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# U.S. EPA Air Program Update

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June 10, 2009

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## Basis of Remand of PM<sub>2.5</sub> NAAQS

- ***PM<sub>2.5</sub> annual primary standard***
    - EPA failed to adequately explain:
      - why **retaining level of 15 µg/m<sup>3</sup>** is sufficient to protect public health with an adequate margin of safety from short-term exposures and from long-term morbidity affecting vulnerable subpopulations,
      - why 24-hour PM<sub>2.5</sub> standard alone provided protection with an adequate margin of safety from short-term exposures, and
      - why results of California's Children's Study did not call for more protection.
    - Not consistent with CASAC recommendation (13–14 µg/m<sup>3</sup>) or staff views
  
  - ***PM<sub>2.5</sub> secondary standards***
    - EPA failed:
      - to adequately explain why **setting secondary PM<sub>2.5</sub> standards equal to primary standards** provided required protection from visibility impairment,
      - to identify a target level of visibility impairment that would be requisite, and
      - to address regional differences in humidity-related effects on visibility.
    - Inadequacy of reliance on comparison of numbers of nonattainment counties between revised primary standards and one alternative sub-daily standard
    - Not consistent with CASAC or staff recommendations for a new sub-daily standard
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## Status of Current PM NAAQS Review

- **Half-way through current 5-year review**, which began in 2007 following final rule in October 2006
  - Public workshops held in July 2007
  - Integrated Review Plan issued in March 2008
  - CASAC to review two documents at public meeting on April 1-2, 2009
    - First draft *Integrated Science Assessment* (ISA) released by ORD/NCEA-RTP in December 2008
    - Plans for risk/exposure assessments (REAs), including a health assessment and a visibility impact assessment, released by OAQPS in February 2009
  - Key milestones to complete review:
    - Final ISA: December 2009
    - Final REAs: July 2010
    - Policy assessment document: August 2010
    - Proposed rule: January 2011
  - **Final rule: October 2011**

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## 2008 Ozone NAAQS

- Ozone primary standard: final decision in March 2008 to **lower standard level from 0.084 to 0.075 ppm**
  - Level above CASAC recommended range of 0.060 to 0.070 ppm; Administrator found key evidence to be too limited and placed more weight on uncertainties in risk assessment
  - Well above 0.060 ppm or other levels recommended by many States, and public health and environmental groups
  - Industry commenters argued to retain the 0.084ppm standard
- Ozone secondary standard: final decision to **set secondary identical to revised primary standard, and not set a new *seasonal* standard**
  - The week before final rule signed, OMB sent memorandum challenging Administrator's decision to set a new seasonal standard
  - In response, EPA laid out scientific support for setting new seasonal standard
  - Administrator reversed his decision the day before rule was to be signed, in conjunction with an OMB memorandum presenting the President's views which "concluded that, consistent with Administration policy, added protection should be afforded . . . [by] setting it identical to the new primary standard"
  - Questions of Presidential interference and the scientific basis for final decision were broadly raised by CASAC and others and were the subject of Congressional hearing

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## 2008 Ozone NAAQS: *status of current review*

- **New review just getting underway**
  - Public workshop held in October 2008
  - Draft Integrated Review Plan that frames science-policy issues and process/schedule for review was targeted for release in February for CASAC consultation and public comment
    - Held back in light of consideration of change to NAAQS process and potential reconsideration of 2008 decisions
  - Key milestones to complete review:
    - First draft *Integrated Science Assessment* (ISA) to be released for CASAC and public review: March 2010
    - Plans for health and environmental risk/exposure assessments (REAs) to be released for CASAC consultation: April 2010
    - Final ISA: April 2011
    - Final REAs: September 2011
    - Policy assessment document: December 2011
    - Proposed rule: June 2012
  - **Final rule: March 2013**

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# 2008 Ozone NAAQS Implementation

- Designations
  - Governors recommendations – March 2009
  - EPA Response – Fall 2009
  - Final Designations - March 2010
- Ozone Implementation Rule needed by March 2010 for classifications of areas
  - Subpart 2 cut points
  - Subpart 1?
  - RACT Guidance
  - Modeling Guidance
  - MOVES

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# Interstate Transport Rule, Ozone SIPs and Timing

## ■ OTC Recommendations

- ❑ Need reductions in NOx in 2013, 2014 and 2015 to attain by 2016
- ❑ Use current year baseline
- ❑ Use performance standards as well as other forms of reduction like State budgets
- ❑ Look at contributions from all types of sources and source categories
- ❑ Significant contribution and remedy

## ■ Rule Schedule

- ❑ Proposal March 2010
- ❑ Final March 2011

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# CAIR, Regional Haze SIPs and PM2.5 Attainment Demonstrations

- SO2 emissions and allowance bank
- What can be relied on with certainty for BART?
- What can be relied on with certainty for “reasonable progress”?
- What can be relied on in a PM2.5 attainment demonstration?



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# Status of 110(A)(2) Infrastructure SIP Submittals

- There are 12 elements required for infrastructure SIPs
- Findings were effective on March 24, 2008 for 1997 8-hour ozone and November 21, 2008 for 1997 PM2.5.
- We are working with our Regional Offices and Counsel to ensure consistency in reviewing and acting on Infrastructure SIPs
- Three 110(A)(2) SIPs are due shortly
  - 2006 24-hr PM2.5 NAAQS: October 2009
  - 2008.075 Ozone NAAQS: March 2011
  - 2008 Lead NAAQS: November 2011

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# NAAQS Reviews

- Primary NO<sub>2</sub> Standard
- Primary SO<sub>2</sub> Standard
- Secondary NO<sub>2</sub>/SO<sub>2</sub> Standard