

# NAAQS Update

CIBO ENVIRONMENT COMMITTEE MEETING

CRYSTAL CITY, VIRGINIA

JUNE 6, 2018

## Trump's April 12 Presidential Memorandum

- ▶ Focused on streamlining NAAQS, permitting, & regional haze programs. Key actions:
  - ▶ Take action on all “preconstruction permits” w/ 1 year of completeness determinations
  - ▶ Evaluate all existing rules, guidance, memoranda and other materials relating to submission and consideration of preconstruction permits
  - ▶ Take into consideration all international emissions (not just those from Mexico and Canada) that might hinder states' ability to meet air quality standards; will also consider background levels
  - ▶ Rely on EPA-approved monitoring, not modeling, when making attainment/nonattainment designations
  - ▶ Make sure models used for permitting and related decisions are “sufficiently accurate for their intended application”, to streamline the process for updating models and considering/approving model inputs, and where models are not accurate, to streamline the process for approving alternative models

# Pruitt May 19 “Back to Basics” NAAQS Memo

- ▶ Administrator Pruitt sets out five principles for EPA to observe in future NAAQS reviews:
  - ▶ Meet Statutory Deadlines
  - ▶ Address All CAA Provisions for NAAQS Reviews
  - ▶ Streamline and Standardize the Process for Development and Review of Key Policy-Relevant Information
  - ▶ Differentiate Science and Policy Considerations in NAAQS Review Process
  - ▶ Issue Timely Implementation Regulations and Guidance

# NAAQS Reviews: Status Update

(April 2018)

	Ozone	Lead	Primary NO <sub>2</sub>	Primary SO <sub>2</sub>	Secondary (Ecological) NO <sub>2</sub> , SO <sub>2</sub> , PM <sup>1</sup>	PM <sup>2</sup>	CO
<b>Last Review Completed</b> (final rule signed)	Oct. 2015	Sept 2016	April 2018	Jun 2010	Mar 2012	Dec 2012	Aug 2011
<b>Recent or Upcoming Major Milestone(s)</b> <sub>3</sub>	TBD <sup>4</sup>	TBD <sup>4</sup>	TBD <sup>4</sup>	<u>May 25, 2018</u> Proposal  <u>Jan 28, 2019</u> Final	<u>Late 2018</u> 2 <sup>nd</sup> Draft ISA REA Planning Document	<u>Late 2018</u> 1 <sup>st</sup> draft ISA	TBD <sup>4</sup>

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

<sup>1</sup> Combined secondary (ecological effects only) review of NO<sub>2</sub>, SO<sub>2</sub>, and PM

<sup>2</sup> Combined primary and secondary (non-ecological effects) review of PM

<sup>3</sup> IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

<sup>4</sup> TBD = to be determined



# NO<sub>2</sub> NAAQS

- ▶ On April 6, EPA decided to retain the current NAAQS for NO<sub>2</sub>
  - ▶ 100 ppb 1-hour standard, 3-year average of 98<sup>th</sup> % yearly distribution of 1-hour max concentrations
  - ▶ 53ppb annual standard
- ▶ Primary health effects: asthma (short-term exposure), asthma in children (long-term exposure) were viewed as addressed at the current level of the standard
- ▶ NO<sub>x</sub> emissions have decreased 61% from 1980 to 2016
- ▶ NO<sub>2</sub> concentrations have declined 65% (annual) and 50% (1-hour)
- ▶ No current monitors with design values exceeding either NO<sub>2</sub> standard

# SO<sub>2</sub> NAAQS

- ▶ On May 29, EPA proposed to retain the current SO<sub>2</sub> NAAQS
  - ▶ 75 ppb 1-hour standard based on the 99<sup>th</sup>% of daily max 1-hour values averaged over 3 years
  - ▶ During the previous review EPA rescinded 24-hour and annual standards
  - ▶ **EPA is under Court order to finalize the decision by 1/28/19**
- ▶ EPA and its advisory board, CASAC, evaluated a 5-minute standard, but found that sensitive populations (asthma sufferers and children) were protected at the current standard
- ▶ SO<sub>2</sub> emissions have declined 87% since 1980
- ▶ There are currently 42 nonattainment areas, with one more round of designations due by 12/31/2020
- ▶ EPA is taking comment on the form, averaging time, and level of the standard

# Ozone NAAQS

- ▶ EPA plans to start review of the 2015 standard immediately, with a final rule due by October 2020.
- ▶ On April 30, EPA designated 51 areas in 22 states nonattainment for the 2015 standard; EPA is under Court order to designate 8 counties around San Antonio by July 17.
- ▶ All 2015 standard nonattainment areas outside California were designated “marginal” except for the NYC/NJ/Conn. n/a area, which was designated “moderate” . California has 2 “extreme” n/a areas, 2 “severe-15”, 1 “serious”, and 4 “moderate” areas in addition to 12 “marginal” areas.
- ▶ The 2015 Ozone NAAQS final implementation rule has been delayed; it is expected shortly after all designations are made. It will address the *South Coast 2* Court decision.
- ▶ Meanwhile, 73 areas continue to be labeled nonattainment under the 1997 and 2008 standards, though 44 areas have submitted “clean data” determinations

# Ozone Potpourri

- ▶ EPA, the California South Coast AQMD, and NEDA have challenged the *South Coast 2* Court decision
- ▶ The 2015 Ozone NAAQS Classification rule was published March 9<sup>th</sup>—it uses a % above the standard formula
- ▶ On March 27 EPA released new transport/contribution data that the Agency expects states to use in their October 2018 “good neighbor” SIP submittals. EPA is encouraging states to work together to address transport issues, and will be disinclined to issue FIPs
- ▶ A number of states (Conn., Del., Md., NY) have filed Section 126 petitions alleging upwind sources are contributing to their nonattainment status. EPA has already denied Conn.’s; Md. and ENGOs have filed a legal challenge for EPA’s failure to respond; and EPA has asked for a 6-month extension to respond to NY’s petition.
- ▶ EPA has rejected the northeast/mid-Atlantic states request for a larger ozone transport region
- ▶ Several states have asked the DC Circuit Court to reopen litigation challenging the level of the 2015 standard



# PM<sub>2.5</sub> NAAQS

- ▶ EPA plans to complete a review of the 2012 PM<sub>2.5</sub> NAAQS by December, 2020. The first draft ISA is due late this year
- ▶ According to staff, health effects studies likely to be considered show relationships between annual PM<sub>2.5</sub> concentrations and health impacts at levels down to 6 µg/m<sup>3</sup> and below; the current annual standard is 12 µg/m<sup>3</sup>
- ▶ EPA expects to finalize PM<sub>2.5</sub> precursor guidance this year
- ▶ There are 29 current nonattainment areas for the 1997, 2006, and 2012 PM<sub>2.5</sub> standards; “clean data” submittals have been made for 15 of those areas

# Regional Haze

- ▶ EPA has announced a decision to revisit the final 2017 regional haze rule revisions. Specific areas that will be examined:
  - ▶ the Reasonably Attributable Visibility Impairment (RAVI) provisions
  - ▶ the provisions regarding Federal Land Manager (FLM) consultation
  - ▶ any other elements of the rule EPA may identify for additional consideration
- ▶ The DC Circuit Court affirmed the “CSAPR is better than BART” rule; EPA reaffirmed that based on a CSAPR update, and that decision has been challenged. No timetable for a response has been set
- ▶ EPA is working with states to get ready for the 2<sup>nd</sup> planning period; EPA plans to give states maximum flexibility, and will avoid FIPs at all cost