

NAAQS Implementation and Regional Haze Update

NACAA Spring Membership Meeting
May 23, 2011

8-hr Ozone NAAQS Reconsideration

- A final decision in the 2008 reconsideration is scheduled for the end of July 2011
 - CASAC supplemented advice regarding the level of the primary standard as requested
 - Final rule will include decision on deadline for state designation recommendations
 - Plan to propose Implementation Rule in conjunction with final reconsidered NAAQS
- Widespread Use of Onboard Refueling Vapor Recovery and Stage II Waiver
 - Will address waiver of Serious and above area requirements for Stage II vapor recovery systems at gasoline refueling stations
 - Proposal notice is at OMB for review
 - Separate guidance memo will address technical aspects of removing existing Stage II from SIPs
- Designations assistance
 - Guidance memo
 - Source apportionment modeling results
 - Other data relevant to 5-factor analysis

Ozone Implementation Rules

- Revisions to implementation rule for 1997 8-hr ozone NAAQS
 - RFP credit for emissions reductions outside nonattainment areas - final rule December 2010
 - Anti-backsliding on 1-hr NAAQS nonattainment NSR major source definitions and offset requirements - proposed rule August 2010
 - Classification of former subpart 1 areas under subpart 2 - final rule Spring 2011
- Draft 2011 ozone NAAQS implementation rule will address:
 - Proposed approaches to classifying ozone nonattainment areas
 - Air quality thresholds for Marginal, Moderate, Serious, Severe, and Extreme
 - Impact of options will be illustrated using 2008-2010 air quality data
 - Attainment deadlines for each classification
 - State Implementation Plan (SIP) schedule and requirements for primary standard nonattainment areas
 - Planning and control requirements currently required for the 1997 NAAQS that must continue to be implemented (i.e., “anti-backsliding” requirements)
 - Implementation approach for first-ever separate secondary standard, including classifications and SIP requirements

The Next Ozone NAAQS

- Current Schedule
 - Propose in 2013
 - Final rule in 2014
 - Not court ordered
- First external review draft of Integrated Science Assessment available online:
http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_2008_isa.html

PM_{2.5} NAAQS – 2006 Std.

- Nonattainment areas established effective December 2009
 - Attainment demonstration SIPs due December 2012
- Working on guidance memo to clarify several issues (preliminary):
 - RFP policy on crediting reductions from outside the nonattainment area
 - Appropriate base year emissions inventory and RFP milestone year inventory (i.e., 2014 and, where applicable, 2017)
 - Reminder that beginning January 1, 2011, PM_{2.5} attainment planning and control strategies must account for condensable PM_{2.5} emissions.
 - Clarify current requirements for what it means to model attainment "throughout the nonattainment area"
 - Which 3 years of AQ monitoring data EPA anticipates using to determine whether an area attains by its attainment deadline and how to qualify for a 1-year attainment date extension
- PSD Program SIP revisions due May 16, 2011
 - Sunset of 1997 PM₁₀ Surrogate Policy

PM NAAQS – Current Review

- Policy Assessment Document
 - For the PM_{2.5} health standards:
 - Revising the level of the annual health standard within a range of 11 to 13 $\mu\text{g}/\text{m}^3$
 - Staff concludes evidence most strongly supports range from 11-12 $\mu\text{g}/\text{m}^3$
 - Retaining the daily standard at 35 $\mu\text{g}/\text{m}^3$ would be appropriate if the annual standard were set at 11 to 12 $\mu\text{g}/\text{m}^3$; if annual set at 13 $\mu\text{g}/\text{m}^3$, consider revising to 30 $\mu\text{g}/\text{m}^3$
 - For the PM_{2.5} welfare standards:
 - Concludes it is appropriate to consider setting a distinct secondary PM_{2.5} standard to address visibility impairment primarily in urban areas
 - For the PM₁₀ standards:
 - Staff concludes scientific evidence and associated uncertainties could provide support for either retaining or revising the current primary 24-hour PM₁₀ standard
 - To the extent consideration is given to revising the standard, staff concludes it would be appropriate to consider a 98th percentile form in conjunction with a level within a range of 85 to 65 $\mu\text{g}/\text{m}^3$
 - CASAC recommends revising form to a 98th percentile form in conjunction with a level within a range of 75 to 65 $\mu\text{g}/\text{m}^3$
- If current review results in new/revised standards, revisions to implementation guidance/rule likely to be proposed in conjunction with the final NAAQS

Progress on Ozone and PM_{2.5} Attainment

	8-hr Ozone 2003 designations	1997 PM _{2.5} 2004 designations	2006 PM _{2.5} 2009 designations
Initial Nonattainment Areas	113	39	31
Current Nonattainment Areas	44	39	31
Clean Data Determinations	16	13	1
Redesignations Approved	69	0	0
Pending Redesignations Requests	6	6	1

Redesignation Requests

- 1997 8-hr Ozone NAAQS
 - Moderate area requests (June 2011 attainment deadline extensions) are pending for RACT updates of 2006-2007 CTG revisions
 - Baton Rouge Area, LA; Chicago-Gary-Lake County Area, IL; Milwaukee-Racine Area, WI; Sheboygan Area, WI; St. Louis Area, IL; Phoenix-Mesa Area, AZ (Former Subpart 1)
- 1997 PM_{2.5} NAAQS
 - Most are pending final Transport Rule
 - Chicago-Gary-Lake County, IN; Cincinnati-Hamilton, KY; Evansville, IN; Greensboro-Winston Salem-High Point, NC; Hickory-Morganton-Lenoir, NC; Birmingham, AL (also 2006 PM_{2.5} NAAQS)

SO₂ Implementation Guidance

- SO₂ designations guidance issued March 24, 2010. State recommendations due June 2011.
- 110(a)(1) and (2) SIP revisions addressing infrastructure and state-wide “maintenance” due by June 2013
 - Consistent with providing for “implementation, maintenance, and enforcement” of the NAAQS, EPA expects these SIP revisions to demonstrate, through refined modeling, that sources contributing to monitored and modeled violations will be sufficiently controlled to ensure timely attainment and maintenance of the new SO₂ NAAQS
 - “Timely” is expected to mean no later than the attainment date for nonattainment areas (o/a August 2017)
- EPA plans to issue additional SIP guidance after an opportunity for public review and comment
 - This will include additional modeling guidance for SIP attainment demonstrations
- Considering rulemaking to establish:
 - Hybrid modeling/monitoring approach for determining attainment
 - Modeling protocol for attainment demonstrations
 - Attainment deadline for “maintenance track” areas

CO NAAQS Review

- Proposed to retain current standard on January 28, 2011
 - Public health and environmental organizations on NESCAUM support revision
 - Industry and 4 state agencies support retention
- Proposed ambient air monitoring requirements to co-locate CO monitors with “near-road” NO₂ monitors in urban areas having populations of 1 million or more
 - Approximately 77 CO monitors within 53 urban areas, as part of the overall CO monitoring network
 - NACAA, NESCAUM, NYSDEC, and public health and environmental groups support new requirements, but states want population threshold raised to 2.5 million
 - Many also concerned about losing Neighborhood monitors
 - Industry and several state and local governments do not support near-road monitoring
- There are currently no CO nonattainment areas for existing standards (9 ppm 8-hr, 35 ppm 1-hr)
- Final rule due August 12, 2011

Pollution Transport Rules

- Transport Rule 1
 - On August 2, 2010 EPA proposed FIPs for 31 states and DC to address the CAIR remand.
 - EPA issued three NODAs subsequent to the proposal: January 7, 2011 (allocations methods); Oct 27, 2010 (supplementing the record on emissions inventory data); September 1, 2010 (new version of the IPM model).
 - We anticipate final action by June 2011.
- Transport Rule 2
 - Will address, as necessary, the revised 2011 ozone NAAQS.
 - Review intended to be national in scope and examine contribution from multiple source categories.
- Transport Rule 3 (?)
 - Would address, as necessary, any revisions to PM NAAQS.

Exceptional Events Guidance

- Draft Guidance Products Available Now
 - Overview of draft guidance and 2 attachments
 - Frequently asked questions (~30 pages)
 - High Winds Guidance Document (~60 pages)
 - Deadline for comments is 6/30/11; will work with NACAA in developing solutions to identified issues.
 - Finalize in November after broader outreach and comment.
 - Website <http://www.epa.gov/ttn/analysis/exevents.htm>
- Draft Guidance Products Under Development
 - Guidance document on wildfire events and ozone – summer 2011 draft for review
 - Replacement for EPA's Interim Fire Policy
 - Currently reconsidering the purpose and approach in light of interagency review comments.
 - Anticipate components to clarify treatment of agricultural burning and better define "basic smoke management practices."
 - Will then meet with states and federal agencies to discuss concepts before issuing new draft for public comment.

EPA Actions on RH SIPs

- Working with 7 states under deadline suits to take final action on BART determinations and Reasonable Progress plans
- Deadlines range from June 2011 to May 2012

Status of EPA Actions as of May 16, 2011*

State	SIP Approval		FIP	
	BART	RP	BART	RP
CA	Final	Final		
NM			Proposal**	
ID	Proposal			
OR	Proposal			
OK			Proposal**	

* ND and KY: no action yet

** These are partial FIPs

EPA Actions on RH SIPs (cont.)

- EPA has received notices of intent to sue from multiple environmental groups for:
 - Failure to take action on submitted SIPs not subject to 'finding of failure to submit' notice in January 2009
 - Failure to promulgate FIPs for states that did receive a 'findings' notice
 - Would apply to all 50 states plus DC and the Virgin Islands
 - We are negotiating settlement schedules to take final action on all of these SIPs/FIPs

Upcoming RH Activity

- 5-Year Review
 - We do not currently expect to issue formal guidance on 5-year reviews.
 - Regions will work with states as needed to clarify expectations.
- 2018 RH SIP Revisions
 - Need to fully satisfy RH rule requirements (51.308(f) and 51.308(g)).
 - Due July 31, 2018, with revised reasonable progress goals, if necessary.
 - Planning a future meeting with states to discuss the requirements, answer questions, and develop a strategy to meet the requirements.
 - We are interested in your ideas on possible changes in the rules or the guidance
 - Consistent with the recent Executive Order encouraging federal agencies to "look back" at current rules
- Once the Transport Rule is final, we will initiate a "Better Than BART" analysis for affected states
 - We anticipate a proposal by late Fall 2011