

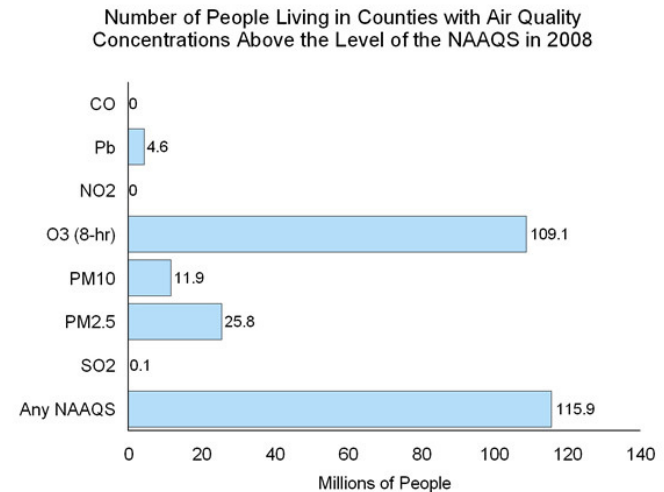


NACAA Spring Meeting

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Implementing National Ambient Air Quality Standards (NAAQS)



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Presentation Outline

- Implementation
 - Updates on 1997 PM_{2.5} and Ozone SIP Submittals
 - Ozone
 - NO₂
 - SO₂
 - Lead
- Regional Haze
- Fire Policy
- Exceptional Events

Anticipated NAAQS Implementation Milestones

Revised 5-12-2010

Pollutant	NAAQS Promulgation Date	Designations Effective (approximate date)	110(a) SIPs Due (3 yrs after NAAQS promulgation)	Attainment Demonstration Due	Attainment Date
PM _{2.5} (2006)	Sept 2006	Dec 2009	Sept 2009	Nov 2012	Nov 2014/2019
Pb	Oct 2008	Nov 2010/2011 (extra time for new monitors)	Oct 2011	June 2012/2013	Nov 2015/2016
NO ₂ (primary)	Jan 2010	Feb 2012	Jan 2013	Aug 2013	Feb 2017
SO ₂ (primary)	June 2010	July 2012	June 2013	Jan 2014	July 2017
Ozone	Aug 2010	Aug 2011 (based on 2008-10 data)	Aug 2013	Dec 2013 (to be proposed)	Dec 2017 (Moderate)
CO	May 2011	June 2013	May 2014	Dec 2014	May 2018
PM _{2.5} (2011)	Oct 2011	Dec 2013	Oct 2014	Dec 2016	Dec 2018/2023
NO ₂ /SO ₂ Secondary	March 2012	April 2014	March 2015	Oct 2015	N/A



Status of 1997 PM_{2.5} SIP Submittals

- For 39 nonattainment areas, 58 plans were due by April 5, 2008 to meet the 1997 PM_{2.5} standards
 - 19 have final Clean Air Determinations
 - Other areas may qualify for Clean Air Determination based on 2009 data
- We have received 45 final attainment demonstrations
 - EPA issued findings of failure to submit in November 2009
 - Clocks still running for Liberty-Clairton, PA; Atlanta, GA; and St. Louis, IL
- 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)
 - Plan to take action on areas with 2010 attainment dates soon
- Redesignations for areas in East are on hold pending action on CAIR replacement rule
- For the possible 2011 revisions to the PM_{2.5} NAAQS, EPA plans to propose an implementation rule close to the timing of the proposed 2011 PM_{2.5} NAAQS.



Status of 1997 8-hr Ozone SIPs

- 112 original nonattainment areas (2004); 51 remain today.
- No outstanding attainment demonstration SIPs for original areas.
- Dallas attainment demonstration approved
 - Preliminary 2009 data shows violation; anticipate starting reclassification process
- Proposed disapprovals for New York NJ-CT, Philadelphia, and Baltimore
 - Preliminary 2009 data shows all are eligible for 1-year attainment date extension
- 18 submitted moderate area attainment demonstrations are pending action
 - Preliminary 2009 data shows most of these areas are eligible for 1-year attainment date extension
- 4 areas have Clean Data Determination but have not been redesignated
 - Boston-Manchester, NH
 - Jefferson Co. NY
 - Poughkeepsie, NY
 - Imperial Co. CA
- Final rule reclassifying 4 California areas is effective 6/4/2010
 - San Joaquin Valley area – Serious to Extreme
 - South Coast Air Basin – Severe-17 to Extreme
 - Coachella Valley – Serious to Severe-15
 - Sacramento Metro – Serious to Severe-15



Implementation Implications of Ozone NAAQS Reconsideration

- Due to uncertainty created by reconsideration of the 2008 ozone NAAQS, EPA extended the deadline for designating areas for those NAAQS by one year, until March 12, 2011.
- If EPA revises the NAAQS in 2010, all regulatory requirements associated with the 2008 NAAQS would no longer apply. Instead, EPA and states would begin implementing the revised NAAQS on new implementation schedules.
- EPA has proposed an accelerated schedule for designating areas for a revised primary standard and as one alternative for designating areas for a revised secondary standard.
- EPA received many comments on schedule issues during the comment period for the ozone NAAQS reconsideration and we are considering those now.



Implementation Implications of Ozone NAAQS Reconsideration (2)

- Plan to propose new ozone implementation rule/guidance on August 31, 2010
 - Establish classifications, attainment dates, timing of SIP submissions, and transition requirements.
 - Establish requirements of attainment demonstrations, reasonable further progress (RFP), reasonably available control technology (RACT), reasonably available control measures (RACM), nonattainment new source review (NSR), emission inventories
- Proposed Transport Rule (CAIR replacement) will address transport affecting attainment and maintenance of the 1997 ozone NAAQS.
 - EPA intends to conduct a nationwide assessment of ozone transport after August 2010 to address transport affecting attainment and maintenance of the 2010 ozone NAAQS.
 - Based on this assessment EPA will provide additional state-specific SIP submission instructions/requirements and, if appropriate, a FIP proposal that EPA could finalize if states do not submit the required transport SIPs by the August 2013 deadline.



2010 Ozone Implementation Proposal

NOTE: *The following information is pre-proposal and pre-OMB and is EPA's current thinking.*

- **Classifications**
 - Briefed stakeholder groups on 2 main Options
 - Current thinking is to propose both options with a preference for Option 2
 - Option 2 is the “ratio of threshold method” that would put more areas in higher classifications
 - Option 2 has a higher success rate for marginal areas to attain by their attainment date
- **Revocation**
 - Current thinking is to propose to revoke the 1997 NAAQS 1 year after designations and establish “anti-backsliding” requirements consistent with South Coast decision.
- **Subpart 1 vs 2 for Primary NAAQS**
 - Current thinking is to propose subpart 2 and request comment on a rationale to use subpart 1 that is consistent with the South Coast decision.



2010 Ozone Implementation Proposal

- Attainment Dates
 - Current thinking is to state a preference for establishing attainment dates at the end of the calendar year instead of late in the ozone season. Also propose 3 years from the effective date of designations.
- Line up SIP elements
 - Current thinking is to propose that attainment demonstrations, RFP, RACT, and emission inventories all be submitted on the same schedule.
 - Note that the I/M SIP due date of 1 year after the effective date of designations/classifications would remain unchanged.
- Secondary NAAQS Implementation
 - Current thinking is to propose 2 options that focus on subpart 1
 - Option 1 is subpart 1 only for all secondary nonattainment areas
 - Option 2 is subpart 1 for the majority but subpart 2 for some areas that are above certain DV thresholds
- Photochemical Grid Modeling for Moderate intra-state areas
 - Current thinking is to propose to require photochemical grid modeling but take comment on alternate assessments such as an emissions analysis



2010 Ozone Implementation Proposal

- Base year for RFP
 - Current thinking is to establish a base year of 2011
 - State may select another year, but must get additional 3%/year for each year prior to 2011
- Nonattainment NSR Major Source Thresholds and Offset Ratios
 - Current thinking is to retain requirements associated with the highest classification (1hr, 1997 and 2010 stds) at the time of the 2010 designation
- SIP Deadline for Severe/Extreme Penalty Fee Program
 - Propose 10-year deadline from effective date of designations
- Interstate Transport
 - Provide a road map for how we expect states to satisfy this requirement
 - Conduct an interstate ozone transport assessment (as part of a follow-up to the initial Transport Rule)



RFP: Credit for Reductions Outside the Nonattainment Area

- Previous ozone rules have allowed RFP credit for emission reductions outside the nonattainment area (within 100 km for VOC and 200 km for NO_x)
- In October 2009, Earthjustice filed a petition for administrative review of the August 2009 final RFP rule.
- In July 2007, two petitions for reconsideration were also submitted on the PM_{2.5} implementation rule RFP provisions
- EPA last week granted the petitions for reconsideration regarding this RFP provision for the 1997 8-hour ozone NAAQS and PM_{2.5} implementation rules
- In the 2010 ozone implementation rule, our current thinking is to propose to not allow credit for VOC or NO_x reductions outside of the nonattainment area.



NO₂ NAAQS Designations

- EPA must complete initial area designations by January 22, 2012
- Anticipate using monitoring data from existing network from 2008-2010. Data from 2011 may be considered if it would change the designation.
- Anticipate all, or nearly all areas, to be designated “unclassifiable” pending data collection from the new monitoring network (data from 2013-2015)
- Too soon to determine appropriate guidance for establishing “nonattainment” boundaries.
 - Need to collect and assess more information on nature of violations



NO₂ Implementation Guidance

- There is an immediate need to determine an interim approach for defining significant impact levels (SILs) and increments for the revised NO₂ 1-hr NAAQS, since the SIL and increment have not been established for the hourly NAAQS.
- EPA's current regulatory permit model, AERMOD will be used for the NO₂ 1-hr NAAQS with the following to facilitate its use:
 - Issued statement on the SCRAM website (2/25/10) that provides procedures on how to post-process AERMOD results for the form of the new NO₂ hourly NAAQS.
 - By Summer, provide a new post-processor for AERMOD (i.e., AERPOST) that will automate the process of taking AERMOD results and providing results adequate for comparison across all NAAQS especially for those recently and soon to be revised NAAQS (Pb, NO₂, and SO₂). Note: An interim version will be provided for NO₂ this Spring.



NO₂ Implementation Guidance

- Once nonattainment designations are completed for NO₂ (2017/18), there is a need for technical guidance to state/local/tribal agencies on how to conduct modeling and related technical analyses as part of their nonattainment area SIP demonstrations.
- EPA will issue a clarification memo that will outline how the current 3-tier screening approach in Appendix W (40 CFR Part 51) for the annual NO₂ standard should be applied under the new 1-hr NO₂ NAAQS.
- For longer term updates to AERMOD, EPA will work with the technical workgroup (AERMIC) and research community to evaluate model performance and engage in potential updates and modifications to AERMOD science to better address the chemistry issues for NO₂ and improve performance of the model across various scenarios that will come up in permitting.



SO₂ NAAQS

- EPA must issue initial area designations by June 2012.
 - Anticipate using monitoring data from existing network from 2009-2011.
 - Anticipate many areas to be designated “unclassifiable” pending data collection from the new monitoring network (data from 2013-2015)
- In the final NAAQS, EPA will be including implementation requirements.



Lead NAAQS Designations

- New standard set at $0.15 \mu\text{g}/\text{m}^3$ in October 2008
- Governors' provided designation boundary recommendations (due October 2009)
- EPA conducting designations in two phases
 - Phase 1 completed by October 2010: Establish nonattainment areas for any violating FRM monitor based on valid 2007-2009 data
 - Phase 2 completed by October 2011: Establish all other initial area designations, including “unclassifiable” for areas with required but insufficient monitoring
- Mid-June: 120-day letters will be sent to the states with EPA's intended final designation



Web-based SIP Status Reports

<http://www.epa.gov/air/urbanair/sipstatus/>



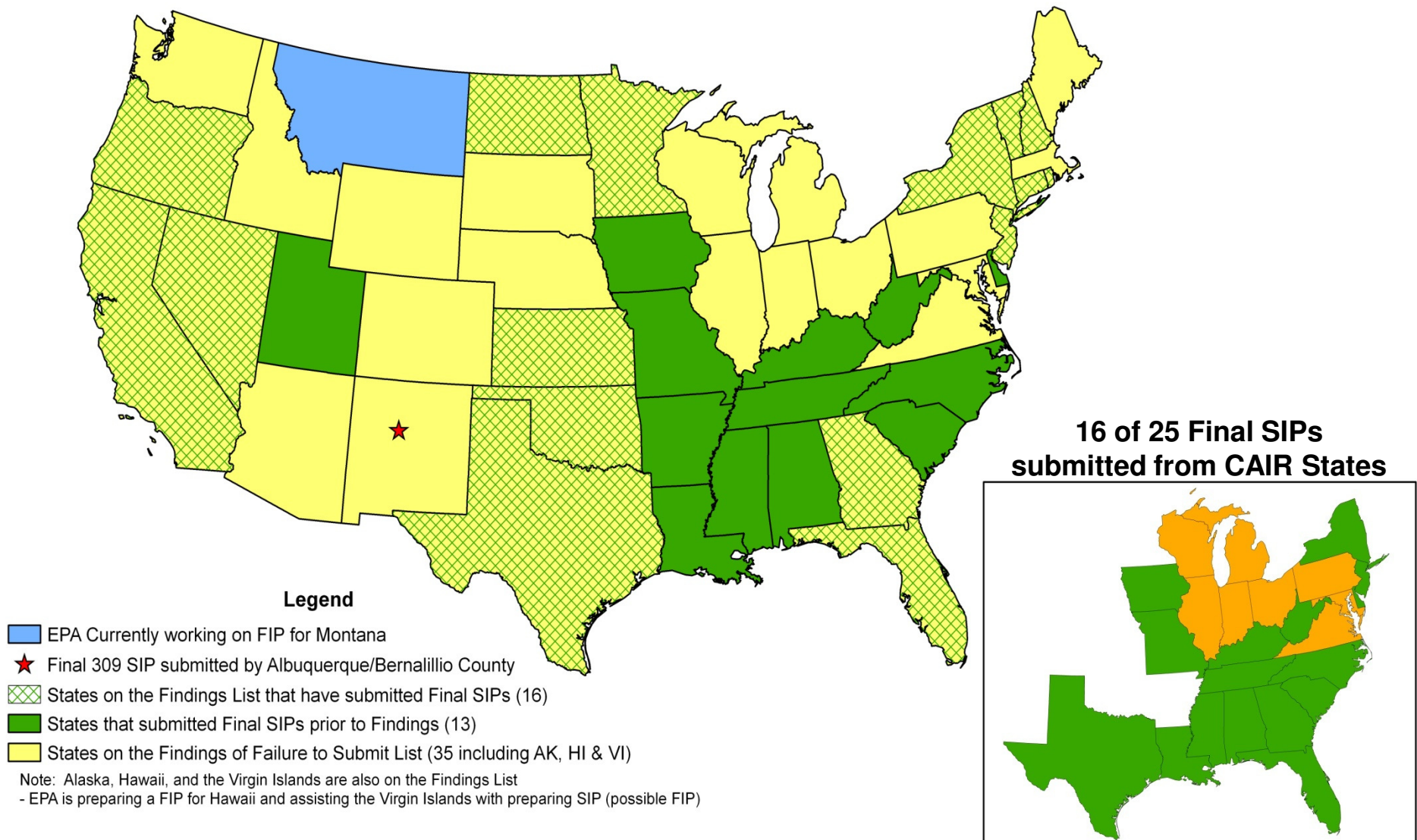
Status of Regional Haze SIPs

As of May 5, 2010

- 30 (out of 53) final Regional Haze SIPs have been submitted to EPA for action:
 - 16 (out of 25) from CAIR States (AL, DE, FL, GA, IA, KY, LA, MS, MO, NC, NJ, NY, SC, TN, TX, WV)
 - 14 (out of 28) from non-CAIR States (AR, CA, CT, KS, MN, ND, NV, NH, OK, OR, RI, UT, VT, NM - Bernalillio County)
- EPA has not yet taken formal action (approvals or disapprovals) on the 30 final SIPs
- We plan to give CAIR states limited approval/deferred limited disapproval until Transport Rule is final
- 2-year FIP clock started January 15, 2009 for 39 states that had not submitted as of that time
 - EPA must issue FIPs by January 15, 2011 unless states submit approvable SIPs

Status of Final Regional Haze SIPs

(Current as of May 5, 2010)





FIP Deadline (January 2011)

- States are working diligently with the Regions to get the SIPs in
 - Want to promote national consistency on BART determinations and RP
- EPA wants to avoid FIPs
 - Lessen the litigation burden
 - Avoid the complications of withholding grant money
- Question for States: What issues are you facing which may be delaying the SIP submittals?



Fire Policy

- On May 4, EPA withdrew the draft fire policy from OMB interagency review
- The withdrawal provides an opportunity for EPA to have further, detailed discussions with federal, state, tribal and other stakeholders, as appropriate, to address concerns raised during the interagency review process
- EPA plans to have the draft fire policy out for review and public comment later this year



Exceptional Events

- Court Decision upheld the Exceptional Events Rule (NRDC v. EPA, 559 F.3d 561 (D.C. Cir. 2009))
- Several stakeholders including Regions, States, Locals and NGOs have asked EPA to provide clarifying guidance for implementation of the rule, especially where natural events are concerned
- EPA's Exceptional Events Work Group is working to resolve issues and improve rule implementation