

Lots of SIP, NAAQS and Permitting Stuff

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NACAA Spring Meeting
May 2009

IMPLEMENTATION OF 2008 8-HOUR OZONE NAAQS

BACKGROUND

- The 2008 8-hour ozone NAAQS was signed and promulgated March 12, 2008; codified at 40 CFR 50.15.
 - 0.075 ppm level; violation if the 3-year average of annual 4th highest daily value is greater than 0.075 ppm (“concentration-based” standard).
 - Designation recommendations were due from states by 3/12/2009.
 - EPA designations required by 3/12/2010
 - Would like to have final classification Rule complete by that time; would require expedited OMB review of proposal and final.

ISSUES ON IMPLEMENTATION RULE

- Transition from 1997 standard
- Should we revoke 1997 standard similar to way we revoked 1-hour standard (with appropriate antibacksliding provisions)?
- Classification—how to re-interpret the CAA classification table
 - Following same method as for 1997 NAAQS results in large fraction of areas in marginal, and very few in highest classifications.
 - Will entertain comment on other methods.
 - Will entertain comment on using a “generic” classification table.

ISSUES ON IMPLEMENTATION RULE (cont'd)

- Subpart 1 vs. Subpart 2: Should we solicit comment on an acceptable rationale for using subpart 1?
- RACT—should we propose that meeting CAIR and/or NO_x SIP call for NO_x for EGUs will satisfy RACT?

OTHER CONSIDERATIONS

- Proposal will also address same issues on anti-backsliding that were addressed in “South Coast” ruling on Phase 1 Rule for 1997 standard (NSR, section 185 fees, contingency measures).
- Proposal may have to address issues resulting from forthcoming Court ruling on litigation on Phase 2 Rule for 1997 standard.

Outstanding SIP Status

Status of PM_{2.5} SIP Submittals

- For 39 nonattainment areas, 58 plans were due to meet the 1997 PM 2.5 standards by April 5, 2008
 - Clean air determinations for Harrisburg, PA and Washington, DC-MD-VA
 - Other States qualify for clean air determination based on preliminary 2008 data
- A number of States have submitted final attainment demonstrations for some of the areas
 - EPA has not make a findings of failure to submit
 - SIP submittal actions and findings on hold until direction from new EPA management
- Regional Offices are working with their States for the remaining areas to receive complete and approvable SIPs
- We are working with our Regional Offices to ensure consistency in reviewing and acting on SIPs especially on key issues (attainment demos, RACT/RACM, contingency measures)

8-hr Ozone Attainment Demonstrations

Of 36 State portions required for 26 nonattainment areas:

- Final attainment demonstrations submitted: 25
 - **Final approval for Dallas-Fort Worth, TX**
 - **Proposed disapprovals for Philadelphia, NY City & Baltimore (under review)**
 - **NC/SC withdrew Charlotte SIPs**
- Failure to submit findings sanction clocks running: 6
 - Clean data determination has stayed Jefferson Co., NY sanction clock
 - Findings made for NC & SC withdrawing Charlotte SIP (under review)
- Other submittals:
 - Clean data determination: 2
 - Final Redesignations: 1
 - Reclassification requested instead of SIP: 4

Status of Outstanding SIP Approvals

- Table 1 provides a summary of the outstanding SIP elements submitted to EPA
 - EPA tracks the elements a SIP is required to meet
 - EPA has not taken action on these
 - 1096 of the 1299 outstanding SIPs elements are the RACT VOC CTGs
- Table 2 provides the details of the outstanding CTGs submitted
 - Many of these RACT submittals were letters that certified 1-RACT met the 8-hour requirements.
 - EPA has not taken action on these

Table 1 - Outstanding SIPs Elements Submitted to EPA

<u>SIP Element</u>	<u>OTR</u>	<u>Ozone-8Hr</u>	<u>PM-10</u>	<u>Grand Total</u>
Contingency Measures VOC and NOX		18		18
Emission Inventory		21		21
Ozone Attainment Demonstration		24		24
Ozone Attainment Demonstration (previous Subpart 1 requirement)		3		3
PM-10 contingency measures			13	13
PM-10 NSR			11	11
PM-10 SIP			15	15
RACT Non-CTG VOC for Major Sources	5	30		35
RACT NOX for Major Sources	5	30		35
RACT VOC CTG elements	162	934		1096
RFP VOC and NOX - Moderate		24		24
RFP VOC and NOX - Serious		3		3
RFP VOC and NOX - Severe 17		1		1
Grand Total	172	1088	39	1299

Status of 110(A)(2) Infrastructure SIP Submittals

- There are 12 elements required for infrastructure SIPs
- Findings were effective on March 24, 2008 for 1997 8-hour ozone and November 21, 2008 for 1997 PM_{2.5}.
- Table 3 provides a summary of SIPs submitted (or certification letters)
- We are working with our Regional Offices and Counsel to ensure consistency in reviewing and acting on Infrastructure SIPs
- Three 110(A)(2) SIPs are due shortly
 - 2006 24-hr PM_{2.5} NAAQS: October 2009
 - 2008.075 Ozone NAAQS: March 2011
 - 2008 Lead NAAQS: November 2011
 - OAQPS is working on guidance

Table 3 - Outstanding 110(A)(2) Infrastructure SIPs Elements

	8-hr Ozone	PM 2.5	Grand Total
AL	3	11	14
AR	11	12	23
AZ		7	7
CA	11	9	20
CO	12	12	24
CT	11	11	22
DC	11	12	23
DE	12	12	24
FL		11	11
GA	3	11	14
IA	11	11	22
ID	1	12	13
IL	10	9	19
IN	11	11	22
KS	11	11	22
KY		11	11
LA	11	11	22
MA	11	10	21
MD	12	12	24
ME	12	12	24
MI	11	10	21
MN	10	8	18
MO	11	11	22
MS	11	11	22
MT	11	11	22

	8-hr Ozone	PM 2.5	Grand Total
NC	5	11	16
ND	1		1
NE	11	11	22
NH	12	12	24
NJ	10	8	18
NM	12	12	24
NV	11	11	22
NY	10	8	18
OH	11	11	22
OK	11	1	12
OR		11	11
PA	11	12	23
PR	11	8	19
RI	12	12	24
SC	4	11	15
SD	11	11	22
TN	10	11	21
TX	12	12	24
UT	11	11	22
VA	11	12	23
VI	11	8	19
VT	11	11	22
WI	11	10	21
WV	12	12	24
WY	11	11	22

Grand Total	461	517	978
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Final SIPs awaiting EPA action: 15 out of 53 total

State	Region	RPO	Submittal Date
Alabama	4	VISTAS	7/15/2008
Albuquerque	6	WRAP	9/11/2008
Arkansas	6	CENRAP	9/24/2008
California	9	WRAP	3/17/2009
Delaware	3	MANE-VU	9/26/2008
Iowa	7	CENRAP	3/25/2008
Kentucky	4	VISTAS	6/25/2008
Louisiana	6	CENRAP	6/13/2008
Mississippi	4	VISTAS	9/24/2008
Missouri	7	CENRAP	3/13/2008
North Carolina	4	VISTAS	12/17/2007
South Carolina	4	VISTAS	12/17/2007
Tennessee	4	VISTAS	4/4/2008
Utah	8	WRAP	9/16/2008
West Virginia	3	VISTAS	7/8/2008
Yellow=CAIR state			Blue=met deadline

Outstanding/Late SIPs: 38 out of 53 total – received findings of failure to submit

State (<i>yellow=CAIR state</i>)	Region	RPO	No. of Class I areas	Date Expected
Connecticut	1	MANE-VU	0	Sept. 09
Maine	1	MANE-VU	4	Nov. 09
Massachusetts	1	MANE-VU	0	Mid 09
New Hampshire	1	MANE-VU	2	Mid 09
Rhode Island	1	MANE-VU	0	July 09
Vermont	1	MANE-VU	1	Mid 09
New Jersey	2	MANE-VU	1	Late 09
New York	2	MANE-VU	0	Late 09
Virgin Islands	2	n/a	1	Late 09
DC	3	MANE-VU	0	Mid 09
Maryland	3	MANE-VU	0	July 09
Pennsylvania	3	MANE-VU	0	Mid 09
Virginia	3	VISTAS	2	Mid 09
Florida	4	VISTAS	3	Sept. 09
Georgia	4	VISTAS	3	Nov. 09
Illinois	5	MWRPO	0	Mid 09
Michigan	5	MWRPO	2	Mid 09
Indiana	5	MWRPO	0	July 09
Minnesota	5	CENRAP	2	Mid 09

State	Region	RPO	No. of Class I areas	Date Expected
Ohio	5	MWRPO	0	Late 09
Wisconsin	5	MWRPO	0	Late 09
New Mexico	6	WRAP	9	Late 09
Oklahoma	6	CENRAP	1	Mid 09
Texas	6	CENRAP	2	July 09
Kansas	7	CENRAP	0	Mid 09
Nebraska	7	CENRAP	0	Mid 09
Colorado	8	WRAP	12	Late 09
Montana	8	WRAP	12	Late 09
North Dakota	8	WRAP	2	Late 09
South Dakota	8	WRAP	2	Mid 09
Wyoming	8	WRAP	7	July 09
Arizona	9	WRAP	12	Mid 09
Hawaii	9	WRAP	2	Mid 09
Nevada	9	WRAP	1	Late 09
Alaska	10	WRAP	4	Late 09
Idaho	10	WRAP	5	Late 09
Oregon	10	WRAP	12	Mid 09
Washington	10	WRAP	0	July 09

Issues concerning the Regional Haze SIPs:

- No approvals or disapprovals have been issued to date
- One state – Michigan – has received a notice of incompleteness (Indiana is expected soon) and region 5 has asked that the SIPs be revised
- CAIR uncertainty, among other things, in the East has caused delays in SIP submittals and approvals of those SIPs that have been submitted
 - Uncertainty primarily due to CAIR=BART and reliance on CAIR for reasonable progress
- In the West, only 2 SIPs (plus Albuquerque) are final – Utah (309 SIP) and California
- FIPs or partial FIPs are expected for 13 states (full - IN, NE, SD, HI, MT, AK; partial – PA, DC, FL, OR, WA, CO, ND)

NAAQS Review Schedules

<i>Major Milestones</i>	<i>Ozone</i>	<i>Lead</i>	<i>NO2 primary</i>	<i>SO2 Primary</i>	<i>NO2/SO2 Secondary</i>	<i>PM</i>	<i>CO</i>
Integrated Science Assessment			7/2008	9/2008	12/12/2008	09/2009	05/2010
ANPR			12/2008	02/2009	08/2009	06/2010	02/2011
CASAC Review of ANPR			01/2009	04/2009	10/2009	08/2010	04/2011
Proposal			05/2009	07/2009	02/2010	01/2011	10/2011
Final	03/2008	09/2008	12/2009	03/2010	10/2010	10/2011	07/2012

Other Activities - Permitting

- Coal-fired power plant PSD permit review
- Petition for reconsideration of reasonable possibility
- Petition for reconsideration definition of fugitive emissions
- Petition for reconsideration of PM_{2.5} NSR rule
- Petition for reconsideration of NSR aggregation policy interpretation

Other Activities - Permitting

- Petition for reconsideration of ethanol production major source rule
- Final rule establishing PM_{2.5} PSD increments
- Final rule for Tribal NSR programs
- WI and OH NSR SIPs – reconsider WI? allow OH to become effective?
- Title V Petition response process

- Exceptional Events revision for ozone data flagging (as of 4/13/09)
 - DC Court dismissed NRDC challenges to the rule on March 20, 2009. While the EER stands as published, some administrative corrections to the preamble will be made by early Summer 2009.
 - EER flagging and documentation rule amendment for 2006-2008 data scheduled to be completed by 3/12/2009, is still pending Administrator signature and publication in Federal Register.
 - EER flagging and documentation for 2009 should be completed by 2/5/2010, pending Administrator signature and publication in the Federal Register.

Other Actions

- PM2.5 Designations: under review – will be decided by new AA when confirmed.
- PM2.5 AQI: The rulemaking is still on hold
- 8 hr ozone NSR anti-backsliding rule proposal
- Fire Policy
 - Draft Policy will be circulated within EPA soon.
 - Will not be shared externally until it has been shared and reviewed by OMB and other Federal Agencies

A New Interstate Transport Rule

- Working on a 2-year schedule to develop a replacement rule for CAIR which comports with Court decision
- Will address issues on:
 - Trading
 - Attainment and maintenance of standards
 - PM_{2.5} and ozone standards
 - Allocations
 - Significant contribution and remedy