

# EPA Air Program Update

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# Presentation Overview



- **Draft FY 2018-2022 EPA Strategic Plan**
- **Final FY 2018-2019 OAR NPM Guidance**
- **Air Quality**
  - Implementation of 2008 Ozone NAAQS (75 ppb)
  - Implementation of 2015 Ozone NAAQS (70 ppb)
  - 1-Hr SO<sub>2</sub> NAAQS Implementation
- **Clean Power Plan**

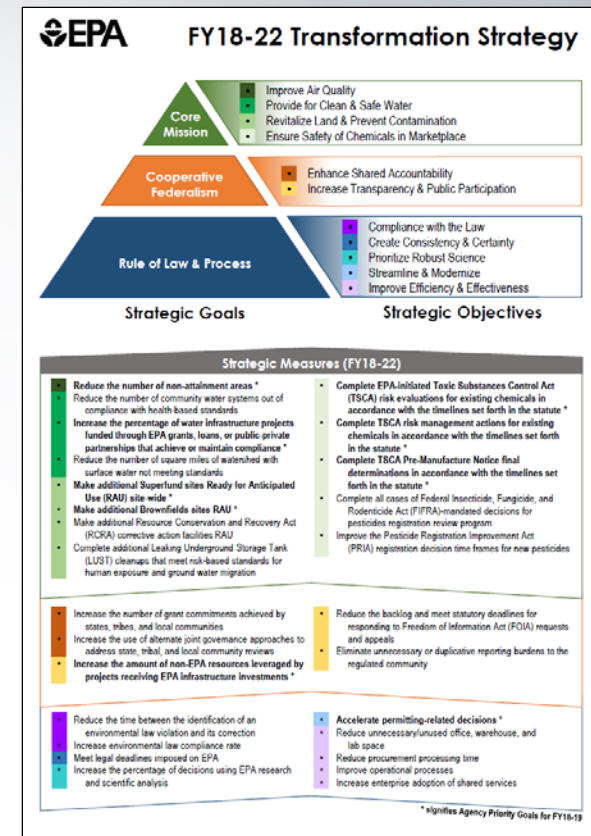
# Draft FY 2018-2022 EPA Strategic Plan



- The **Strategic Plan** establishes the goals, objectives, and measures for achieving positive environmental outcomes over the next four years.
  - Released Oct 2, public comment thru Oct 31

## EPA's Mission: To Protect Human Health and the Environment

- **Goal 1 – Core Mission:** Deliver real results to provide Americans with clean air, land, and water.
- **Goal 2 – Cooperative Federalism:** Rebalance the power between Washington and the states to create tangible environmental results for the American people.
- **Goal 3 – Rule of Law and Process:** Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.



See: [www.epa.gov/planandbudget/strategicplan](http://www.epa.gov/planandbudget/strategicplan)

# Draft FY 2018-2022 EPA Strategic Plan (con't)



## FY 2018-2019 Agency Priority Goals

- Reduce the number of non-attainment areas.
- Increase the percentage of water infrastructure projects funded through EPA grants, loans, or public-private partnerships that achieve or maintain compliance.
- Make additional brownfields sites ready for anticipated use (RAU) and additional Superfund sites RAU site-wide.
- Complete (1) EPA-initiated Toxic Substances Control Act (TSCA) risk evaluations for existing chemicals, (2) TSCA risk management actions for existing chemicals, and (3) TSCA pre-manufacture notice final determinations in accordance with the timelines set forth in the statute.
- Increase the amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments.
- Accelerate permitting-related decisions.

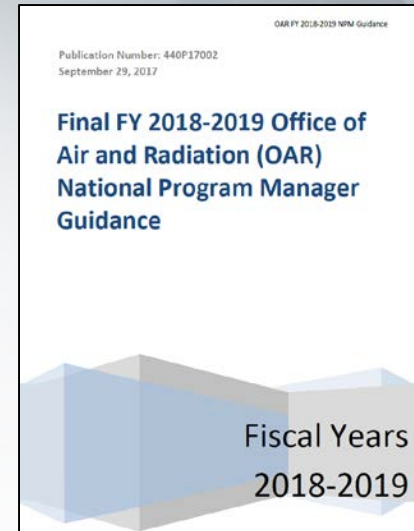
# Final FY 2018-2019 Office of Air and Radiation (OAR) National Program Manager (NPM) Guidance



- FY18-19 Guidance describes the key activities expected to be undertaken by the EPA, states, territories, and tribal governments as they work together to protect and improve the quality of the Nation's air.
  - Draft for comment in June, Final Sept 29
  - Guidance consistent w/ FY18 President's Budget request.

## Program Activities

- 2.1 National Ambient Air Quality Standards
- 2.2 Regional Haze
- 2.3 Title V and New Source Review Permitting
- 2.4 Ambient Air Monitoring for Criteria Pollutants
- 2.5 Air Toxics Program Implementation
- 2.6 Ambient Air Monitoring for Toxics
- 2.7 Allowance Trading and Other Stationary Source Programs
- 2.8 Mobile Source Programs
- 2.9 Improving Outdoor Air Quality in Indian Country



See: [www.epa.gov/planandbudget/national-program-manager-guidances](http://www.epa.gov/planandbudget/national-program-manager-guidances)

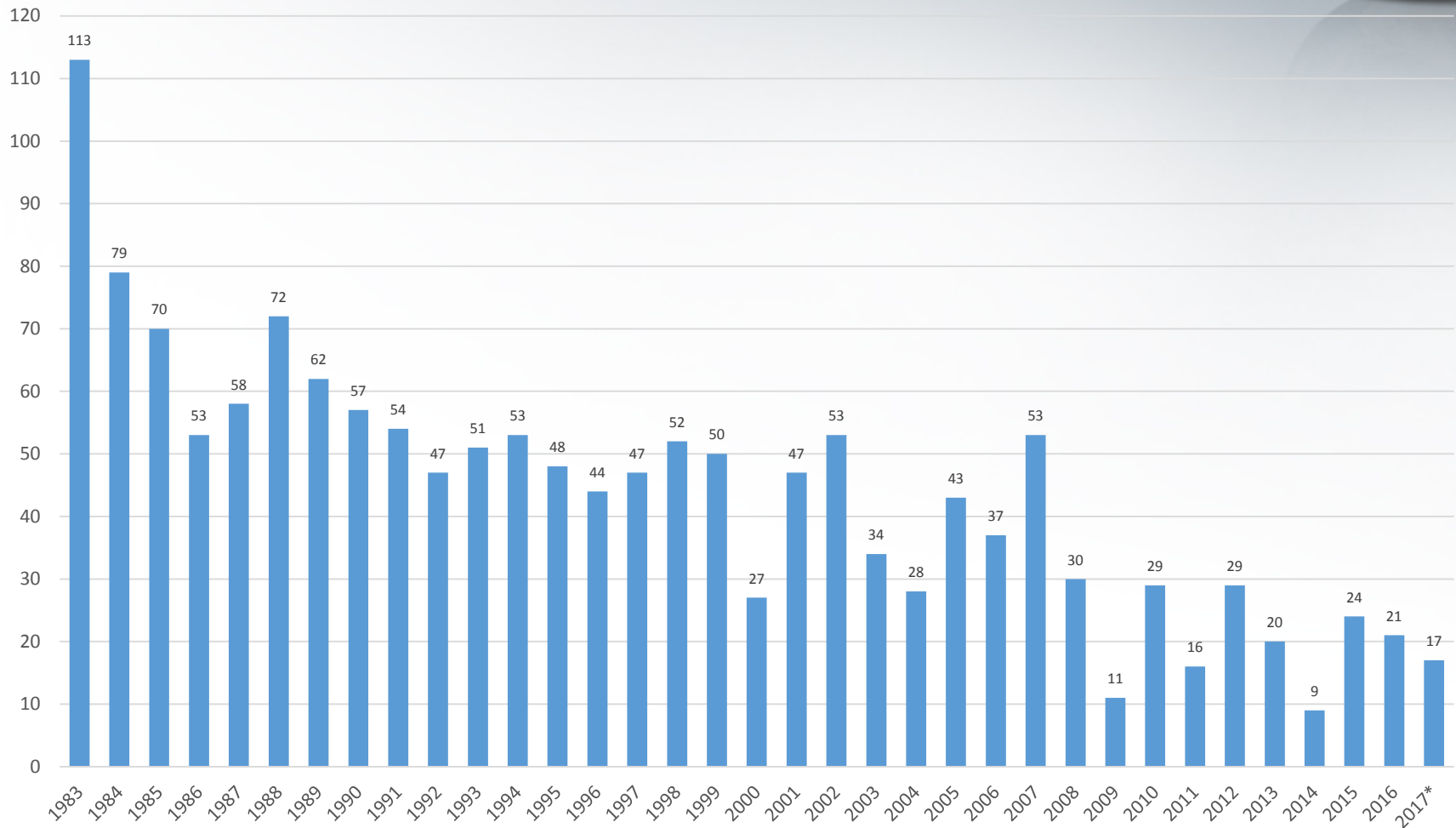
# 2008 Ozone NAAQS Implementation



- **State Implementation Plan Requirements Rule** published March 6, 2015 (80 FR 12264)
  - Covers attainment planning requirements for nonattainment areas and States in the Ozone Transport Region (all of NE)
  - Revoked the 1997 NAAQS (effective April 6, 2015) and established anti-backsliding requirements
  - Litigation underway; oral arguments took place on September 14, 2017
- **Key implementation dates:**
  - Emissions inventories, emissions statement rules, and RACT SIPs (including OTR) due July 2014; NSR rules due July 2015
  - Marginal area attainment determined by 2012-2014 air quality data
  - Moderate area attainment determined by 2015-2017 air quality data

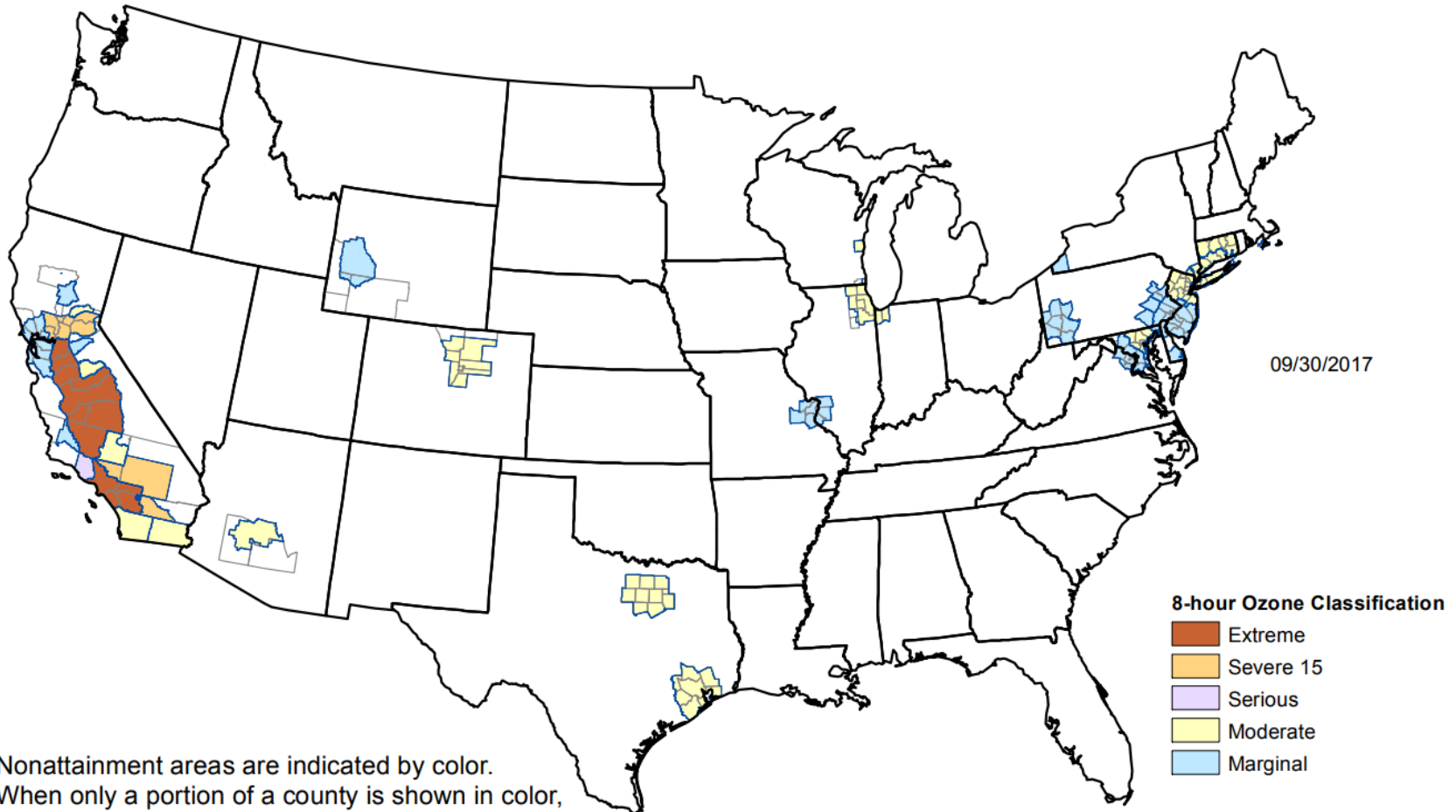


# 8-Hour Ozone Exceedance Days in New England for 2008 NAAQS



\*2017 Data preliminary and subject to change

# Ozone Nonattainment Areas (2008 Standard)



Nonattainment areas are indicated by color. When only a portion of a county is shown in color, it indicates that only that part of the county is within a nonattainment area boundary.



# Recent Activity under 2008 Ozone Standard



- **EPA Actions**

- In April 2016, EPA reclassified 11 NA's (including Greater CT and NYC) from Marginal to Moderate
  - Attainment and RFP plans required by Jan 1, 2017; attainment based on 2015-2017 air quality data
- In Jan 2017, EPA issued findings of failure to submit for D.C. and 15 states. Started 18 month sanctions clock. In NE includes:
  - Nonattainment NSR rules for MA and CT
  - VOC and NO<sub>x</sub> RACT rules for ME, MA, NH, RI and VT

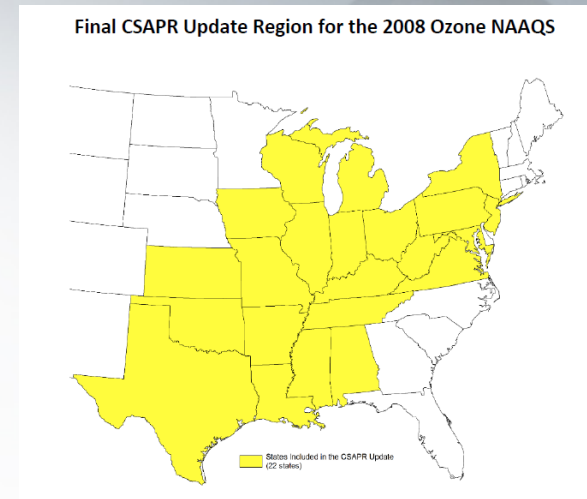
- **Status of State Submittals**

- CT submitted all required elements including Attainment Plans for Greater CT Area and CT portion of NYC area.
- EPA approved CT RACT SIP, other CT SIPs under review
- Awaiting final RACT SIPs from ME, MA, NH, RI and VT

# Cross-State Air Pollution Rule Update



- CSAPR Update (finalized September 7, 2016) updates CSAPR ozone season program by addressing summertime transport of ozone for the 2008 ozone NAAQS in the eastern US
  - Covers 22 eastern states and sets power sector ozone season  $\text{NO}_x$  emission budgets for each covered state starting with the 2017 ozone season (May 1, 2017)
  - Establishes a new ozone season  $\text{NO}_x$  allowance trading program for CSAPR Update states
  - Facilitates a smooth transition by creating a starting bank of allowances, converted from 2015-2016 allowances banked under the original CSAPR ozone season  $\text{NO}_x$  trading program
  - Legal challenges to the CSAPR Update are currently pending in the United States Court of Appeals for the D.C. Circuit. Petitioners' briefs were filed on September 18, 2017 (EPA's brief is due December 18, 2017).



# Good Neighbor Transport SIPs for 2008 Ozone NAAQS



- **Section 110(a)(2)(D)(i)(I)** – (the “good neighbor” provision) requires upwind states to implement a share of the emission reductions needed for downwind areas to attain and maintain the NAAQS
- **Outstanding good neighbor obligations for the 2008 ozone NAAQS**
  - CSAPR Update was a partial remedy for 21 eastern states (full remedy for TN).
    - AL, AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NJ, NY, OH, OK, PA, TX, VA, WV, and WI
  - There are 24 states for which EPA does not have a pending SIP and continues to have a FIP obligation.
    - Kentucky – EPA is under a court-ordered deadline of June 30, 2018 for a full FIP; however, EPA can moot the FIP obligation if it fully approves a SIP from KY
    - For other states, EPA has statutory FIP deadlines ranging from August 2017 to March 2019.
  - EPA is currently developing updated interstate ozone transport modeling using an analytic year of 2023 and hosted conference calls with MJOs and states in August to discuss plans for this modeling.

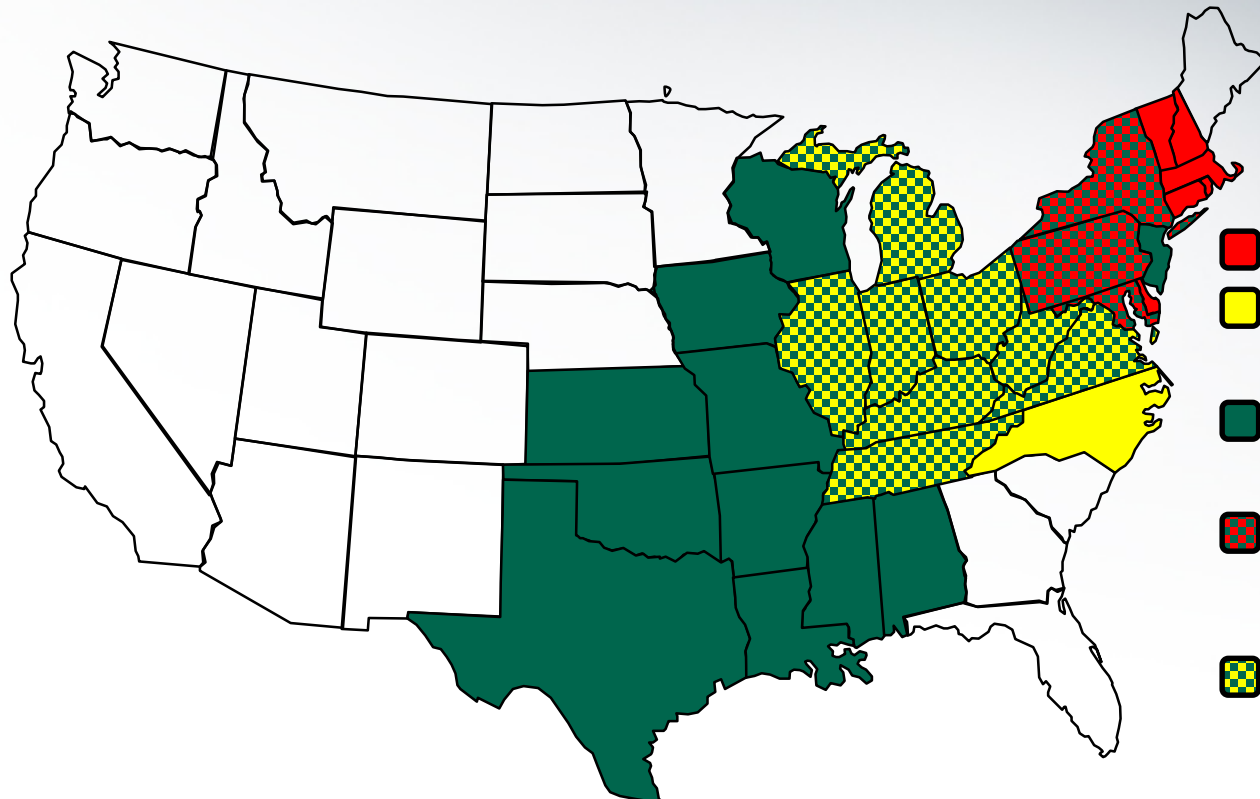
# Clean Air Act Section 126



Petitioning State	Response Deadlines	Named EGU Sources	Ozone NAAQS Cited
CT <sup>1</sup>	1/25/17	Brunner Island, PA	2008
DE (4 petitions)	3/5/17 4/7/17 7/9/17 8/3/17	1. Brunner Island, PA 2. Harrison, WV 3. Homer City, PA 4. Conemaugh, PA	2008 and 2015
MD <sup>2</sup>	7/15/17	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	Emphasized 2008

<sup>1</sup> On May 16, 2017, CT filed suit for EPA's failure to respond to its 126 petition by the Jan 2017 deadline.

<sup>2</sup> On Sept 27, 2017, MD filed suit for EPA's failure to respond to its 126 petition by the July 2017 deadline.



- EPA proposed to deny the petition on Jan 11, 2017.
- EPA required to take final action by Oct 27, 2017.

# 2015 Ozone NAAQS: Implementation-Related Rules/Guidance/Activities



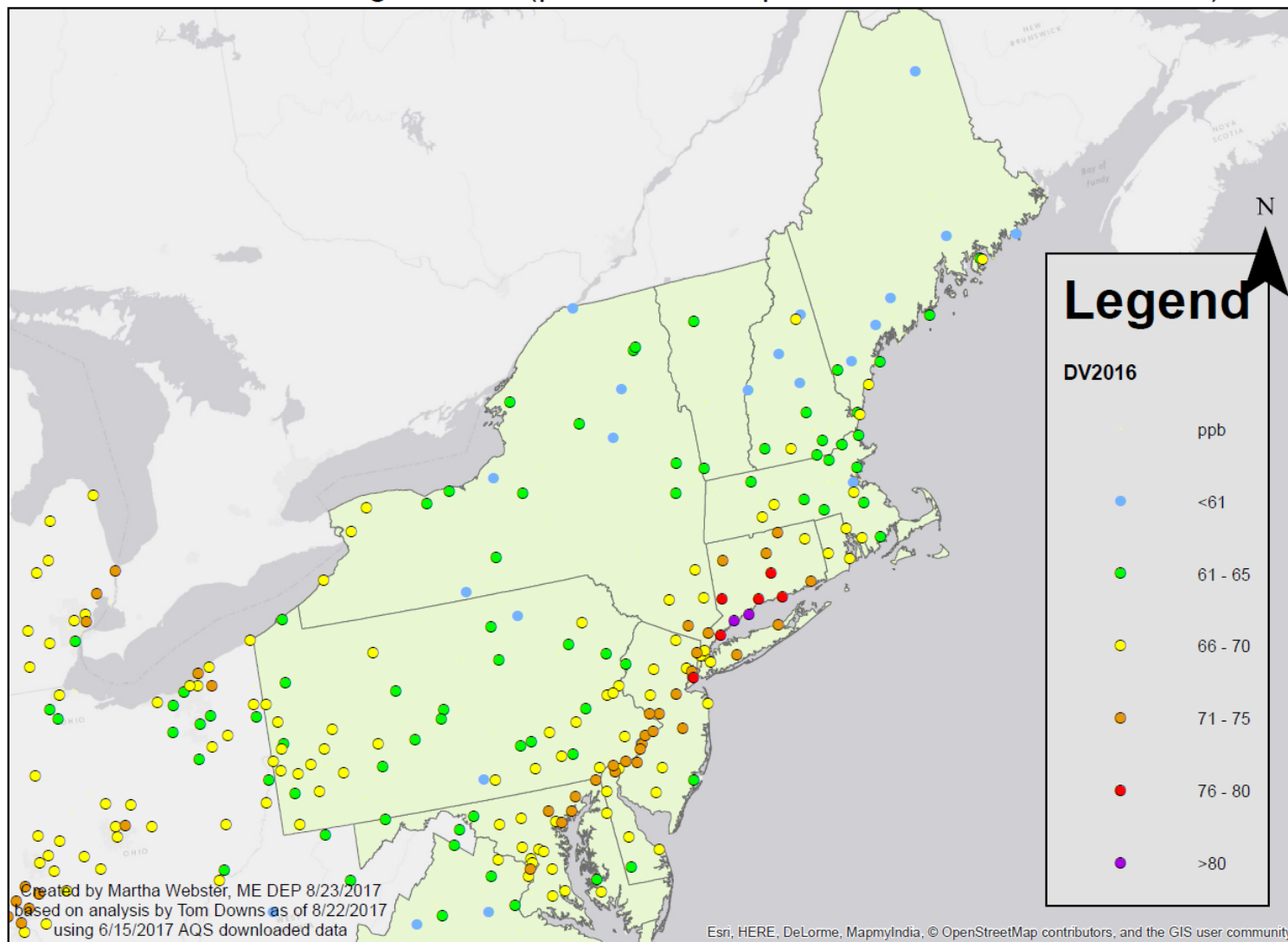
- **Final National Ambient Air Quality Standards for Ozone Rule** signed October 1, 2015 (80 FR 65292), revising the primary and secondary 8-hour ozone standards to 70 ppb
  - Litigation on the level of the standard is being held in abeyance while EPA reviews the 2015 rule to determine whether the standards should be maintained, modified, or otherwise reconsidered
- **Proposed Rule: Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements** published November 17, 2016 (81 FR 81276)
  - Proposed rule comment period closed February 13, 2017; timing of final rule TBD
- **The statutory deadline for designations is October 1, 2017**



# 2014-2016 Ozone Design Values



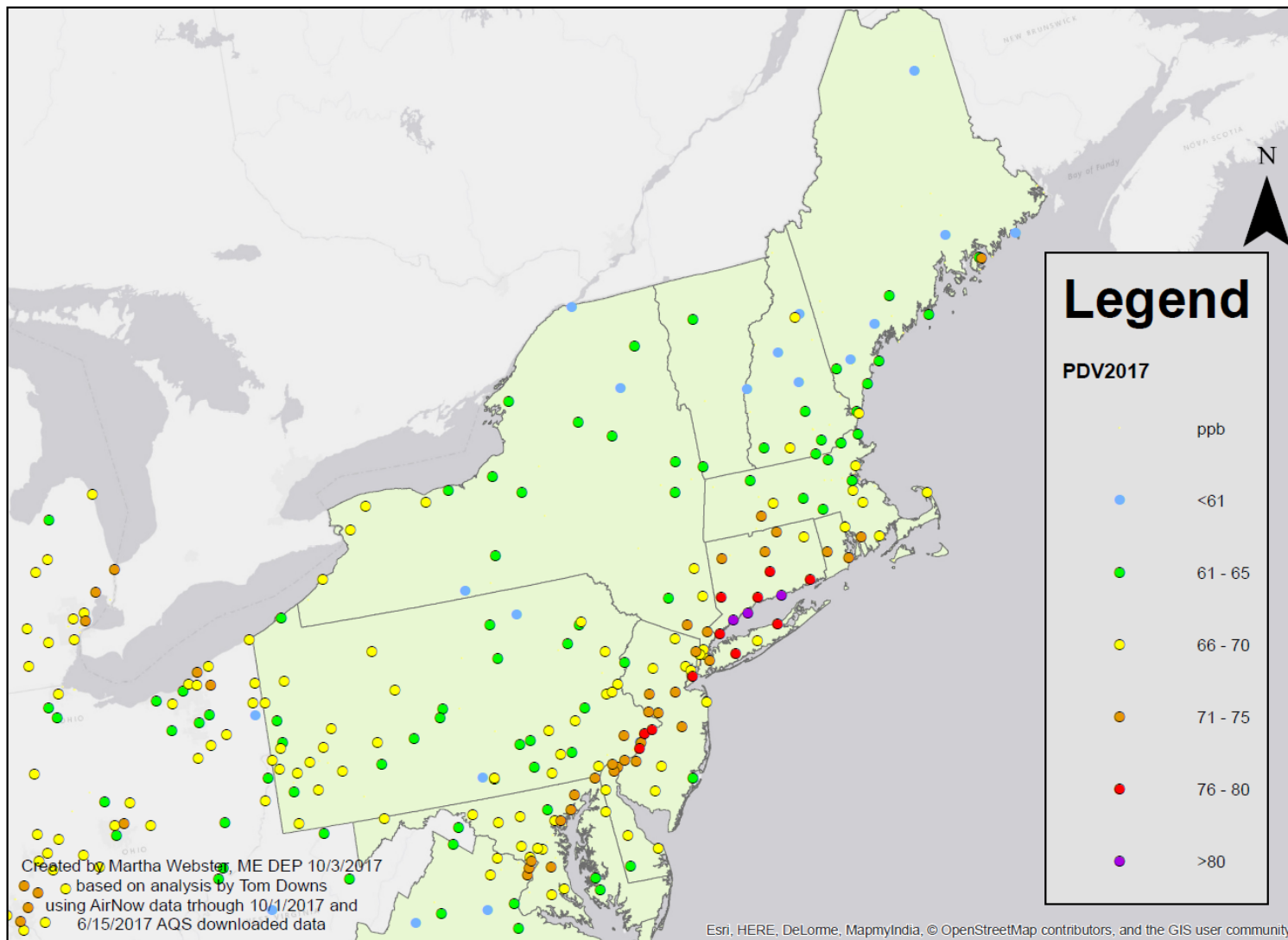
2016 Ozone Design Value (potential Exceptional Event Data Excluded)



# 2015-2017 Preliminary Ozone Design Values



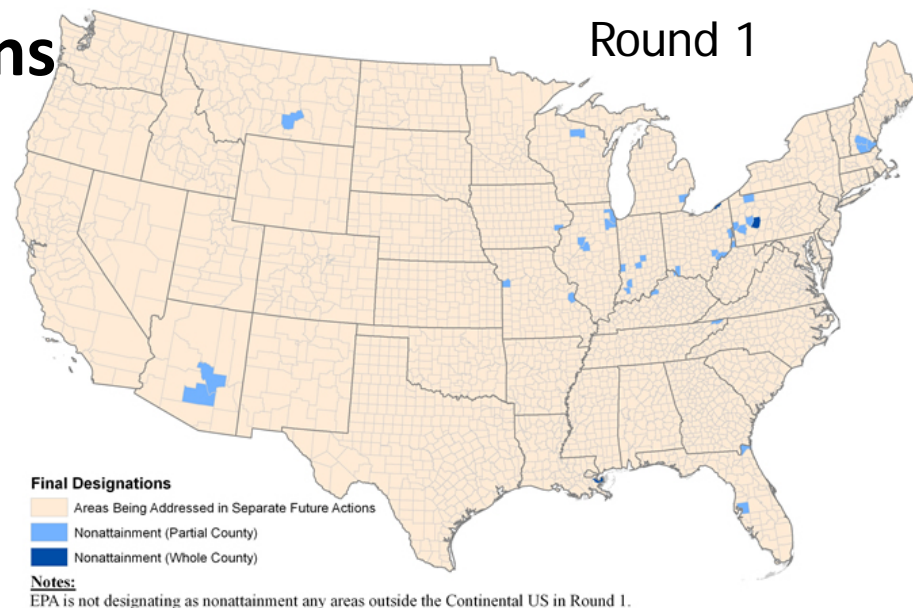
2017 Preliminary Ozone Design Value (potential Exceptional Event Data Excluded)



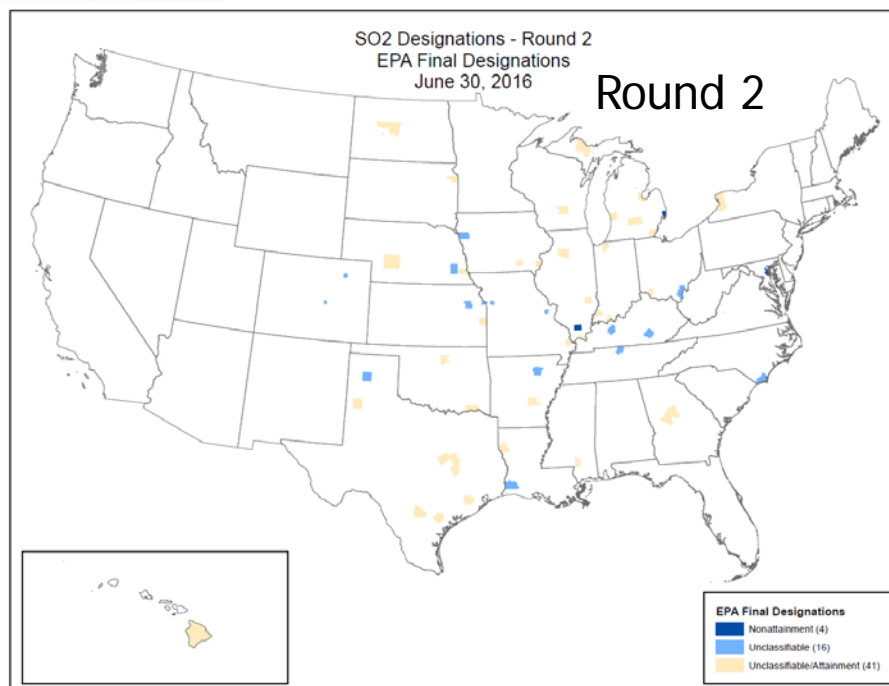
# 2010 SO<sub>2</sub> NAAQS Designations

- **Round 1** designations, based on violating monitors, effective Oct 4, 2013
  - 29 areas in 16 states designated (*Only NH in Region 1*)
  - Attainment plans due April 2015
  - Finding of Failure to Submit issued for 16 areas, including NH
  - NH submitted its plan on Jan 31, 2017. EPA proposed approval on Sept 28.
- **Round 2** designations based on modeling and monitoring, effective Sept 12, 2016
  - 61 areas in 24 states (*none in Region 1*)
  - Attainment plans due Mar 2018
  - Supplemented (effective Jan 2017) for 4 areas in TX; attainment plans due Jul 2018

Round 1



Round 2



# 2010 SO<sub>2</sub> NAAQS Designations: Round 3



- **Round 3:** On August 22, 2017, EPA notified states and tribes concerning any intended modifications to their designation recommendations (“120-day letters”)
  - These responses included identification of 107 unclassifiable/attainment areas, 36 unclassifiable areas , and 11 potential nonattainment areas.
  - The notification of availability and public comment period was published on Sept 5, 2017 (82 FR 41903)
  - Comment period ended on Oct 5, 2017
  - States requested to provide final input by Oct 23, 2017
  - Final designations for Round 3 required by Dec 31, 2017
- In New England, all remaining areas proposed as unclassifiable/ attainment
  - EPA analysis based on modeling submitted by states for 4 sources in NE
    - *Bridgeport Harbor (CT), Newington Station (NH), Schiller (NH), & Wyman (ME)*

# Clean Power Plan



- On October 10, 2017, following a review as directed by President's Energy Independence Executive Order, the EPA proposed to repeal the Clean Power Plan (CPP).
- EPA will accept comment on the proposal for 60 days after publication in the *Federal Register* and will hold a public hearing if one is requested.
  - More info at: [www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0](http://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan-0)



# Questions