

# IMPLEMENTING THE 2015 OZONE NAAQS

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# 2015 OZONE STANDARDS

- Promulgated October 1, 2015.
- Published in Federal Register October 26, 2015 (80 FR 65292). Effective December 28, 2015.
- Memo issued by Acting Assistant Administrator on October 1, 2015 addresses key implementation-related topics:
  - Guidance available to agencies;
  - Ensuring major source permitting is effective and efficient;
  - Designating areas;
  - Interstate ozone transport and background ozone;
  - The challenges of reducing ozone in California;
  - Managing monitoring networks;
  - Emissions from wildland fires;
  - Transportation planning;
  - Multi-pollutant planning
  - Ozone Advance program; and
  - Community involvement.



# UPCOMING IMPLEMENTATION-RELATED RULES/GUIDANCE/ACTIVITIES

- Area designations guidance (including assessing rural transport areas)
- Rulemaking to update, where necessary, the existing ozone NAAQS implementation rules
  - Nonattainment area classification thresholds
  - State implementation plan (SIP) due dates
  - Anti-backsliding provisions associated with revoking 2008 NAAQS
- Nationwide interstate transport contribution assessment
- Update to transportation conformity guidance specific to areas that are nonattainment for 2015 NAAQS
- White paper and workshop on background ozone issues
- PSD permitting:
  - Final update to Guideline on Air Quality Models (Appendix W to 40 CFR Part 51)
  - Guidance on compliance demonstration tools: ozone significant impact level (SIL) and model emissions rates for precursors (MERPs)

# Anticipated Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	Planned Dates
<b>Final 2015 Ozone NAAQS revision, monitoring rules, exceptional event demonstration schedule, and PSD permit grandfathering provision</b>	Upon promulgation	October 2015
<b>Propose Exceptional Events Rule revision and guidance on wildfire-related ozone demonstrations</b>	1 month	November 2015
<b>Area designations guidance (including Rural Transport Areas)</b>	4 months	February 2016
<b>Final update to PSD permit modeling guideline (Appendix W; proposed July 2015); MERPs and SIL guidance</b>	8 months	June 2016
<b>Final Exceptional Events Rule revision and guidance on wildfire-related ozone demonstrations</b>	10 months	August 2016
<i>States submit area designation recommendations</i>	<i>12 months</i>	<i>October 2016</i>
<b>Interstate ozone transport contribution assessment provided to States</b>	12 months	October 2016
<b>Propose nonattainment area rules/guidance (including area classifications, SIP due dates, nonattainment NSR provisions)</b>	12 months	October 2016
<b>Final designations, classifications, and nonattainment area SIP rules/guidance</b>	24 months	October 2017
<b>Update to transportation conformity guidance</b>	25 months	November 2017
<i>States submit Infrastructure and Transport SIPs</i>	<i>36 months</i>	<i>October 2018</i>
<i>States submit Attainment plans</i>	<i>5-6 years</i>	<i>2020-2021</i>
<i>Nonattainment Area Attainment Dates (Marginal – Extreme)</i>	<i>5-22 years</i>	<i>2020-2037</i>

# OZONE NAAQS IMPLEMENTATION: KEY DATES FOR EXISTING AND FUTURE NONATTAINMENT AREAS

	2008 NAAQS	2015 NAAQS
Emission statement rule, emission inventory, and Moderate area/OTR RACT SIPs	July 2014	Early 2020 (TBD)
Marginal area attainment date	July 2015	Early 2021 (TBD) <i>based on 2018-2020 data</i>
Attainment plans and demonstrations for initial Moderate areas	July 2015	Early 2021 (TBD)
Attainment plans and demonstrations for initial Serious and above areas	July 2016	Early 2022 (TBD)
Moderate area SIPs for 11 reclassified Marginal areas	Early 2017 (TBD)	--
Moderate area attainment date	July 2018 <i>based on 2015-2017 data</i>	Early 2024 (TBD) <i>based on 2021-2023 data</i>
2008 NAAQS Revoked	2018/2019 (TBD)	--



# AREA DESIGNATIONS

- Final area designations due October 2017
  - Updated ozone NAAQS area designations guidance by February 2016
  - Recommendations due from states/tribes October 2016
    - Expected to be based on 2013-2015 and preliminary 2016 data, including any exceptional event considerations
  - Exceptional event demonstration submission deadlines:
    - October 1, 2016 for 2014-2015 events
    - May 31, 2017 for 2016 events
  - Preliminary EPA designation decision (120-day letters) expected by June 2017
    - Decisions based on 2014-2016 air quality data
  - Early-certified 2017 data may also be relevant to final designation decisions
- Nonattainment area classification scheme
  - Percent-above-standard approach?
  - Voluntary reclassifications?

# OZONE FROM BACKGROUND SOURCES

- Background ozone refers to ozone that forms from natural sources, such as wildfires or stratospheric intrusions, and from man-made pollution from sources outside the U.S.
- EPA is planning further discussions with stakeholders on assessing areas for high background ozone and on applicable policies and tools, including:
  - Exceptional event exclusions
  - Area designations and rural transport areas
  - Section 179B international emissions
- White paper and workshop

# EXCEPTIONAL EVENTS RULE REVISIONS

- Key objective: Improve administrative efficiency of demonstration process.
- The proposed revisions are informed by several years of implementation experience and would:
  - Restrict the qualification criteria to the core statutory elements and implicit concepts of CAA section 319(b):
    - The event affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;
    - The event was not reasonably controllable or preventable; and
    - The event was a human activity that is unlikely to recur at a particular location or was a natural event.
  - Clarify what “not reasonably controllable or preventable” means and how it is demonstrated.
  - Clarify demonstration elements for high wind events.
  - Codify requirements for the content and organization of exceptional events submittals.

# CURRENT THINKING: WILDFIRE/OZONE EXCEPTIONAL EVENTS IMPLEMENTATION GUIDANCE

- Full document name: *Draft Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations*
- What does the draft guidance do?
  - Incorporates and applies the proposed rule revisions to wildfire/ozone events.
  - Provides example analyses, conclusion statements, and technical tools that air agencies can use to provide evidence that the wildfire event influenced the monitored ozone concentration.
  - Identifies fire and monitor-based characteristics that would allow for a streamlined demonstration package.
  - Invites comment on the appropriateness of either expanding the wildfire/ozone guidance to specifically address demonstration components for prescribed fires, or developing a separate guidance document.

# ADDRESSING INTERSTATE OZONE TRANSPORT – 2008 STANDARDS

- Many states still do not have approved transport SIPs for the 2008 Ozone NAAQS.
- With the Supreme Court ruling and subsequent Circuit Court rulings on CSAPR, EPA plans to move forward with addressing transport using the CSAPR framework, updated for the 2008 NAAQS:
  - “Backstop” FIP rule for states in the Eastern U.S. to be proposed fall 2015, with a focus on near-term EGU measures that can be in place by 2017 (synchronized with Moderate area attainment deadline).
  - A Notice of Data Availability (NODA) covering 2011 and 2017 emissions data along with air quality contribution modeling results that will be used in the proposal were published on July 23, 2015. Comment period closed October 23, 2015.
- States in the Western U.S. are not covered by the proposed rule. The EPA is working with these individual states to determine transport SIP requirements.

# ADDRESSING INTERSTATE OZONE TRANSPORT – 2015 STANDARDS

- The CSAPR framework will help EPA and states make progress on transport issues for the 2015 ozone NAAQS.
- Transport SIPs are a state obligation, however the EPA can assist states with some of the technical analyses related to transport.
- EPA is planning to conduct source apportionment modeling to provide contribution information for the 2015 ozone NAAQS to help states begin developing their section 110 transport SIPs (due October 2018).
  - Intend to make this information available in Fall 2016.

# OZONE PERMITTING

- Final ozone NAAQS rule includes grandfathering provision to avoid delay of certain pending applications. Permit can be issued under terms of compliance with the 2008 ozone NAAQS if either:
  - The permitting agency has formally determined the application to be complete as of October 1, 2015; or
  - The public notice for a draft permit or preliminary determination has been published prior to December 28, 2015 (effective date of revised ozone NAAQS).
- Final update to Guideline on Air Quality Models (Appendix W to 40 CFR Part 51)
  - Compliance demonstrations tools (MERPs, SIL)
- PSD offsets (see 40 CFR 51.165(b)(3))
- Nonattainment NSR Offsets
  - Preparing for future nonattainment
  - Interpollutant substitution