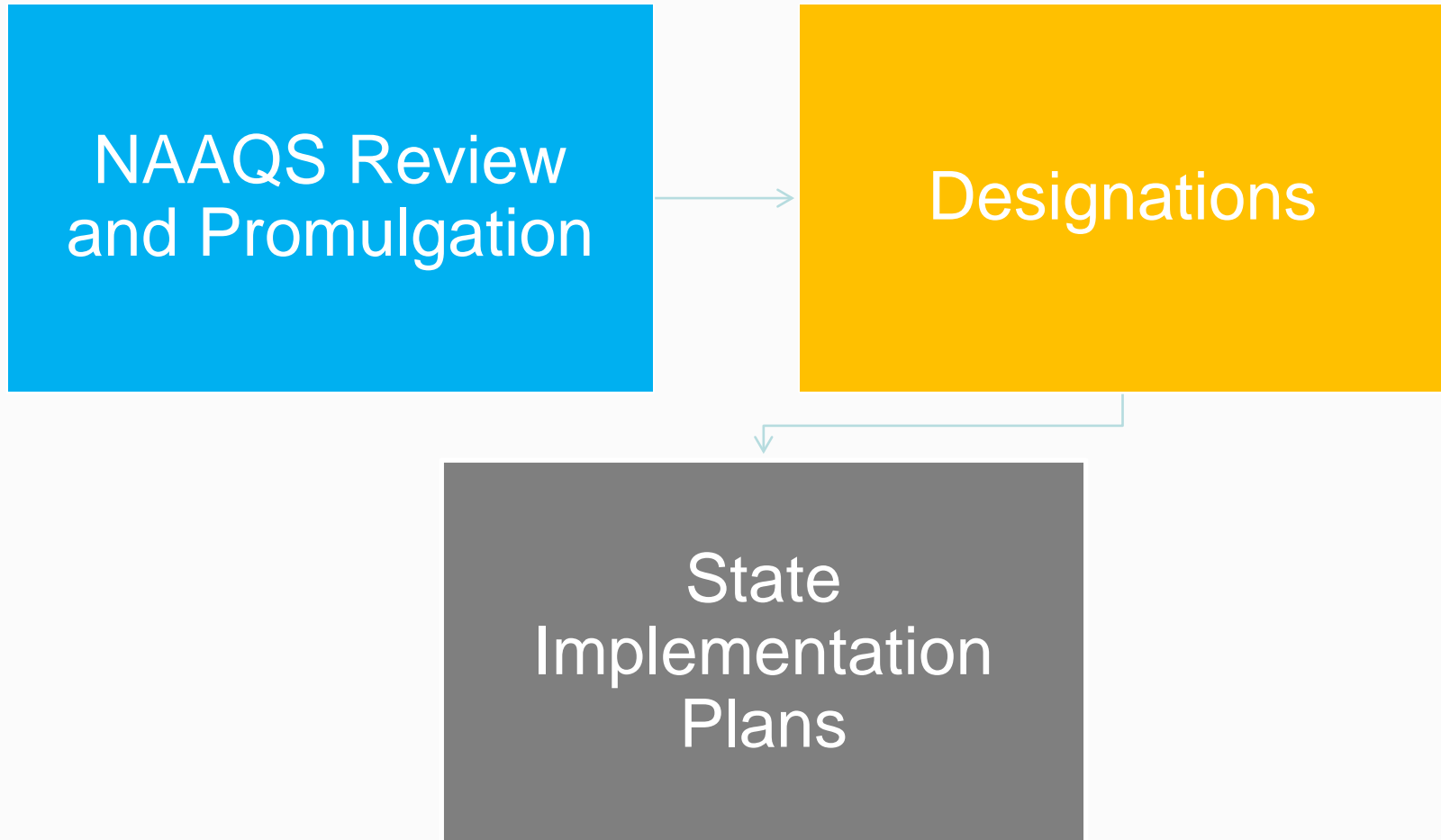


Designations Process

Presented by **Joe Schulingkamp, EPA Region III**

The (simplified) NAAQS process



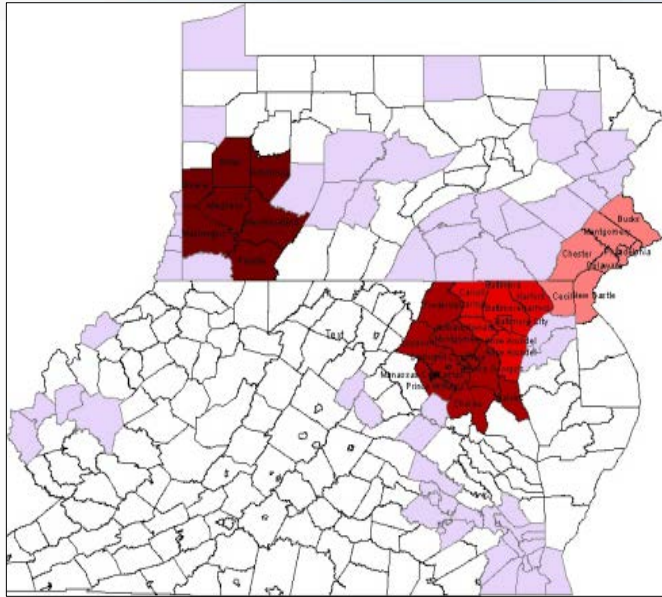
CAA Designation-Related Mandates

- Nonattainment (NA) Area Definition:
CAA § 107(d)(1)(A)(i)
 - “...any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant”
- NA Area Boundaries for ozone & carbon monoxide: CAA § 107(d)(4)(A)(iv) & (v)
 - Metro area (MSA/CMSA) boundaries for Serious+ areas already NA before CAAA of 1990. States could request exclusion of portions not contributing to NA.
 - Subsequent EPA guidance extends metro area approach to Moderate/Marginal areas & allows larger/smaller boundaries if justified by multi-factor analysis.
- CAA also sets deadlines for states and EPA...

Designations – when does it start?

- After EPA promulgates a NAAQS the 2 year clock starts ticking
 - Governors (or their designee) have one year from promulgation to submit recommendations to EPA (CAA § 107(d)(1)(A))
- To assist States in their recommendations, EPA issues guidance on what factors should be considered to determine if an area will be designated as nonattainment (sometimes)

Factors to Consider



- Air quality data
 - Emissions data
 - Population density and degree of urbanization
 - Traffic and commuting patterns
 - Growth rates and patterns
 - Meteorology
 - Geography/topography
 - Jurisdictional boundaries
 - Level of control of emission sources
-
- A nonattainment area includes the area where there is a monitor violating the standard and any nearby areas that contribute to the violation.
 - The size of area varies by pollutant.

State Recommendations

- Typical recommendation letters can range anywhere from a simple one page letter...
 - See NE 2015 ozone recommendation ->
- . . . to a lengthy recommendation with Technical Support Document and other attachments
- Depends on how complex the state's air quality problems are



Pete Ricketts
Governor

STATE OF NEBRASKA
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September 23, 2016

Mr. Mark Hague
Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dear Mr. Hague:

In accordance with section 107(d)(1) of the Clean Air Act, I am submitting the designation recommendation and supporting documentation for the revised Primary and Secondary Ozone National Ambient Air Quality Standard (NAAQS), promulgated on October 26, 2015, which became effective on December 28, 2015. I am recommending that all counties in the State of Nebraska be designated "**unclassifiable/attainment**".

Nebraska monitors ozone at four locations in the state. The attached documentation compares air quality data from these monitors to the 2015 ozone NAAQS for the most recent consecutive three-year period for which data are verified (2013-2015). The data for this period demonstrate that the average fourth-highest daily maximum concentration, averaged over three years, is below the revised ozone standard of 0.070 parts per million (ppm). Preliminary monitoring data for 2016 indicates a further decrease in ozone concentrations. This further supports my recommended designation for Nebraska.

If there are any questions regarding my recommendation, please feel free to contact Jim Macy, Director of the Department of Environmental Quality.

Sincerely,


Pete Ricketts
Governor

cc: Rebecca Weber, Air and Waste Management Division, U.S. EPA, Region VII
Jim Macy, Director, Nebraska Department of Environmental Quality
Kevin Stoner, Administrator, Air Quality Division, NDEQ

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EPA Review

- EPA reviews state recommendations and, based on the factors, determines whether it agrees, or whether an area should be designated differently, or whether an area should include more/less of the recommended areas
 - EPA either accepts or changes recommendations
- EPA then issues “120 day letters,” which communicate initial thoughts on the recommendations and provide states an opportunity to discuss before proposed rulemaking (CAA § 107(d)(1)(A)&(B))
- States then respond

What Does EPA Designate?

- Three main designation options:
 - Nonattainment = does not meet the NAAQS
 - Attainment = does meet the NAAQS
 - Unclassifiable = not enough data to determine
- Also “unclassifiable/attainment”
 - Not enough data to make a determination, but generally the area is not thought to have a NAAQS problem
 - Typically done for “rest of the state” areas

Final Steps

- Within 2 years of issuance of the new NAAQS, EPA must designate areas (CAA § 107(d)(1)(B)) (typically, we're late)
 - When ready, EPA publishes a notice of proposed rulemaking in the Federal Register with a 60 day public comment period (sometimes extended)
 - Once the comment period closes, EPA reviews the comments and issues a final rulemaking notice with the final designations



Any questions?