



# **PM2.5 NAAQS Implementation Interactive Session**

NACAA Annual Meeting

May 8, 2013

St. Louis, MO

# Background: 2012 NAAQS



- December 2012: PM<sub>2.5</sub> primary annual standard revised to 12 µg/m<sup>3</sup>
  - Secondary annual and 24-hr NAAQS were retained at previous levels
  - Two industry petitions for review of final PM NAAQS have been filed; industry also filed petitions for EPA to reconsider and stay rule, claiming:
    - Final near-road monitoring requirements differed from proposal
    - No opportunity to consider effects of recent court decisions affecting implementation
    - Need final implementation rules when NAAQS is final
- EPA developing implementation rule for 2012 revision
  - Key issues include
    - moderate and serious classifications
    - precursor policies
    - BACM/BACT for PM<sub>2.5</sub>
    - NSR issues
    - Unmonitored area analysis
  - Have been working through NACAA to get early input on issues to address in rule
  - EPA objective is to finalize rule around the time designations take effect
    - Proposal Early 2014

# Background: Subpart 4 Decision



- January 2013: D.C. Circuit court decision remanded the 2007 PM2.5 implementation rule and 2008 New Source Review rule for PM2.5
  - Found that EPA must implement PM2.5 NAAQS under subpart 4 nonattainment provisions (for PM10) and that Subpart 4 expressly governs precursor presumptions.
- Key Subpart 4 Provisions:
  - Classifications
    - Nonattainment areas classified as Moderate at time of initial designations
    - EPA Reclassification to Serious, can be before or after Moderate attainment date
  - Attainment plan requirements
    - Include NSR (70 tpy major source size in serious areas), attainment demo, RACM, plus BACM in serious areas
    - Plans must also include milestones to demonstrate Reasonable Further Progress (every 3 years)
    - Precursors [Sec. 189(e)] “The control requirements applicable...for major stationary sources...shall also apply to major stationary sources of precursors, except where the Administrator determines that such sources do not contribute significantly to...levels which exceed the standard in the area.”
  - Attainment dates
    - Moderate areas: no later than the end of 6th calendar year following designations (up to 2 one-year extensions based on air quality)
    - Serious areas: no later than the end of 10th calendar year following designations (1 extension of up to 5 years)

# Background: Subpart 4 Decision (Continued)



- After court decision
  - WildEarth Guardians petition for EPA to issue finding of failure to submit SIPs in 2011 (under subpart 4) for UT and ID areas
  - Additional inquiries about what EPA will do about SIPs not submitted by Dec. 2012 (subpart 1 deadline)
- In light of the court decision, we are updating language for pending clean data determinations and redesignations for 1997 and 2006 NAAQS, and SIP approvals for 1997 NAAQS
  - Issuing these notices is a priority
  - First notice after court decision: Indianapolis redesignation reproposal for 1997 PM<sub>2.5</sub> NAAQS (comment period closed April 29)
- EPA determining effect of court decision on 2006 PM<sub>2.5</sub> NAAQS SIPs

# Table of Applicable Deadlines

## Subpart 1 vs. 4



NAAQS	Milestone	Subpart 1 Deadline	Subpart 4 Deadline (with time machine)
1997	Designations effective	April 2005	April 2005
	Attainment plans due	April 2008	Oct 2006 (Moderate areas)
	Attainment date (earliest)	April 2010 (5 years)	Dec 2011 (Moderate areas: 6 yrs)
	Reclassification to Serious (mandatory bump-up)	NA	June 2012
	Serious area attainment plans due	NA	Dec 2013
	Attainment date (latest)	April 2015 (10 yrs for most severe areas)	Dec 2015 (Serious areas: 10 yrs)
	Additional 5-year extension	NA	Dec 2020
2006	Designations effective	Dec 2009	Dec 2009
	Attainment plans due	Dec 2012	June 2011
	Attainment date (earliest)	Dec 2014 (5 years)	Dec 2015 (Moderate areas: 6 yrs)
	Reclassification to Serious (mandatory bump up)	NA	June 2016
	Serious area attainment plans due	NA	Dec 2017
	Attainment date (latest)	Dec. 2019 (10 yrs for most severe areas)	Dec 2019 (Serious areas: 10 yrs)
	Additional 5-year extension	NA	Dec 2024

# Questions for Discussion



- On 2006 PM<sub>2.5</sub> NAAQS SIPs in light of Subpart 4 decision:
  - How best can EPA assist with SIP processing for the 2006 PM<sub>2.5</sub> NAAQS?
    - Are there concerns from states who have already submitted SIPs (*i.e.*, do they address the Subpart 4 requirements)?
    - For states who have not submitted:
      - Are you planning to update submittals to address the Subpart 4 requirements? Are questions arising where EPA guidance is needed?
      - What should be considered the subpart 4 moderate area SIP due date for these areas? How should EPA approach findings of failure to submit and litigation over these deadlines?
      - Alternatively, are there areas that EPA should reclassify as serious?
    - How should EPA convey answers to the states? Is this best done on a case-by-case basis in the affected areas or is national guidance or rulemaking needed?
  - Are you encountering NSR issues arising from the Subpart 4 decision?

# Questions for Discussion



- On 2012 PM<sub>2.5</sub> NAAQS implementation rulemaking:
  - What are the main concerns of the states in implementing the 2012 PM<sub>2.5</sub> NAAQS?
  - Are there transition issues to the revised annual NAAQS that states are concerned about?