

Midwest Ozone Group

- Met in Covington, KY in May
- Highlights
 - 176 Petition Comments
 - International Emissions
 - Kentucky FIP Court Ruling

176A PETITION COMMENTS

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**Midwest Ozone Group Meeting
May 9, 2017
Covington, KY**

Overview

- **January 19, 2017: EPA proposed denial**
- **Petitioning states: CT, DE, MD, MA, NH, NY, PA, RI and VT**
- **Target states: IL, IN, KY, MI, NC, OH, TN, WV, VA**
- **Comment deadline: May 15, 2017**

1. Establishment of an Ozone Transport Region is a Discretionary Decision by the Administrator

“Section 176A(a)(1) of the CAA states that the Administrator may add a state to a transport region if the Administrator has reason to believe that emissions from the state significantly contribute to a violation of the NAAQS within the transport region”.

2. Other programs are already being implemented which reduce ozone precursor emissions

The Target States are required to provide Good Neighbor SIPs by 2018 independent of this 176A Petition or they will be subject to a Federal Implementation Plan (“FIP”) that will include control requirements to meet the state’s emissions reduction obligations.

EPA has already acted through the CSAPR Update and its predecessors to establish a transport rule to address the interstate transport of air pollutants from electric generating units (EGUs). 80 Fed. Reg. 15706 (December 3, 2015).

3. To provide a basis for concluding that a state significantly contributes to nonattainment in the OTR, the petition must establish that the Target States are significant contributors to nonattainment in the Petitioning States

Instead of applying EPA's test for significant contribution, the Petitioning States have created their own test defining significance in their selection of the Target States as a 1% contribution to nonattainment in 5 current OTR states, or 1% contribution to 25 or more nonattainment OTR monitors; or 1% contribution to Baltimore or New York

4. There has already been significant improvement in ozone air quality in the Petitioning States

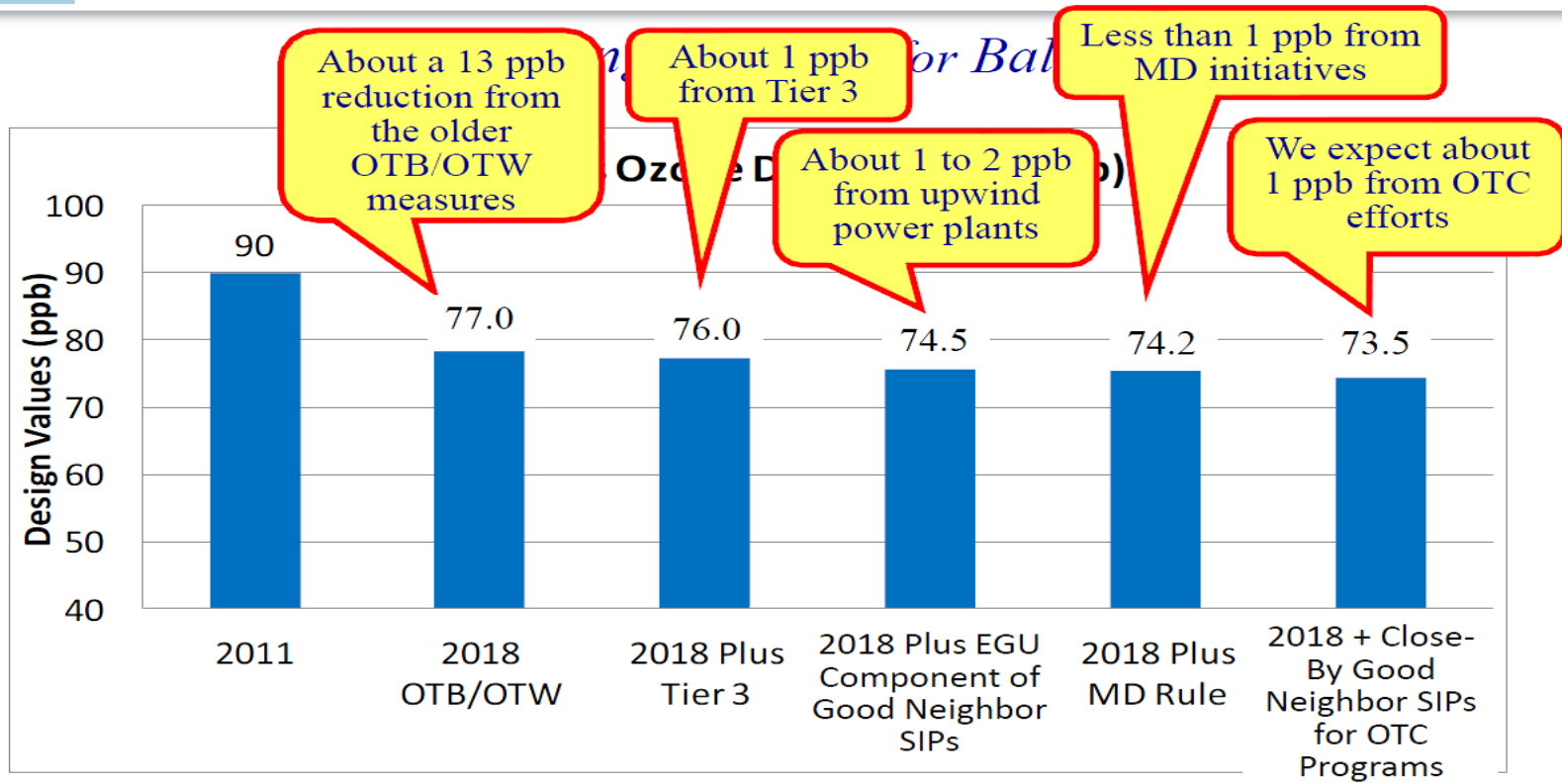
State	County	Site ID	4th Highest (ppb)				3-yr Avg (ppb)			
			2013	2014	2015	2016	2011-13	2012-14	2013-15	2014-16
Connecticut	Fairfield	90019003	86	81	87	87	87	85	84	85
Maryland	Cecil	240150003	72	74	74	80	82	77	73	76
New York	Richmond	360850067	71	72	79	77	78	73	74	76
Delaware	New Castle	100031010	63	74	71	78	73	71	69	74
Massachusetts	Hampden	250130008	71	65	70	76	73	70	68	70
Rhode Island	Kent	440030002	73	67	70	75	74	70	70	70
New Hampshire	Hillsborough	330115001	67	70	66	69	67	70	67	68
Maine	York	230312002	76	66	67	68	75	73	69	67
Vermont	Bennington	500030004	62	61	63	67	62	63		63

Figure A. Petitioning States Design Values for Highest Ozone Monitors by State. (Pink = values equal to or above 76 ppb. Yellow = values equal to or above 71 ppb).

5. Emission reductions will continue to be reduced as the result of nothing more than on-the-books controls



Where Do Reductions Come From?



6. Petitioners seek to use the 176A process to achieve a “level economic playing field” that is not authorized in the CAA and ignores the significant and adequate emission reductions that sources in the upwind states have achieved under current federal and state regulatory programs.

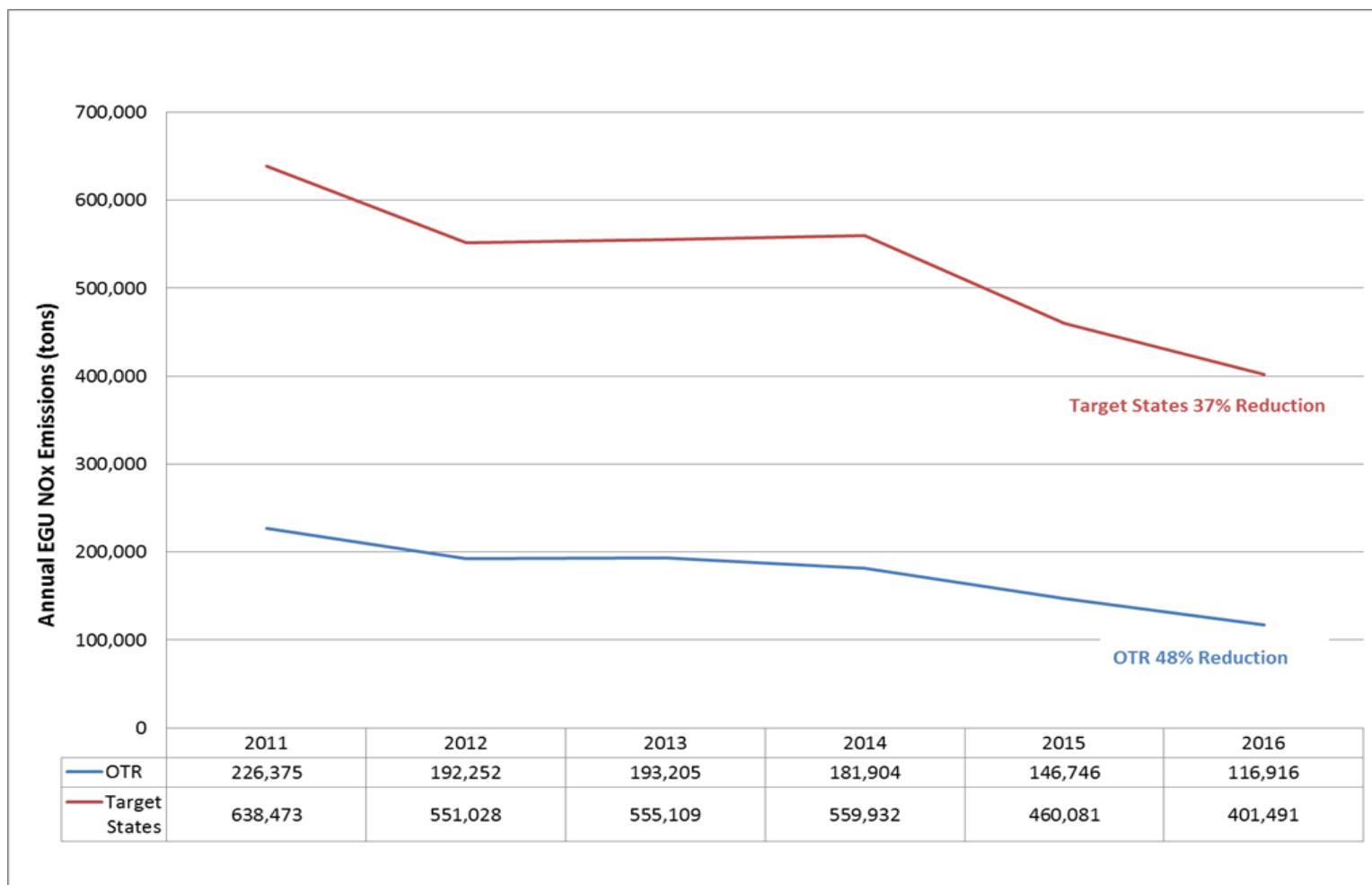
7. EPA air modeling projections do not take into account significant emission reduction programs that are legally mandated to occur

a. Pennsylvania RACT

b. Connecticut RACT

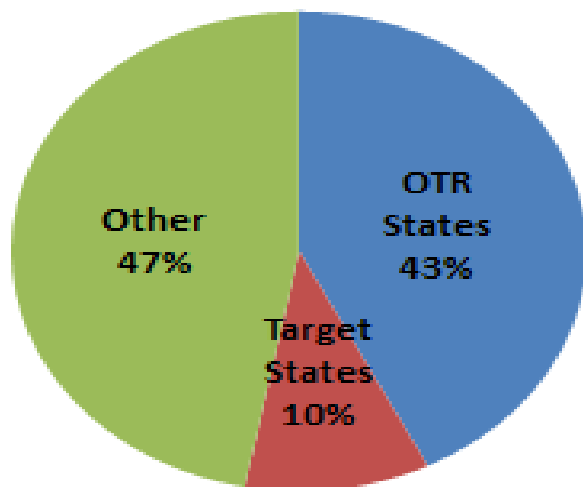
c. OTC Measures

8. Increases in ozone concentrations in 2016 occurred at a time when EGU emissions decreased

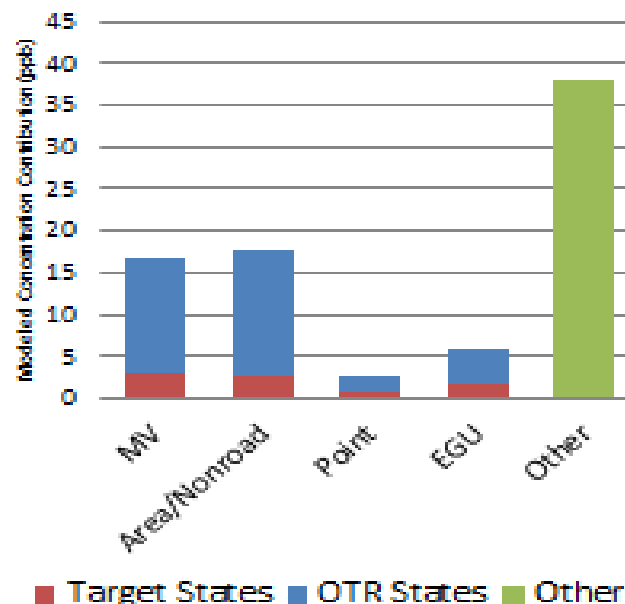


9. OTR states are significant contributors to any remaining nonattainment and are therefore responsible for reducing NAAQS violations not attributable to upwind states

Fairfield, Connecticut



2017 CSAPR Modeling Platform
Ozone Source Apportionment Results



10. Emission impact of local sources is significantly greater per ton on ozone concentrations at local monitors than emission from sources in upwind states.

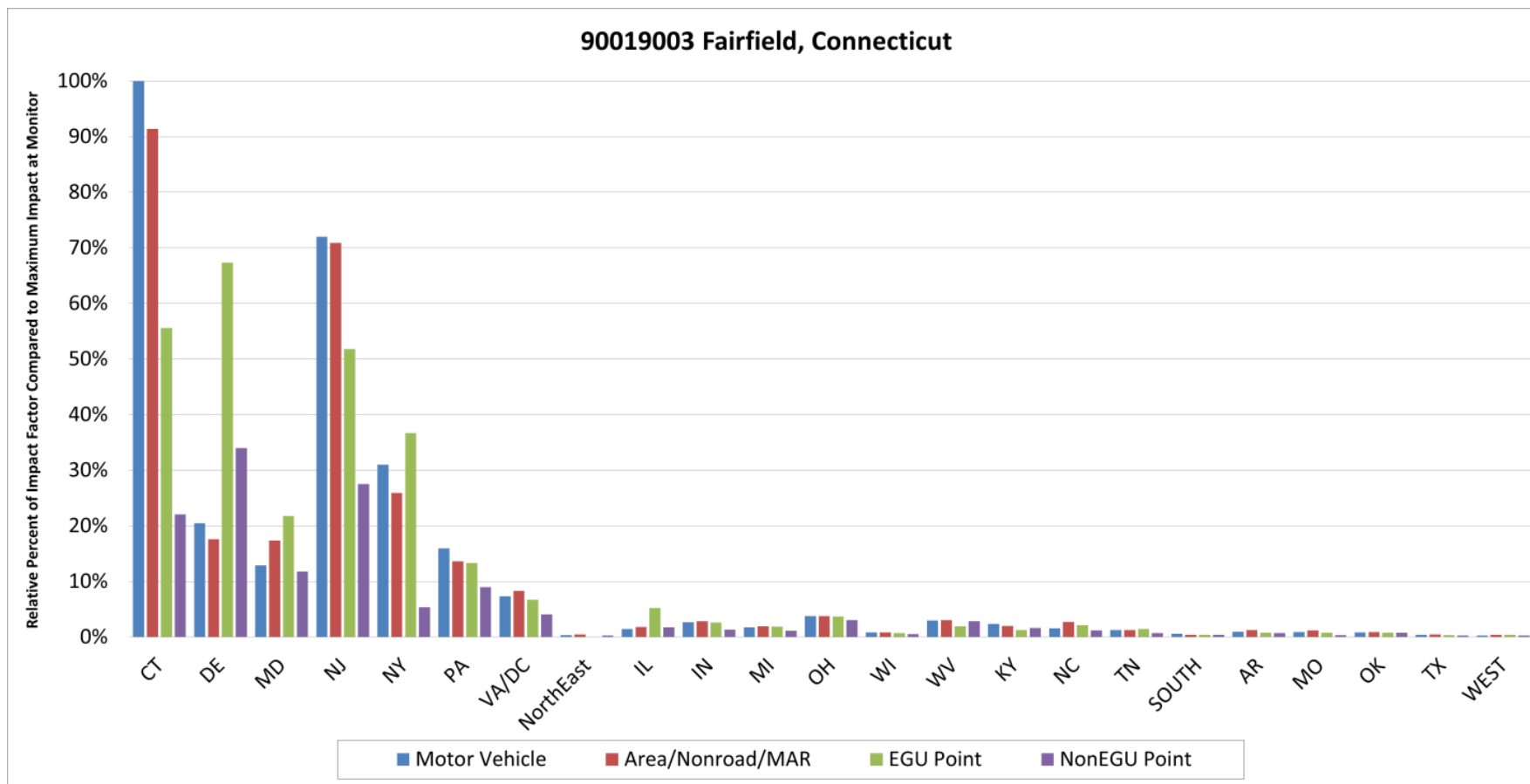


Figure Q. Fairfield, Connecticut Monitor Source and State Apportionment.

11. International emissions must be addressed as an integral part of the consideration of this petition

			Maximum Daily 8-hr Ozone Design Value (ppb)		
Monitor ID	State	County	2017 Base Case Average	Contribution from Boundary + Canada + Mexico	2017 Base Case Minus Boundary + Canada + Mexico
90010017	Connecticut	Fairfield	74.1	16.7	57.4
90013007	Connecticut	Fairfield	75.5	17.6	57.9
90019003	Connecticut	Fairfield	76.5	17.4	59.1
90099002	Connecticut	New Haven	76.2	18.2	58.0
240251001	Maryland	Harford	78.8	16.1	62.7
360850067	New York	Richmond	75.8	18.5	57.3
361030002	New York	Suffolk	76.8	16.9	59.9

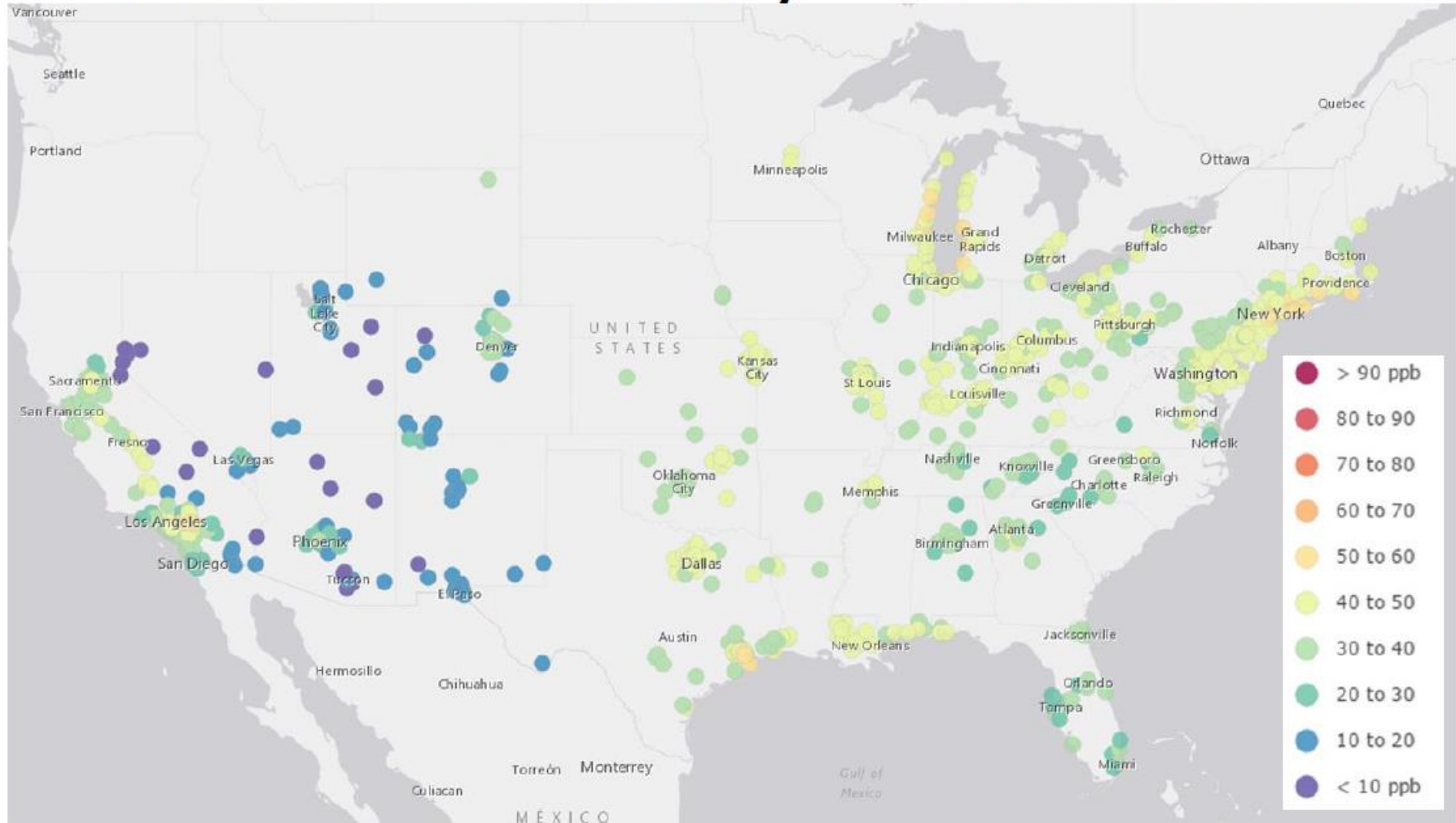
Figure S. NAAQS Projected Ozone Design Values as Impacted by International Sources.

International Emissions are becoming an Issue

2023 International Emissions

- Data taken from EPA 2015 Ozone NAAQS NODA APCA modeling (2023 projection)
 - Includes 2011 boundary conditions data
- “Boundary” emissions for this presentation is the sum of boundary and initial condition, Canadian, and Mexican emission components

2023 NODA MDA8 DVs (ppb)
without “Boundary” Contributions



No monitor with dv greater than 57 ppb

Only 2 monitors with dv greater than 55 ppb / 33 with dv greater than 50 ppb

Observations

- There is an increasing modeled contribution of internationally transported and non-US North American emissions associated with continental U.S. ozone design values
- There is also a growing body of science that identifies observed international transport impacting domestic ozone concentrations at monitors across the continental U.S.
- As the NAAQS continues to decrease, the relative percentage of this boundary contribution increases, preventing equally effective control using local and domestic programs
- EPA's attainment guidance and regulation do not provide adequate tools or direction on how to address "boundary contribution" in preparing nonattainment SIPs

Kentucky FIP Case or

Where is the Enviro's outrage over having the best science rule???

- EPA was looking at extending to 2020 the deadline for KY FIP due to:
 - Modeling a new base year would be more representative
 - New, reduced NEGU info
- Sierra Club sued in Federal District Court for Northern California (Why would they have jurisdiction?)
- Court basically rule close is good enough.