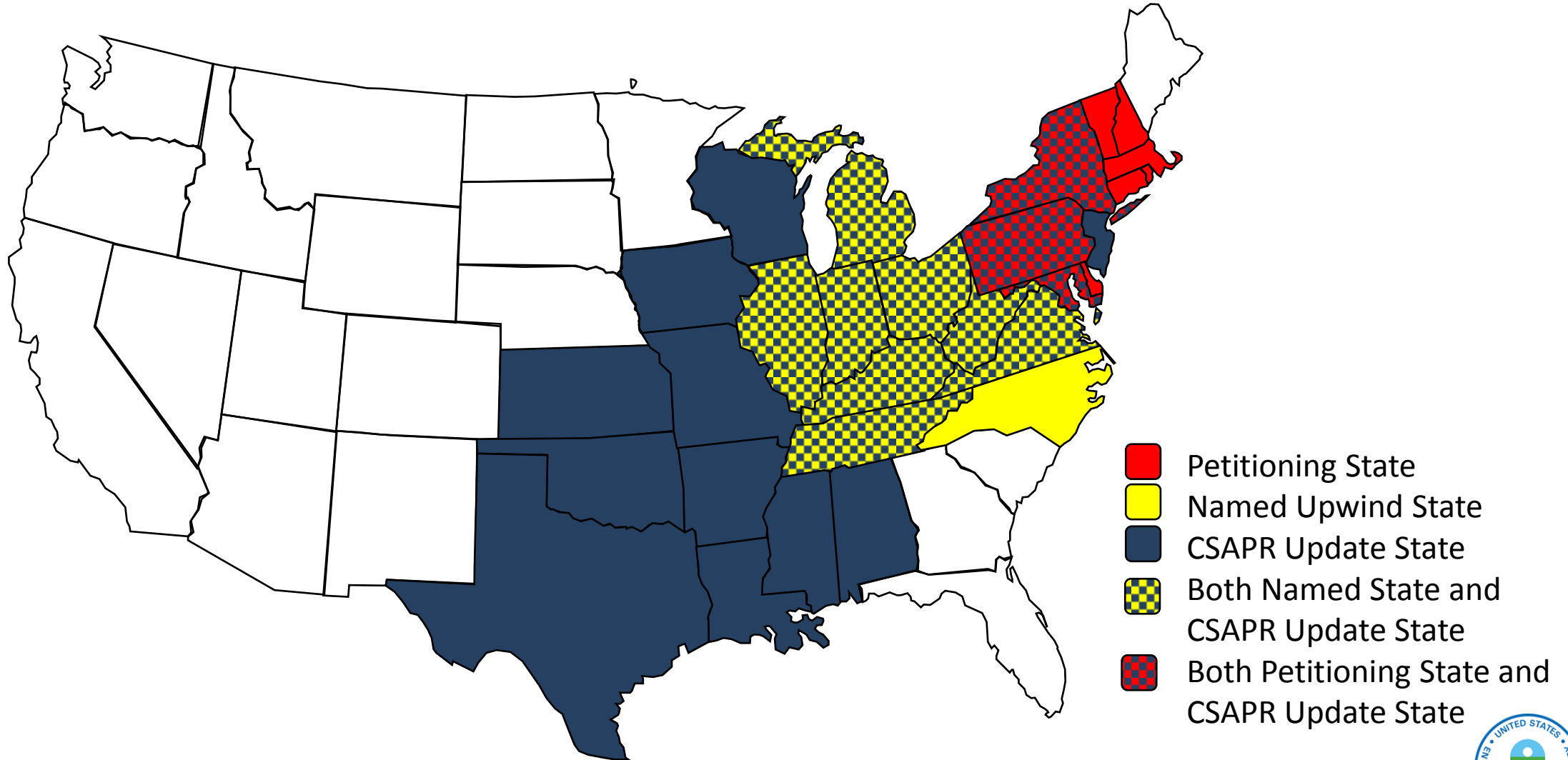


Clean Air Act Section 176A

- On January 11, 2017, EPA signed a proposed action to deny a CAA section 176A petition from several Northeastern states that requested that EPA expand the Ozone Transport Region by adding 9 additional states
 - EPA received the petition in 2013; EPA's statutory deadline to respond was in June 2015
 - EPA is subject to two consent decrees obligating EPA to finalize action by October 27, 2017
 - Public hearing held on April 13 in DC (original date was March 14, but postponed due to weather). Comment period extended until May 15, 2017.



176A Petition and CSAPR Update States



Clean Air Act Section 126

- Under CAA Section 126, any state (or political subdivision) may petition EPA for a finding that a major source or group of stationary sources emits or would emit any pollutant in violation of the Good Neighbor Provision
- EPA is required by statute to act on the petition within 60 days. EPA generally extends this deadline by 6 months as authorized by Section 307(d)(10) of the Act.
 - EPA has generally found that the 60-day period is insufficient to develop a proposal, take comment, determine whether to grant, and develop a remedy if granted
 - Even with the 6-month extension, these deadlines are extremely difficult to meet
- Where EPA finds that a source is violating the Good Neighbor Provision, EPA generally promulgates a compliance schedule, which the CAA says can be up to 3 years with increments of progress



Clean Air Act Section 126

Petitioning State	Response Deadlines	Named EGU Sources	Ozone NAAQS Cited
CT*	1/25/17	Brunner Island, PA	2008
DE (4 petitions)	3/5/17 4/7/17 7/9/17 8/3/17	1. Brunner Island, PA 2. Harrison, WV 3. Homer City, PA 4. Conemaugh, PA	2008 and 2015
MD	7/15/17	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	Emphasized 2008

*On March 9, 2017, CT provided its notice of intent to sue for EPA's failure to respond to its 126 petition by the January 2017 deadline. Sierra Club submitted an NOI on the same petition on March 10, 2017.

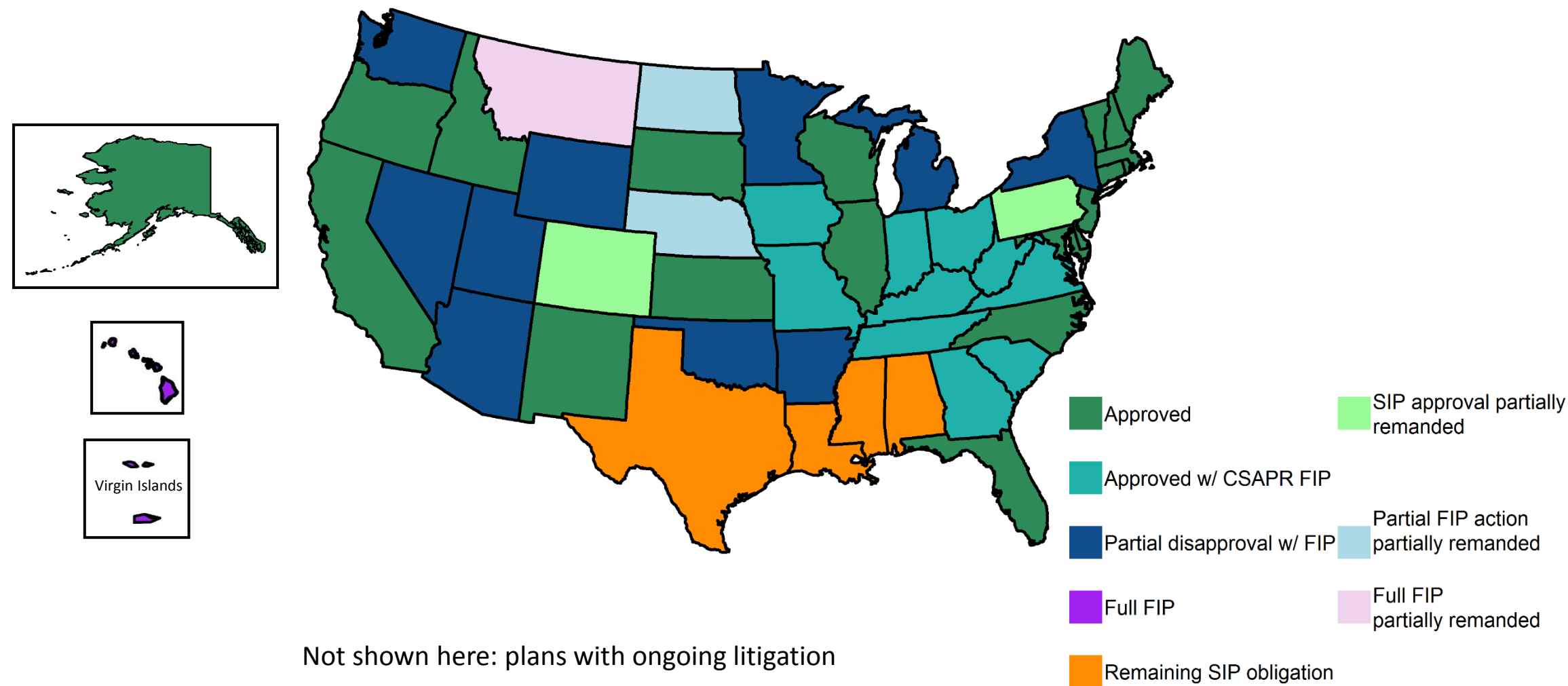


Regional Haze: Status of Actions from First Implementation Period

- Most states have complete plans in place, but there are outstanding obligations in a few states
- Litigation lingers in several states – with challenges for:
 - CSAPR reliance for EGU BART
 - FIPs (from states, affected sources, and environmental groups)
 - Disapproved SIPs (by states and affected sources) and approved SIPs (by environmental groups)
- Other RH related program activities and issues are being considered and addressed:
 - Actions on 5-year progress reports
 - Options for visibility protection iSIPs
 - July 28, 2015, CSAPR D.C. Circuit opinion and potential interactions with RH SIPs/FIPs



Regional Haze: Status of Actions from First Implementation Period



Regional Haze Looking Forward: Planning for the Next Cycle of SIPs

- Outreach:
 - EPA conducted outreach with RPOs and state and tribal air agencies during 2014 and 2015 to hear what worked well and what could be improved based on lessons learned from the first planning period.
 - This outreach led to recent rule revisions (below) and also to a Draft Guidance Document (next slide).
- Rule revisions were finalized on January 10, 2017 (82 FR 3078):
 - Provided certain clarifications to reflect the Agency's long-standing interpretations of the 1999 Regional Haze rule
 - Shifted the due date for the next round of comprehensive planning SIPs to July 2021; will not prevent states from submitting SIPs earlier
 - Changed the schedule and process for submitting 5-year Progress Reports
 - Revised aspects of RAVI (Reasonably Attributable Visibility Impairment) provisions
 - Note: several petitions for review and petitions for reconsideration of the rule have been received



Regional Haze Looking Forward: Planning for the Next Cycle of SIPs (con't)

- On July 8, 2016 (81 FR 44608), EPA released draft guidance for two key aspects of the program:
 - 1) Visibility Tracking – Tracking visibility progress based on impacts from controllable, anthropogenic emissions instead of all sources
 - 2) Reasonable Progress (RP) Guidelines – Guidance for evaluating the statutory factors and making decisions on RP controls
- EPA is currently considering public comments as we work to finalize the guidance document.
- Timing for guidance document: TBD



Response to SSM Petition, Final Policy and SIP Call

- Final action was signed May 22, 2015, in response to a Sierra Club petition for rulemaking concerning SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
 - Final notice restates EPA's SSM Policy as it applies to SIPs with one change regarding affirmative defense (AD) provisions
- SIP Call applies to 36 states (45 jurisdictions), the majority of which were named in the original petition
- Challenge from multiple parties pending in D.C. Circuit Court



Draft Guidance on Significant Impact Levels (SILs) for Ozone and PM_{2.5} in the Prevention of Significant Deterioration Permitting Program

- Draft guidance was posted August 18, 2016 and had a 60 day comment period through September 30, 2016
 - Draft guidance includes a memorandum that identifies recommended SIL values for ozone and PM_{2.5} and describes how these values may be used in a PSD compliance demonstration;
 - A technical basis document (with supporting appendices) describing how EPA developed the SIL values for PM_{2.5} and ozone; and
 - A legal support document that discusses a legal basis that permitting authorities may choose to apply if allowing sources to use SILs as part of their compliance demonstrations.
 - <https://www.epa.gov/nsr/draft-guidance-comment-significant-impact-levels-ozone-and-fine-particle-prevention-significant>
- Timing: TBD



Title V Permitting

- Title V Program and Fee Evaluation Guidance
 - Satisfies EPA commitments in response to a 2014 Office of Inspector General (OIG) report recommending enhanced oversight of state and local title V program fee revenue practices
 - Committed to completing the revised guidance by Fall 2017
 - Provides guidance for EPA regions on conducting state and local title V program and fee evaluations
 - Discretionary for EPA regions and no specific requirements for state programs
 - Consistent with the principles and best practices for oversight of state permitting programs contained in the August 30, 2016 document “*Principles and Best Practices for Oversight of State Permitting Programs*”, developed by EPA’s Cross-Media State Programs Health and Integrity Workgroup
- Timing: TBD



Revisions to the Petition Provisions of the Title V Permitting Program

- Proposed rulemaking to increase transparency and stakeholder understanding of the petition process, as well as ensure that the Agency is able to efficiently address related programmatic and air quality issues was published on August 24, 2016 (81 FR 57822)
- The proposed revisions:
 - provide direction for submitting title V petitions, including encouraging the use of an electronic submittal system;
 - require mandatory content and format for title V petitions; and
 - require permitting authorities to respond in writing to significant comments received during the public comment period on draft title V permits.
- The preamble also provides guidance on “recommended practices” for permitting authorities and sources to help ensure title V permits have complete administrative records and are consistent with the CAA
 - If followed, these practices may reduce the likelihood that a petition will be submitted on a title V permit
- The comment period closed on October 24, 2016 and EPA is in the process of reviewing the comments received. Timing: TBD



Regulatory Updates for GHG Permitting

- EPA has taken a series of steps to respond to the June 23, 2014, Supreme Court decision in *Utility Air Regulatory Group (UARG) v. EPA* and the April 10, 2015, Court of Appeals for the District of Columbia (D.C. Circuit) *Coalition for Responsible Regulation v. EPA Amended Judgment*
 - In April 2015, EPA issued a final rulemaking revising EPA's PSD regulations to enable the EPA to rescind EPA-issued PSD permits for GHG
 - Direct Final (80 FR 26183); Parallel Proposal (80 FR 26210)
 - In August 2015, EPA issued a final **Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements Rulemaking** (80 FR 50199)
 - Rule removed certain provisions from PSD and title V that were vacated as part of the D.C. Circuit Court's April 2015 Amended Judgment
 - On August 26, 2016, EPA proposed the **Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program** (81 FR 68110)
 - Rule also proposed the remaining changes to PSD and title V that are necessary to fully implement the D.C. Circuit Court's April 2015 amended judgment
 - The public comment period closed on December 16, 2016 and EPA is currently reviewing comments. Timing: TBD



Removal of Emergency Provisions from Part 70 and 71

- Proposed **Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program Rule** to remove the “emergency” affirmative defense (AD) provisions from title V regulations 40 CFR 70.6(g) and 71.6(g) published on June 14m 2016 (81 FR 38645)
- The public comment period closed on August 15, 2016, and the EPA is currently evaluating all comments received
- This is a follow-up action to similar rulemakings, including the 2015 SSM SIP Call, intended to ensure that the EPA’s policy on AD is consistent across all CAA program areas, following the D.C. Circuit’s *2014 NRDC v. EPA* decision
- Timing: TBD



SIP Processing Improvements

- NACAA-ECOS-EPA SIP Reform Workgroup discussed need to reduce the SIP backlog and improve SIP processing
- Successful Implementation of Key Principles:
 - Set a goal of clearing the current backlog (as of October 1, 2013) by the end of 2017
 - Manage the review of all other SIPs consistent with Clean Air Act deadlines
 - Develop 4-year management plans agreed upon by EPA Regions and states that identify the highest priority SIPs to process and meet the backlog reduction goal
 - Use best practices and tools developed through the PM_{2.5} Full Cycle Analysis Project (FCAP) to facilitate SIP processing
 - Increase transparency of SIP review status and improve EPA's SIP tracking system with fields that could be of assistance to states



SIP Processing Improvements (Con't)

- Trends in SIP Processing
 - EPA and air agencies are implementing the best practices from the PM_{2.5} Full Cycle Analysis to improve SIP processing and assessing effectiveness to ensure continued improvement
 - 4-year management plans in place for each state
 - Will continue to coordinate with states on multi-year SIP management plans as a standard practice
 - EPA and states making good progress on eliminating the SIPs backlogged as of October 1, 2013
 - Backlogged SIPs reduced by 70%
 - EPA and states working together to prioritize SIPs and manage the review of all other SIPs consistent with Clean Air Act deadlines
 - Active SIPs reduced by 32%



SIP Processing Improvements: Integrated Electronic System for SIP Submissions

- Our vision is to create an integrated electronic submission system for SIPs and other state plans that enables us to:
 - Manage state submissions more efficiently and effectively
 - Increase transparency through data availability
- EPA embarking on project to leverage new Agency IT systems to improve and modernize the SIP submission process by allowing for:
 - 1) Developing and transmitting SIP submissions;
 - 2) Internal EPA review, collaboration, tracking and storage of plans;
 - 3) External public interface that provides status information on EPA action on SIPs, links to submittals, and links to FR notices; and
 - 4) Additional functionality, such as maintaining SIP compilations and accommodating other types



Vision: SPeCS for SIPs: Major Components

State Plan Collection Interface

Compilation and submission of plans using checklists, file upload capability, completeness checks and a state landing page

The screenshot shows a web interface for submitting a State Implementation Plan (SIP). The page title is "Connecticut State Implementation Plan". It includes a navigation bar with "SPeCS Home", "Create New Submission", "Return to CDX", "EPA Regional Contacts", and "Contact Us". The main content area is titled "SIP Submission Info" and contains a "Submission Title" field with the value "Connecticut State Implementation Plan". Below this, there is a "Pollutants" section with a list of pollutants and checkboxes for selection. A legend indicates that an asterisk (*) denotes a required question for official submissions.

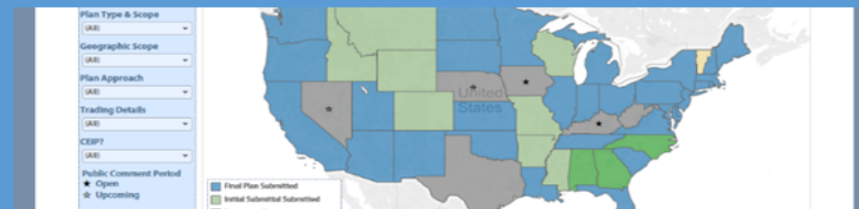
EPA Plan Review Clearinghouse

SIP requirement tracking, Issue tracking, storage of submittals and compliance with SIP requirements

The screenshot shows the EPA Plan Review Clearinghouse dashboard. It features the EPA logo and the text "EPA Headquarters" and "Welcome to the State Plan Electronic Collection System (SPeCS) for State Implementation Plans (SIPs) under Section 110 of the Clean Air Act." There is a "Select EPA Region:" dropdown menu currently set to "All". On the right side, there is a "Hello John Doe - EPA Viewer" message, a "Quick Links" section with bullet points for "Approved Air Quality Implementation Plans", "SIP Status for Nonattainment Requirements", "SIP Status for State Infrastructure Requirements", and "Nonattainment Areas for Criteria Pollutants (Green Book)", and a "Milestones" section with a filter for "All" and buttons for "30 Days" and "90 Days".

Public Dashboard

Plan status updates, links to final approved plans, national and individual state SIP information



Questions and Comments

