



Office of Air Quality Planning and Standards

Clean Air Updates: NAAQS and Other Implementation-Related Topics

Anna Marie Wood
Director, Air Quality Policy Division
NACAA Spring Meeting
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Overview of Presentation

- NAAQS Schedules and Implementation Update
 - Ozone
 - Lead
 - NO₂
- Infrastructure SIP Updates
- Regional Haze
- GHG Permitting Update
- New Source Review Updates
- SIP Reform Efforts
- Appendix

NAAQS: ANTICIPATED SCHEDULES & IMPLEMENTATION UPDATE

Current Schedule for Ongoing NAAQS Reviews

(updated January 31, 2013)

MILESTONE	POLLUTANT						
	Ozone	Lead	NO ₂ Primary	SO ₂ Primary	NO ₂ /SO ₂ Secondary	CO	PM
NPR	Dec 2013	Jan 2014	Feb 2016	Feb 2017	May 2017	Summer 2017	TBD
NFR	Sept 2014	Oct 2014	Nov 2016	Nov 2017	Feb 2018	Spring 2018	TBD

Anticipated NAAQS Implementation Milestones

(updated March 2013)

Pollutant	Final NAAQS Date (or Projection)	Infrastructure SIP Due	Designations Effective	Attainment Demonstration Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Oct 2009	Dec 2009	Dec 2012	Dec 2014/2019
Pb (2008)	Oct 2008	Oct 2011	Dec 2010/2011	June 2012/2013	Dec 2015/2016
NO ₂ (2010) (primary)	Jan 2010	Jan 2013	Feb 2012	none	none
SO ₂ (2010) (primary)	June 2010	June 2013	August 2013 (+2 rounds)	Feb. 2015	Aug 2018
Ozone (2008)	Mar 2008	Mar 2011	July 2012	Mid 2015	2015/2032
PM _{2.5} (2012)	Dec 2012	Dec 2015	Early 2015	Mid 2016	2021 (Mod) 2025 (Ser)
Ozone (2014)	2014	2017	2016	2020	2020/2037

2008 Ozone NAAQS SIP Requirements Rule

- 2008 Ozone NAAQS (8 hr/.075 ppm)

- EPA designations for the 2008 Ozone NAAQS became effective on July 20, 2012
 - EPA denied 29 petitions for reconsiderations of certain final area designations in December 2012
 - Pending litigation regarding certain final area designations
 - Pending litigation regarding level of 2008 NAAQS

- 2008 Ozone NAAQS Implementation Rule
 - Proposal expected soon; 60-day public comment period
 - One hearing in Washington, D.C. – date TBD
 - Anticipated publication of final rule: early 2014
 - NA SIPs due in mid-2015

2008 Ozone NAAQS SIP Requirements Rule

- Attainment Demonstration SIPs
- Reasonable Further Progress (RFP) Requirements
- Reasonably Available Control Technology (RACT)
- Contingency Requirements
- Vehicle I/M Requirements
- Nonattainment New Source Review (NSR)
- Emissions Inventory
- Rural Transport Nonattainment Areas
- “Anti-backsliding” for Revoked 1997 NAAQS

2008 Ozone NAAQS SIP Requirements Rule

- Provide states flexibility where allowed by law
- Proposed flexibilities include (*see appendix for additional detail*)
 - Deadlines for emission inventory, RFP, RACT, RACM, and attainment demonstration SIPs
 - Flexibility in meeting RFP, including precursor pollutant substitution
 - RACT reviews and compliance deadlines
 - Contingency measure flexibility for Extreme areas
 - Baseline and periodic emissions inventory submissions
 - Defining the “MSA” criteria for Rural Transport Areas
 - Revoking 1997 NAAQS and establishing new anti-backsliding provisions

Ozone NAAQS

- 2014 Ozone NAAQS Review
 - Integrated Science Assessment – Released February 15, 2013
 - Risk and Exposure Assessment and Policy Assessment – second draft due May/June 2013
 - Proposal – December 2013
 - Final – September 2014

- Assessing optimal timing for engaging air agencies on implementation related issues

Lead NAAQS

- Revised NAAQS in 2008, primary standard is 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)
- 21 NA areas designated (2010/2011); states working on infrastructure SIPs and attainment SIPs
- Current Lead NAAQS Review
 - CASAC's draft letter on our draft Policy Assessment concurs with staff recommendation that the NAAQS not be revised
 - Propose Rulemaking - January 2014
 - Finalize Rulemaking - October 2014

2010 NO₂ NAAQS

- Primary 1-hour standard: 100 ppb (98th percentile, averaged over 3 years)
- Primary and secondary annual standard: 53 ppb, annual mean
- The NAAQS rule established requirements for near-roadway monitors
 - Monitors to be phased in:
 - One in each metropolitan area > 1M people by January 1, 2014 (52 monitors)
 - A second in areas > 2.5M people or, areas > .5M people that has one or more road segments with 250,000 or greater annual average daily traffic counts by January 1, 2015 (23 monitors)
 - One in all remaining areas > .5M people by January 1, 2017 (51 monitors)
- There are no NO₂ nonattainment areas
- The NO₂ standard was upheld by the DC Circuit and certiorari recently denied

Exceptional Events Guidance Update

- Interim Exceptional Events Implementation guidance includes:
 - Memorandum to Regional Air Division Directors
 - Attachment 1 - Frequently Asked Questions document
 - Attachment 2 - High Winds Guidance document
 - Examples of approved demonstrations, best practice components, and publicly available analysis tools on Exceptional Events website at <http://www.epa.gov/ttn/analysis/exeevents.htm>
- EPA will announce the release of guidance documents through the Exceptional Events website
 - EPA will simultaneously announce its decision regarding whether or not to pursue revisions to the 2007 Exceptional Events Rule
 - EPA will also formally announce its intent to develop exceptional event implementation guidance to address wildfire-related events that may affect ozone concentrations
- Timing – Spring 2013

Interim Air Quality Policy on Wildland and Prescribed Fires

- EPA has indicated its intent to revise the interim Air Quality Policy on Wildland and Prescribed Fires to include agricultural burning
- EPA has convened several conference calls with federal agencies to discuss possible changes but has made no decisions on possible changes
- EPA wishes to have a series of stakeholder meetings with Tribal governments, state agencies (Agriculture, Environment, and Forest Management), industry and environmental groups to get ideas and input on changes

INFRASTRUCTURE SIP UPDATES

Infrastructure SIP (I-SIP) Obligations

NAAQS	Due date under CAA	Notes
1997 Ozone	July 2000	July 2010 - Consent decree Fall 2011 - Settlement agreement
1997 PM _{2.5}	July 2000	October 2008 - Made findings of failure to submit
2006 PM _{2.5}	Sept 2009	September 2011 - Made findings of failure to submit October 2011 - Consent decree Currently - About to invite public comment on another consent decree
2008 Ozone	March 2011	January 2013 - Made findings of failure to submit. Multipollutant I-SIP guidance – anticipated May 2013 (combined for ozone, NO ₂ , SO ₂ and PM _{2.5}).
2008 Lead (Pb)	October 2011	October 2011 - Infrastructure SIP guidance February 2013 - Made findings of failure to submit
2010 NO ₂	January 2013	Multipollutant I-SIP guidance - anticipated May 2013
2010 SO ₂	June 2013	Multipollutant I-SIP guidance - anticipated May 2013
2012 PM _{2.5}	Dec 2015	Multipollutant I-SIP guidance - anticipated in May 2013

I-SIP Guidance

- EPA is very close to releasing I-SIP guidance that covers the 2008 Ozone, 2010 NO₂, 2010 SO₂, 2012 PM_{2.5} and all future new or revised NAAQS
 - Will be revised or supplemented as needed
- Guidance on general issues
 - Severability of elements
 - Timing of the obligation for each element
 - Certification submittals
 - Public comment process
 - Parallel processing implications
 - Completeness
 - Effect of a pre-existing FIP
- Guidance on specific elements
 - Does not address interstate transport affecting attainment or maintenance of the NAAQS
 - Includes citations to recent EPA actions in specific states that involved issues that may also arise with other states going forward
- Status: Currently assessing needed changes in light of state/local comments on a draft version
- Anticipate issuance in May 2013

Startup, Shutdown and Malfunction

- Since the 1970s and 1980s, some state SIPs have included provisions exempting sources from SIP emission limits during periods of startup, shutdown and malfunction (SSM)
 - In the early years, these provisions were approved, but are inconsistent with policies articulated numerous times
- After a number of years of inaction that lead to a lawsuit, EPA has issued a proposed rule (SIP Call) to clarify and update the SSM policy and to identify state provisions we believe are in conflict with the CAA
- The SIP Call stems from a settlement agreement to respond to a petition from the Sierra Club
 - The settlement avoided litigation that might have resulted in even more difficult implications for EPA and states

SIP Call for SSM

- EPA proposed a SIP Call to 36 states in February 2013 concerning identified SIP provisions for treatment of excess emissions occurring during SSM
 - Extended comment period now ends May 13, 2013
 - The proposal restates and invites public comment on EPA's SSM Policy
 - EPA proposes to allow the affected states 18 months after any SIP calls are final (the max allowed under the CAA) to correct and submit their SIPs—likely deadline now is Spring 2015
 - Link to EPA's webpage specific to this rule is under SIP Status at www.epa.gov/airquality/urbanair/sipstatus

2006 PM_{2.5}, 2010 Lead, and 2008 Ozone NAAQS Interstate Transport Issues

- In the past, EPA treated SIPs to address transport impacts on NAAQS attainment and maintenance as being part of the overall infrastructure SIP obligation, due three years after promulgation of the NAAQS
- The CSAPR court decision changed this. The decision states that transport SIP submissions are not required until the transport obligation is defined by an EPA rule (which has not happened for any NAAQS)
- If a submission is at EPA already, we must act on it. EPA has been completing these actions, and has only a small number remaining to complete
- Also, because of the CSAPR court decision, findings of failure to submit for 2008 ozone and 2010 Pb NAAQS made in January and February 2013 did not address the status of submittals regarding transport affecting the NAAQS
- EPA has been challenged in court on this new paradigm

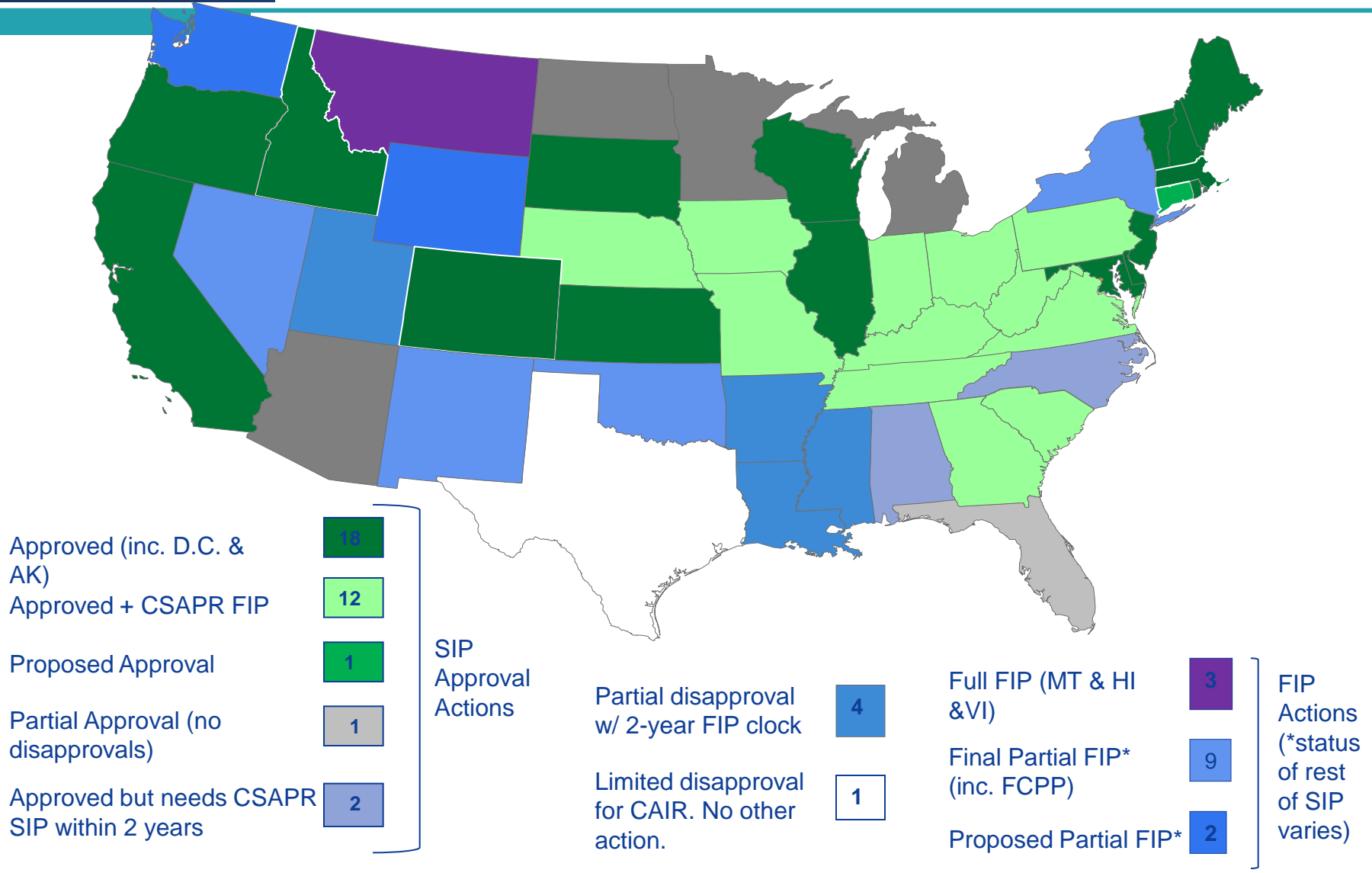
REGIONAL HAZE

Consent Decrees for Regional Haze

- Under the Regional Haze Consent Decree with the National Parks Conservation Association, we have taken 60 final actions since June 2011

- Only a few actions remain for addressing the requirements for the first 10-year implementation period, which ends in 2018:
 - Arizona (partial SIP), Florida, and Washington: final July 15, 2013
 - Wyoming: final November 21, 2013
 - Oklahoma and Texas: final December 15, 2013
 - Arizona (partial FIP): final February 6, 2014

Current Status of Regional Haze SIP and FIP Actions



Federal Implementation Plans for Regional Haze SIPs

- Three final full FIPs (Montana, Hawaii, and U.S. Virgin Islands)
- Nine final partial FIPs:
 - San Juan Generating Station in New Mexico (Administrator stay)
 - Four Corners Power Plant in New Mexico
 - 3 power plants in Arizona
 - 3 power plants in Oklahoma (court-ordered stay)
 - 2 power plants in North Dakota
 - 2 power plants in New York
 - 1 power plant in Nevada
 - non-EGUs (taconite, cement, and paper) in Michigan
 - Taconite plant in Minnesota
- Proposed partial FIP:
 - several power plants in Wyoming, to be re-proposed soon

Related EPA Actions

- CSAPR Better-than-BART Rule (effective August 7, 2012)
 - Allows CSAPR states to meet the BART requirements for EGUs with CSAPR programs
 - Eleven states have partial “friendly” FIPs that substitute CSAPR trading programs for source-specific BART for EGUs, as applicable
 - Two states have FIP clocks running that are dependent on CSAPR
- Implications of the CSAPR Vacatur
 - Recently, the U.S. Solicitor General has petitioned the Supreme Court to review the U.S. Court of Appeals for the D.C. Circuit’s decision in *EME Homer City Generation, L.P. v. EPA* (the CSAPR decision)
 - EPA is assessing potential paths to address these SIPs, FIPs and FIP clocks for the affected states, so that once the final outcome of the CSAPR litigation is known, EPA is positioned to consult quickly with states on appropriate paths forward

Regional Haze SIPs – Periodic Review

- Periodic report describing progress toward reasonable progress goals [§51.308(g)] and [§51.309(d)(10)]
 - Report is due 5 years from submittal of the initial SIP under 308, and in 2013 under 309
 - Evaluate adequacy of existing plan and act accordingly [§51.308(h)]
- 5-year report due dates
 - December 2012 for North and South Carolina because SIPs submitted in 2007
 - 2013 for Utah, New Mexico, and Wyoming (under §309)
 - Between 2013 and 2017 for the rest of the states depending on the SIP submittal date
- EPA has developed guiding principles document for reviewing 5-year reports
 - Document issued on April 12, 2013
 - EPA sought feedback on document in listening sessions with FLMs, RPOs, and certain states

Lessons Learned: 2018 Regional Haze SIP Revisions

- A comprehensive SIP revision is due July 31, 2018, and must fully satisfy the Regional Haze rule requirements, including revised reasonable progress goals, if necessary
- OAQPS is actively engaging the regional offices on lessons learned and how we can do better for the next Regional Haze SIP cycle
- Topics on the table include timing of SIP submittals, consistency issues, needed technical support, and potential rule revisions
- We plan to solicit input from stakeholders

GHG PERMITTING UPDATE

GHG Permitting Activity to Date

- As of April 5, 2013, approximately 241 PSD and 29 Title V permit applications have been submitted
 - Of 241 PSD permit applications, 87 permits with GHG limits have been issued
 - Most issued permits are for EGUs and oil & gas facilities
 - Of approximately 30 Title V permit applications EPA is aware of, four final permits have been issued to date

GHG Tailoring Rule Implementation

- EPA has completed the first 3 steps phase-in for GHG permitting
 - January 2, 2011, EPA and states began PSD permitting for GHGs under the Tailoring Rule Step 1 for “anyway” sources and modifications
 - Tailoring Rule Step 2 began July 1, 2011, including sources that would be major for GHG-only
 - Tailoring Rule Step 3 issued on June 29, 2012
 - Maintains the Step 1 and 2 thresholds and established changes to the PAL rules that help streamline the GHG permitting process
- Additional work/commitments include:
 - 5-year study due for completion in April 2015
 - Step 4 Rule due in April 2016
 - Actions to ensure full implementation of the Tailoring Rule
 - Program Updates (SIP and Title V)
 - Streamlining Techniques Development
 - GHG’s and Title V Fees
 - Treatment of Biogenic CO₂ emissions for permitting purposes

GHG Five-Year Study

- As part of Tailoring Rule, EPA made an enforceable commitment to conduct and complete a study by April 30, 2015
- The study will help inform the Step 4 Rule due in April 2016
- GHG permitting activity data for both PSD and Title V programs are needed as part of the study
- In addition to the permitting data we have collected to date, EPA plans to collect data from regional, state, local and tribal permitting programs on permit processing and burden
 - The exact mechanisms and timeframes for data collection are still under discussion

Streamlining Techniques Development

- EPA is reviewing CAAAC GHG Permit Streamlining Workgroup Report (released September 14, 2012) which:
 - Provides summary of GHG permit streamlining information received either through Tailoring Rule process or workgroup's efforts to collect additional information
 - Does not offer recommendations due to resource and time constraints
 - Asks EPA to solicit stakeholder feedback through public notice and comment rulemaking

- In addition, EPA continues to review possible streamlining approaches identified in Tailoring Rule and analyzing comments received

- EPA is also exploring other potential streamlining alternatives such as the use of energy efficiency programs/approaches for GHG permitting of some sources

- Status of GHG FIPs
 - 10 states initially received FIPs
 - Only 3 states (TX, WY, FL) currently remain with GHG FIP
 - Continue to work with permitting authorities to ensure permitting program changes are processed in an efficient manner

- Updating Title V programs

- Treatment of Biomass CO₂ Emissions for Permitting Purposes
 - 3-year deferral expires July 2014
 - SAB completed its scientific analysis; provided EPA with report
 - EPA is analyzing the information in the SAB report in order to determine next steps

NSR UPDATES

2008 Ozone NAAQS Litigation Related to NSR

- **WildEarth Guardians et al. v. Jackson**
 - Deadline suit for failure to issue PSD regulations (e.g., PSD increments) for 2008 Ozone NAAQS under section 166 of CAA
 - In May 2012, the district court held that CAA did not require EPA to promulgate additional regulations for ozone following revised NAAQS
 - Plaintiffs filed an appeal of this decision in the Ninth Circuit

- **Sierra Club vs. Jackson**
 - Lawsuit requesting EPA to designate models for demonstrating that PSD sources do not cause or contribute to Ozone and PM_{2.5} NAAQS and increment violations and claiming unreasonable delay.
 - EPA agreed to undertake rulemaking to consider possible updates to 40 CFR 51 Appendix W; lawsuit dismissed

PM_{2.5} NAAQS: SILS and SMCs

- **Sierra Club v. EPA**, D.C. Cir., No. 10-1413, 1/22/13
 - Sierra Club challenged EPA’s authority to promulgate significant monitoring concentrations (SMCs) and significant impact levels (SILs) for PM_{2.5} under Section 166 of CAA; also challenged whether the adopted values are *de minimis*
 - Court vacated and remanded, at EPA’s request, certain aspects of SIL provision to EPA
 - Also vacated the SMC, holding that EPA exceeded its authority

- Near-term implications and recommended approaches for permitting addressed in “Draft Guidance on PM_{2.5} Permit Modeling”

- Guidance re: impact on pending and issued permits in Q/A form posted on EPA website at: www.epa.gov/nsr

- Rulemakings planned to 1) remove vacated rule language for SMCs and SILs, 2) revise and re-justify SILs as appropriate and 3) correct approved SIPs

NSR Updates: Applicability

- **U.S. v DTE Energy**, 6th Cir., No. 11-2328; 3/28/2013
 - EPA brought NSR enforcement case in district court against DTE based on faulty pre-construction emission projections and sought injunctive relief
 - The district court denied EPA's request for an injunction, maintaining that EPA cannot bring an enforcement action without post-project emissions data demonstrating that the pre-construction emissions projections were incorrect
 - EPA appealed the decision
 - Sixth Circuit held EPA has authority to challenge pre-construction emission projections and bring enforcement action against company operating without a construction permit
 - District court will now take up the case again

NSR Updates: Source Aggregation

- **Summit Petroleum Corp. v EPA** ; Nos. 09-4348;10-4572; 8/7/12
 - EPA determined that Summit's oil and gas operations should be aggregated and permitted as a single source because all of the units were: (1) in the same SIC code; (2) owned and operated by the same company; and (3) were "adjacent" (i.e., close together and uniquely interdependent)
 - Sixth Circuit disagreed with EPA's aggregation determination finding the term "adjacent" unambiguous; adjacent means physical proximity
 - Court vacated and remanded EPA's Title V applicability determination for Summit Petroleum's oil and gas operations
 - On Dec. 21, 2012, EPA issued a memo to Regional Air Division Directors stating that EPA interprets the Summit decision to apply only in the 6th Circuit
 - Petition for review of memo pending in D.C. Circuit

PSD Permit Processing Guidance

- On October 12, 2012, EPA issued guidance: “Timely Processing of PSD when EPA or a PSD-Delegated Air Agency Issues the Permit”

<http://www.epa.gov/region07/air/nsr/nsrmemos/timely.pdf>

- Applies to PSD permits issued by EPA and delegated states
- Clarifies requirements for complete application and identifies best practices
- Emphasizes early engagement and communication between applicant and permitting authority
- Describes consultation with other federal agencies on Endangered Species Act and other statutes
- Intended to improve consistency and timeliness of permit decisions
 - Under the CAA, EPA has one year to issue a PSD permit from the date on which the permit application is deemed complete
 - Goal is to complete action on a permit application within 10 months

SIP REFORM EFFORTS

Where We Are: Recent SIP Reform Activities

- EPA/NACAA/ECOS Work Group on SIP Reform created in 2010
 - Drew action items from all previous reports including items which had been suggested but never completed
 - Resulted in a list of 13 priority objectives from the Work Group, referred to as the “List of 13”. *(Three are complete and two are on hold. See appendix for specific status.)*
 - Initial products EPA produced addressed some of the 13 priority objectives
- Region 7 and OPAR leading efforts to develop and implement tools to improve SIP processes and resolve SIP policy issues (e.g., LEAN Processes, SIP Backlog database, consistency memoranda, etc.)
- OAQPS leading efforts to catch up on overdue guidance/rules and improve timeliness of future guidance and rules needed to implement NAAQS

Focus of SIP Improvement Efforts

Guiding Principle: Early Air Agency Engagement/ No Surprises!

- Rule and Guidance Management – EPA issues timely and effective NAAQS-related rules, guidance, and other tools needed for air agencies to meet their Clean Air Act responsibilities.
- Improved SIP Processing– SIP approval decisions are consistent between Regions and made within Clean Air Act timeframes. SIP backlog is reduced and future SIPs are processed in timely manner.
- Success of SIP Reform actions will be measured by their ability to address the List of 13.

Rule and Guidance Management

■ Key Actions

- PM_{2.5} Full Cycle Analysis Project (FCAP)
 - Early air agency engagement
 - Monthly policy calls with NACAA PM_{2.5} implementation group
 - Determine optimal timing for early engagement
 - Provide necessary guidance and rules needed to implement PM_{2.5} NAAQS on timely basis
- Catch up on overdue guidance and tools for NAAQS implementation
- Operationalize targets for timely issuance of guidance and rules for future NAAQS (e.g., 2014 Ozone NAAQS)
- E-SIP submittals

Planned Work Products for PM_{2.5} FCAP Subgroups

- SIP Processing Subgroup
 - Best practices for early EPA review of draft SIP submissions
 - Best practices for communicating issues of national importance to air agencies
 - Recommendations regarding key obstacles that delay action by EPA on SIP submissions
 - iSIP template
 - Attainment demonstration template

- Technical Subgroup
 - Roadmap for state input to modeling and inventory guidance
 - Timely issuance of guidance

Rule and Guidance Management

- **2008 Ozone NAAQS**
 - Rule: Implementation of the 2008 NAAQS for Ozone-State Implementation Plan Requirements

- **2010 SO₂ NAAQS**
 - Guidance: SO₂ Nonattainment Area Implementation Requirements
 - Technical Assistance Document for SO₂ Air Quality Modeling in Support of Designations
 - Technical Assistance Document for SO₂ Air Quality Monitoring in Support of Designations
 - Rule: Data Requirements for Air Quality Modeling and Monitoring for Designations

Rule and Guidance Management

■ 2012 PM_{2.5} NAAQS

- Guidance: Area Designations for the 2012 Revised PM_{2.5} NAAQS
- Guidance: PM_{2.5} Permit Modeling
- Rule: PM_{2.5} Nonattainment Area Implementation Requirements
- (Revised) Guidance on the Use of Models and Other Analyses for Demonstrating Attainment for Air Quality Goals for O₃, PM_{2.5} and Regional Haze
- (Revised) Guidance: Emission Inventory Guidance for Implementation of O₃ and PM_{2.5} NAAQS and Regional Haze Regulations

Rule and Guidance Management

- **Exceptional Events**
 - Interim Exceptional Events Guidance to clarify key provisions of the 2007 Exceptional Events Rule.
 - Supplemental Exceptional Events Guidance re: Wildfire/Ozone Events
 - Rule: Revisions to the 2007 Exceptional Events Rule (if needed)

- **Guidance: Infrastructure State Implementation Plan Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2)**

- **Regional Haze:** Guidance: General Principles for the 5-Year Regional Haze Progress Reports for the Initial Regional Haze State Implementation Plans (Intended to Assist States and EPA Regional Offices in Development and Review of the Progress Report)

Website to Provide Information on NOIs

- New website available to assist states become aware of potential litigations
- Makes available notices of intent (NOI) to sue received by EPA's Office of General Counsel on or after January 1, 2013
 - Newly received notices are added on an ongoing basis
- <http://www.epa.gov/ogc/noi.html>

Improved SIP Processing/Backlog Management

- Regional office selection of strategies to reduce backlog SIPs
- Key Performance Indicator (KPI)
- Management and tracking of SIP actions
- Elevating SIP issues
- Ensuring SIP consistency

Improved SIP Processing/Backlog Management

- In FY11, Regions selected and implemented strategies from a menu of options to reduce the SIP backlog
- Regions routinely share effective strategies
- Regions continue to employ selected strategies
- In FY13/14, investigating ways for consistent priority setting across Regions and other strategies to prevent backlogged SIPs

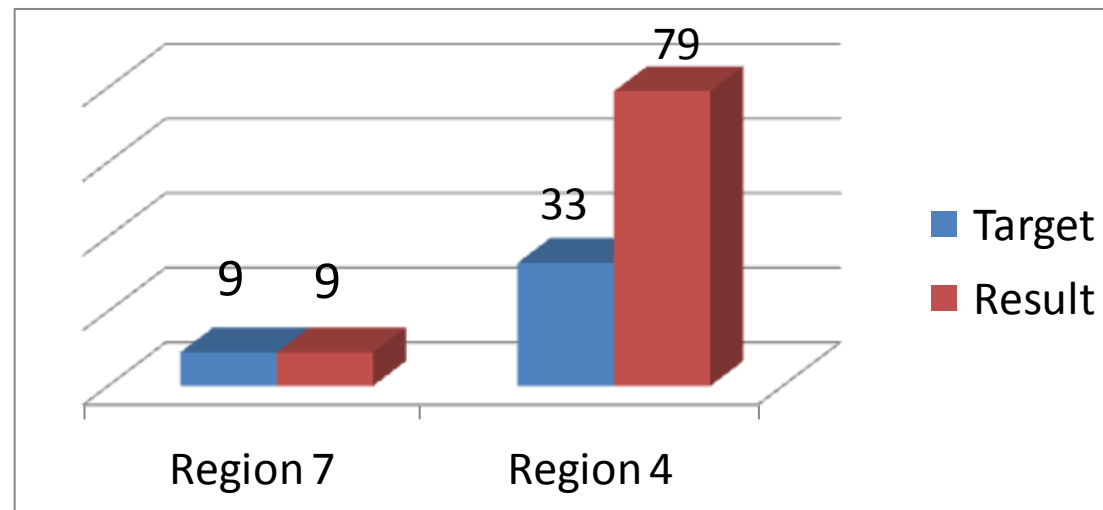
Improved SIP Processing/Backlog Management

Key Performance Indicators (KPI):

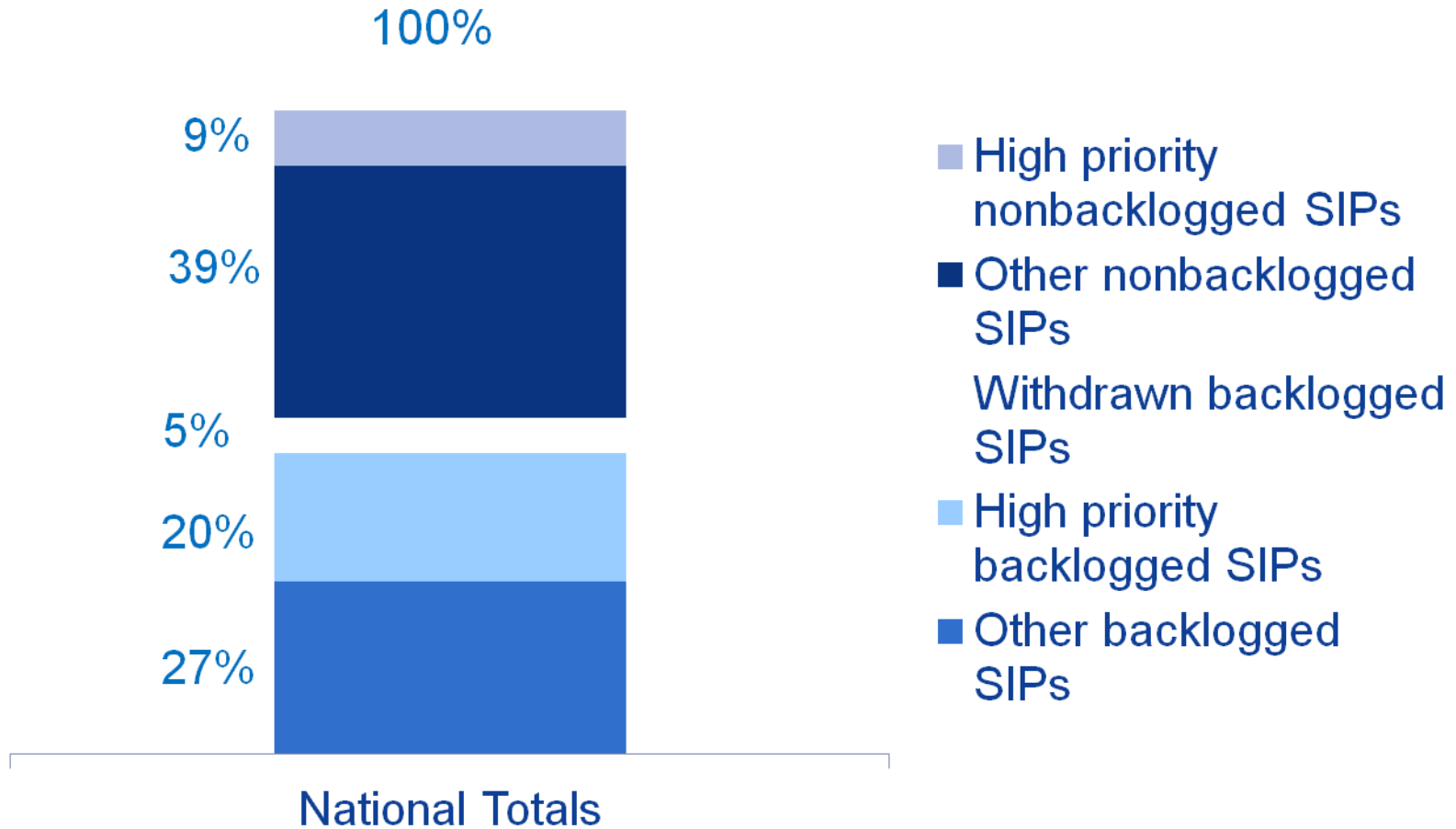
- Starting in FY12, Regions agreed to a KPI for the SIP Backlog and established a goal
- The goal sets a target number of backlogged SIPs which each Region commits to addressing in the FY
- When managing resources to meet their goal, Regions use a set of principles and strategies to select which backlogged SIP actions will be used to meet their goal (including state input on priorities)

FY12 KPI

- FY12 KPI goal - 25% reduction in backlogged SIPs from September 1, 2011 baseline
- FY12 KIP result - 35% reduction in backlogged SIPs from September 1, 2011 baseline
- Example:



FY12 SIP Actions



Tracking SIP Actions

- Established consistent definitions for tracking backlogged SIPs
 - Any formally submitted SIP/TIP revision pending before a Region for which no final action has been taken for 12 months or more since being determined complete or becoming complete by operation of law.
- Established standard tracking system
- Internal report available to agency managers showing SIP status across all ten Regions

Elevating Issues

- OAQPS, OGC and Regional Offices entered into a formal agreement establishing a protocol for elevating key issues that need resolution in order to move forward on SIP actions
- These issues get placed on a SIP Dashboard which communicates to Regions what decision points are needed to move forward
- Established a workgroup of Air Program Managers to discuss SIP backlog issues

SIP Dashboard

- 13 out of 17 issues have been resolved since the beginning of FY12

Examples – Green Light:


- Attainment Demonstrations/Redesignations (PM/Ozone): CSAPR Litigation
- PM2.5 NSR Implementation: SILs/SMC

Examples - Red Light:

- Ethanol Rule
- Regional Haze: CSAPR => BART

Priority 3 – Infrastructure SIPs


Issue 1: 110(g)(2)(D)(i)(I) Transport for 2008 ozone, 2010 NO₂ and 2010 SO₂
 Original due date for submittal: March 12, 2011, January 22, 2013 and June 2, 2013
 SIPs have been submitted

Current Status	Responsible Office/Contact	Issue/Background	Strategy for Resolution	Products	Dates
	OAR/Janet McCabe OAQPS/GSG/Gobeal McKinley Transport	Consistent with the CSAPR court decision, (D)(i) SIPs (1) are not required until EPA has defined the state's obligation, (2) EPA does not have the authority to promulgate a FIP until it identifies emissions that significantly contribute.	November 19, 2012, McCarthy Memo. EPA did/will not issue a finding of failure to submit for (D)(i)(I) for 2008 ozone NAAQS.	McCarthy Memo Transport workgroup established by Region 6 under the 110 (SIP) workgroup.	Target Date: Resolution Date:

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Priority 2 – Attainment Demonstrations and Redesignations (Ozone and PM)

Issue 3: Cross-State Air Pollution Rule
 Due Dates varies
 Number of SIPs that would be released for action upon resolution of these issues
 1997 Ozone Redesignations Request – 5, 1997 PM Redesignations Requests – 22, 2006 PM Redesignations Requests – 6, Attainment Demos 7

Current Status	Responsible Office/Contacts	Issue/Background	Strategy for Resolution	Products	Dates
	OAR/Gina McCarthy OAR/OJeb SMITCHEL OAQPS/SP/John South Transport Subj:rewart Young	How does the court decision impact state implementation plan actions relying on CAIR reductions ... including transportation plans for nonattainment area plans to meet the standards by their Clean Air Act deadline?	OAR decision to rely on attainment redesignations from CAIR to meet the standard for ozone and 80% /2008 PM2.5 requirements/ maintenance plans and attainment demonstrations. The OAR decision states it will support the for EPA to rely on CAIR pending the development of a valid replacement (applicant to Regional Issue 4 and 5).	Initial language for 3 specific redesignations. 1) where areas don't meet CAIR or submit to maintain. 2) where redesignations from CAIR show that areas can maintain for 10 years, and 3) where redesignations can show that areas can maintain for 10 years, even with existing OAPN (including receptor work). Initial language for 2022 maintenance plans (ozone work). Will identify clean study requirements for 2008 ozone (including receptor work), PM2.5, 80% PM2.5 (including receptor work), and PM 2.5 Priority Table.	Target date for resolution October 2010 Resolution date TBD

SIP Consistency

- April 2011 McCabe memo's addressing Region-to-Region SIP consistency issues in SIP processing:
 - Reducing number of paper copies
 - Clarifying requirements for public notice
 - Best practices for SIP submittal letters

- Part of EPA's response to NACAA/ECOS "List of 13"

QUESTIONS OR COMMENTS



APPENDIX

2008 Ozone NAAQS SIP Requirements Rule: Proposed Flexibilities

- Combined SIP submittals for Moderate and above areas.
 - Proposing that emissions inventory, emissions statement, RACT SIP, RFP SIP, attainment plan, and attainment demonstration due 30 months after designation (January 20, 2015).
 - Aligning multiple SIP submissions can reduce administrative burden for states.
 - Anticipate states will support the idea, but that few will take advantage for 2008 ozone NAAQS.
- Serious and higher areas have 4 years to develop attainment plan and additional 3% RFP plans
 - Proposing to allow all areas to substitute NO_x for VOC to achieve 15% inventory reduction in first 6 years after designation.
 - CAA requires these reductions to be VOC-only.
- Eliminate “pre-1990 adjustments” calculation for RFP
 - Proposing that states no longer need to calculate and deduct emissions related to pre-1990 motor vehicle, RVP, and vehicle I/M program corrections (per CAA section 182(b)(1)(D))

Proposed Flexibilities Cont'd

- Allow areas to choose base year for RFP calculations that pre-dates 2011.
 - Allows areas that began early reductions in 2008 when standard was set to take credit for those reductions in RFP plans.
 - In exchange for flexibility, areas need to provide additional 3% per year RFP for each year that is prior to 2011 (e.g., 2008 baseline year would require $15\% + 3 \times 3\% = 24\%$ reduction for years 2009 through 2017).

- Propose to allow Extreme areas to satisfy attainment plan contingency measure requirements with commitment for future measures.

- Seeking comment on a number of issues.
 - Out-of-area RFP, alternative RFP approaches, aligning I/M SIP due date with attainment SIP, RACT flexibility, etc.

- Section emphasizes
 - There are no new I/M areas
 - The importance of OBD technology
- EPA solicits comment on aligning I/M SIP deadline with attainment SIP deadline
- EPA also notes ability to approve alternative mobile source controls getting equivalent reductions in place of I/M
- EPA identifies implementation flexibilities for I/M programs made possible by predominance of onboard diagnostics (OBD) in current fleet

2008 Ozone: Revocation of the 1997 NAAQS and Proposed Anti-backsliding Flexibility

- Revoking 1997 NAAQS allows EPA to approve innovative SIP approaches that are “not less stringent” to meet any remaining applicable 1997 NAAQS control requirements, as determined by Administrator. Can be applied to:
 - Section 185 fee programs triggered by failure of Severe/Extreme areas to attain by attainment date;
 - Nonattainment NSR source applicability thresholds and offset requirements; and
 - Redesignation requirements for maintenance plans.

- Takes into consideration results of recent court decisions

- Proposing revocation on date final SIP Requirements Rule is published in the *Federal Register*

The Advance Program for Ozone and PM

- Encourages emission reductions in attainment areas, to help the areas stay in attainment
 - Ozone Advance launched April 2012 and PM Advance Jan. 2013
 - 33 areas in 21 states/8 EPA Regions are currently participating, and new participants continue to join
 - Program website is www.epa.gov/ozonepmadvance
- Participation Benefits:
 - Receive EPA support
 - Rallying point for public/stakeholder awareness and involvement
 - Develop framework for action
 - Emphasis on multi-pollutant reductions
 - Recognition and opportunity to highlight measures/programs
 - Stakeholder group formation and engagement
 - Potential to implement measures early and efficiently

Status List of 13: Completed Items

- **2. Facilitate redesignations and maintenance plan submittals by eliminating unnecessary documentation**
- **8. Allow letter approval or certifications for minor SIP revisions**
- **11. Allow states to determine the most appropriate mechanisms for seeking comment from the public about SIP amendments (including whether or not to hold a hearing and the possibility of using online methods of notice)**
- All three were accomplished through SIP Consistency Memo (McCabe, 4/6/11) which addresses state submittal requirements

List of 13: Ongoing

- **1. Assure that EPA guidance is issued in time for state and local agencies to use in developing their plans**
 - The Full Cycle Analysis Project (FCAP) is working with states to address this
 - EPA has been engaging the states on guidance and rulemakings
 - Engaged states early in guidance development
- **3. Develop and institute regional approaches to SIP planning**
 - SIP Consistency Memo (Janet McCabe, 4/6/11)
 - Focusing on consistency across regions (i.e., model language for notices)
 - Some regions have begun to review early drafts of SIPs
- **4. Promote weight-of-evidence demonstrations**
 - Working on revised version of photochemical modeling guidance, including chapter on weight-of-evidence

List of 13: Ongoing (cont'd)

- **6. Improve communications**
 - Improved communication with states through the FCAP subgroups, NAAQS Implementation Webinars, Monthly NACAA Criteria Pollutant calls, etc.
 - Providing more opportunities for air agencies to provide input and feedback on draft guidance
 - Use of AirShare to solicit input and share info
 - Several Regions are doing SIP Kaizen-like efforts with states to improve communications (i.e., NOI posted on website and updated)
- **7. Create a protocol/checklist for the development of attainment SIPs**
 - FCAP SIP processing subgroup is working on developing protocols and checklists
 - Completed a Menu of Control Measures to provide info for developing local emission reduction and NAAQS SIP scenarios
 - Working on pollutant-specific NAAQS SIP Toolkits

List of 13: Ongoing (cont'd)

- **10. Provide training to assist states developing nonattainment SIPs and train EPA personnel**
 - Develop new training and update existing training
 - Conduct webinars during comment periods to allow for more meaningful comments
- **12. Accept electronic SIP submittals instead of requiring multiple hard copies**
 - Developing a fully electronic submittal process to remove the requirement for hard copies
- **13. Create an online clearinghouse of approved SIPs and an online SIP-tracking database for SIP submittals**
 - EPA Regions moving towards making their systems work together

List of 13: On Hold

- **5. To the extent possible, align SIP submittal dates for various pollutants**
 - CAA dates and states' desire not to accelerate submission dates make this difficult within existing structure of the Act

- **9. Simplify the reporting process for innovative and voluntary measures**
 - EPA has addressed specific processes raised by states such as developing an Energy Efficiency and Renewable Energy Manual (published July 2012)
 - Awaiting additional input from states on other specific measures needing simplification or clarification