

Revocation of the NAAQS and Implication on SIPs

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NAAQS Promulgation and Revocation

- EPA is required every 5 years to review and revise, as needed, the NAAQS for each criteria pollutant.
- When a more protective NAAQS is promulgated for a pollutant, EPA generally revokes the previous NAAQS.
- In practice, EPA has set out criteria for revoking the NAAQS via the implementation rule for the new more stringent NAAQS.
- In the implementation rule, EPA establishes anti-backsliding requirements for the revoked NAAQS to ensure that the air quality improvements made under that NAAQS are not reversed.
- In the past, EPA has waited to revoke a NAAQS until after issuing final designations under the new NAAQS to ensure continuous progress towards the goal of improving air quality.

What happens after NAAQS revocation?

- EPA can no longer redesignate or reclassify nonattainment areas for the revoked NAAQS.
 - EPA usually retains the designation status of any areas under the revoked NAAQS, under 40 CFR part 81, but only for the purpose of identifying areas that would be subject to anti-backsliding requirements.
- After revocation, anti-backsliding requirements define which SIP obligations continue for the revoked NAAQS. Requirements depend on the designation for the affected area for both the revoked and new NAAQS.
- EPA also specifies its approach on how to relieve nonattainment areas from anti-backsliding requirements under a revoked NAAQS.
- Transportation conformity no longer applies for the revoked NAAQS.
- Coming up: Case-Study on 1997 8-hour Ozone NAAQS:

Revocation of 1997 8-hour Ozone NAAQS

A CASE STUDY

Ozone NAAQS History

NAAQS	Description	Promulgation Date	Designations Date	Status	Effective Revocation Date
1979 1-hour (0.12 ppm)	hourly avg.; primary & secondary	2/8/1979 (44 FR 8202)	11/15/1990	Revoked	6/15/2005 (70 FR 44470)
1997 8-hour (0.08 ppm)	annual fourth highest, 8 hour avg.; primary & secondary	7/18/1997 (62 FR 38856)	6/15/2004	Revoked	4/6/2015 (80 FR 12264)
2008 8-hour (0.075 ppm)	annual fourth highest, 8 hour avg., primary & secondary	3/27/2008 (73 FR 16483)	7/20/2012	Effective. Proposed revocation.	TBD (Anticipated 2018-2019)
2015 8-hour (0.070 ppm)	annual fourth highest, 8 hour avg.; primary & secondary	10/26/2015 (80 FR 65292)	TBD (Anticipated: 10/1/2017)	Effective	N/A

New SIP Requirements under 2008 Ozone NAAQS

- EPA finalized designations for the 2008 ozone NAAQS in 2012.
- New SIP requirements were triggered by designations of nonattainment areas for that NAAQS, depending on the classifications for the area.
- 2008 Ozone Implementation Rule was finalized in March 2015.
- Basic SIP requirements for ozone nonattainment areas mostly outlined in Subpart 2 of Title I of CAA.
 - Emissions inventory and emissions reporting statement
 - Reasonable further progress (RFP)
 - Reasonably available control measures and technology (RACTM and RACT)
 - Attainment Demonstrations
 - Nonattainment contingency measures
 - Nonattainment NSR (NNSR)
 - Motor vehicle emissions budget (MVEBs) (for transportation conformity purposes)
 - Other area-wide mobile and stationary source programs

Revocation of 1997 Ozone NAAQS

Revocation of 1997 ozone NAAQS, effective on April 2015, was for all areas and for all applicable requirements.

“Anti-backsliding” requirements for the revoked 1997 ozone NAAQS became effective after revocation of the NAAQS.

- *Anti-backsliding provisions designed to ensure for affected areas that:*
 - (1) there is *protection against degradation of air quality* (e.g., the areas do not “backslide”);
 - (2) the areas *continue to make progress toward attainment of the new, more stringent NAAQS*, and
 - (3) there is *consistency with the ozone NAAQS implementation framework*.

Anti-backsliding also applies to areas that were nonattainment for the 1-hour ozone NAAQS when it was revoked in 2005 and which had not been redesignated for the 1997 NAAQS (at the time of revocation of 1997 NAAQS).

Anti-backsliding for 1997 Ozone NAAQS

- When does anti-backsliding apply for 1-hour and 1997 8-hour ozone NAAQS, after revocation of 1997 NAAQS?

Option	Designation under 2008 Ozone NAAQS	Designation under Previous Ozone NAAQS *	Anti-backsliding Applies?	NNSR/PSD Obligations	Other Transition Requirements
1	Attainment	Attainment/ Maintenance	NO	PSD remains in effect.	Area remains subject to maintenance SIP under former NAAQS.
2	Attainment	Nonattainment	NO	NNSR can be replaced by PSD after revocation.	Area remains subject to nonattainment requirements already in SIP.
3	Nonattainment	Attainment/ Maintenance	NO	NNSR applies based on 2008 NAAQS classification.	Area remains subject to maintenance SIP under former NAAQS.
4	Nonattainment	Nonattainment	YES	NNSR applies based on highest classification	Anti-backsliding applies.

All applicable SIP requirements may be revised consistent with *sections 110(l) and 193 of CAA*.

Anti-backsliding for 1997 Ozone NAAQS (Cont'd)

- What are these anti-backsliding requirements?
 - Listed in 40 CFR 51 subpart AA, section 51.1100(o) as “applicable requirements”.
 - Reasonably available control measures and technology (RACT/RACT)
 - Vehicle inspection and maintenance programs (I/M)
 - Major source applicability thresholds for RACT
 - Reductions to achieve ROP and reasonable further progress (RFP)
 - Clean fuels fleet program (section 183(c)(4))
 - Clean fuels for boilers (section 182(e)(3))
 - Transportation control measures during heavy traffic hours (section 182(e)(4))
 - Enhanced ambient monitoring (section 182(c)(2))
 - Other transportation control measures (section 182(c)(5))
 - Vehicle miles traveled provisions (section 182(d)(1)(A))
 - NOx requirements under section 182(f)
 - Attainment demonstrations
 - Nonattainment contingency measures
 - Nonattainment NSR (NNSR) major source applicability thresholds and offset ratios
 - Fees under section 185

Anti-backsliding for 1997 Ozone NAAQS (Cont'd)

- Closing the book on the revoked 1-hour/1997 ozone NAAQS:
 - Anti-backsliding obligations under revoked NAAQS are lifted for an area:
 - (1) When the state redesignates the area to attainment for the 2008 ozone NAAQS, or
 - (2) Submits a redesignation substitute for the revoked 1-hour or 1997 NAAQS.
 - Option 1 constitutes a formal redesignation request, which must be submitted with a maintenance plan SIP revision under CAA section 175A.
 - A redesignation substitute under Option 2 is based on the same criteria for redesignation to attainment (CAA section 107(d)(3)(E)).

SIP Implications for 1997/2008 Ozone

- Overlap in planning efforts may occur for those areas designated nonattainment for both NAAQS that have outstanding SIP obligations under the revoked NAAQS.
- SIP obligations under the revoked NAAQS continue to be based on classifications for that NAAQS (at the time of revocation).
- New SIP requirements triggered for new ozone NAAQS based on new classifications.
- Requirements for Ozone Transport Region are always retained.
- Different requirements may be applicable under each NAAQS, depending on the classification of the area for that NAAQS.
- States should avoid duplication of efforts whenever possible. SIP revisions to address obligations under 2008 ozone NAAQS can also satisfy similar outstanding SIP obligations.

Proposed Revocation of 2008 Ozone NAAQS

- EPA recently proposed an implementation rule for the 2015 ozone NAAQS.
- Designations under the 2015 ozone NAAQS are due in 2017.
- EPA intends to revoke the 2008 ozone NAAQS and has proposed two alternative options:
 - Option 1: To revoke the 2008 ozone NAAQS *for all* areas and purposes, 1 year after designations for the 2015 NAAQS are effective.
 - Option 2: To revoke the 2008 ozone NAAQS *only* in areas designated attainment for the 2008 NAAQS (at time of its revocation), 1 year after designation for the 2015 ozone NAAQS are effective; then later for all other areas, upon redesignation to attainment for either the 2008 or 2015 NAAQS.

QUESTIONS?



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