

MOG Update

Council of Industrial Boiler Owners
Virtual Environmental Meeting

December 7, 2021

Skipp Kropp

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Overview

Revised CSAPR Update Litigation

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New York 126 Petition Remand

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MOG 2022 Work Plan

Revised CSAPR Update

Revised CSAPR Update Revised Briefing Schedule

- November 3: Petitioners' Opening Brief
- February 1, 2022 (90 days): U.S. Response Brief
- February 15 (14 days): Respondent-Intervenor Brief
- March 15 (42 days from U.S. Brief): Petitioners' Reply Brief
- March 22 (7 days): Deferred Appendix
- March 29 (7 days): Final Form Briefs.

Revised CSAPR Update Argument

- I. EPA Acted Unlawfully and Arbitrarily Following this Court’s Remand of the Cross-State Air Pollution Rule Update By Taking a Series of Shortcuts to Meet a Deadline of March 15, 2021, Imposed by a New York District Court
 - A. EPA Failed to Conduct Appropriate Photochemical Computer-based Modeling
 - B. EPA Failed to Address the “Interfere with Maintenance” Clause of the CAA
 - C. EPA Failed to Consider the Air-quality Contribution “Threshold” for Identifying States Subject to the Rule
 - D. EPA Denied Stakeholders a Meaningful Comment Period on the Proposed Rule
- II. EPA’s Approach to Identifying Downwind Receptors (Step 1) Was Arbitrary and Inconsistent with the *Wisconsin* Remand
 - A. EPA Failed to Harmonize Good Neighbor Requirements with Nonattainment and Maintenance Requirements
 - B. EPA Disregarded Existing Emission Reduction Requirements
 - C. EPA Failed to Recognize the Impact of Exceptional Events on the Regulatory Status of Downwind Nonattainment and Maintenance Monitors
- III. EPA Arbitrarily Relied on Inappropriate Air Quality Monitoring Data In Making its Determination of Upwind State Significant Contribution to Downwind State Nonattainment or Maintenance Monitors (Step 2)

Revised CSAPR Update Argument

- IV. EPA Action Imposing Additional Control Requirements on EGUs (Step 3) was Inconsistent with the Wisconsin Remand and Was Based on Erroneous Data
 - A. EPA's Action was Inconsistent with the Wisconsin Remand Which Determined that the CSAPR Update Rule had Already Properly Addressed Controls on EGU Sources
 - B. EPA Arbitrarily Determined NOx Reductions Purportedly Available in the Upwind States Based on Data Related to Twenty-two States With Very Different Characteristics
- V. EPA Arbitrarily Established at Step 4 Emissions Budgets for the Covered Sources in Each State Subject to the Program
 - A. EPA's Determination of Conversion Ratios from Group 2 to Group 3 was Based on Data From Twenty-two States With Very Different Characteristics Than the Twelve States that are Subject to the Rule
 - B. EPA Improperly Factored Retired Units Into the Budget Calculations

Comments on 2015 ozone NAAQS consent order

August 30, 2021, Comments on New York Consent Decree (6 States):

- MOG objects to the proposed consent decree because:
 1. it creates an alternative course of action for EPA that calls for a FIP to be proposed in the absence of the disapproval of the underlying SIP,
 2. it does not address at all EPA's authority to issue a SIP call under Clean Air Act §110(k)(5).
 3. it fails to provide EPA with the time that will be necessary to promulgate any FIP or SIP call that may be required (EPA is allowed 24 months to promulgate a FIP and 18 months for states to respond to a SIP call.
 4. it does not provide adequate time to address many significant issues

Comments on 2015 ozone NAAQS consent order

November 15, 2021, Comments on Downwinders Consent Decree (29 Transport Rule States):

Same objections as to New York Consent Decree and additional concerns:

1. Object to final rule being based on an inventory different from proposed rule.
2. EPA should allow state plans to be revised until December 15, 2022, deadline

SE States 2015 Ozone NAAQS GNS Approval

- December 2- EPA published final rule approving the 2015 8-hour ozone transport SIPs for Florida, Georgia, North Carolina* and South Carolina. (86 Fed Reg 683890)
- This regulatory action should remove these states from any new transport rule. The link is found at <https://www.federalregister.gov/public-inspection/2021-26144/air-quality-state-implementation-plans-approvals-and-promulgations-florida-georgia-north-carolina>

*Note: North Carolina is being modeled notwithstanding this final rule so MOG can respond to EPA modeling

Environmental Justice Comments

November 23, 2021- MOG submitted comments on Environmental Justice in response to the non-regulatory request of United States Environmental Protection Agency (“EPA”) for stakeholder insights related to environmental justice considerations for 2015 ozone transport rulemakings.

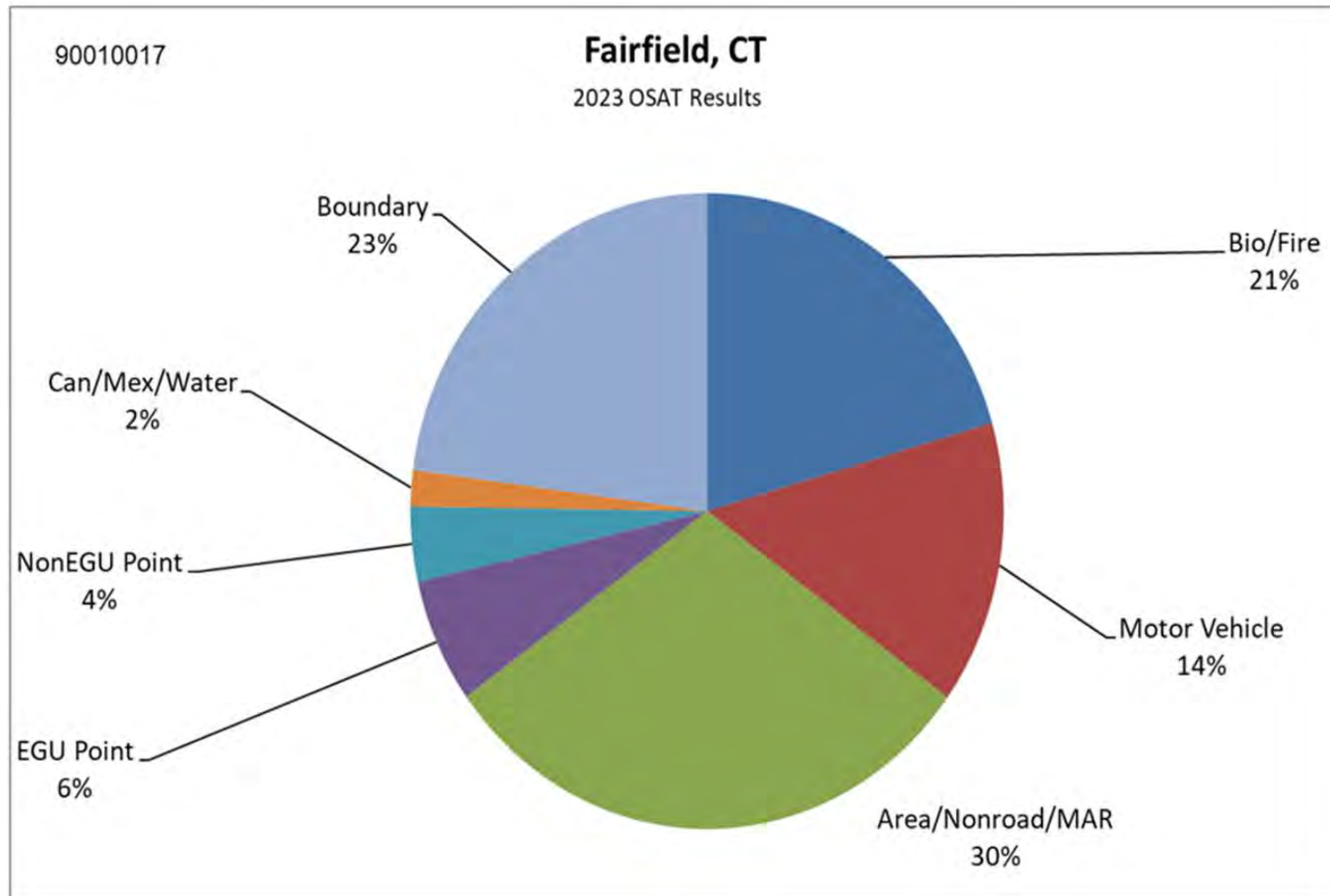
- The Clean Air Act provides a robust framework for the protection of human health and welfare with an adequate margin of safety.
- The law is therefore clear that the development of any new transport rule related to the 2015 ozone NAAQS must be based on the premise that the analytic year for that rule as applied to upwind states would be 2023 and that downwind states would also have imposed controls on their own sources by that date to satisfy the nonattainment obligations of the CAA.

Environmental Justice Comments

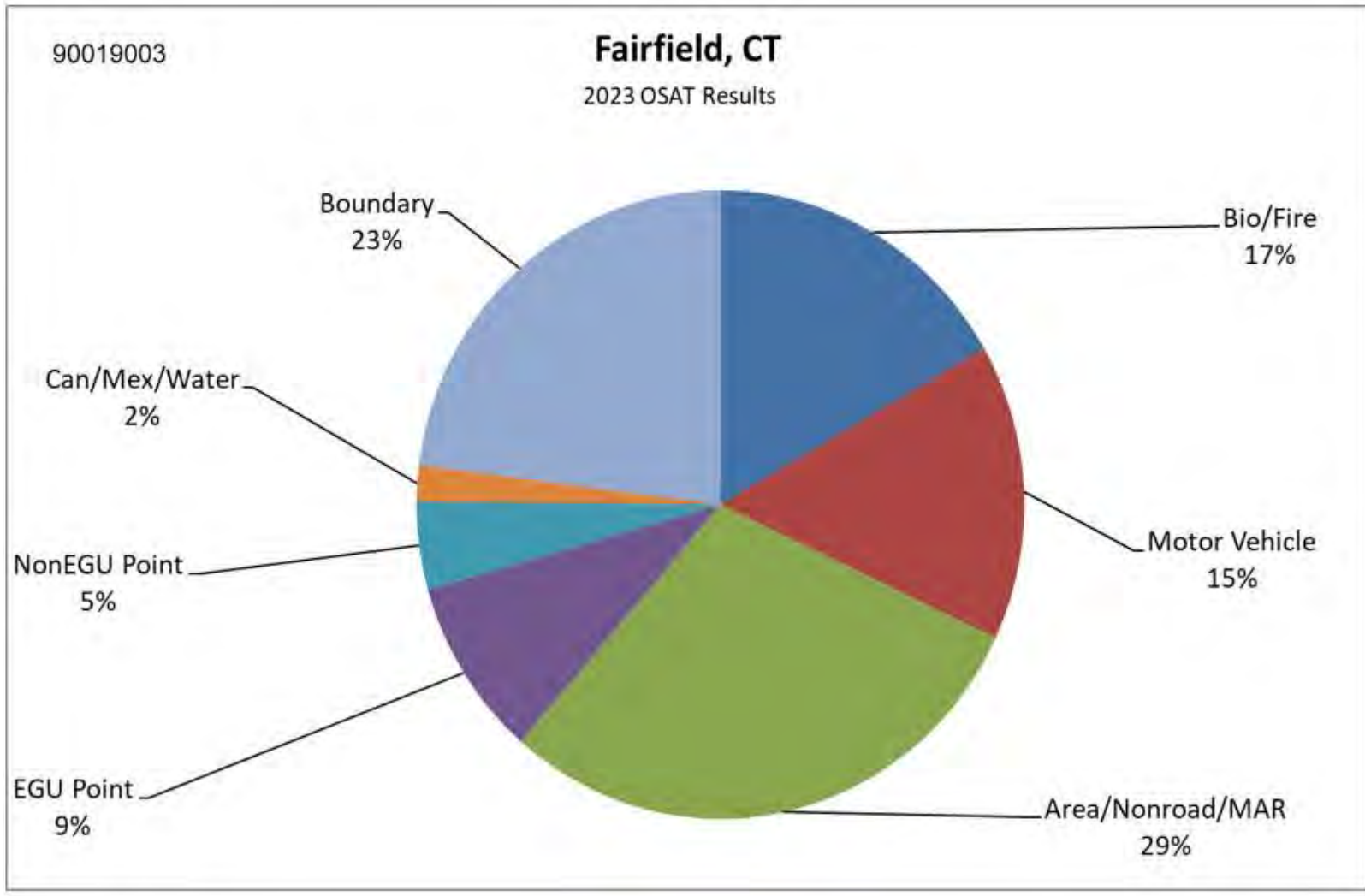
November 23, 2021- MOG Environmental comments:

- The majority of the areas in the East are predicted to attain the 2015 ozone NAAQS and therefore to achieve protection of human health and welfare as required by the CAA
- Although EPA has asked for comments specific to power plants and other industrial facilities, on-road and non-road mobile sources have the dominant impact on 2015 ozone NAAQS nonattainment areas that are predicted to remain in nonattainment in 2023.
- Graphs below show that, for each monitor EPA predicts to be in nonattainment status in 2023, electric generating unit (“EGU”) and non-EGU point sources are among the least significant contributors as the result of ongoing operational changes that illustrate tangible work by these industry sectors to manage nonattainment and/or environmental impact.

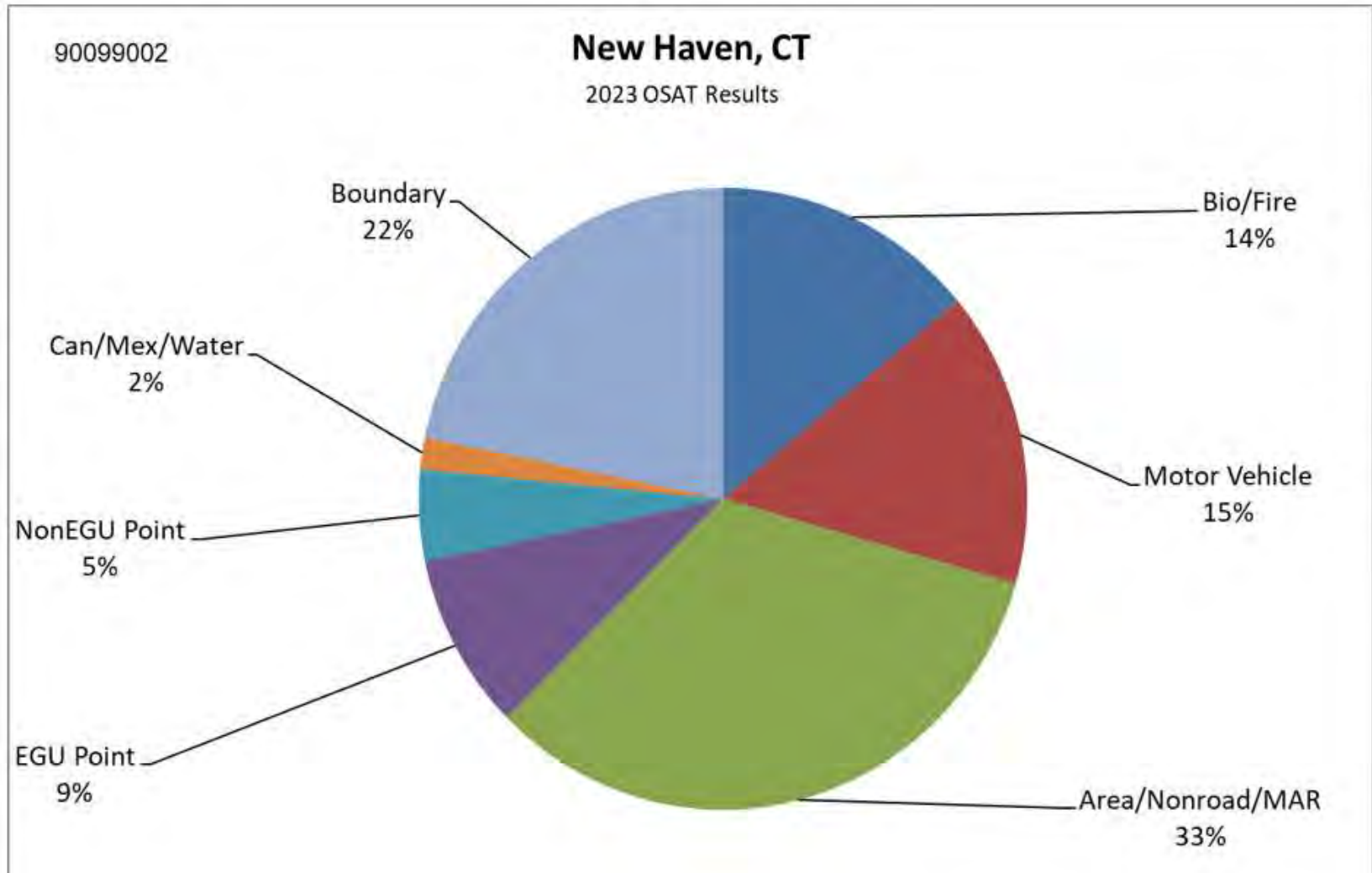
Environmental Justice Comments



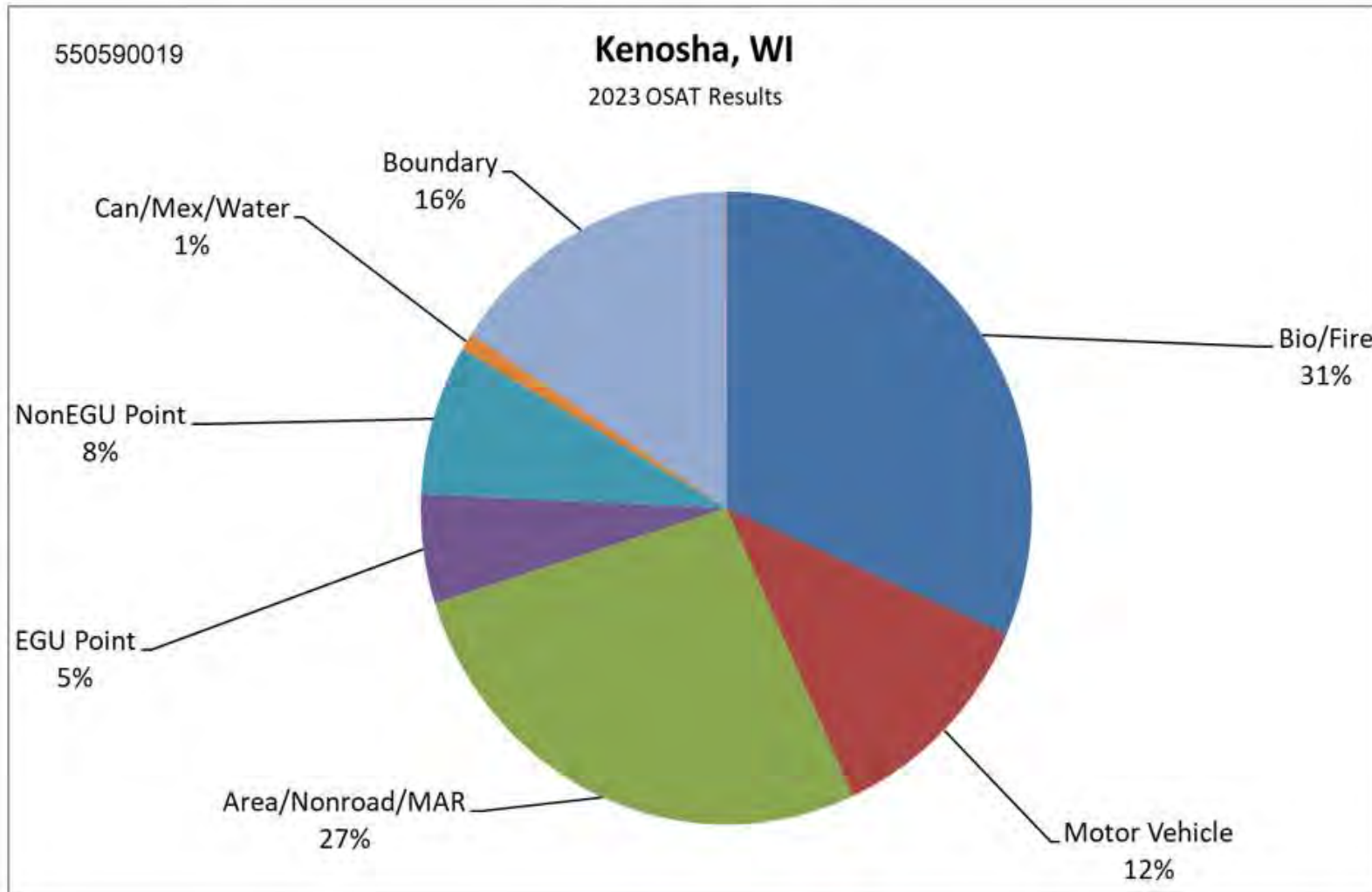
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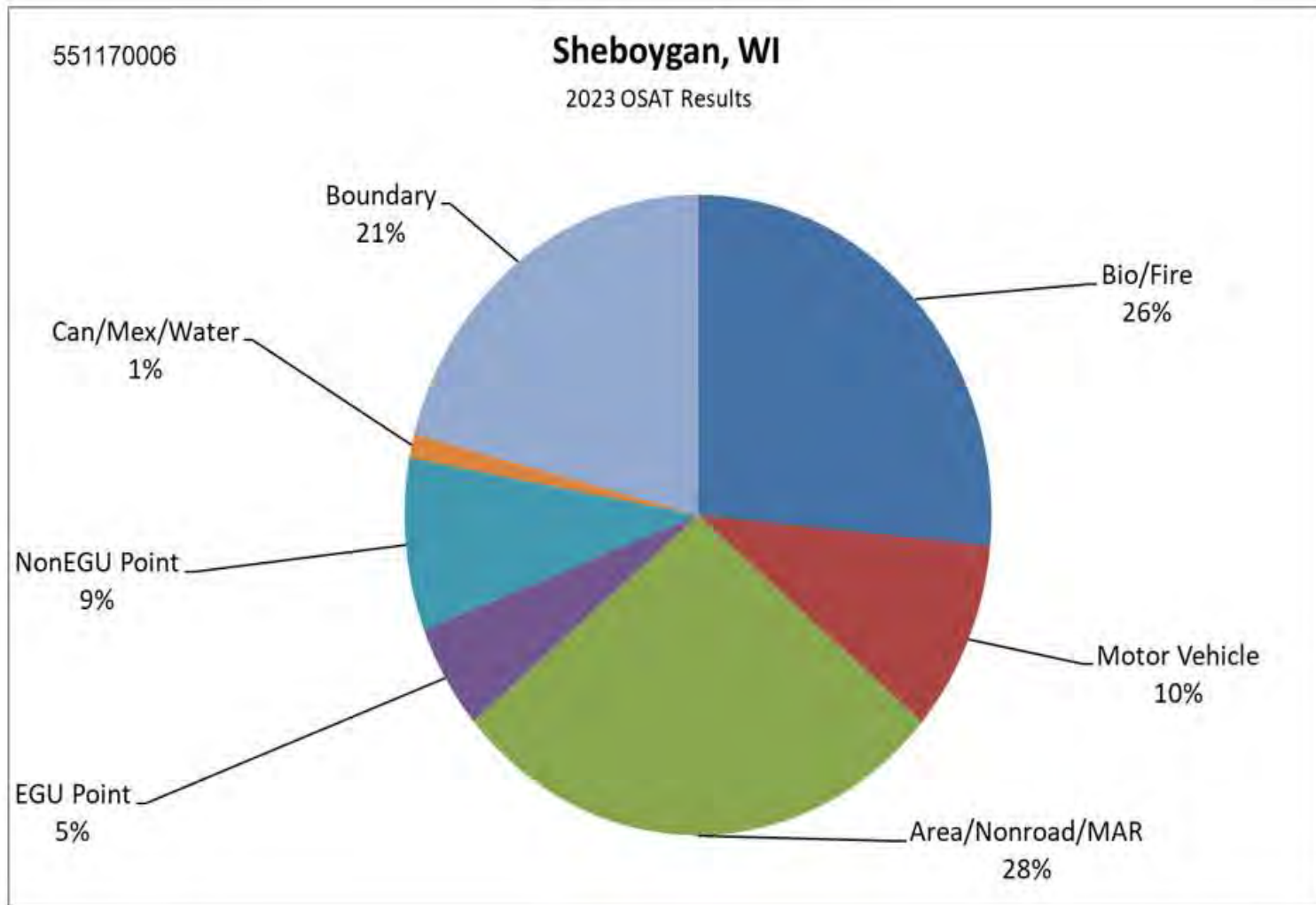
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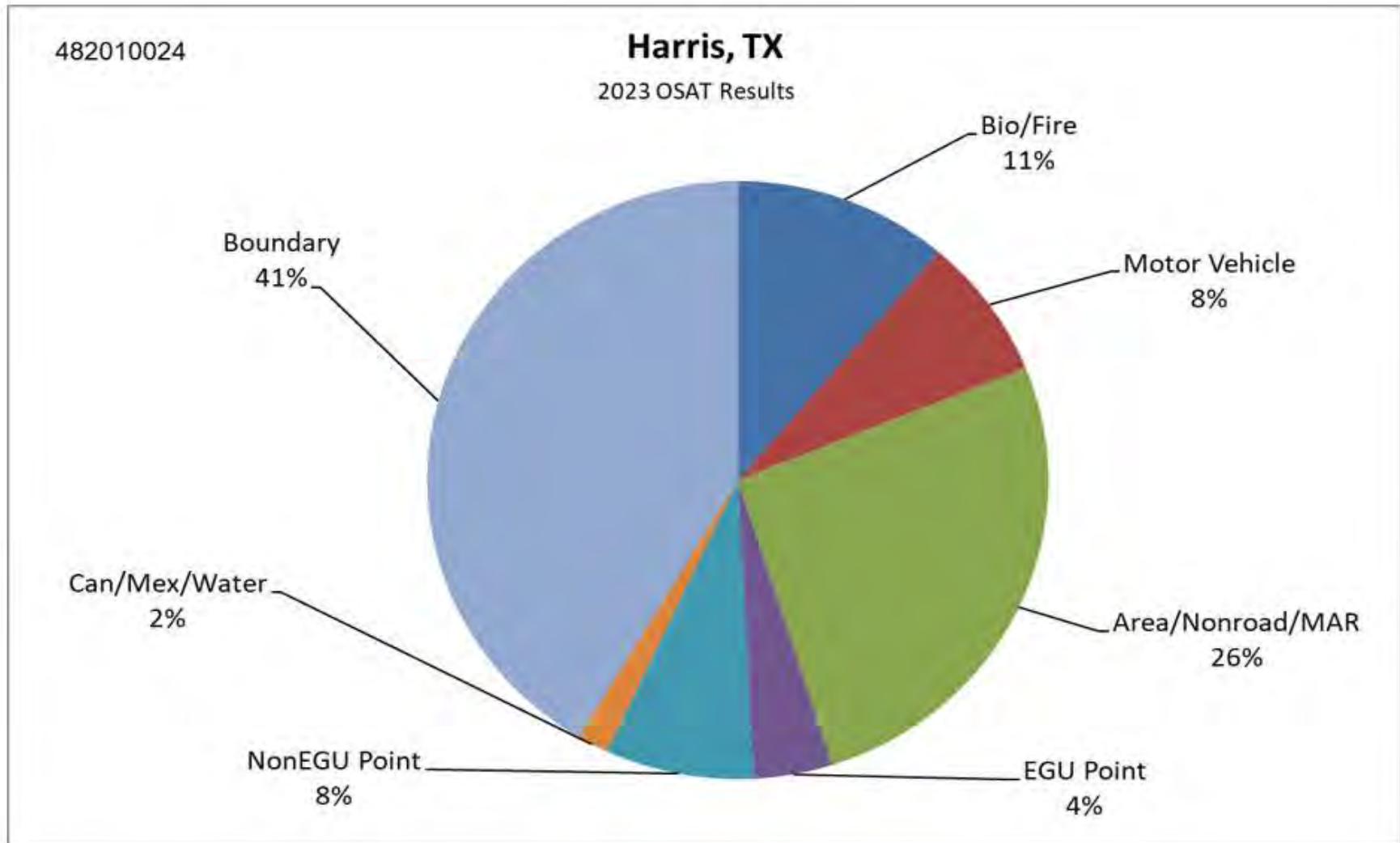
Environmental Justice Comments



Environmental Justice Comments



Environmental Justice Comments



Environmental Justice Comments

November 23 MOG comments:

- Experience with prior transport rules reveals that, even though EGU's have been made the target of each rule, there has been little impact on residual nonattainment in the NE – demonstrating that the wrong sources have been regulated thus far.
- The primary source sector regulated by any transport rule promulgated by EPA since 1998 has been the power sector. Significantly, after 22 years of continuing to ratchet down power sector controls (coincident with other state-implemented emissions reductions from other stationary sources) on upwind state EGUs, the result is that the remaining nonattainment monitors do not appear to be responsive to emission reductions from the power sector.

Environmental Justice Comments

November 23 MOG comments:

- Relative contribution analysis related to transport rules should focus on adverse impact by mobile, area and other local source emissions.
- The ozone season trading program is a very effective mechanism to address ozone transport necessary to attainment, making it consistent with the principals of environmental justice.
- MOG welcomes environmental justice assessment of the Act and SIP processes, and urges EPA to continue the equitable assessment of its proposals relative to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, or with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental Justice Comments

November 23 MOG comments:

- In order to properly obtain input from affected individuals, communities, and organizations, EPA must accurately provide to the public the relevant information for the program on which it seeks comment. MOG respectfully suggests that, with regard to the 2015 ozone NAAQS transport rule, this information includes an accurate description of the sources that contribute most significantly to ozone non-attainment, and a thorough description of the emissions reductions programs relevant to those sectors that are delivering current and ongoing improvements. EPA must also educate the public about the actions that downwind states are required to take before upwind states are brought into the discussion.

Potential comments on Our Children's Earth consent decree

November 23, 2021- EPA published proposed Consent Decree in Our Children's Earth v. Regan (No 20 Civ. 8232, Fed District Court for the Southern District of New York, 86 Fed Reg 66546)

- Proposed consent order addresses only New York and the seven SIP revisions submitted by New York that have not been acted on.
- For the interstate transport portion of the Proposed 2015 Ozone Infrastructure SIP submission (CAA section 110(a)(2)(D)(i)(I), 42 U.S.C. § 7410(a)(2)(D)(i)(I), prong 1 and prong 2):
 - By April 30, 2022, EPA to sign notice of final agency action to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, pursuant to sections 110(k)(2)-(4) of the CAA, 42 U.S.C. §§ 7410(k)(2)-(4), the interstate transport portion of the Proposed 2015 Ozone Infrastructure SIP submission.
 - If by February 28, 2022, EPA signs (i) a proposal of full or partial disapproval of the transport provisions of the Proposed 2015 Ozone Infrastructure SIP submission and (ii) a proposed federal implementation plan to cover those transport provisions for which EPA proposed a full or partial disapproval for New York then EPA has until December 15, 2022, to sign a final action to approve, disapprove, conditionally approve, or approve in part and conditionally approve or disapprove in part, the interstate transport provisions of the Proposed 2015 Ozone Infrastructure SIP submission pursuant to sections 110(k)(2)-(4) of the CAA, 42 U.S.C. §§ 7410(k)(2)-(4).

Potential comments on Our Children's Earth consent decree

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- For Part 220, Portland Cement Plants and Glass Plants – RACT Determinations SIP submission, no later than February 29, 2024, EPA shall sign a notice of final rulemaking to approve, disapprove, or conditionally approve, in full or in part, the Part 220, Portland Cement Plants and Glass Plants – RACT Determinations SIP submission.
- For Single-Source SIP Revisions, RACT Determinations (2010) SIP submission, no later than February 29, 2024, EPA shall sign notice of final rulemaking to approve, disapprove, or conditionally approve, in full or in part, the Single-Source State Implementation Plan Revisions, RACT Determinations (2010) SIP submission.

Potential comments on Our Children's Earth consent decree

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- For Single-Source SIP Revisions, RACT Determinations (2008) SIP submission, no later than February 29, 2024, EPA shall sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. § 7410(k)(2)-(4) to approve, disapprove, or conditionally approve, in full or in part, the Single-Source State Implementation Plan Revisions, RACT Determinations (2008) SIP submission.
- If before February 29, 2024, New York withdraws SIP submissions for any of the submissions listed in paragraphs 4-6, deadline in that paragraph no longer applies.

Potential comments on Our Children's Earth consent decree

November 23, 2021- EPA published proposed Consent Decree in Our Children's Earth v. Regan (No 20 Civ. 8232, Fed District Court for the Southern District of New York, 86 Fed Reg 66546)

- For SIP Revisions Incorporating 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines, no later than February 29, 2024, EPA will take final action approving, disapproving, or approving in part and disapproving in part the SIP Revisions Incorporating 6 NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines SIP submission. However, if the State of New York withdraws this SIP submission in full or in part before February 29, 2024, EPA shall no longer be subject to this deadline for the withdrawn submission (or any withdrawn portion).
- Comment period expires on December 23, 2021
- MOG may submit comments expressing concern of the shortness of the schedule being involved with EPA's response to the New York interstate transport SIP

New York SCCT Controls

86 Fed. Reg. 43956 (August 11, 2021)

- EPA issued final approval of the nonattainment SIP revision related to New York's regulation of SCCT peaking units with respect to the 2015 ozone NAAQS. As is noted in the Federal Register, MOG filed comments on the proposal urging that the emission reduction requirement be imposed no later than 2023 (rather than 2025) to avoid imposing additional burdens on upwind states under the Good Neighbor provisions of the Clean Air Act.

New York SCCT Controls

86 Fed. Reg. 43956 (August 11, 2021)

- EPA's response to comments acknowledges the impact of the new controls on NO_x reduction throughout the NYMA (which includes Connecticut) and the benefit of the new controls on both the 2008 and 2015 ozone NAAQS. Here are two brief excerpts from the preamble to the rule:
 - After review, the EPA concurs with NYSDEC's assessment because the compliance schedule will provide adequate timing for owners or operators of impacted SCCTs to retrofit control technology, determine compliance options, and replace or retire older units in order to comply with the more stringent emission limits. The EPA also agrees with NYSDEC that the chosen timeframe provides owners and operators of SCCTs designated as a reliability source, which represents a significant amount of the impacted SCCTs, an appropriate timeframe to comply with the control requirements of Subpart 227-3....
 - The emission limits and compliance schedule outlined in Subpart 227-3 will result in further NO_x reductions throughout the NYMA as expeditiously as practicable. The EPA believes, therefore, that the additional emission requirements listed within Subpart 227-3 will strengthen New York's ozone SIP and help the state attain the 2008 and 2015 national ambient air quality standards for ozone.

New York SCCT Controls

86 Fed. Reg. 60602 (November 3, 2021)

- EPA proposed disapproval of New York SIP regarding Good Neighbor SIP for 2008 ozone NAAQS. Provision requires each state's SIP to contain adequate provisions prohibiting emissions from within state from significantly contributing to nonattainment or interfering with maintenance of NAAQS in other states. Comment period ends December 3, 2021.
- In NY submittal to EPA it commented that its mobile on-road sector alone (without considering other state emissions) "significantly impacted downwind monitors, with 2023 contributions as high as 4.64 ppb at the Greenwich, Connecticut monitor" (site 090010017), based on the University of Maryland CAMx modeling.
- September 2018 submittal referenced regulatory updates that NY asserted were in development and would provide for additional NOX and VOC reductions. EPA notes that NY has since adopted many of these regulatory updates (NY adopted 6 NYCRR Part 227, Subpart 227-3, "Ozone Season NOX Emission Limits for Simple Cycle and Regenerative Combustion Turbines," with a State effective date of January 16, 2020, that lowered allowable NOX emissions from peaking units during ozone season on high electric demand days, with compliance dates of May 1, 2023 (100 ppmvd limit), and May 1, 2025 (25 ppmvd limit for gas and 42 ppmvd limit for oil).

New York SCCT Controls

- 86 Fed. Reg. 60602 (November 3, 2021)
- NY said that its mobile on-road sector alone significantly impacted downwind monitors and said it controls mobile emissions through I/M and anti-idling standards. However, NY did not explain the role I/M and anti-idling standards play in eliminating its significant contribution.
- SIP revision submitted by NY does not provide a demonstration that existing permanent and federally enforceable control measures in the SIP achieve emissions reductions needed to meet NY obligations in CSAPR NOX Ozone Season Group 3 Trading Program established in Revised CSAPR Update. EPA modeling to evaluate NY contributions and emissions reduction obligations already accounts for many of the emissions reduction programs identified by NY and, in the Revised CSAPR Update, EPA found continuing contribution from NY to receptors in CT in 2021 and later years. For EPA to approve a SIP revision to replace the FIP promulgated in the Revised CSAPR Update, the State's SIP must obtain through federally enforceable emission controls the same or greater level of emissions reduction achieved by the FIP.

New York SCCT Controls

- **MOG Comments**

- EPA's proposed disapproval of New York Good Neighbor SIP with respect to the 2008 ozone NAAQS is based upon the recognition that New York did not demonstrate that it was adequately controlling its emissions with New York itself conceding that its emissions were linked to Connecticut's non-attainment areas. 86 Fed. Reg. 60606 (November 3, 2021).
- EPA notes that New York's regulation of NOx emissions from simple cycle combustion turbines ("SCCTs") will not be phased in until the 2023-2025 period, even though the applicable attainment date for those areas is July 20, 2021. Id. at 60607.
- While EPA cites Wisconsin remand (Wisconsin v. EPA, 938 F3d 303) for the proposition that EPA may not delay implementation of measures necessary to address good neighbor requirements beyond the applicable 2021 attainment dates – that is exactly what EPA has already done in its approval of those controls as part of New York's infrastructure SIP. 86 Fed. Reg. 43956 (August 11, 2021)

New York SCCT Controls

- MOG Comments

- Even though MOG pointed out in its comments on that proposed action (which are attached and incorporated into these comments and identified as Exhibit A) that the Wisconsin decision obligated EPA to harmonize upwind and downwind obligations such that the emission reductions would occur “on par” with each other, EPA approved delaying controls on SCCTs until 2023 and 2025 for reasons entirely unrelated to the attainment date of 2021
- Emissions from the New York SCCT units alone are causing the only remaining 2008 ozone NAAQS nonattainment and maintenance areas in the East. Appropriate implementation of those controls by the 2021 attainment date would have completely eliminated any need for the promulgation of the Revised CSAPR Update that is at the heart of EPA’s proposed denial.
- D.C. Circuit Court has clarified that EPA must harmonize the deadline for upwind state contributors to eliminate significant contribution with attainment deadlines for downwind areas. North Carolina v. EPA, 531 F.3d at 912. The D.C. Circuit Court also repeated that mandate in the Wisconsin remand stating, “the Good Neighbor Provision calls for the elimination of upwind States’ significant contribution on par with the relevant downwind attainment deadline.” Wisconsin 938 F.3d at 315

New York SCCT Controls

- **MOG Comments**

- As a direct result of New York's decision to delay SCCT emission reductions for reasons unrelated to the applicable attainment date, all the Connecticut nonattainment and maintenance monitors underlying the Revised CSAPR Update Rule with respect to virtually all upwind states continued to experience exceedances of the 2008 ozone NAAQS. Id. 86 Fed. Reg. 23,054, 23,097 (Apr. 30, 2021).
- The failure by New York (and EPA) to implement nonattainment controls by the statutory attainment date effectively shifts the responsibility for imposing new controls to upwind states (as was done in the Revised CSAPR Update Rule) in violation of the directives of the U.S. Supreme Court and the D.C. Circuit
- Even though the applicable attainment date for the three subject Connecticut monitors is 2021, New York and EPA have concluded that, for reasons unrelated to the attainment obligation of New York, these units would be allowed until 2025 to achieve compliance. That decision results in the three subject Connecticut monitors remaining in nonattainment/maintenance status which, if unaddressed, inappropriately shifts the regulatory burden to upstate states under the good neighbor provision of the CAA. 42 U.S.C. §7511; 42 U.S.C. §7410(a)(2)(D)(i).

New York SCCT Controls

- **MOG Comments**
 - Given the legal obligation for EPA to require New York to impose controls on its sources by the attainment date of 2021, we urge that EPA exercise the authority under CAA §110(k)(5) to direct New York to revise its plan to impose controls on its SCCT units by 2023, and, in addition, to determine that New York's failure to impose SCCT controls by 2021 constitutes a failure by New York as both an upwind and downwind state to harmonize its attainment date obligations with respect to the 2008 ozone NAAQS thus undermining the legal foundation for its plans as well as the Revised CSAPR Update Rule upon which this proposed denial is based.

International Transport

- Utah submitted a Clean Air Act Section 179B demonstration seeking EPA approval to a request to allow international emissions to be considered in addressing its nonattainment obligations related to the 2015 ozone NAAQS.
- This 179B(b) demonstration is novel since it fails to show a significant contribution on specific exceedance days compared to non-exceedance days, but instead indicates that international transport has a relatively constant contribution to background ozone concentrations throughout the Northern Wasatch Front (NWF) NAA.
- Elevated background concentrations make it particularly difficult to meet the 2015 8-hour ozone NAAQS in the NWF. Beyond the distinction of specific daily contribution vs. regional background, it is UDAQ's understanding that this is the first instance of a 179B(b) demonstration for a non-border region, for which the guidance states "technical demonstrations for non-border areas may involve additional technical rigor and resources compared to a demonstration for border areas."

Exceptional Events - Arizona Ruling

- July 28 ruling in *Sandra L. Bahr; Jeanne Lunn; David Matusow v. Michael Regan, et al.*, the U.S. Court of Appeals for the 9th Circuit backed EPA's approval of an Arizona SIP for meeting federal air standards that relied on an "exceptional events" exemption of air quality data gathered during a 2015 California wildfire many miles to the west
 - The 9th Circuit deferred to EPA's technical analysis of the Arizona submission, concluding that the state would have met EPA's 2008 ozone NAAQS of 75 parts per billion (ppb) "but for" the pollution created by the 2015 Lake Fire in California
- Such exemptions are seen by state regulators as a crucial tool for states to avoid NAAQS nonattainment and attendant pollution control mandates
 - Many agree that EPA's use of its "exceptional events" rule to exempt wildfire emissions will be of increasing importance in the future, as a warming climate, increasingly arid conditions and other factors such as forestry practices and human encroachment on wildlands contribute to growing incidence of wildfire.
 - But some see them as "hugely controversial" and an "excuse" to avoid tougher measures to drive down pollution and reduce wildfire risks

Exceptional Events – Chicago Nonconcurrency

- Illinois submitted EE demonstration requesting exemption of June 18 and 19, 2020 ozone concentrations impacted by wildfire smoke
- EPA responded with nonconcurrency with Illinois' request
 - EPA TSD does not respond to all the evidence that was compiled and provided in the original Illinois EPA demonstration, the two supplemental documents, and IEPA's responsiveness summary to public comments
- Illinois submitted comments to highlight issues that LADCO found in EPA's arguments, particularly where we felt that data were missed or misinterpreted, and where EPA needs to clarify key points of interpretation of the wildfire exceptional events rule

Exceptional Events – Chicago Nonconcurrency (2)

- EPA recently defended in the 9th Circuit Court of Appeals an exceptional event claim concurrence, *Bahr v Regan* (EPA-R9-OAR-2018-0821)
 - The methods and sources of evidence used by EPA to justify the exceptional event claim appear to be the same (e.g., NOAA HMS smoke contour maps, K+/EC/OC observations, etc.) that EPA is discounting in the nonconcurrency for Chicago
 - In footnote 16 of that decision, it is stated that:
“[I]n applying a ‘weight of evidence’ approach to reviewing individual exceptional events demonstrations, the EPA believes it is appropriate to consider all relevant evidence and qualitatively ‘weigh’ this evidence based on its relevance to the Exceptional Events Rule criterion being addressed, the degree of certainty, its persuasiveness, and other considerations appropriate to the individual pollutant and the nature and type of event.”

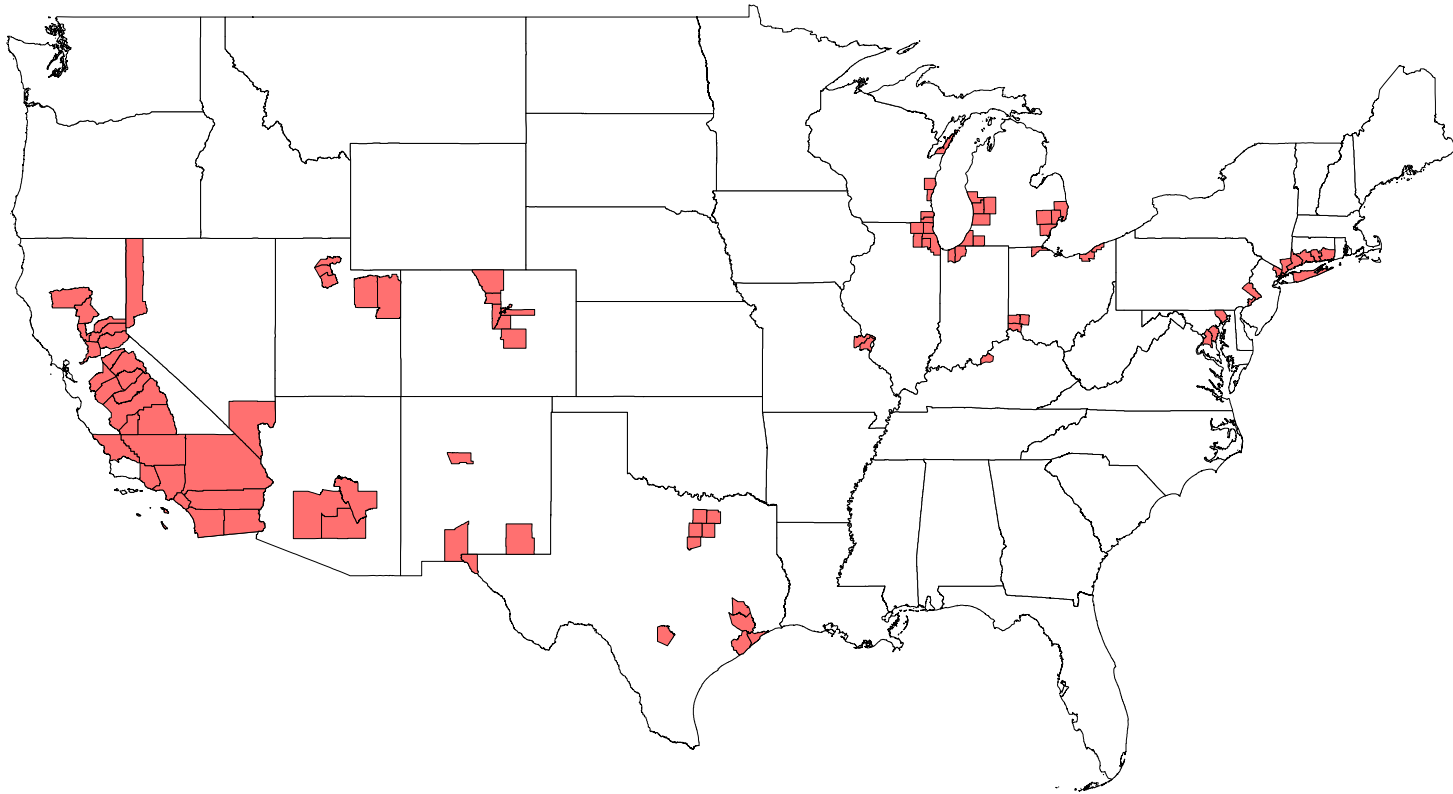
PM/Ozone Design Values

- All data obtained from EPA design value website
 - <https://www.epa.gov/air-trends/air-quality-design-values>
- 8-hour ozone (Current NAAQS = 70 ppb)
 - The design value is the annual fourth-highest daily maximum 8-hour ozone concentration averaged over three years (2018-2020)
- Annual PM_{2.5} (Current NAAQS = 12 µg/m³)
 - The design value is the annual arithmetic mean concentrations, averaged over 3 years (2018-2020)
- Daily (24-hour) PM_{2.5} (Current NAAQS = 35 µg/m³)
 - The design value is the 98th percentile concentrations, averaged over 3 years (2018-2020)

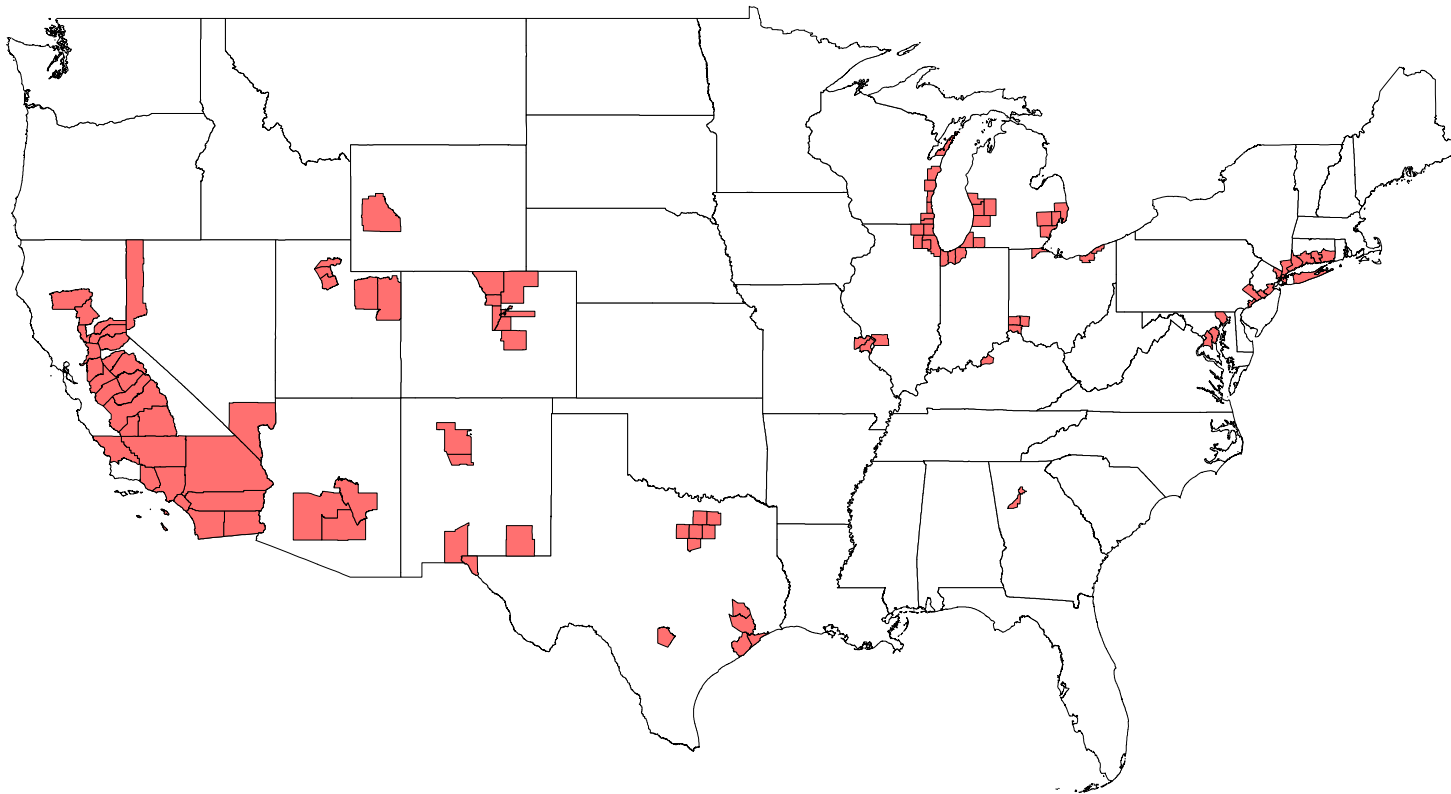
8-Hour Ozone Design Value Maps

Values from Maximum Value Monitor in County

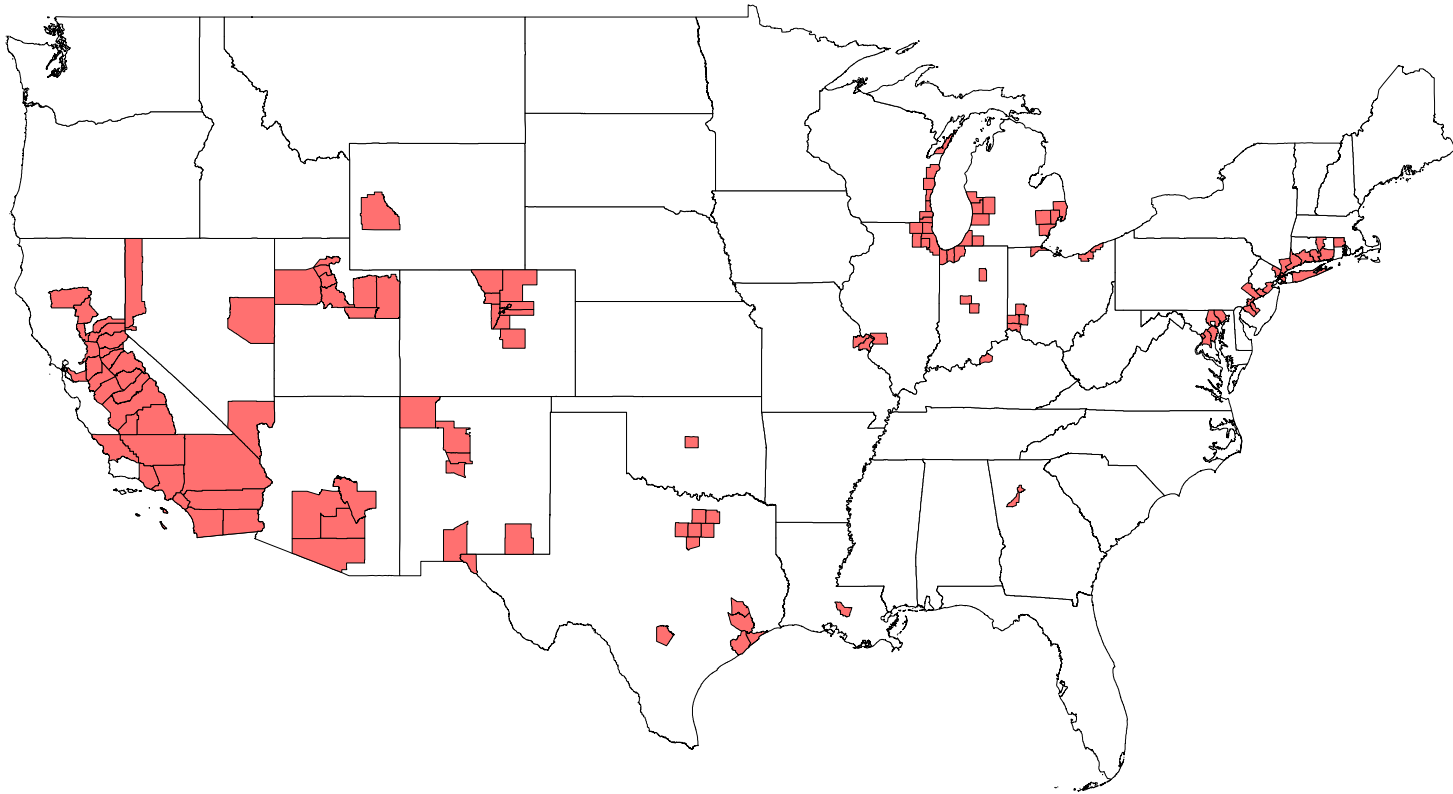
Counties with Ozone DV > 70 ppb



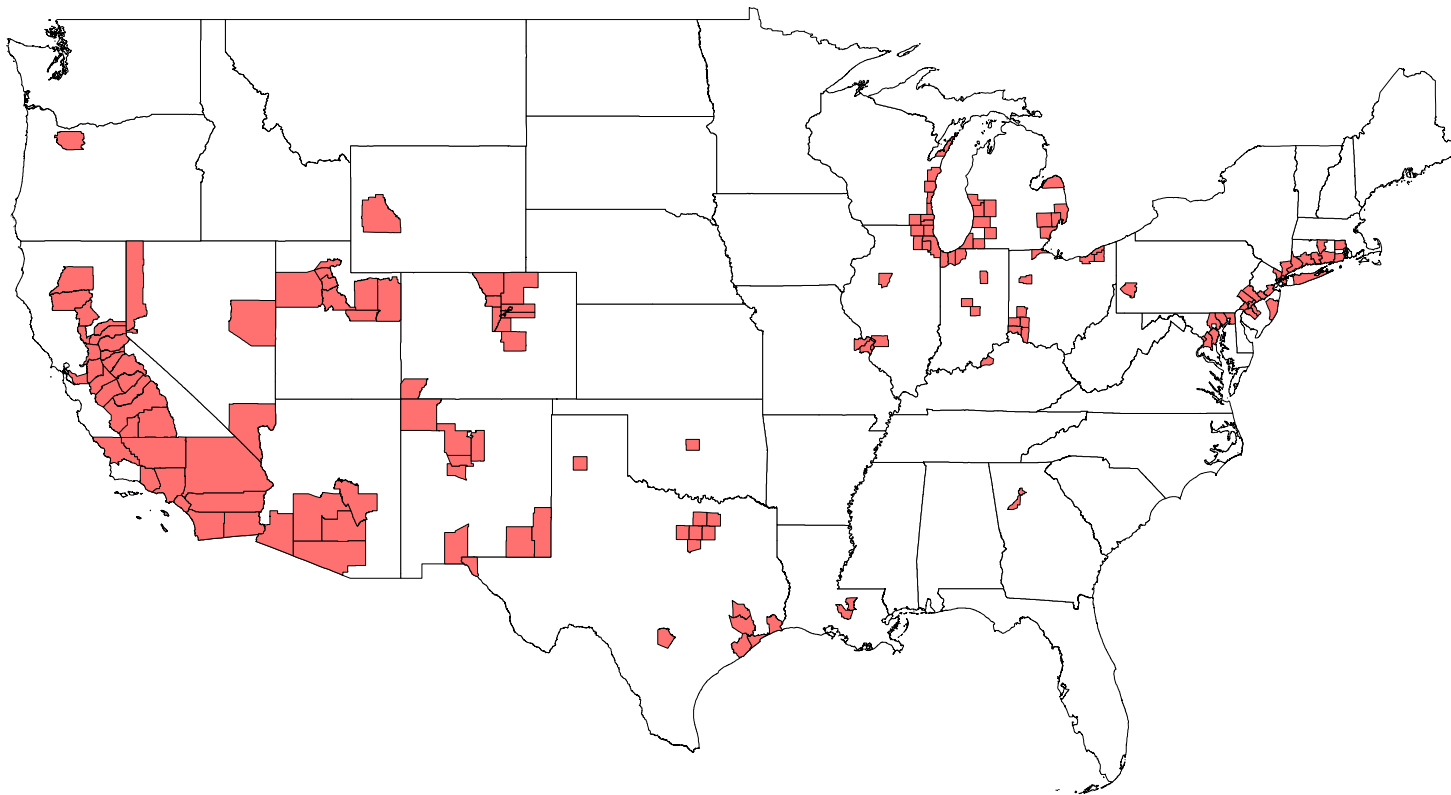
Counties with Ozone DV > 69 ppb



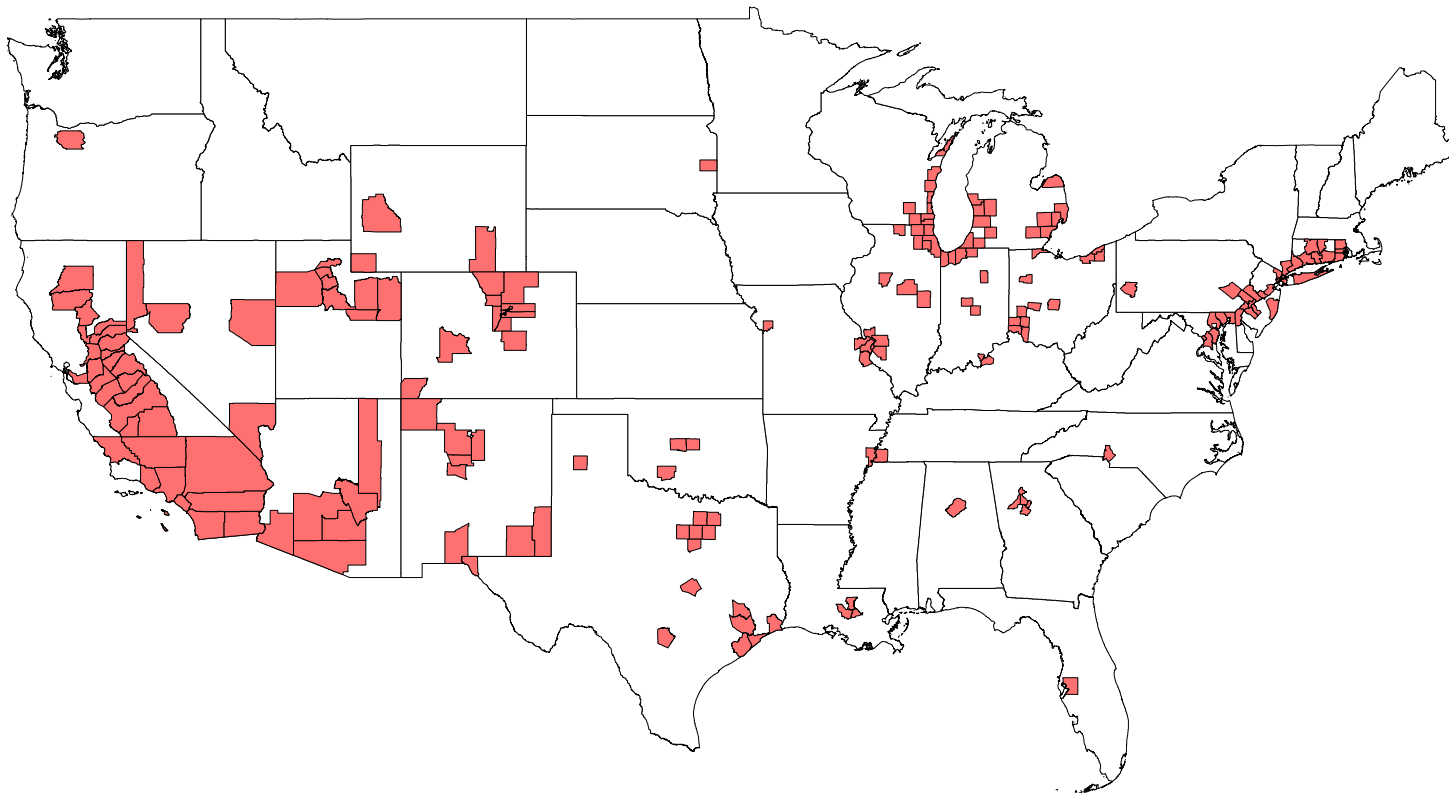
Counties with Ozone DV > 68 ppb



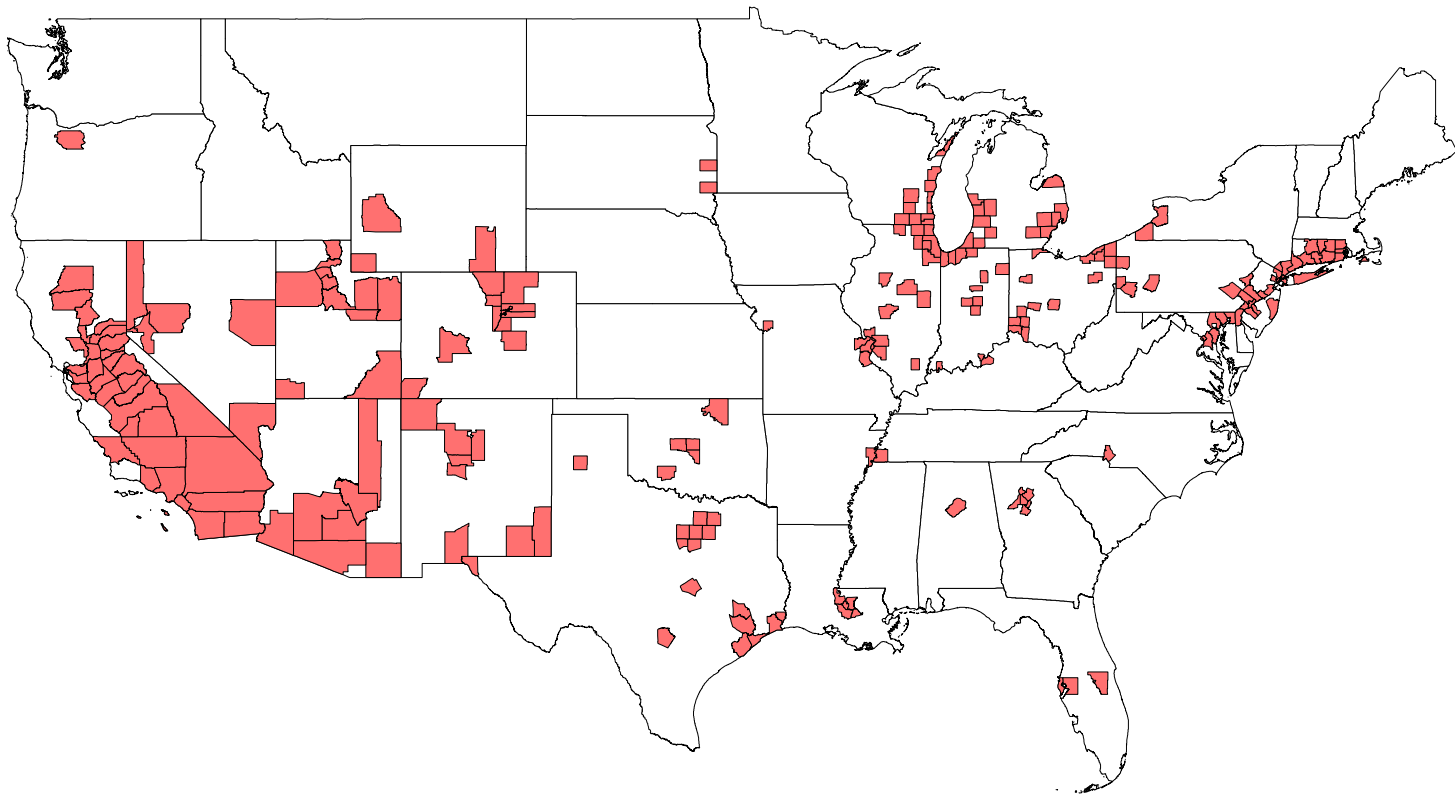
Counties with Ozone DV > 67 ppb



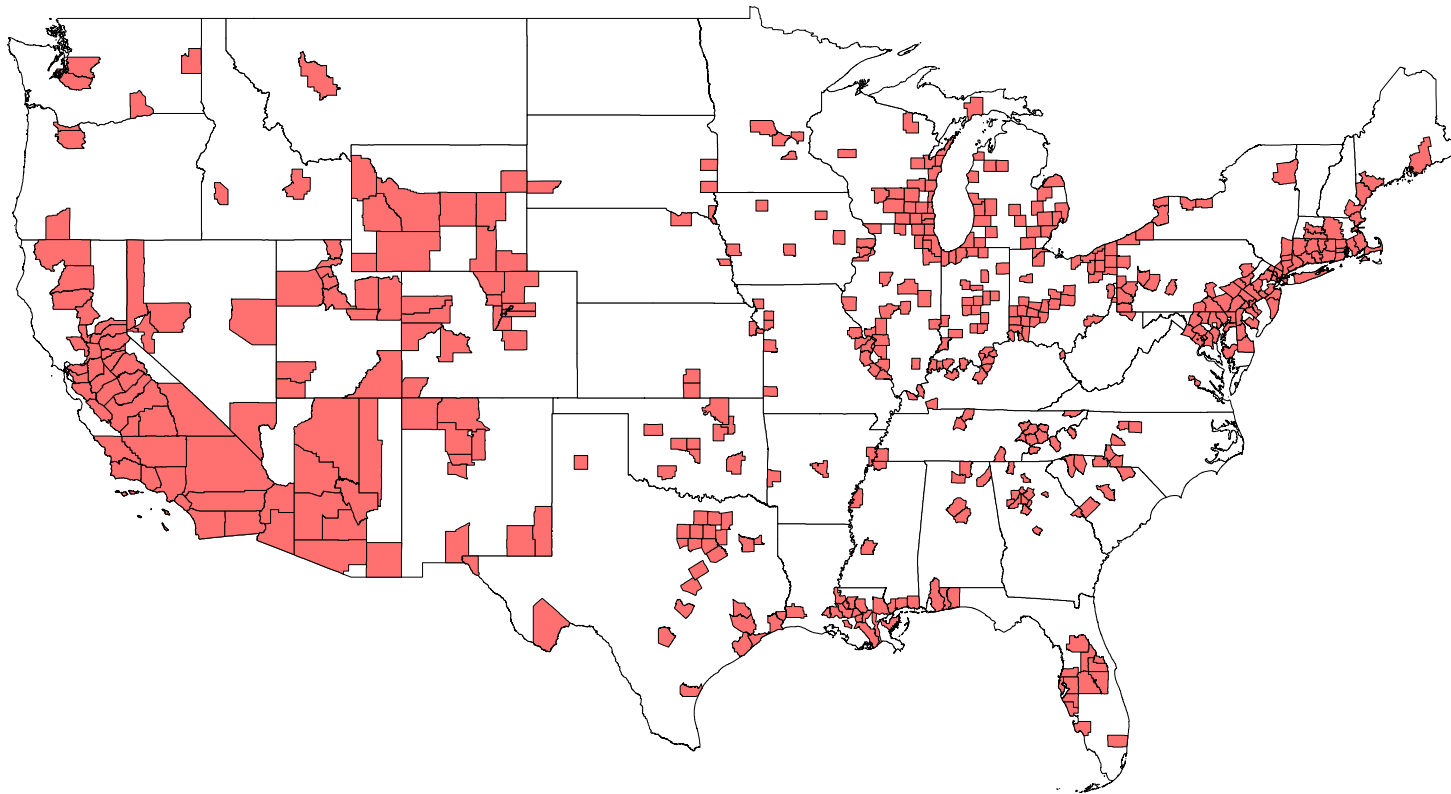
Counties with Ozone DV > 66 ppb



Counties with Ozone DV > 65 ppb



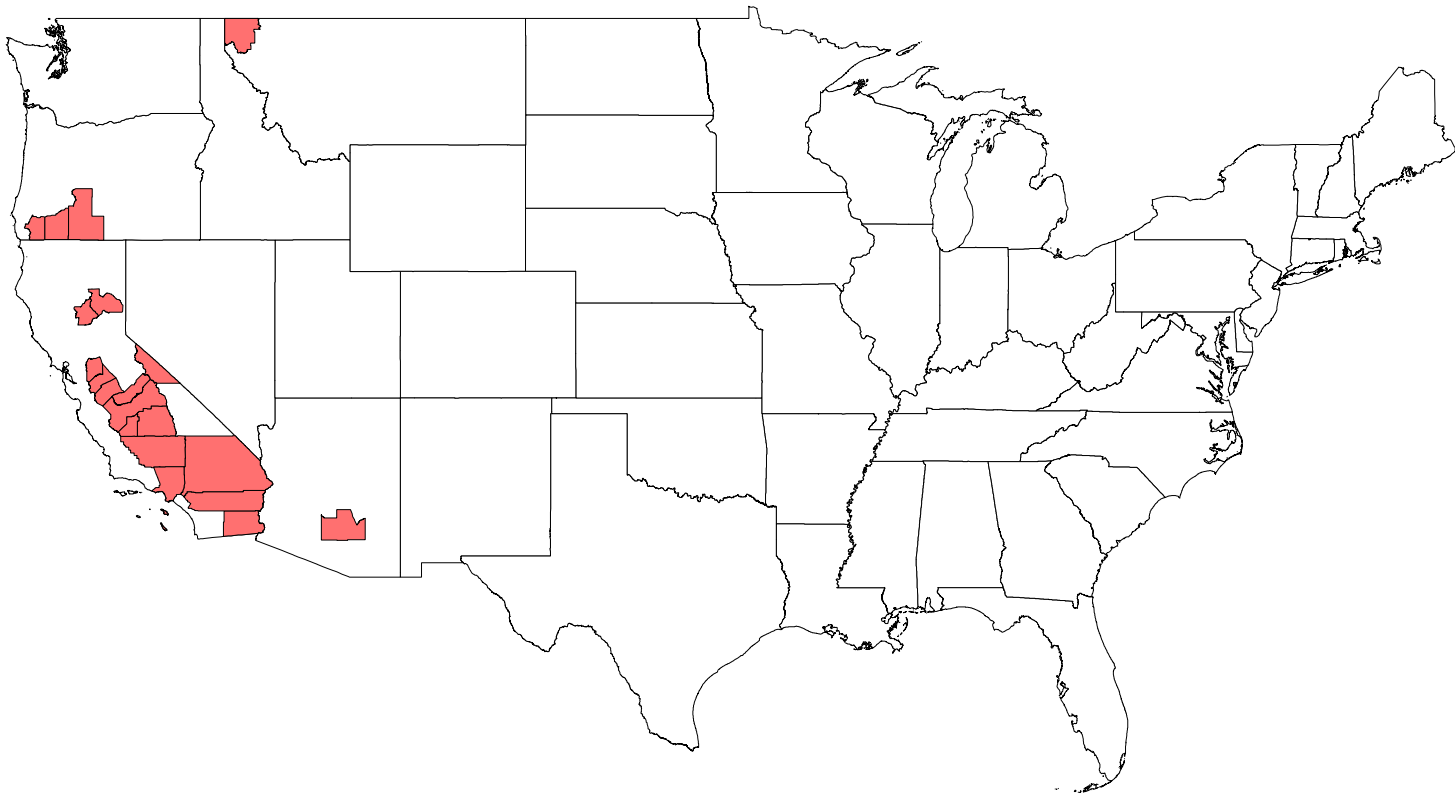
Counties with Ozone DV > 60 ppb



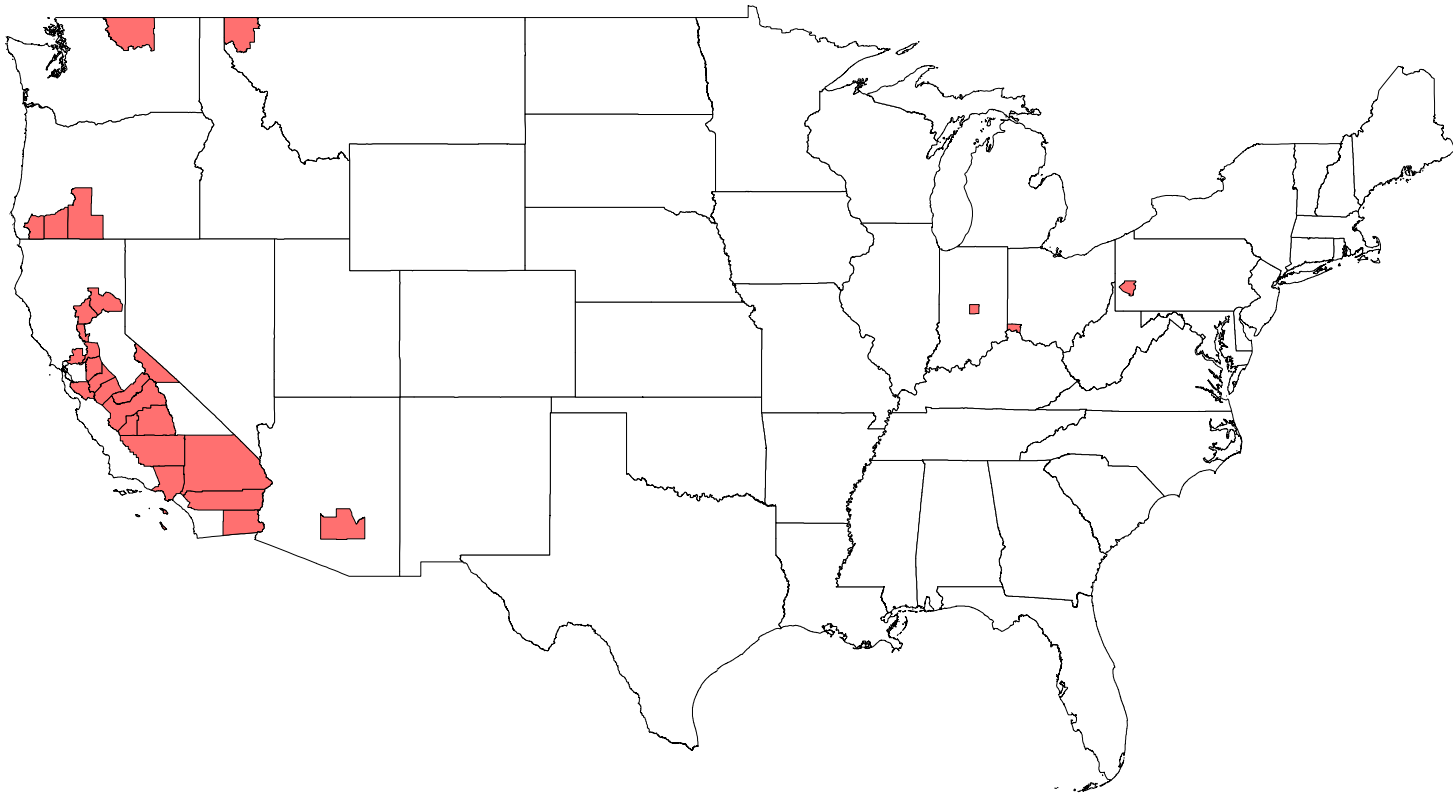
Annual PM_{2.5} Design Value Maps

Values from Maximum Value Monitor in County

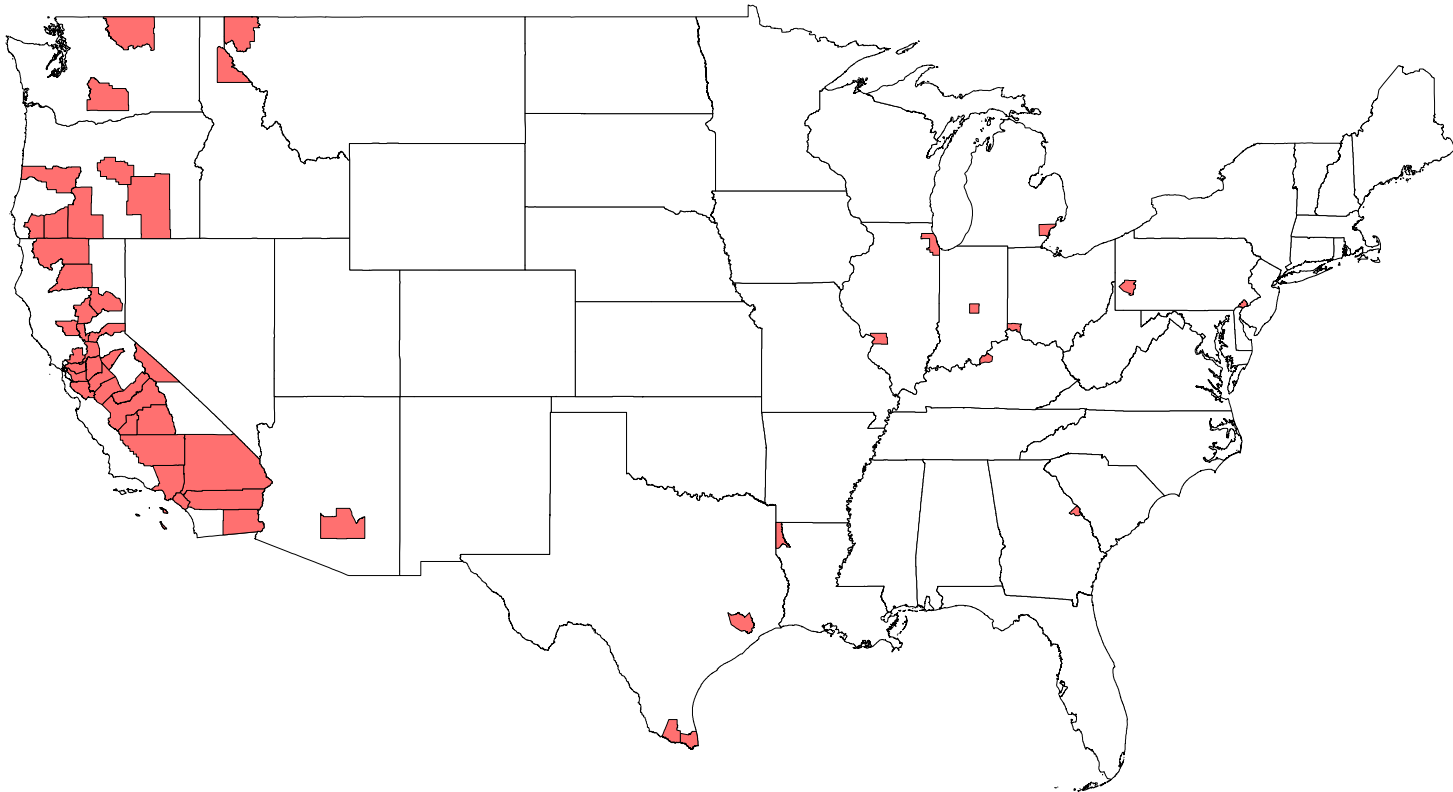
Counties with Annual PM_{2.5} DV > 12 μg/m³



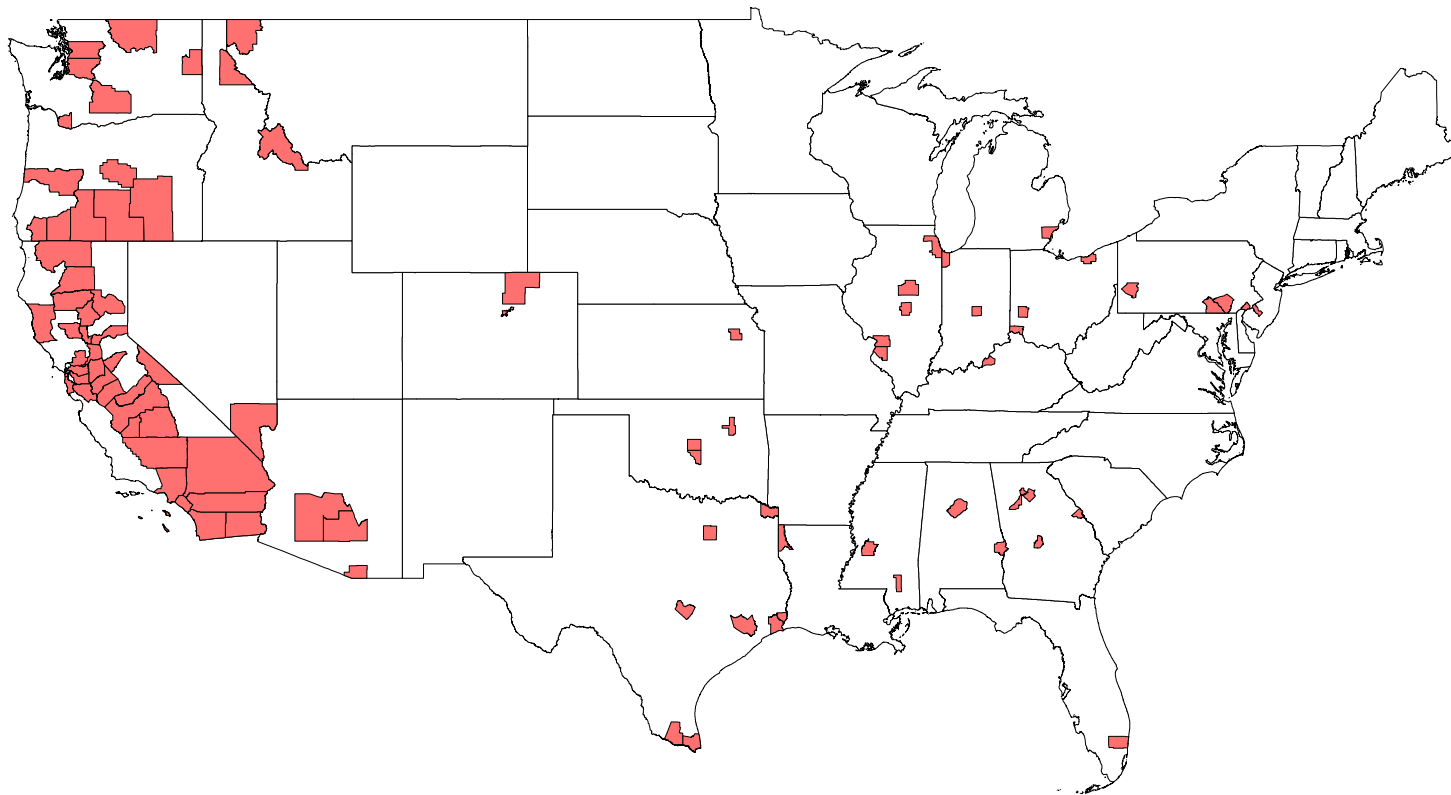
Counties with Annual PM_{2.5} DV > 11 $\mu\text{g}/\text{m}^3$



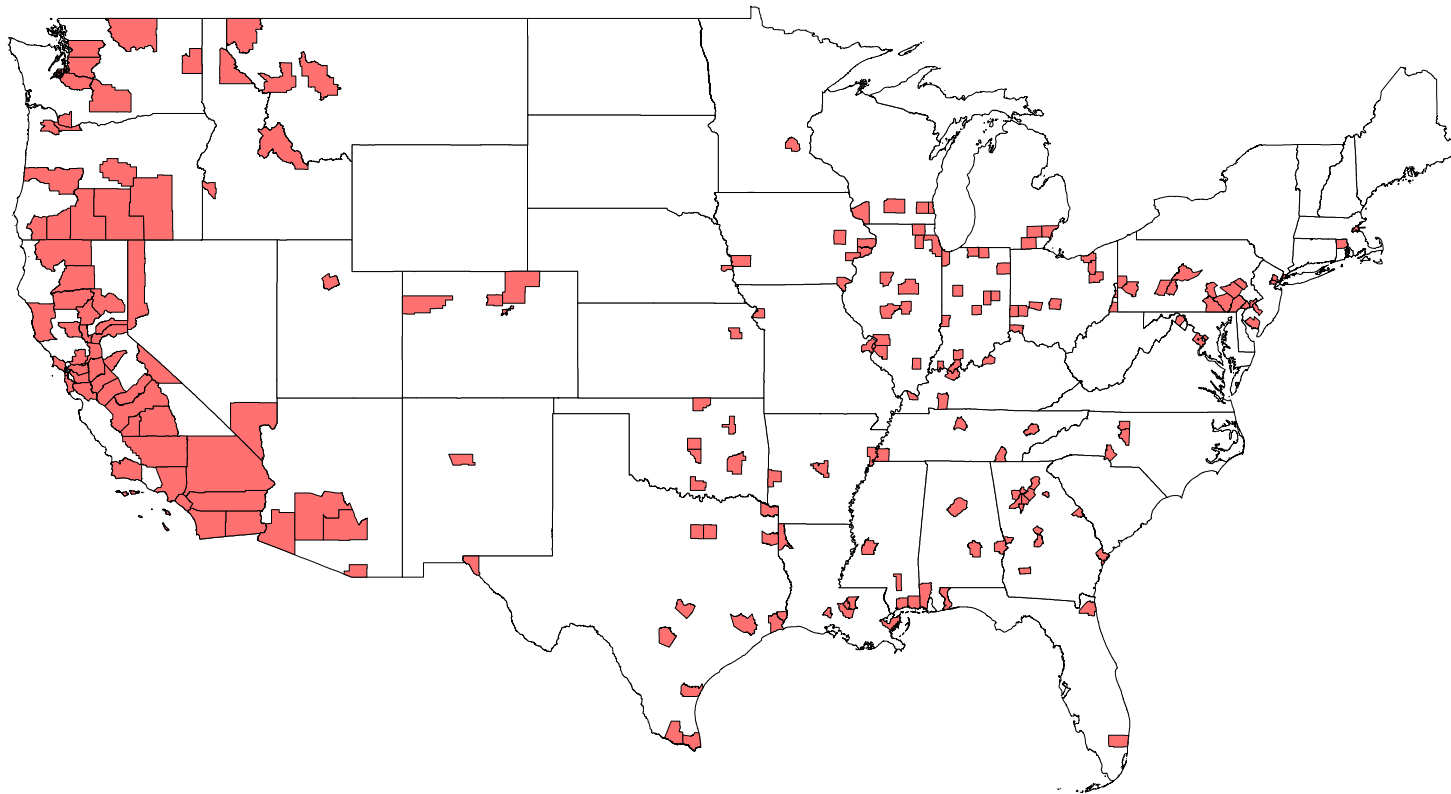
Counties with Annual PM_{2.5} DV > 10 μg/m³



Counties with Annual PM_{2.5} DV > 9 μg/m³



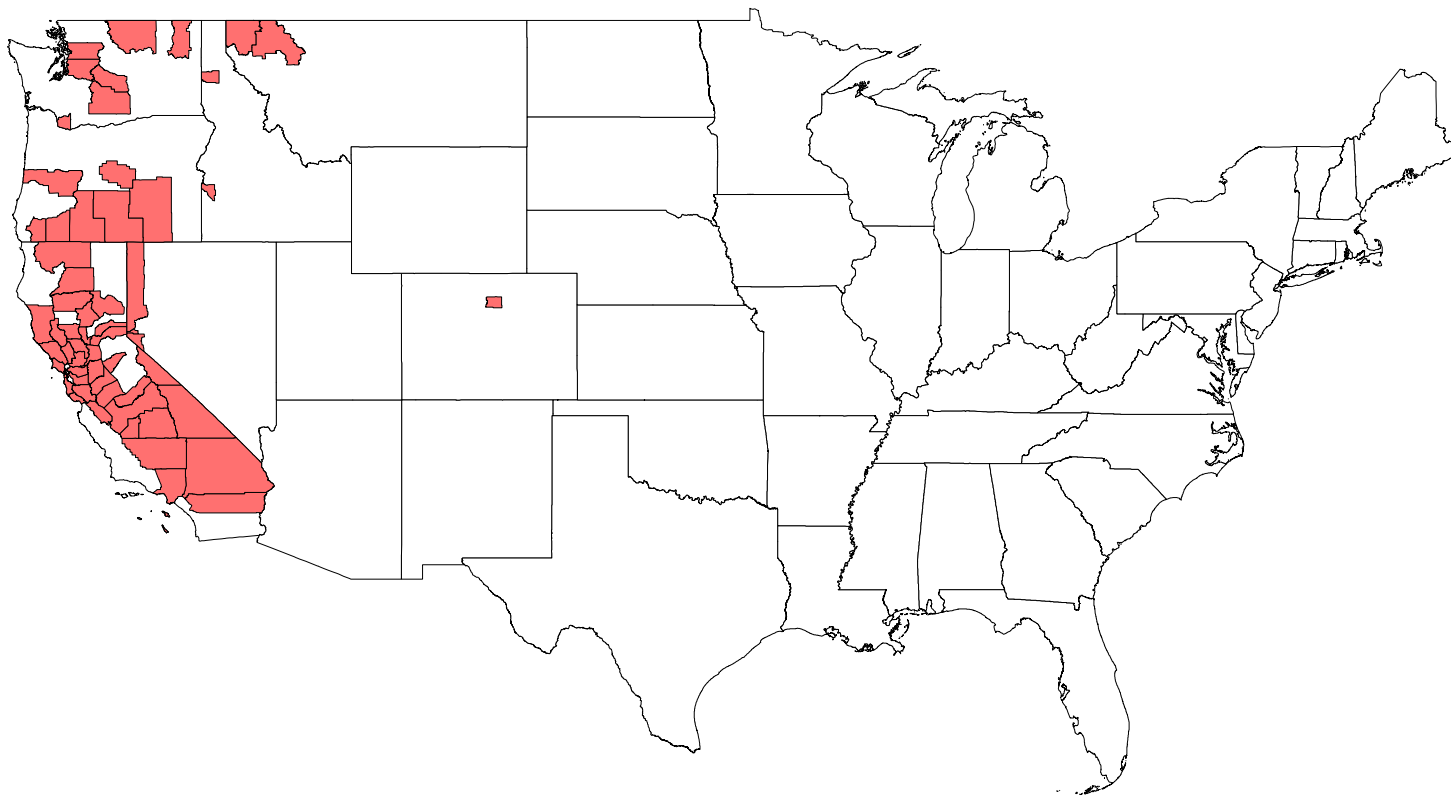
Counties with Annual PM_{2.5} DV > 8 μg/m³



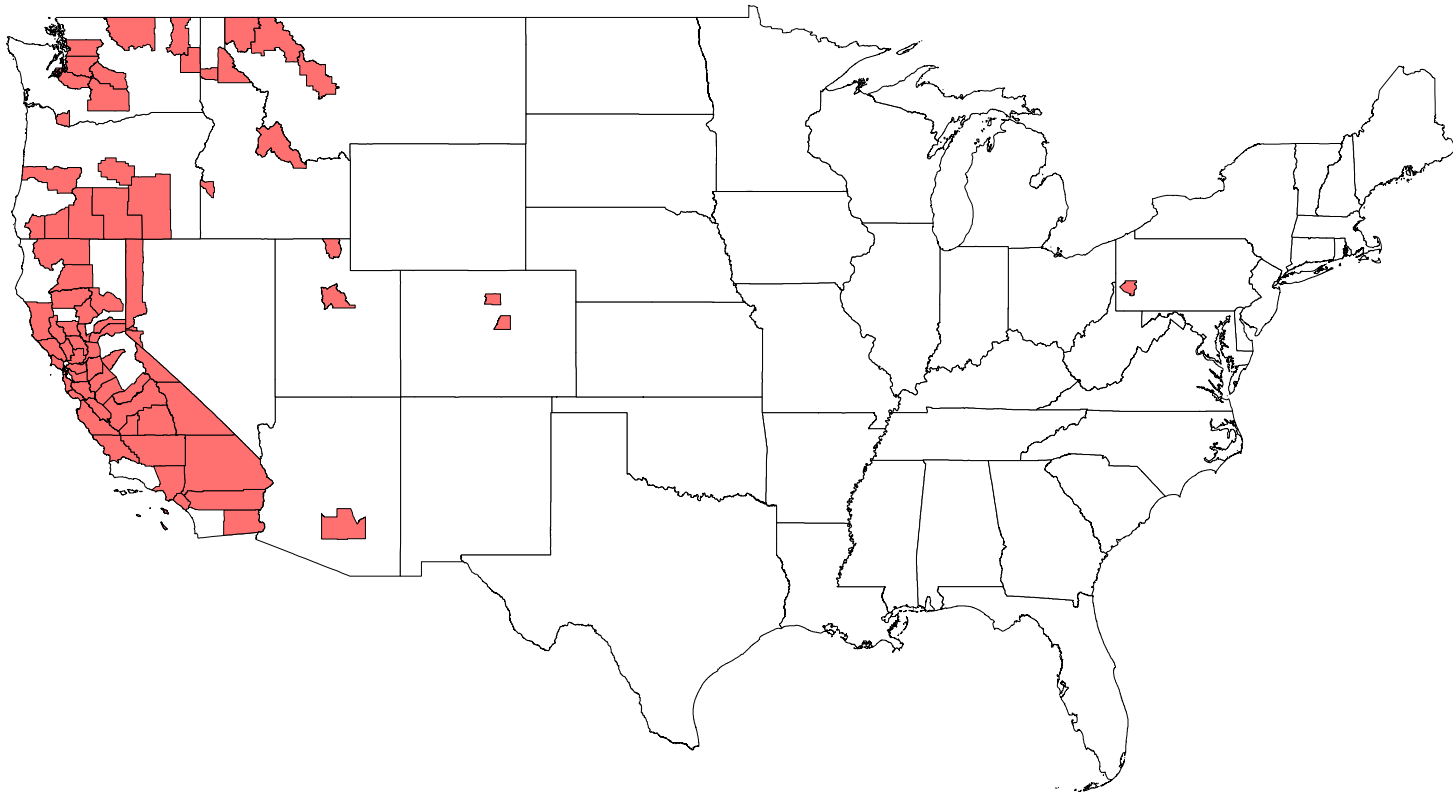
Daily PM_{2.5} Design Value Maps

Values from Maximum Value Monitor in County

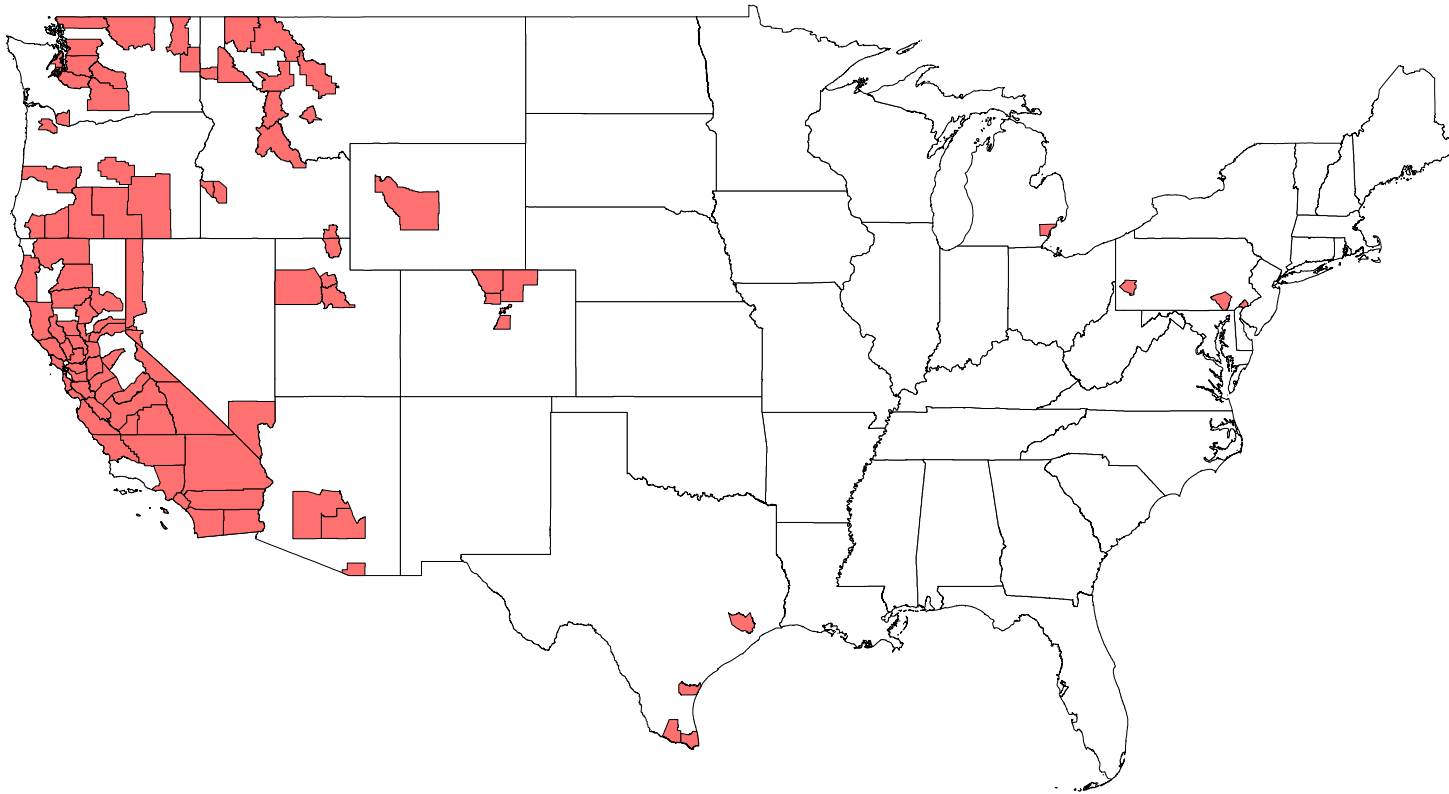
Counties with Daily PM_{2.5} DV > 35 μg/m³



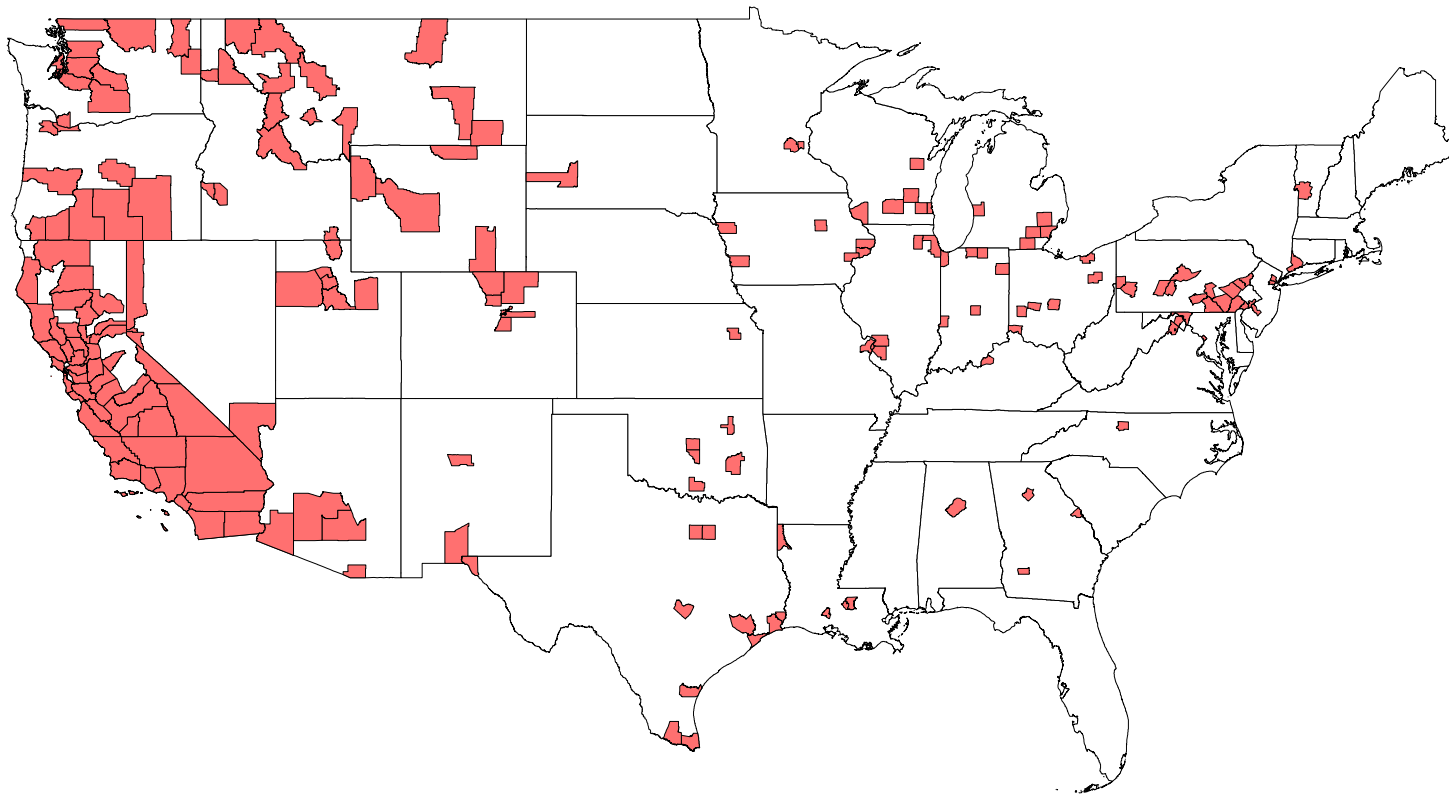
Counties with Daily PM_{2.5} DV > 30 μg/m³



Counties with Daily PM_{2.5} DV > 25 μg/m³



Counties with Daily PM_{2.5} DV > 20 μg/m³



Alpine Geophysics correction to EPA Revised CSAPR Update modeling: 2023 Modeled DV Comparison

EPA Revised CSAPR Update Modeling

AQS Site ID	State	County	2023 Average DV	Minus Can/Mex Anthro	CT	IL	IN	IA	KY	MD	MI	MO	NJ	NY	OH	PA	TX	VA	WV	WI
90010017	Connecticut	Fairfield	73.4	70.6	6.17	0.55	0.85	0.13	0.56	0.67	1.32	0.23	7.59	18.20	1.50	5.88	0.33	0.59	0.77	0.16
90013007	Connecticut	Fairfield	74.3	72.0	4.04	0.67	0.96	0.15	0.76	1.18	1.13	0.35	7.48	14.01	2.27	6.53	0.57	1.25	1.41	0.20
90019003	Connecticut	Fairfield	76.9	74.4	2.68	0.79	1.23	0.16	0.85	1.18	1.67	0.35	8.44	14.14	2.50	6.72	0.58	1.27	1.45	0.22
90099002	Connecticut	New Haven	71.7	68.8	3.84	0.78	1.04	0.22	0.77	1.51	1.57	0.32	5.53	12.15	2.27	5.47	0.35	1.63	1.51	0.23
482010024	Texas	Harris	74.0	73.8	0.00	0.02	0.02	0.01	0.02	0.00	0.00	0.02	0.00	0.00	0.00	0.00	32.02	0.00	0.00	0.00
550590019	Wisconsin	Kenosha	71.2	70.0	0.01	19.16	7.32	0.74	0.24	0.06	1.21	1.08	0.04	0.28	1.91	0.45	1.63	0.11	0.26	5.81
551170006	Wisconsin	Sheboygan	73.0	71.0	0.02	12.68	10.61	0.33	0.51	0.09	2.20	1.01	0.07	0.51	2.52	0.70	0.81	0.14	0.29	7.25

Updated MOG Modeling

AQS Site ID	State	County	2023 Average DV	Difference from EPA	CT	IL	IN	IA	KY	MD	MI	MO	NJ	NY	OH	PA	TX	VA	WV	WI
90010017	Connecticut	Fairfield	73.3	-0.1	13.81	0.44	0.54	-	0.47	0.63	0.66	0.10	12.34	13.24	1.13	3.67	-	-	0.46	-
90013007	Connecticut	Fairfield	75.7	1.4	5.08	0.72	0.94	-	0.67	1.01	1.48	0.17	11.82	12.72	1.80	4.60	-	-	0.72	-
90019003	Connecticut	Fairfield	77.9	1.0	7.75	0.69	0.88	-	0.60	0.89	1.48	0.15	12.65	13.96	1.50	5.03	-	-	0.58	-
90099002	Connecticut	New Haven	71.4	-0.3	7.60	0.90	0.99	-	0.60	1.09	1.51	0.25	6.71	15.13	2.21	3.29	-	-	0.64	-
482010024	Texas	Harris	74.9	0.9	0.01	0.06	0.03	-	0.03	0.02	0.02	0.35	0.02	0.02	0.02	0.03	-	-	0.01	-
550590019	Wisconsin	Kenosha	72.1	0.9	0.03	25.06	5.82	-	0.54	0.09	1.05	0.96	0.07	0.26	1.76	0.41	-	-	0.25	-
551170006	Wisconsin	Sheboygan	74.0	1.0	0.06	18.09	7.50	-	1.10	0.17	1.99	0.83	0.21	0.41	1.94	0.67	-	-	0.57	-

New York 126 Petition Remand

- “Abstract: This action will respond to a Clean Air Act section 126(b) petition from the state of New York dated March 12, 2018. The petition requests a finding from EPA that emissions from numerous sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to nonattainment and interfere with maintenance of the 2008 and 2015 ozone national ambient air quality standards in New York State. EPA previously denied the petition in 2019. Petitioners challenged the denial and on July 14, 2020, the D.C. Circuit vacated and remanded EPA's denial. This action addresses the Court's vacatur and remand and provides a revised response to the petition.”
- NPRM: 08/00/2021
- Final Rule: To Be Determined
- Nothing more to report.

Maryland 126 Petition Remand

- “Abstract: This action is a revised response to CAA section 126(b) petition from Maryland. In 2016, Maryland submitted a single petition alleging good neighbor violations by 36 electric generating units (EGUs) in five states with respect to the 2008 ozone NAAQS. Also, in 2016, Delaware submitted four petitions, each alleging good neighbor violations by individual sources located in Pennsylvania or West Virginia with respect to the 2008 and 2015 ozone NAAQS. EPA previously denied all of the petitions in 2018. Petitioners challenged the denial and on May 19, 2020, the D.C. Circuit remanded EPA's denial as to four EGUs with selective non-catalytic reductions identified in the Maryland petition. This action addresses the Court's remand and provides a revised response to the petition.”
- NPRM: 08/00/2021
- Final Rule: To Be Determined
- Nothing more to report.

Potential Comments on EPA 2016v2 Emissions Modeling Platform (Alpine Geophysics)

Comments on this platform have been invited through three known references:

1. The Emission Inventory Collaborative Workgroup meeting on September 21, 2021.
2. Presentation made by Chet Wayland to AAPCA on September 30, 2021.
3. Notice on EPA's Air Emissions Modeling website .

Potential Comments on EPA 2016v2 Emissions Modeling Platform (Alpine Geophysics)

Alpine provided MOG members with summaries generated from the EGU files listed below:

1. egucems_epa620_2023_20210528_summer_07jul2021_v0.csv
2. egucems_epa620_2023_20210528_winter_07jul2021_v0.csv
3. egucems_epa620_2023_20210528_wintershld_07jul2021_v0.csv
4. egunoncems_epa620_2023_20210528_summer_09jul2021_v1.csv
5. egunoncems_epa620_2023_20210528_winter_09jul2021_v1.csv
6. egunoncems_epa620_2023_20210528_wintershld_09jul2021_v1.csv
7. needs-v6-summer-2021-reference-case.xlsx
8. table-3-32-state-settlements-in-epa-platform-v6-summer-2021-reference-case.pdf
9. table-3-31-new-source-review-nsr-settlements-in-epa-platform-v6-summer-2021-reference-case.pdf
10. table-3-30-state-power-sector-regulations-included-in-epa-platform-v6-summer-2021-refe.pdf
11. table-3-34-availability-assumptions-in-epa-platform-v6-summer-2021-reference-case_1.xlsx
12. table-3-29-turndown-assumptions-for-coal-steam-units-in-epa-platform-v6-summer-2021-reference-case.xlsx

Potential Comments on EPA 2016v2 Emissions Modeling Platform (Alpine Geophysics)

Comments Received:

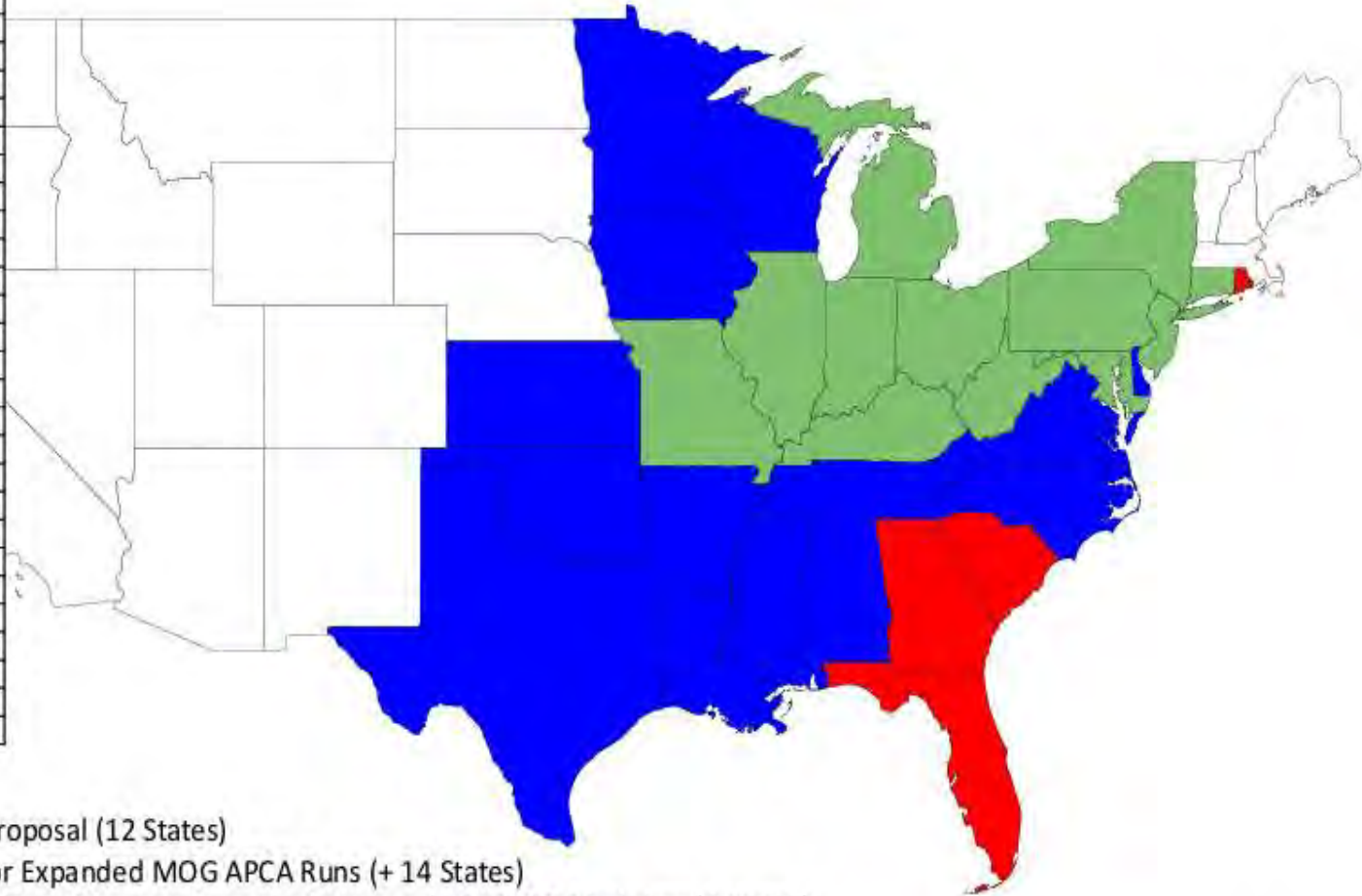
1. Numerous units are included that are not EGUs
2. Numerous units are not included in the inventory but are neither retired nor scheduled for retirement
3. Units at higher education institutions that are reporting units only are included as EGUs
4. The inventory shows declining emissions year to year that do not reflect reported emissions
5. Some co-gen units that have never been EGUs are included

REVISED MOG MODELING PLAN

- Alpine has now received EPA's emission inventory data that EPA will use for its modeling of 2023.
- Because any new transport rule will address as many as 25 states, including Delaware, MOG has asked Alpine to include those 25 states in its source apportionment modeling.
- While MOG EGU sources are likely located in only 12 states, MOG non-EGU members and participants are likely to be in many of the other states involved.
- In addition, even though the North Carolina Good Neighbor SIP has been approved, MOG asked Alpine to keep North Carolina in the list of states subject to source apportionment modeling so MOG can respond if necessary to EPA modeling

REVISED MOG MODELING PLAN

FIPSSST	State
01	AL
05	AR
09	CT
10	DE
17	IL
18	IN
19	IA
20	KS
21	KY
22	LA
24	MD
26	MI
27	MN
28	MS
29	MO
34	NJ
36	NY
37	NC
39	OH
40	OK
42	PA
47	TN
48	TX
51	VA
54	WV
55	WI



Green – Original Proposal (12 States)

Blue – Proposed for Expanded MOG APCA Runs (+ 14 States)

Red – Included in EPA SIP Review, Presumed Approval, No MOG Modeling (4 States)

MOG 2022 Work Plan

- High Priority
 - 2008/2015 ozone NAAQS transport rule:
 - anticipating and responding such initiatives as the Revised CSAPR Update Rule and the anticipated transport rule related to the 2015 ozone NAAQS which has advised will likely be proposed in 2022. This includes legal and technical work involving the status of downwind monitors, significant contribution by upwind states, and the availability of cost effective controls.
 - General consulting including continued efforts to represent MOG in other matters related to interstate transport of air pollutants that cannot be identified at this time, and to support MOG in customary administrative matter.
 - 126 Petitions including review of any new petitions by downwind states seeking to impose controls on upwind states and assessment of EPA's remand of the New York and Maryland 126 petitions.

MOG 2022 Work Plan

- Medium Priority

- Downwind state actions: including legal and technical assessment of downwind nonattainment and whether nonattainment could be eliminated by imposing Controls on local sources as required by the Clean Air Act.
- Upwind state SIP approvals including assessment of EPA guidance to states on flexibilities available in SIP development that might not be available under a transport Rule; direct contact with states on technical and legal support for SIP development.
- Regional Haze including continued efforts to follow state and EPA activities that could result in new controls on sources related to this interstate transport rule including application of modeling data developed by MOG.
- NAAQS revisions: including assessment of any change on PM 2.5 or ozone NAAQS for the purpose of understanding the implications of any such changes on the development of new transport rule and SIP requirements under the Good Neighbor Provisions of the Clean Air Act.

MOG 2022 Work Plan

- Low Priority

- Exceptional Events including continued monitoring of the impact of exceptional events on downwind monitors and support for efforts by states to seek EPA approval for eliminating high ozone days impacted by exceptional events particularly where doing so would eliminate the need for any new transport rule or SIP revision by an upwind state.
- Ozone Transport Commission including following activities of the Ozone Transport Commission seeking to impose new controls on upwind states and commenting as necessary to the OTC and EPA on any recommendations that might be made.
- Mobile Source impact on ozone including continued support for recognition of mobile sources as being the most significant contributor to downwind nonattainment and ongoing efforts to be sure that EPA modeling properly recognizes changes in emissions from these sources.
- Climate change/NAAQS alternative including continued assessment of initiatives of EPA and the White House to address climate through more aggressive implementation of the ozone NAAQS.

QUESTIONS

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