

# Forthcoming Policies to Control Criteria Air Pollutants and Regional Haze: Update

MANE-VU Board Meeting  
September 15, 2011



# 2008 8-hr Ozone NAAQS Reconsideration & Implementation Rule

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- OMB returned the rules to EPA for reconsideration on September 7, 2011.
  - Memo from Cass Sunstein to Administrator Jackson, September 2, 2011
  - Motions to govern continuation of litigation on 2008 NAAQS are being filed
- Implementation of 2008 standards being assessed
- Deadline suit filed on August 24, 2011 by WildEarth Guardians in US District Court for the District of Arizona, for failure to promulgate area designations for the 2008 Ozone NAAQS (notice was given to EPA in March 2011).
- Next Ozone NAAQS Review
  - Second review draft of Integrated Science Assessment expected Sept 2011
  - CASAC review meeting scheduled for December 2011
  - Policy Assessment Document drafts mid-2012 through early 2013
  - Not court ordered
  - Follow at <http://www.epa.gov/ttn/naaqs> under "Ozone Air Quality Standards"



# PM NAAQS – Current Review

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- Policy Assessment Document (April 2011)
  - PM<sub>2.5</sub> 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  $\mu\text{g}/\text{m}^3$
  - PM<sub>2.5</sub> welfare standards:
    - Staff concludes it is appropriate to consider setting a distinct secondary PM<sub>2.5</sub> standard to address visibility impairment primarily in urban areas
  - PM<sub>10</sub> standards:
    - Staff concludes scientific evidence and associated uncertainties could provide support for either retaining or revising the current primary 24-hour PM<sub>10</sub> 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  $\mu\text{g}/\text{m}^3$



# PM<sub>2.5</sub> NAAQS Implementation

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- If current review results in new/revised standards, revisions to implementation guidance/rule likely to be proposed around time of the final NAAQS
- Issues to address could include:
  - Treatment of precursor emissions in attainment planning and permitting
  - Modeling high risk areas
  - Permitting issues, including interpollutant offset substitution and appropriate impact models



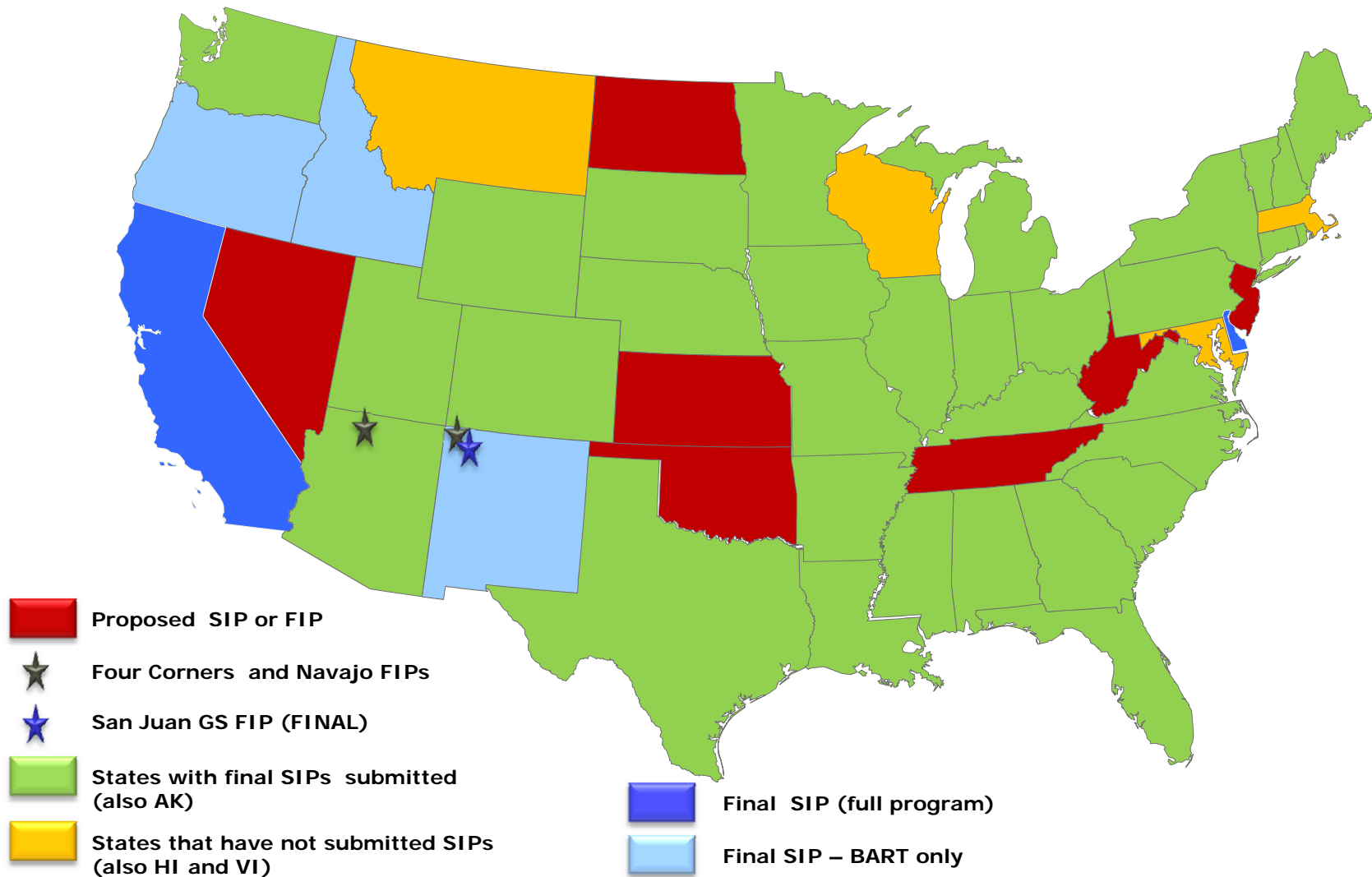
# PM<sub>2.5</sub> NAAQS Implementation (cont.)

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- SIP timeline for 2006 standards
  - Designations effective in December 2009
  - Attainment demonstration SIPs due December 2012
  - EPA issued “findings of failure to submit” infrastructure SIP elements for 6 states, DC, and Puerto Rico on August 31, 2011 (effective October 11, 2011) - We are discussing settlement of additional “final action” deadlines for September 2012 and later.
- Drafting Guidance for 2006 Standards to clarify several issues
  - Framework of existing implementation rule 40 CFR 51 Subpart Z (§51.1000) is appropriate for attainment planning for 2006 PM<sub>2.5</sub> standards.
  - Clarifications: RFP milestone years, seasonal emission inventory issues, policy for contingency measures
- Permitting
  - PSD Program SIP revisions were due May 16, 2011. 1997 PM<sub>10</sub> Surrogate Policy can no longer be used to satisfy PSD requirements for PM<sub>2.5</sub>.
  - Recent revision to 2008 Interpollutant Offset Substitution policy confirms ability to allow substitution but rescinds preferred ratios (which were never in the rule).
  - EPA granting reconsideration of 2010 PM<sub>2.5</sub> Increments, SILs, and SMC Rule to clarify that SIL values are inclusive of both direct and indirect PM<sub>2.5</sub>. Rule is not stayed.
  - Sierra Club suit filed August 31, 2011 to compel EPA to respond to their request to specify an official model to determine if major sources of PM<sub>2.5</sub> precursors violate the NAAQS.

# Regional Haze SIP/FIP Status

(September 2011)





# EPA Actions on Regional Haze SIPs

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- Only CA and DE have fully-approved RH SIPs
- Multiple environmental groups (NPCA) have filed a complaint for EPA's:
  - Failure to take action on submitted SIPs that did not receive a 'finding of failure to submit' notice in January 2009, and
  - Failure to promulgate FIPs for states that did receive a 'findings' notice.
  - Action schedules for 10 states already governed by separate Consent Decrees
  - Combined with the earlier settlements, a settlement with NPCA would establish a schedule that would cover all 50 states plus DC and the Virgin Islands
- FIPs:
  - Final BART FIP for the San Juan Generating Station in New Mexico (4 units)
  - Proposed BART FIP for NO<sub>x</sub> for the Four Corners Power Plant NM (5 units)
  - Proposed BART FIP for SO<sub>2</sub> for 3 EGUs (6 total units) for Oklahoma
  - Proposed BART FIP for NO<sub>x</sub> for 3 EGUs (5 total units) for North Dakota
- CSAPR Better-Than-BART determination
  - Expect proposal in December 2011 and final in May 2012

# Regional Haze SIPs – Periodic Review and 2018 Revision

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- Periodic report describing progress toward reasonable progress goals [§51.308(g)]
  - Report is due 5 years from submittal of the initial SIP.
  - Must be in the form of a SIP. Evaluate adequacy of existing plan and act accordingly [§51.308(h)].
  - Regional offices are working with the states as needed to clarify expectations.
- 2018 SIP revision must fully satisfy RH rule requirements [§51.308(f)]
  - Comprehensive SIP revision due July 31, 2018, with revised reasonable progress goals, if necessary.
  - EPA intends to hold future meeting with RPOs to discuss the requirements and develop a strategy to meet the requirements.