

NAAQS and Other Implementation Updates

AAPCA Fall 2018 Meeting



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Program Areas in the Geographic Strategies Group

- Designations and (Some) Redesignations
- Exceptional Events
- Interstate Transport
- International Transport
- Regional Haze



Designations

- **2015 Ozone NAAQS**
 - **April 30, 2018:** final air quality designations for all areas of the country except the eight counties in the San Antonio, Texas metropolitan area. Effective date was **August 3, 2018.**
 - 51 Nonattainment areas, including 2 separate areas of Indian country. All other areas are Attainment/Unclassifiable (one area in WA is Unclassifiable)
 - **July 17, 2018:** final designations for 8 counties in the San Antonio, TX metropolitan area. Effective date was **September 24, 2018**
 - Bexar County is Nonattainment and the remaining 7 counties are Attainment/Unclassifiable
 - **Current issues:**
 - Six petitions for review have been filed challenging the EPA's 2015 ozone designations finalized on April 30, 2018. D.C. Circuit Court consolidated these six petitions into single case
 - Two petitions for review have been filed challenging the EPA's 2015 ozone designations for San Antonio, Texas
 - Two petitions for reconsideration have been filed
 - One on behalf of an industry group addressing the Uintah Basin area of Utah
 - One petition filed by the Sierra Club addressing venue questions for the TX action



Designations (Continued)

- **2010 SO₂ NAAQS**
 - **Round 2** - Completed in 2016, 7 NAAs in two separate notices
 - Work continues on petitions for reconsideration and/or litigation for some specific areas
 - **Round 3** – Completed December 21, 2017: 6 NAAs, 22 unclassifiable areas, and the remainder of the country designated attainment/unclassifiable (except Round 4 areas)
 - The effective date of the designations is April 9, 2018; The SIP submittal date is October 9, 2019; The attainment date is April 9, 2023.
 - **Round 4** – by December 30, 2020: EPA will designate approximately 50 remaining areas by the consent decree deadline; Monitoring is underway in states that timely sited monitors consistent with the SO₂ Data Requirements Rule
 - **Redesignations** from unclassifiable to attainment/unclassifiable.



Exceptional Events

- On July 20, we received a favorable decision in NRDC v. EPA, 16-1413 (D.C. Circuit), regarding the definition of a “natural event”
 - This was the only legal challenge to the 2016 Exceptional Events Rule
- We have concurred on 18 demonstrations that were submitted after revising the Exceptional Events Rule in September 2016
 - Includes six demonstrations from northeast states for ozone influences from the 2016 Fort McMurray fires in Canada
- We are focused on continuing to improve the implementation process and address stakeholder concerns
- EPA’s exceptional events webpage provides key resources and will continue to be updated as new materials become available
 - <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



Exceptional Events (Continued)

EPA Resources Available Online

- Updated FAQs
- Wildfire-Ozone Guidance
- 2007-to-2016 Rule Crosswalk
- Best Practices for Multi-State Exceptional Events Demonstrations
- Mitigation Plan Checklist
- Example demonstrations and EPA responses

For resources search “EPA Exceptional Events”

Additional Resources Coming Soon

By End of 2018:

- Updated High Winds Guidance
 - (Sent to air agencies for comment on 10/9)
- Stratospheric Ozone Intrusion Guidance
 - (Completed 11/8)
- Clarification Memo on Data Modification Methods, aka “Alternate Paths”
 - (Sent to air agencies for comment on 10/9)
- Webpage updates with new external resources and easier navigation
 - (Nearing completion)

In Early 2019:

- Prescribed Fire-Ozone Guidance
 - (Sent to air agencies for comment on 11/1)

Interstate Transport: 2008 Ozone NAAQS

- On June 29, 2018, EPA proposed the **CSAPR Close-Out**, a federal notice-and-comment rulemaking, which determines that existing regulations – particularly the CSAPR Update – fully address certain eastern states’ interstate ozone transport obligations for the 2008 NAAQS (83 FR 31915, 7/10/18)
 - The proposal relies on information that is newly available relative to the CSAPR Update, which was finalized in 2016
 - EPA held a public hearing on 8/1/18 and the comment period closed on 8/31/18
 - We anticipate finalizing this action by 12/6/18
- Where necessary, EPA continues to work with states to address any remaining obligations through fully-approved SIPs
 - Kentucky – On 6/28/18, EPA approved KY’s full SIP ahead of a court-ordered FIP deadline of 6/30/18 (83 FR 33730, 7/17/18). This full SIP approval action mooted EPA’s FIP obligation



Interstate Transport: 2015 Ozone NAAQS

- Good Neighbor SIPs for the 2015 ozone NAAQS were due October 1, 2018
- On March 27, 2018, EPA released a memorandum providing projected air quality modeling results for ozone in 2023, including projected ozone concentrations at potential nonattainment and maintenance sites for the 2015 ozone NAAQS and projected upwind state contribution data.
 - Attachment A of the memorandum identified a preliminary list of potential flexibilities about which EPA indicated its intent to engage with stakeholders regarding whether and how the potential flexibilities could be applied in good neighbor SIPs.
 - The memorandum and the spreadsheet containing the updated contribution metrics are available on EPA's website at: <https://www.epa.gov/airmarkets/march-2018-memo-and-supplemental-information-regarding-interstate-transport-sips-2015>.



Interstate Transport: 2015 Ozone NAAQS (con't)

- On April 12 and April 19, 2018, EPA hosted national stakeholder conference calls to discuss the 2023 modeling and contribution data and to gather feedback on the preliminary list of potential flexibilities for developing a good neighbor SIP.
- EPA held a follow-up call on July 26 to summarize the comments received and to provide our initial thoughts regarding several of the identified flexibilities for SIP development.
 - EPA posted a comment summary document and the comments received on the March memorandum.
 - On August 31, EPA released additional information regarding contribution thresholds that might be appropriate for consideration in analyses to support SIP revisions.
 - On October 19, EPA released further information regarding evaluation of whether monitoring sites should be classified as maintenance receptors in analyses to support SIP revisions.
 - These memoranda are also posted on EPA's interstate transport website.
- EPA encourages consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach



Interstate Transport: Section 126 Petitions

Petitioning State	Response Timeframe or Deadlines	Named EGU Sources	Ozone NAAQS Cited
CT	Final action signed 4/6/18 (83 FR 16064, 4/13/18)	Brunner Island, PA	2008
DE (4 petitions)	Final action signed 9/14/18 (83 FR 50444, 10/5/18)	<ol style="list-style-type: none"> 1. Brunner Island, PA 2. Harrison, WV 3. Homer City, PA 4. Conemaugh, PA 	2008 and 2015
MD	Final action signed 9/14/18 (83 FR 50444, 10/5/18)	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	2008
NY ¹	Statutory response date was November 9, 2018.	Named EGU and non-EGU sources projected to emit at least 400 tpy of NO _x in 9 upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV)	2008 and 2015

¹ Petition received March 14, 2018. On May 11, 2018, EPA extended the deadline to act on the NY petition by 6-months to November 9, 2018.



International Transport: CAA Section 179B

- 179B(a) states:
 - “[a nonattainment area SIP] shall be approved by the Administrator if (1) such plan or revision meets all the requirements applicable to it ...other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant NAAQS by the attainment date... and (2) the submitting State establishes to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this chapter, or in a regulation promulgated under such provision, but for emissions emanating from outside of the United States.”
- 179B(b)-(d) states:
 - Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such State, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the [finding of failure to attain provision] or [reclassification provision].
 - Subsection (b) applies to ozone, (c) applies to CO, and (d) applies to particulate matter.
- EPA has acted on 8 such determinations in the past on a case-by-case basis.
- States have suggested that 179B guidance would be helpful. EPA has begun developing guidance and will engage with states in early 2019,

