Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 12/20/2019 1:56:50 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Fawcett, Allen [Fawcett.Allen@epa.gov]; Irving, Bill [Irving.Bill@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Steller, John [Steller.John@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Krallman, John [krallman.john@epa.gov]; Long, Pam [Long.Pam@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

Subject: Treatment of Biogenic CO2 emissions at stationary sources| Call in: Ex. 6 Personal Privacy (PP)
Attachments: Peter T Meeting Request 12-19-19.docx
Location: RTP-OAQPS-C501A/RTP-OAQPS-BLDG-C

Start: 1/8/2020 8:00:00 PM
End: 1/8/2020 8:45:00 PM
Show Time As: Tentative

01/07/2020: OAR meeting conflict; adjusted time to 3 pm.
12/31: Meeting rescheduled at the request of AQPD to January 8th at 4:00 pm.
12/20: Scheduled for 01/09/20 at 10:15 am.

OAR Meeting Request Form
For Peter Tsirigotis

Date of this Request: 05/16/2019

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Treatment of Biogenic CO2 emissions at stationary sources

Purpose: To discuss the proposed rulemaking for biogenic CO2.

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OGC:	Doster, Brian; Greenglass, Nora; Krallman, John

Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 5/2019

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CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

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Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

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Revised 5/2019

Message

From: Long, Pam [Long.Pam@epa.gov]
Sent: 2/18/2020 5:01:01 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: RE: Question - EIA for the Biogenic CO2 Proposal

Thank you!

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Tuesday, February 18, 2020 11:54 AM
To: Long, Pam <Long.Pam@epa.gov>
Subject: RE: Question - EIA for the Biogenic CO2 Proposal

Nope – I forwarded it to OAR. I will remind them today that they have it.

From: Long, Pam <Long.Pam@epa.gov>
Sent: Tuesday, February 18, 2020 11:46 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Question - EIA for the Biogenic CO2 Proposal

Cheryl wanted me to mention that she sent the EIA for the Biogenic CO2 proposal to you and wanted to know if you had any feedback or status. Thanks.

Appointment

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Start: 1/9/2020 3:15:00 PM
End: 1/9/2020 4:00:00 PM
Show Time As: Tentative

12/20: Scheduled for 01/09/20 at 10:15 am.

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Revised 5/2019

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Sent: 1/7/2020 5:18:33 PM
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From: McKinney, Voronina [mckinney.voronina@epa.gov]
Sent: 12/20/2019 2:03:20 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Fawcett, Allen [Fawcett.Allen@epa.gov]; Irving, Bill [Irving.Bill@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Steller, John [Steller.John@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Krallman, John [krallman.john@epa.gov]; Long, Pam [Long.Pam@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

Subject: Treatment of Biogenic CO2 emissions at stationary sources| Call in Ex. 6 Personal Privacy (PP)
Attachments: Peter T Meeting Request 12-19-19.docx
Location: RTP-OAQPS-C501A/RTP-OAQPS-BLDG-C

Start: 1/9/2020 3:15:00 PM
End: 1/9/2020 4:00:00 PM
Show Time As: Tentative

12/20: Scheduled for 01/09/20 at 10:15 am.

OAR Meeting Request Form
For Peter Tsirigotis

Date of this Request: 05/16/2019

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Treatment of Biogenic CO2 emissions at stationary sources

Purpose: To discuss the proposed rulemaking for biogenic CO2.

- Next ADP Milestone: (specify early guidance, options selection, etc.); meeting scheduled on: __/__/__;
- If applicable, due date to: OP __/__/__ (_ days review); OMB: __/__/__ (days review);
- Legal deadline: Settlement agreement due date is __/__/__.
- Other firm deadline

First possible date for meeting: 01/08/2020
Last possible date for meeting: 01/15/2020

Requested Audio / Video (*Mark with "X" if requested*)

_____ **Video Location(s):**
List video locations needed (e.g., RTP, DC, Regions)– HQ will set up a bridge if needed

____ **HQ Conference Line:**
If requested, HQ staff will provide in meeting invite

____ **Non-HQ Conference Line:**

If you plan to use a non-HQ conference line, include it here

Invitees (please list by Office and in Outlook format, e.g. *Last, First*):

Please include the key OGC and/or Regional representatives as appropriate. Only key invitees are listed by office; others are Cc:

Office/Org	Name (*Last, First*)
OAQPS:	Koerber, Mike; Mathias, Scott; Kornylak, Vera; Vetter, Cheryl; Baker, Sarah; Svendsgaard, Dave
OAP:	Fawcett, Allen; Irving, Bill; Kocchi, Suzanne; Gunning, Paul; Steller, John; Ohrel, Sara; Clarke, Dierdre
OGC:	Doster, Brian; Greenglass, Nora; Krallman, John

Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 5/2019

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 12/20/2019 1:56:50 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Fawcett, Allen [Fawcett.Allen@epa.gov]; Irving, Bill [Irving.Bill@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Steller, John [Steller.John@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Krallman, John [krallman.john@epa.gov]; Long, Pam [Long.Pam@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

Subject: Treatment of Biogenic CO2 emissions at stationary sources| Call i Ex. 6 Personal Privacy (PP)
Location: RTP-OAQPS-C501A/RTP-OAQPS-BLDG-C

Start: 1/9/2020 3:15:00 PM
End: 1/9/2020 4:15:00 PM
Show Time As: Tentative

OAR Meeting Request Form
For Peter Tsirigotis

Date of this Request: 05/16/2019

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Treatment of Biogenic CO2 emissions at stationary sources

Purpose: To discuss the proposed rulemaking for biogenic CO2.

- Next ADP Milestone: (specify early guidance, options selection, etc.); meeting scheduled on: __/__/__;
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Last possible date for meeting: 01/15/2020

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OGC:	Doster, Brian; Greenglass, Nora; Krallman, John

Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 5/2019

Message

From: McKinney, Voronina [mckinney.voronina@epa.gov]
Sent: 5/16/2019 1:57:06 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]
CC: Jacks, Susan [Jacks.Susan@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Ward, Hillary [Ward.Hillary@epa.gov]; Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Long, Pam [Long.Pam@epa.gov]
Subject: Wehrum Meeting Request: Treatment of Biogenic CO2 emissions at stationary sources

Hello Delaney,

Wehrum Meeting Request: Please schedule with Bill after the week of May 27th. Meeting request is attached.

Thank you,

Nina

From: Massey, Lana
Sent: Thursday, May 16, 2019 7:44 AM
To: Ward, Hillary <Ward.Hillary@epa.gov>; McKinney, Voronina <mckinney.voronina@epa.gov>
Cc: Baker, Sarah <baker.sarah@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Subject: Meeting Request for Bill Wehrum Subject: Treatment of Biogenic CO2 emissions at stationary sources

Nina/Hillary,

Please see attached meeting request for Bill Wehrum. Subject: Treatment of Biogenic CO2 emissions at stationary sources. Let me know if you have further questions.

Thank you,

Lana V. Massey, Administrative Specialist
Air Quality Policy Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Office: (919) 541-5366

Appointment

From: McKinney, Voronina [mckinney.voronina@epa.gov]
Sent: 12/20/2019 1:56:49 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Fawcett, Allen [Fawcett.Allen@epa.gov]; Irving, Bill [Irving.Bill@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Steller, John [Steller.John@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]; Clarke, Deirdre [clarke.deirdre@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Krallman, John [krallman.john@epa.gov]; Long, Pam [Long.Pam@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

Subject: Treatment of Biogenic CO2 emissions at stationary sources| Call in: Ex. 6 Personal Privacy (PP)
Location: RTP-OAQPS-C501A/RTP-OAQPS-BLDG-C

Start: 1/9/2020 3:15:00 PM
End: 1/9/2020 4:15:00 PM
Show Time As: Tentative

OAR Meeting Request Form
For Peter Tsirigotis

Date of this Request: 05/16/2019

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Treatment of Biogenic CO2 emissions at stationary sources

Purpose: To discuss the proposed rulemaking for biogenic CO2.

- Next ADP Milestone: (specify early guidance, options selection, etc.); meeting scheduled on: __/__/__;
- If applicable, due date to: OP __/__/__ (_ days review); OMB: __/__/__ (days review);
- Legal deadline: Settlement agreement due date is __/__/__.
- Other firm deadline

First possible date for meeting: 01/08/2020
Last possible date for meeting: 01/15/2020

Requested Audio / Video (*Mark with "X" if requested*)

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OAP:	Fawcett, Allen; Irving, Bill; Kocchi, Suzanne; Gunning, Paul; Steller, John; Ohrel, Sara; Clarke, Dierdre
OGC:	Doster, Brian; Greenglass, Nora; Krallman, John

Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 5/2019

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 5/7/2018 5:21:13 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Bradfield, John [Bradfield.John@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Rimer, Kelly [Rimer.Kelly@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]

Subject: Meeting with Tim Hunt, AF&PA et al.
Location: EPA RTP C112

Start: 5/9/2018 5:00:00 PM
End: 5/9/2018 6:00:00 PM
Show Time As: Tentative

Incoming email

From: Hunt, Tim [mailto:Tim_Hunt@afandpa.org]
Sent: Friday, April 27, 2018 9:15 AM
To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Cc: South, Peter <South.Peter@epa.gov>; Bradfield, John <Bradfield.John@epa.gov>
Subject: RE: May 9 EPA/RTP visit

Hi Yvonne,

Yes definitely still on. Here is what I have as topics including our time with Peter Tsirigotis which starts at 1 PM and ends at 2 PM. I suggest Anna join that meeting at the appointed 1:30 PM time (it may be more like 1:45 PM) when we should be shifting to discussion of Biomass given the recent memo from Administrator Pruitt. I talked with Juan about our interests earlier this week.

I have shared Anna's recent presentations to WESTAR and AAPCA with my members so there are lots of good topics to discuss as I have listed. I've listed a few of Anna's team but not sure who else will be there or who else should be there to help cover the topics identified.

Let me know if you need anything more. We are in C-112 and will have a conference line. I will get a list of attendees to John Bradfield to get cleared into the building planning to arrive at 12:30 since there will probably be 15 to 20 of us.

We meet with Jim Eddinger and Steve Fruh at 4 PM.

Thanks,

Tim

PS. Peter – this also shows the topics for our meeting with Peter T.

1 to 2 PM Peter Tsirigotis (and Penny Lassiter, Robin Dunkins, Mike Koerber)

- OAQPS priorities and expectations for 2018 - Peter
- Discussion of AF&PA/AWC priorities
  - Boiler MACT
  - PCWP MACT/RTR
  - NAAQS standard setting process – PM, ozone

o Pulp RTR – Northern California filing
o Biomass – transition to meeting with Anna Wood?

2 to 4 PM Anna Wood (and Juan Santiago, Raj Rao, others)

- Biomass rulemaking – schedule, scope, rationale
- NSR/PSD Improvements – ambient air, project aggregation, RMRR, PALs, others
- NAAQS implementation improvements – international transport, 126 petitions, non-attainment designations for ozone, offset policies, other issues from 4/12 Presidential memo
- SSM SIP Call
- Regional Haze
- Other issues identified by Anna or AF&PA/AWC

==========
Incoming email 2/26/18 3:34 pm
Pete,

It was good talking with you about scheduling a meeting with Peter for May 9th from 1 to 2 PM at OAQPS Offices. John Bradfield has reserved a room already – C-112; and copied here.

I would expect a dozen or more member companies from the forest products industry both on the wood products side (American Wood Council) and pulp and paper mills (AF&PA side). Somewhere in the range of 15 to 20 people.

It would be good to hear Peter's expectations and priorities for OAQPS in the next six months or so. In addition, we will raise some of our top priority issues that include ongoing RTRs, air permitting/NSR, NAAQS implementation issues, biomass/carbon neutrality and Boiler MACT. We expect to meet with Anna Wood and her group right after Peter so we will get more into the details of the NSR/permitting issues with her.

Let me know if you need additional information.

Timothy Hunt
Senior Director, Air Quality Programs
AMERICAN FOREST & PAPER ASSOCIATION
AMERICAN WOOD COUNCIL
1101 K Street, NW, Suite 700, Washington, DC 20005
Office: 202-463-2588
Email: thunt@awc.org or Tim_Hunt@afandpa.org

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 11/14/2018 7:11:54 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Harnett, Bill [Harnett.Bill@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Gabrilovich, Lev [Gabrilovich.Lev@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Fox, Tyler [Fox.Tyler@epa.gov]; Henderson, Barron [henderson.barron@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Damberg, Rich [Damberg.Rich@epa.gov]; Herrington, Leigh [Herrington.Leigh@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]

Subject: Follow-Up Pre-brief for Issues Discussion for 179B Guidance
Attachments: Peter_Tsirigotis_FollowUp_Prebrief_Request_179B.DOCX; FollowUp_PeterT_Prebrief_179B_Guidance.docx
Location: RTP-OAQPS-C501A/RTP-OAQPS-BLDG-C; Call in: Ex. 6 Personal Privacy (PP)

Start: 11/29/2018 6:15:00 PM
End: 11/29/2018 7:00:00 PM
Show Time As: Tentative

11/29/18: Meeting materials attached.

Scheduled 11/14/18 for 11/29/18 for 1:15 pm.

OAR Meeting Request Form
For Peter Tsirigotis

Date of this Request: 11/13/2018

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Anna Wood 919-541-3604

Subject: Follow-Up Pre-brief for *Issues* Discussion for 179B Guidance

Purpose: The EPA is providing guidance to the states clarifying the meaning of attaining the NAAQS but for international emissions, and describing technical analyses that will help states provide successful 179B demonstrations. The briefing summarizes CAA section 179B and identifies 179B issues in the context of addressing SIP obligations.

First possible date for meeting: 11/27/2018
Last possible date for meeting: 11/29/2018

Invitees (please list by Office and in Outlook format, e.g. *Last, First*):
Please include the key OGC and/or Regional representatives as appropriate. Only key invitees are listed by office; others are Cc:

Office/Org	Name (*Last, First*)
OAQPS	Koerber, Mike; Harnett, Bill; Wood, Anna; Mathias, Scott; Ling, Michael; Kornylak, Vera; Gabrilovich, Lev; Palma, Elizabeth; Wayland, Richard; Fox, Tyler; Henderson, Barron; Brachtl, Megan; Damberg, Rich; Herrington, Leigh; Smith, Kristi; Wilcox, Geoffrey; Buchsbaum, Seth.

Schedulers: Massey, Lana; Johnson, Yvonne W.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 10/2018

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 6/2/2020 2:34:05 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Long, Pam [Long.Pam@epa.gov]

Subject: Biogenic CO2 Rule Check In
Attachments: Peter T meeting request biogenic update 6 2 2020.docx
Location: Call in: (202) 991-0477 Ex. 6 Personal Privacy (PP)

Start: 6/2/2020 5:15:00 PM
End: 6/2/2020 5:45:00 PM
Show Time As: Tentative

Call in: **Ex. 6 Personal Privacy (PP)**

6/2: Scheduled on 6/2 at 1:15 pm.

OAR Meeting Request Form

For Peter Tsirigotis

Date of this Request: 6/2/2020

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Biogenic CO2 Rule Check In

Purpose: Provide update on rule activities

- Next ADP Milestone: clear from OMB; meeting scheduled on: __/__/__;
- If applicable, due date to: OP __/__/__ (_ days review); OMB: _2_/24_/2020 (days review);
- Legal deadline: Settlement agreement due date is __/__/__.
- Other firm deadline

First possible date for meeting: 6/2/2020
Last possible date for meeting: 6/3/2020
Duration: 30 minutes

Requested Audio / Video (*Mark with "X" if requested*)

_____ **Video Location(s):**
List video locations needed (e.g., RTP, DC, Regions)– HQ will set up a bridge if needed

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Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 7/2019

[SEQ CHAPTER \h \r 1]OAR Meeting Request Form

For Peter Tsirigotis

Date of this Request: 6/2/2020

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Biogenic CO2 Rule Check In

Purpose: Provide update on rule activities

- Next ADP Milestone: clear from OMB; meeting scheduled on: __/__/__;
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First possible date for meeting: 6/2/2020
Last possible date for meeting: 6/3/2020
Duration: 30 minutes

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Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 7/2019

Appointment

From: Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]
Sent: 9/10/2019 9:33:16 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Tsirigotis, Peter [tsirigotis.peter@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]

Subject: check-in on biomass rule
Location: C401A

Start: 9/11/2019 7:00:00 PM
End: 9/11/2019 8:00:00 PM
Show Time As: Busy

Please note that this is for OAQPS only.

Appointment

From: Koerber, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c513901d4fd49f9ab101a6f7a7a863e-Koerber, Mike]
Sent: 6/2/2020 2:10:21 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Tsirigotis, Peter [tsirigotis.peter@epa.gov]

Subject: Touch base on biogenic CO2 rule
Location: 919-541-4105

Start: 6/2/2020 3:40:00 PM
End: 6/2/2020 4:00:00 PM
Show Time As: Free

Appointment

From: McKinney, Voronina [mckinney.voronina@epa.gov]
Sent: 6/2/2020 2:34:03 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Culligan, Kevin [Culligan.Kevin@epa.gov]
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Call in: Ex. 6 Personal Privacy (PP)

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OAR Meeting Request Form

For Peter Tsirigotis

Date of this Request: 6/2/2020

Scheduling Point of Contact: Lana Massey 919-541-5366
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Biogenic CO2 Rule Check In

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Office/Org	Name (*Last, First*)
OAQPS:	Koerber, Mike; Mathias, Scott; Kornylak, Vera; Vetter, Cheryl; Baker, Sarah; Culligan, Kevin

Schedulers: Massey, Lana; Johnson, Yvonne W; Long, Pam.

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting.

Revised 7/2019

Message

From: Atkinson, Emily [Atkinson.Emily@epa.gov]
Sent: 11/28/2017 6:32:42 PM
To: Krieger, Jackie [Krieger.Jackie@epa.gov]; South, Peter [South.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
CC: Loving, Shanita [Loving.Shanita@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]
Subject: RE: Meeting Request from AF&PA, National Alliance of Forest Owners, International Paper and WestRock

Thanks – we have a list from OAQPS too and will get this scheduled and we will not reserve time for a prep meeting.

From: Krieger, Jackie
Sent: Tuesday, November 28, 2017 1:30 PM
To: Atkinson, Emily <Atkinson.Emily@epa.gov>; South, Peter <South.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>
Subject: RE: Meeting Request from AF&PA, National Alliance of Forest Owners, International Paper and WestRock

Emily, from OAP please invite Sarah, Paul Gunning, and Suzie Kocchi. Again, no prep meeting, unless Bill would like one, and we'll work with OAQPS on the background material.

Jackie Krieger / Chief of Staff / Office of Atmospheric Programs / U.S. EPA / O: 202-343-9905 / C: 202-236-3934

From: Atkinson, Emily
Sent: Tuesday, November 28, 2017 11:33 AM
To: South, Peter <South.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Meeting Request from AF&PA, National Alliance of Forest Owners, International Paper and WestRock

Hi Mike, Pete and Jackie,

Bill has reviewed this request and wants to get this setup with AF&PA, National Alliance of Forest Owners, International Paper and WestRock (plus one other organization yet to be determined).

Before we offer up dates/time – please advise on who we should include and whether or not you all would want a meeting to prep Bill.

Thanks!
Emily

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460

Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Atkinson, Emily
Sent: Tuesday, November 28, 2017 11:32 AM
To: Bhandaram, Sundara <Sundara_Bhandaram@afandpa.org>
Cc: Tyler Norvell <tyler@glenncoffee.com>; Noe, Paul <Paul_Noe@afandpa.org>; Loving, Shanita <Loving.Shanita@epa.gov>
Subject: RE: Meeting Request from AF&PA, National Alliance of Forest Owners, International Paper and WestRock

Hi Sundara,

We are reviewing this request and will be in touch shortly with scheduling options to get this on the calendar for Bill Wehrum, David Harlow and Mandy Gunasekara.

In the meantime, please send a brief agenda so we can be sure we have the right staff included in this meeting.

Also, please confirm that a 5th organization would join you for this meeting. Right now it looks like it would be these four - AF&PA, the National Alliance of Forest Owners, International Paper and WestRock, however, there would need to be at least 5 organizations present for this meeting to take place.

I am also including Tyler Norvell on this email chain, as he had been in touch separately about setting up a meeting on this subject with Mandy Gunasekara and she requested that they be combine.

Thank you.
Emily

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Noe, Paul [mailto:Paul_Noe@afandpa.org]
Sent: Monday, November 27, 2017 12:47 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Bhandaram, Sundara <Sundara_Bhandaram@afandpa.org>
Subject: RE: Meeting Request

Thank you Bill

Emily: I am copying Sundara who can help find a good time.

Best regards

Paul

From: Wehrum, Bill [mailto:Wehrum.Bill@epa.gov]
Sent: Monday, November 27, 2017 12:34 PM
To: Noe, Paul <Paul_Noe@afandpa.org>
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Meeting Request

Hi Paul. Thanks for being flexible on the timing of this meeting. I've copied Emily Atkinson. She can work with you to find a suitable time.

From: Noe, Paul [mailto:Paul_Noe@afandpa.org]
Sent: Monday, November 27, 2017 12:13 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: Meeting Request

Hi Bill:

On behalf of AF&PA, the National Alliance of Forest Owners, International Paper and WestRock, I'd like to request a meeting with you to discuss the status of biogenic CO2 under the Clean Air Act. We would like to meet with you before the holidays in December – i.e., before cob December 19 if possible.

Thank you,

Paul

Paul Noe
Vice President for Public Policy
Paul_Noe@afandpa.org
(202) 463-2777
AMERICAN FOREST & PAPER ASSOCIATION
1101 K Street, N.W., Suite 700
Washington, D.C. 20005

Message

From: Baker, Sarah [baker.sarah@epa.gov]
Sent: 2/19/2020 7:39:12 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Long, Pam [Long.Pam@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]
Subject: Biogenic CO2 TSD
Attachments: Biomass Literature Review Write-Up_021920_dF.docx

Mike-

Attached is the current draft of the TSD for the forest biomass rule. It has been reviewed by OAQPS and OGC. It is a working draft and contains placeholders for those sections that OAP is still working on and plans to continue to work on while the document is with OMB (See pgs. 5-6, 10-13, 16).

Please let me know if you have any questions or need anything else. Thanks.

Respectfully,
Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

Message

From: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Sent: 3/18/2020 5:05:19 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: FW: DOJ call for Biogenic CO2 rule
Attachments: DOJ call for Biogenic CO2 rule.ics

Just starting on this call – Anne Idsal, Brittney Bolen, Matt Leopold, and Kelley Raymond are on this call (!)

Just wanted to make sure you knew that and offer you a chance to call in. I didn't realize all those folks were invited/calling in.

Vera

Message

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 1/15/2020 10:06:39 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: Fwd: Concur with Comment – Proposed Rulemaking: Treatment of Forest Biogenic CO2 Emissions Under Clean Air Act Permitting (SAN 6715; Tier 1)

Begin forwarded message:

From: "Nickerson, William" <Nickerson.William@epa.gov>
Date: January 15, 2020 at 4:53:26 PM EST
To: "Tsirigotis, Peter" <Tsirigotis.Peter@epa.gov>
Cc: "Baker, Sarah" <baker.sarah@epa.gov>, "Vetter, Cheryl" <Vetter.Cheryl@epa.gov>, "Farrar, Wanda" <farrar.wanda@epa.gov>, "Corrales, Mark" <Corrales.Mark@epa.gov>, "Manibusan, Mary" <Manibusan.Mary@epa.gov>, "Elman, Barry" <Elman.Barry@epa.gov>, "Brown, Stephanie N." <Brown.StephanieN@epa.gov>
Subject: Concur with Comment – Proposed Rulemaking: Treatment of Forest Biogenic CO2 Emissions Under Clean Air Act Permitting (SAN 6715; Tier 1)

Peter,

Thank you for the opportunity to review the Final Agency Review materials for the proposed Biogenic CO2 rule. Based on consultation with the Office's Associate Administrator, the Office of Policy concurs with comment.

Our comments are as follows:

1. We request an opportunity to review the economic impacts section of the preamble, the EIA, and the Technical Support Document prior to their submittal to OMB.
2. To the extent the schedule allows, the proposal would benefit from a more complete and robust discussion of the technical basis for the agency's action.
3. As the agency moves toward finalizing the rule, it should consider adopting more of a "weight of evidence" approach to its review of the relevant science, to explicitly consider the quality and relevance of studies reviewed.
4. The rule's implementation provisions should be scoped out further, to the extent possible, prior to proposal. At minimum, the proposal should include a robust request for comments on a full range of implementation issues to allow for logical outgrowth.

We are separately transmitting comments and suggested edits on the preamble at the staff level. We appreciate your efforts to follow the Action Development Process and we have no objection to the action proceeding through the remaining rulemaking steps. If you have any questions or concerns, please feel free to contact me or have your staff contact Barry Elman on 202-566-2958. Thank you.

Bill

William (Bill) Nickerson
Associate Office Director

Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

Message

From: Santiago, Juan [Santiago.Juan@epa.gov]
Sent: 5/1/2017 6:09:04 PM
To: Wood, Anna [Wood.Anna@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: FW: Biomass
Attachments: Biomass.docx

In case you hadn't seen this…

From: Vetter, Cheryl
Sent: Monday, May 01, 2017 1:55 PM
To: Montanez, Jessica <Montanez.Jessica@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Wheeler, Carrie <Wheeler.Carrie@epa.gov>
Subject: Biomass

FYI –

Rider in the budget on biomass.

9 POLICIES RELATING TO BIOMASS ENERGY

10 SEC. 428. To support the key role that forests in the
11 United States can play in addressing the energy needs of
12 the United States, the Secretary of Energy, the Secretary
13 of Agriculture, and the Administrator of the Environ-
14 mental Protection Agency shall, consistent with their mis-
15 sions, jointly—

16 (1) ensure that Federal policy relating to forest
17 bioenergy—

18 (A) is consistent across all Federal depart-
19 ments and agencies; and

20 (B) recognizes the full benefits of the use
21 of forest biomass for energy, conservation, and
22 responsible forest management; and

23 (2) establish clear and simple policies for the
24 use of forest biomass as an energy solution, includ-
25 ing policies that—

1 (A) reflect the carbon-neutrality of forest
2 bioenergy and recognize biomass as a renewable
3 energy source, provided the use of forest bio-
4 mass for energy production does not cause con-
5 version of forests to non-forest use.
6 (B) encourage private investment through-
7 out the forest biomass supply chain, including
8 in—
9 (i) working forests;
10 (ii) harvesting operations;
11 (iii) forest improvement operations;
12 (iv) forest bioenergy production;
13 (v) wood products manufacturing; or
14 (vi) paper manufacturing;
15 (C) encourage forest management to im-
16 prove forest health; and
17 (D) recognize State initiatives to produce
18 and use forest biomass.

Message

From: Baker, Sarah [baker.sarah@epa.gov]
Sent: 1/28/2020 2:52:57 PM
To: Iglesias, Amber [Iglesias.Amber@epa.gov]
CC: Long, Pam [Long.Pam@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: Revised Biogenic CO2 Rule Package
Attachments: EO12866_Biogenic CO2_Proposal_2060-AU03_20200117 with OAR edits.docx

Importance: High

Amber-

Attached is a revised Biogenic CO2 rule proposal which incorporates edits received from OAR. Could you please replace the one that was sent to you last week with this version? Please let me know if you need any additional information. Thank you.

Respectfully,
Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

Message

From: Mills, Kathy [Mills.Kathy@epa.gov]
Sent: 12/11/2019 10:05:44 PM
To: Smith, Darcie [Smith.Darcie@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; McKinney, Voronina [mckinney.voronina@epa.gov]
CC: South, Peter [South.Peter@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]; Joseph, Wanda [joseph.wanda@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Crowley, Kate [crowley.kate@epa.gov]; Gmyr, Joanna [Gmyr.Joanna@epa.gov]
Subject: 12/12 AF&PA @ RTP - Peter talking points
Attachments: AF&PAPeter12.12.19.docx

12/12 AF&PA talking points for Peter attached. This includes general topics that AF&PA has requested Peter highlight during tomorrow's session.
KB
Kathy "KB" Mills ~ SPPD ~ U. S. EPA, OAQPS ~ 919-541-1599

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 10/7/2019 8:12:30 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]
Subject: Scheduling Request: Biogenic CO2 Rulemaking

Thanks Mike. Will do.

Delaney, please add this to the calendar for this week, preferably NLT Thursday. Thank you.

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Monday, October 07, 2019 4:09 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Cc: Smith, Darcie <Smith.Darcie@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: RE: Biogenic CO2 Rulemaking follow-up

Yes, that makes sense. And I would include Justin.

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, October 07, 2019 4:07 PM
To: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Smith, Darcie <Smith.Darcie@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: Biogenic CO2 Rulemaking follow-up

Peter, Mike – Anne would like to meet this week in preparation for next week's Administrator briefing. Should we use the same participants list as the meeting invite below (minus Matt and Brittany, but including Justin?)?

Thanks!

Subject: Biogenic CO2 Rulemaking follow-up
Location: WJC - N 5400 + Video with RTP + Ex. 6 Personal Privacy (PP)

Start: Wed 9/18/2019 1:30 PM
End: Wed 9/18/2019 2:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Idsal, Anne
Required Attendees: Woods, Clint; David Harlow (harlow.david@epa.gov); Grundler, Christopher; Fawcett, Allen; Irving, Bill; Ohrel, Sara; Tsirigotis, Peter; Mike Koerber (Koerber.Mike@epa.gov); Mathias,

Scott; Kornylak, Vera S.; Vetter, Cheryl; Baker, Sarah; Leopold, Matt (OGC); Schwab, Justin; Srinivasan, Gautam; Doster, Brian (Doster.Brian@epa.gov); Greenglass, Nora; Bolen, Brittany; Elman, Barry; Dunham, Sarah

Optional Attendees: Sorrels, Larry; Dominguez, Alexander; Gunning, Paul

Message

From: Smith, Darcie [Smith.Darcie@epa.gov]
Sent: 11/14/2019 10:56:00 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: FW: Materials for the Idsal Biogenic meeting on Monday 11/18
Attachments: Final Idsal Status Update 11-18-19.docx

If you don't hear anything back from AQPD regarding my question about the numbers, and you're happy with this pager, will you please send it up to OAR on Friday?

Thank you!

Darcie Smith
U.S. EPA, OAQPS
919.541.2076
smith.darcie@epa.gov

From: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Sent: Thursday, November 14, 2019 3:13 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>; Smith, Darcie <Smith.Darcie@epa.gov>
Cc: Santiago, Juan <Santiago.Juan@epa.gov>; Long, Pam <Long.Pam@epa.gov>
Subject: Materials for the Idsal Biogenic meeting on Monday 11/18

Attached are materials for the Anne Idsal meeting scheduled for Monday titled **Treatment of biogenic CO2 emissions at stationary sources**. Please let me know if you have any questions.

Thank you,

Yvonne W. Johnson
Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

Message

From: Long, Pam [Long.Pam@epa.gov]
Sent: 7/12/2019 12:43:23 PM
To: Ward, Hillary [Ward.Hillary@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; McKinney, Voronina [mckinney.voronina@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Massey, Lana [massey.lana@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Subject: Idsal Meeting Request - Treatment of Biogenic CO2 emissions at stationary sources
Attachments: Idsal Meeting Request.docx

Attached is a meeting request for A. Idsal on biogenic CO_2. Let me know if you have any questions. Thanks.

[SEQ CHAPTER \h \r 1]OAR Meeting Request Form
For Anne Idsal

Date of this Request: 07/15/2019

Scheduling Point of Contact: Nina McKinney 919-541-5616
Technical Point of Contact: Scott Mathias 919-541-5310

Subject: Treatment of Biogenic CO2 emissions at stationary sources

Purpose: To discuss the next steps for a rulemaking reflecting EPA's position on the treatment of biogenic CO2 emissions.

- Next ADP Milestone:
- If applicable, due date to: OP __/__/__ (_ days review); OMB: __/__/__ (days review);
- Legal deadline: (specify court-ordered, settle agreement, court promise, etc.) due date _ _/__/___;
- Other firm deadline:

First possible date for meeting: 07/24/2019
Last possible date for meeting: 07/24/2019
Duration: 1 hour

Requested Audio / Video (*Mark with "X" if requested*)

_____ **Video Location(s):**
List video locations needed (e.g., RTP, DC, Regions)– HQ will set up a bridge if needed

____ **HQ Conference Line:**
If requested, HQ staff will provide in meeting invite

Invitees (please list by Office and in Outlook format, e.g. *Last, First*):

Office/Org	Name (*Last, First*)
OAR	Harlow, David; Lewis, Josh
OAQPS:	Tsirigotis, Peter; Koerber, Mike; Harnett, Bill; Mathias, Scott; Kornylak, Vera; Vetter, Cheryl; Baker, Sarah; Svendsgaard, Dave; Spangler, Matthew
OGC	Srinivasan, Gautam; Zenick, Elliott; Doster, Brian; Greenglass, Nora; Krallman, John
OAP	Dunham, Sarah; Fawcett, Allen; Irving, Bill; Kocchi, Suzanne; Gunning, Paul; Steller, John; Ohrel, Sara
Schedulers to Cc:	Massey, Lana; Johnson, Yvonnew; Long, Pam

HQ Meeting Briefing Materials: Must provide to OAQPS IO by 5:00pm, 2 days before meeting

Revised 5/2019

Message

From: Smith, Darcie [Smith.Darcie@epa.gov]
Sent: 9/24/2019 6:06:17 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: Biomass meeting request for Administrator
Attachments: Biomass Administrator Meeting Request_August 2019.docx

Hi –

Please (re-) submit a meeting request form to meet with the Administrator on Biomass. I've attached your previous one in case that helps.

Thanks,
Darcie

Darcie Smith
U.S. EPA, OAQPS
919.541.2076
smith.darcie@epa.gov

[SEQ CHAPTER \h \r 1] *Internal Meeting/Request Form for Administrator Andrew Wheeler*

Today's Date: August 2, 2019

Requesting Office: OAR/OGC

Title of the Meeting: Options for Exempting Biogenic CO_2 Emissions from Clean Air Act Permitting

Purpose. Discuss Legal Theories Supporting Exemption

Workgroup: N/A

Role of the Administrator: To provide guidance to OAR on rulemaking based on input presented by OGC.

Background: OAR has been asked to develop a rulemaking to exempt biogenic CO_2 emissions from permitting. In order to develop the rule, the Administrator must decide on the legal theory underlying the exemption, so that the appropriate legal and/or technical analysis can be developed as part of the rule package.

Last possible date for the meeting: August 22, 2019

Is the meeting urgent and if so, why?

Requested Time Length: 1 hour

OAR Invitees: Idsal, Anne; Harlow, David; Grundler, Christopher

OAQPS Invitees: Tsirigotis, Peter; Koerber, Mike

Other Office Invitees:
OGC: Leopold, Matt; Schwab, Justin; Doster, Brian

External Participants: None

Teleconference Required? Yes

Video Conference Required? Yes

Point of Contact for the Meeting: Emily Atkinson (202) 564-1850

NOTE: Failure to send briefing materials at least 72 hours before the scheduled meeting may result in the meeting being rescheduled at the Director of Scheduling and Advance's discretion.

Message

From: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Sent: 10/17/2019 8:14:45 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
CC: Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]
Subject: RE: Biogenic CO2 Briefing Paper

Thanks Mike. Sarah Baker has a meeting Monday morning with the workgroup and she should be in good shape to develop the paper. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'll be out on the 29th at the regional haze national meeting.

Vera

Vera Kornylak || Acting Associate Director
Air Quality Policy Division || OAQPS
919-541-4067 || kornylak.vera@epa.gov

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From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Thursday, October 17, 2019 4:05 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>
Subject: Re: Biogenic CO2 Briefing Paper

FYI - the follow up briefing just got scheduled for Oct 29, 10:00 am.

Sent from my iPhone

Message

From: Mathias, Scott [Mathias.Scott@epa.gov]
Sent: 10/15/2019 1:57:38 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: Re: Briefing: Options for Exempting Biogenic CO2 Emissions from Clean Air Act Permitting

Just circling back. Anyone from OAQPS staff allowed to attend/listen? Wondering if any staff from OAP or OGC will be attending and the perceived equity.

Scott Mathias | Director (Acting), Air Quality Policy Division | RTP, NC | 919.541.5310

On Oct 7, 2019, at 4:51 PM, Mathias, Scott <Mathias.Scott@epa.gov> wrote:

Peter/Mike,

Looks like the meeting with the Administrator is scheduled for Oct 15. I will be on travel to SESARM. Were you planning to attend in DC or via phone/video? Do you want any staff available for the meeting to assist you?

Scott Mathias | Acting Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, October 04, 2019 1:41 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Greenglass, Nora <Greenglass.Nora@epa.gov>
Subject: RE: Briefing: Options for Exempting Biogenic CO2 Emissions from Clean Air Act Permitting

FYI. I will ask about attendance. (Although you can only get 8-10 people in his office.)

++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

-----Original Appointment-----
From: Adm15Wheeler.Calendar <Adm15Wheeler.Calendar@epa.gov>
Sent: Friday, October 4, 2019 12:23 PM
To: Idsal, Anne; Harlow, David; Tsirigotis, Peter; Koerber, Mike; Leopold, Matt (OGC); Schwab, Justin; Srinivasan, Gautam; Grundler, Christopher
Subject: Briefing: Options for Exempting Biogenic CO2 Emissions from Clean Air Act Permitting
When: Tuesday, October 15, 2019 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Administrator's Office

Message

From: Long, Pam [Long.Pam@epa.gov]
Sent: 12/31/2019 1:57:25 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
CC: Smith, Darcie [Smith.Darcie@epa.gov]; McKinney, Voronina [mckinney.voronina@epa.gov]
Subject: FW: ACTION ITEM - 1/9 Peter Biogenic CO2 Briefing - Possibility of rescheduling?

FYI. Not sure if Darcie is in or not to shift this for us or wait till Nina is back. Thanks.

From: Baker, Sarah <baker.sarah@epa.gov>
Sent: Monday, December 30, 2019 4:21 PM
To: Smith, Darcie <Smith.Darcie@epa.gov>; Long, Pam <Long.Pam@epa.gov>
Cc: McKinney, Voronina <mckinney.voronina@epa.gov>
Subject: RE: ACTION ITEM - 1/9 Peter Biogenic CO2 Briefing - Possibility of rescheduling?

I just received confirmation from OAP that Wednesday at 4 should work. Thank you for rescheduling!
Sarah

From: Smith, Darcie <Smith.Darcie@epa.gov>
Sent: Monday, December 30, 2019 12:53 PM
To: Long, Pam <Long.Pam@epa.gov>; Baker, Sarah <baker.sarah@epa.gov>
Cc: McKinney, Voronina <mckinney.voronina@epa.gov>
Subject: RE: ACTION ITEM - 1/9 Peter Biogenic CO2 Briefing - Possibility of rescheduling?

Hi Pam –

Will Wednesday the 8th at 4 pm work?

Thanks,
Darcie

Darcie Smith
U.S. EPA, OAQPS
919.541.2076
smith.darcie@epa.gov

From: Long, Pam <Long.Pam@epa.gov>
Sent: Monday, December 30, 2019 12:15 PM
To: Smith, Darcie <Smith.Darcie@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; McKinney, Voronina <mckinney.voronina@epa.gov>
Subject: ACTION ITEM - 1/9 Peter Biogenic CO2 Briefing - Possibility of rescheduling?

See below from Sarah on the conflict. Is it possible to have this meeting moved or does Peter T. believe OAP is not necessary at the meeting? Not sure who is in to send this request to? Thank you.

From: Baker, Sarah
Sent: Monday, December 30, 2019 10:01 AM
To: Massey, Lana <massey.lana@epa.gov>
Subject: Peter Biogenic CO2 Briefing

Good Morning Lana-

I'm not sure if you will be able to help with this but OAP has asked if it is possible to move the biogenic CO2 briefing that is being held for Peter on the 9th. Paul, Bill, and Allen will be meeting with Chris Grundler and other OAP division directors at that time and it will be difficult for them to change that meeting. In the alternative, Peter may decide that OAP is not necessary at the briefing but I will leave that to him. Thanks!
Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

Message

From: Smith, Darcie [Smith.Darcie@epa.gov]
Sent: 9/17/2019 4:03:04 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]; McKinney, Voronina [mckinney.voronina@epa.gov]
Subject: UPDATED Meeting Materials: Biogenic CO2 Rulemaking follow-up
Attachments: Idsal Briefing 9-18-19_Biogenics.docx

Please use this updated version. Thanks.

From: Smith, Darcie
Sent: Tuesday, September 17, 2019 10:48 AM
To: OAR Briefings <OAR_Briefings@epa.gov>
Cc: Koerber, Mike <Koerber.Mike@epa.gov>; McKinney, Voronina <mckinney.voronina@epa.gov>
Subject: Meeting Materials: Biogenic CO2 Rulemaking follow-up

Please find the attached materials for the following meeting:

Wednesday, Sept 18, 2019 @ 2 pm: Biogenic CO2 Rulemaking follow-up

Darcie Smith
U.S. EPA, OAQPS
919.541.2076
smith.darcie@epa.gov

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 8/19/2019 6:30:24 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
Subject: RE: STATUS: Biogenic CO2 Rulemaking

Thanks Mike!

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Monday, August 19, 2019 2:30 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: STATUS: Biogenic CO2 Rulemaking

Ann – Here is the pager you asked for on Friday. Please let me know if you have any questions.

Mike

Message

From: Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Sent: 8/19/2019 6:19:44 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Smith, Darcie [Smith.Darcie@epa.gov]
Subject: RE: Biogenic CO2 Status
Attachments: Biogenic CO2 Status Update 8-19-19 (003).docx

Mike –

Sarah put this together this morning. I think it is what you are looking for, but let me know if you have any suggested changes. Thanks.

Cheryl Vetter
U.S. Environmental Protection Agency
OAQPS/AQPD/OPG (C504-03)
Research Triangle Park, NC 27711
Phone (919) 541-4391 Fax (919) 541-5509
Note: Positions or views expressed here do not represent official EPA policy.

From: Koerber, Mike <Koerber.Mike@epa.gov>
Sent: Friday, August 16, 2019 12:18 PM
To: Mathias, Scott <Mathias.Scott@epa.gov>; Baker, Sarah <baker.sarah@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Smith, Darcie <Smith.Darcie@epa.gov>
Subject: FW: Biogenic CO2 Status

OAR has asked for a one pager on the background, timeline, and current status of this action. Please provide a draft by early next week – Monday or no later than Tuesday. Thanks.

Mike

From: Koerber, Mike
Sent: Friday, July 12, 2019 4:19 PM
To: Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: Biogenic CO2 Status

Here is a short blurb on where we're at on biogenic CO2.

> **From:** "Kornylak, Vera S." <Kornylak.Vera@epa.gov>
> **Date:** July 12, 2019 at 3:32:50 PM EDT
> **To:** "Koerber, Mike" <Koerber.Mike@epa.gov>
> **Cc:** "Long, Pam" <Long.Pam@epa.gov>, "Mathias, Scott" <Mathias.Scott@epa.gov>, "Vetter, Cheryl" <Vetter.Cheryl@epa.gov>, "Baker, Sarah" <baker.sarah@epa.gov>
> **Subject: RE: Briefings for OAR-IO**

Ex. 5 Deliberative Process (DP)/Attorney-Client Privilege

Ex. 5 Deliberative Process (DP)/Attorney-Client Privilege

Vera Kornylak

From: Dominguez, Alexander
Sent: Thursday, July 11, 2019 5:08 PM
To: Ward, Hillary <Ward.Hillary@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Subject: Briefings for OAR-IO

Ex. 5 Deliberative Process (DP)

Alex Dominguez
Policy Advisor to the Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
D: 202-564-3164
M: 202-578-5985

Message

From: Massey, Lana [massey.lana@epa.gov]
Sent: 12/20/2018 8:40:50 PM
To: McKinney, Voronina [mckinney.voronina@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]; Ward, Hillary [Ward.Hillary@epa.gov]
CC: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Montanez, Jessica [Montanez.Jessica@epa.gov]
Subject: Meeting request for Peter T. Subject: Treatment of Biogenic CO2 Emissions in Permitting
Attachments: Meeting Request Peter T. - December202018 - BiogenicCO2Emissions.docx

Nina/Hillary,

Please see meeting request for Peter attached. Subject: Treatment of Biogenic CO_2 Emissions in Permitting . Let me know if you have further questions. Thank you.

Lana V. Massey, Administrative Specialist
Air Quality Policy Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Office: (919) 541-5366

Message

From: Wood, Anna [Wood.Anna@epa.gov]
Sent: 4/23/2018 5:29:32 PM
To: Gunning, Paul [Gunning.Paul@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Re: Biomass Policy

Adding Juan so he is in the loop, thank you Paul

Sent from my iPhone

On Apr 23, 2018, at 6:14 AM, Gunning, Paul <Gunning.Paul@epa.gov> wrote:

> Mike/Anna – looping you guys in too. We just learned about this (see below). The attached version just shows the changes that were made to the version we sent up before.
>
> Paul
>
> **From:** Fawcett, Allen
> **Sent:** Monday, April 23, 2018 9:07 AM
> **To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>
> **Cc:** Harvey, Reid <Harvey.Reid@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Kocchi, Suzanne <Kocchi.Suzanne@epa.gov>; Irving, Bill <Irving.Bill@epa.gov>
> **Subject:** RE: Biomass Policy
>
> **Ex. 5 Deliberative Process (DP)**
>
> **From:** Steller, John
> **Sent:** Monday, April 23, 2018 9:00 AM
> **To:** Fawcett, Allen <Fawcett.Allen@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>; Sherry, Christopher <Sherry.Chris@epa.gov>; Irving, Bill <Irving.Bill@epa.gov>; Cole, Jefferson <Cole.Jefferson@epa.gov>
> **Subject:** RE: Biomass Policy
>
> **Ex. 5 Deliberative Process (DP)**

From: Dunham, Sarah
Sent: Monday, April 23, 2018 9:01 AM
To: Krieger, Jackie <Krieger.Jackie@epa.gov>
Cc: Harvey, Reid <Harvey.Reid@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Kocchi, Suzanne <Kocchi.Suzanne@epa.gov>; Irving, Bill <Irving.Bill@epa.gov>; Fawcett, Allen <Fawcett.Allen@epa.gov>
Subject: Re: Biomass Policy

Ex. 5 Deliberative Process (DP)

On Apr 23, 2018, at 8:41 AM, Krieger, Jackie <Krieger.Jackie@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Millett, John
Sent: Monday, April 23, 2018 8:36 AM
To: Krieger, Jackie <Krieger.Jackie@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Fwd: Biomass Policy

Heads up!

Sent from my iPhone

Begin forwarded message:

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Date: April 22, 2018 at 4:02:51 PM EDT
To: "Millett, John" <Millett.John@epa.gov>, "DeLuca, Isabel" <DeLuca.Isabel@epa.gov>
Cc: "Wehrum, Bill" <Wehrum.Bill@epa.gov>
Subject: Biomass Policy

Ex. 5 Deliberative Process (DP)

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

<Biomass policy statement_FINAL 2018 04 22.docx>

<Biomass policy statement_changes.docx>

Message

From: Noonan, Jenny [Noonan.Jenny@epa.gov]
Sent: 4/23/2018 5:02:50 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
CC: Wood, Anna [Wood.Anna@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]
Subject: FW: timing for biomass statement

FYI

From: DeLuca, Isabel
Sent: Monday, April 23, 2018 12:22 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: timing for biomass statement

Hi Jenny
Just heard that the press release on the policy statement will be issued at 1:30PM. I will post the statement just before that at: www.epa.gov/air-and-radiation/epas-treatment-biogenic-carbon-dioxide-emissions-stationary-sources-use-forest. I'll send you a link to the press release as soon as it's out.

Thanks,
Isabel

Isabel DeLuca
Office of Air and Radiation, US EPA
(202) 343-9247

Message

From: Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]
Sent: 1/10/2018 5:53:33 PM
To: Wood, Anna [Wood.Anna@epa.gov]
Subject: RE: Biomass Discussion Follow-up

Fine. I think Juan can handle it.

From: Wood, Anna
Sent: Wednesday, January 10, 2018 12:28 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Subject: RE: Biomass Discussion Follow-up

I do not plan on participating in this meeting unless you think I need too—please just let me know, thx

---

From: Santiago, Juan
Sent: Wednesday, January 10, 2018 8:06 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>; Harnett, Bill <Harnett.Bill@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>
Subject: RE: Biomass Discussion Follow-up

Sounds good. I also have the list of biomass permits (about 10) although I don't think we need to name the facilities or anything like that.

Juan

From: Koerber, Mike
Sent: Wednesday, January 10, 2018 8:04 AM
To: Santiago, Juan <Santiago.Juan@epa.gov>; Harnett, Bill <Harnett.Bill@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>
Subject: FW: Biomass Discussion Follow-up

Juan: How about using these three points today?

Mike

From: Koerber, Mike
Sent: Tuesday, October 17, 2017 7:54 AM
To: Santiago, Juan <Santiago.Juan@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>
Subject: RE: Biomass Discussion Follow-up

Thanks, Juan. It seems like there are three main takeaways here for Mandy – see below. Let me know if you have further thoughts. Thanks!

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. EPA developed (and SAB is currently reviewing) a report (*Framework for Assessing Biogenic CO2 Emissions from Stationary Sources*) which assesses the net atmospheric contribution of biogenic CO2 from particular feedstocks.

Ex. 5 Deliberative Process (DP)

3. Biomass permits are rare. Over the past 5-6 years, we have successfully issued (or assisted in issuance of) only a few facilities using biomass as a feedstock.

From: Santiago, Juan
Sent: Monday, October 16, 2017 3:22 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>
Subject: RE: Biomass Discussion Follow-up

Mike, here are some TPs that borrow heavily from older TPs on biomass. Let me know if you have any questions or edits. I don't intend on reading through these during the meeting or sharing them, instead they are just a reference for me.

Thanks!
Juan

From: Santiago, Juan
Sent: Monday, October 16, 2017 2:40 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>
Subject: RE: Biomass Discussion Follow-up

Mike, I am putting something together now and will share it with you soon.

Juan

From: Koerber, Mike
Sent: Monday, October 16, 2017 1:28 PM
To: Santiago, Juan <Santiago.Juan@epa.gov>
Cc: Wood, Anna <Wood.Anna@epa.gov>
Subject: RE: Biomass Discussion Follow-up

Steve asked about our message on NSR. Can you give me your talking points for this call? Thanks.

-----Original Appointment-----
From: Dunham, Sarah
Sent: Friday, October 13, 2017 11:48 AM
To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Harlow, David; Harvey, Reid; Gunning, Paul; Wood, Anna; Koerber, Mike; Simon, Karl; Greenglass, Nora; Kocchi, Suzanne; Santiago, Juan; Widawsky, David; Murphy, Tina; Krieger, Jackie; Clarke, Deirdre; Kinn, Alison; Schwab, Justin
Cc: Doster, Brian
Subject: Biomass Discussion Follow-up
When: Wednesday, October 18, 2017 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC-N 5400 + Video with OAQPS + 1 866-299-3188; Participant Code: Ex. 6 Personal Privacy (PP)

To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Harlow, David; Harvey, Reid; Gunning, Paul; Wood, Anna; Koerber, Mike; Simon, Karl; Greenglass, Nora; Kocchi, Suzanne; Santiago, Juan; Widawsky, David
Cc: Murphy, Tina; Krieger, Jackie; Clarke, Deirdre

Appointment

From: Koerber, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c513901d4fd49f9ab101a6f7a7a863e-Koerber, Mike]
Sent: 6/2/2020 2:36:23 PM
To: Baker, Sarah [baker.sarah@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Tsirigotis, Peter [tsirigotis.peter@epa.gov]

Subject: Canceled: Touch base on biogenic CO2 rule
Location: Ex. 6 Personal Privacy (PP)

Start: 6/2/2020 3:40:00 PM
End: 6/2/2020 4:00:00 PM
Show Time As: Free

Importance: High

Message

From: Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]
Sent: 2/26/2018 1:28:57 PM
To: Woods, Clint [woods.Clint@epa.gov]
Subject: RE: Tailoring Rule status report

Thanks!

From: Woods, Clint
Sent: Monday, February 26, 2018 8:23 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Subject: RE: Tailoring Rule status report

Thanks for following up – Works for me

From: Koerber, Mike
Sent: Monday, February 26, 2018 8:11 AM
To: Woods, Clint <woods.clint@epa.gov>
Subject: RE: Tailoring Rule status report

Good morning, Clint. Just checking to see if you had any further thoughts about this. OGC/DOJ need to file the status report later today. Thanks.

Mike

From: Koerber, Mike
Sent: Friday, February 23, 2018 1:35 PM
To: Woods, Clint <woods.Clint@epa.gov>
Subject: FW: Tailoring Rule status report

Ex. 5 Deliberative Process (DP)

From: Greenglass, Nora
Sent: Friday, February 23, 2018 10:31 AM
To: Montanez, Jessica <Montanez.Jessica@epa.gov>
Cc: Steller, John <Steller.John@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: RE: Tailoring Rule status report

Ex. 5 DPP/Attorney Client (AC)

Ex. 5 DPP/Attorney Client (AC)

Appointment

From: Koerber, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c513901d4fd49f9ab101a6f7a7a863e-Koerber, Mike]
Sent: 6/2/2020 2:10:26 PM
To: Baker, Sarah [baker.sarah@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Tsirigotis, Peter [tsirigotis.peter@epa.gov]

Subject: Touch base on biogenic CO2 rule
Location: Ex. 6 Personal Privacy (PP)

Start: 6/2/2020 3:40:00 PM
End: 6/2/2020 4:00:00 PM
Show Time As: Tentative

Message

From: Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]
Sent: 10/12/2017 1:23:08 PM
To: South, Peter [South.Peter@epa.gov]
Subject: Fwd: Biomass Discussion
Attachments: Procurement and Carbon Neutrality Options_Draft.docx; ATT00001.htm; Draft Biomass Policy Memo 071117-CLEAN v2.docx; ATT00002.htm

Sorry - thought you got these. OAP will distribute.

Sent from my iPhone

Begin forwarded message:

From: "Gunning, Paul" <Gunning.Paul@epa.gov>
Date: October 11, 2017 at 2:58:51 PM EDT
To: "Lewis, Josh" <Lewis.Josh@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>, "Wood, Anna" <Wood.Anna@epa.gov>, "Koerber, Mike" <Koerber.Mike@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>, "Greenglass, Nora" <Greenglass.Nora@epa.gov>, "Kocchi, Suzanne" <Kocchi.Suzanne@epa.gov>, "Santiago, Juan" <Santiago.Juan@epa.gov>, "Widawsky, David" <Widawsky.David@epa.gov>
Subject: RE: Biomass Discussion

Good to catch up with most of you today. As promised, attached you will find the following two background docs for the biomass meeting tomorrow (1) the draft policy memo that Sarah shared with Mandy back in July and (2) a one pager we received from Mandy on procurement/biomass (not sure who drafted it).

If anyone has any questions, feel free to give me a call

Thanks

Paul

202-343-9736

-----Original Appointment-----
From: Dunham, Sarah
Sent: Tuesday, October 03, 2017 10:11 AM
To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Harlow, David; Harvey, Reid; Gunning, Paul; Wood, Anna; Koerber, Mike; Simon, Karl; Greenglass, Nora; Kocchi, Suzanne; Santiago, Juan; Widawsky, David
Cc: Murphy, Tina; Krieger, Jackie; Clarke, Deirdre; Kinn, Alison
Subject: Biomass Discussion
When: Thursday, October 12, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC-N 5400 + Video with OAQPS + 1 866-299-3188; Participant Code: Ex. 6 Personal Privacy (PP)

To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Harlow, David; Harvey, Reid; Gunning, Paul; Wood, Anna; Koerber, Mike; Simon, Karl; Greenglass, Nora; Kocchi, Suzanne

Cc: Murphy, Tina; Krieger, Jackie; Clarke, Deirdre
<< File: Meeting Request Acting AA Sarah Dunham.docx >>

Message

From: Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Sent: 1/22/2020 7:33:15 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]
Subject: FW: Signed 1-7-20 - CMS AX-20-000-1832 - Bode - Biogenic CO2 Coalition
Attachments: Signed Response from Acting Assistant Administrator, Anne Idsal to Mr. John Bode dated 01-07-2020 - AX-20-000-1832.pdf

Here is the response. I will track down the incoming.

Cheryl Vetter
U.S. Environmental Protection Agency
OAQPS/AQPD/OPG (C504-03)
Research Triangle Park, NC 27711
Phone (919) 541-4391 Fax (919) 541-5509
Note: Positions or views expressed here do not represent official EPA policy.

-----Original Message-----
From: Long, Pam <Long.Pam@epa.gov>
Sent: Thursday, January 09, 2020 7:15 AM
To: Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Cc: Baker, Sarah <baker.sarah@epa.gov>
Subject: Signed 1-7-20 - CMS AX-20-000-1832 - Bode - Biogenic CO2 Coalition

See attachment. Thanks.

-----Original Message-----
From: Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Sent: Monday, December 30, 2019 9:31 AM
To: Long, Pam <Long.Pam@epa.gov>
Cc: Baker, Sarah <baker.sarah@epa.gov>
Subject: RE: CMS New Assignment - Jenny Noonan - AX-20-000-1832

We're checking. We know we sent it to someone, can't remember who...

Cheryl Vetter
U.S. Environmental Protection Agency
OAQPS/AQPD/OPG (C504-03)
Research Triangle Park, NC 27711
Phone (919) 541-4391 Fax (919) 541-5509
Note: Positions or views expressed here do not represent official EPA policy.

-----Original Message-----
From: Long, Pam <Long.Pam@epa.gov>
Sent: Monday, December 30, 2019 7:23 AM
To: Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Subject: FW: CMS New Assignment - Jenny Noonan - AX-20-000-1832

This is the control due 12/31 from the Corn Refiners Assoc. and Biogenic CO2 Coalition - do you know when it is coming my way to add to CMS? Thanks.

-----Original Message-----
From: cmsadmin@epa.gov <cmsadmin@epa.gov>
Sent: Friday, December 13, 2019 3:09 PM
To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Long, Pam <Long.Pam@epa.gov>; Miller, Patricia <Miller.Patricia@epa.gov>; Massey, Lana <massey.lana@epa.gov>
Subject: CMS New Assignment - Jenny Noonan - AX-20-000-1832

Control AX-20-000-1832 has been assigned to your office on 12/13/19 3:09 PM by Jenny Noonan. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-20-000-1832
Control Subject: Reading File - Treatment of Biogenic CO2 Emissions Under the Clean Air Act Permitting Programs
From: Monahan, Eamon; Biogenic CO2 Coalition

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 7, 2020

OFFICE OF
AIR AND RADIATION

Mr. John Bode
Chairman
Biogenic CO_2 Coalition
1701 Pennsylvania Avenue, Northwest, Suite 400
Washington, DC 20006

Dear Mr. Bode:

Thank you for your letter of December 13, 2019, to the U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler presenting scientific information regarding the treatment of biogenic carbon dioxide (CO_2) emissions from processing or use of agricultural crops. The Administrator asked that I respond to you on his behalf.

As you have noted, we are in the process of developing a proposed rule to establish the treatment of biogenic CO_2 emissions from certain biomass feedstocks under the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting program. As reflected in the Fall 2019 Unified Agenda, we are currently on track to propose this rule in the spring.

We have heard the concerns of the agricultural crop producers and processors, as well as those of many other stakeholders who have met with us and provided comments in the context of this and other rulemaking actions. We intend to address these concerns and are working to establish the treatment of biogenic carbon emissions under the PSD permitting rules for stationary sources. In addition to this particular rulemaking, we also continue to consider the appropriate treatment of biogenic carbon emissions in this and other regulatory contexts.

As part of the current rulemaking process, we will be working with our interagency partners in the U.S. Department of Agriculture, the U.S. Department of Energy, and the White House Office of Management and Budget.

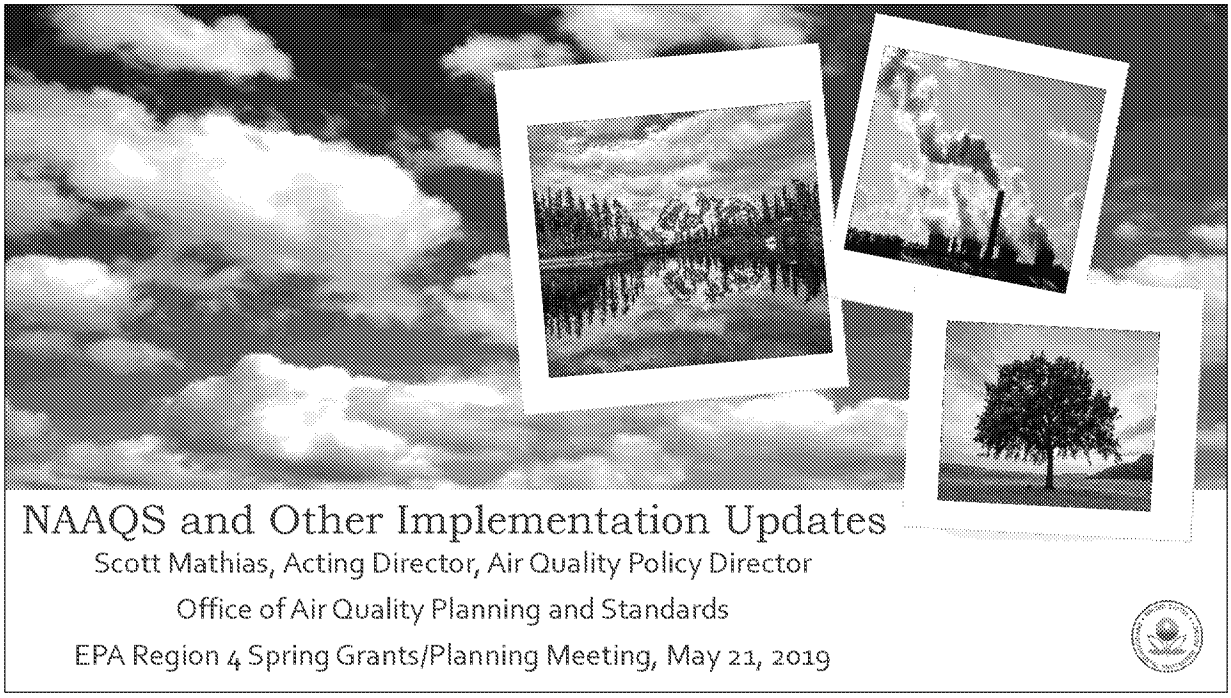
ED_004741_00140411-00001

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Scott Mathias in the EPA's Office of Air Quality Planning and Standards at mathias.scott@epa.gov or at (919) 541-5310.

Sincerely,

Anne L. Idsal
Acting Assistant Administrator

cc: Eamon Monahan, Corn Refiners Association
Robin Bowen, Corn Refiners Association



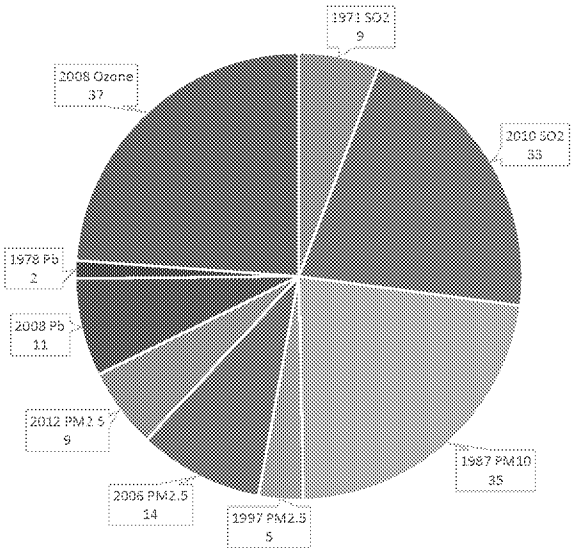
5/16/19 11:00

With talking points

OVERVIEW

- EPA's Clean Air Priority Goal: Reduce Number of Nonattainment Areas
- EPA Cross-Cutting Goal: SIP Process Improvements
- NAAQS Implementation Updates
  - Ozone
  - Sulfur Dioxide (SO_2)
  - Fine Particulate Matter ($PM_{2.5}$)
- Transport
- Exceptional Events
- Regional Haze
- Startup, Shutdown, and Malfunction (SSM) Policy
- NSR and Title V Permitting Updates

Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (status as of March 2019)



EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.

For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:

- A demonstration that the area has air quality that is attaining the NAAQS;
- Establishing that pollution reductions are due to implementing permanent and enforceable measures;
- A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
- Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

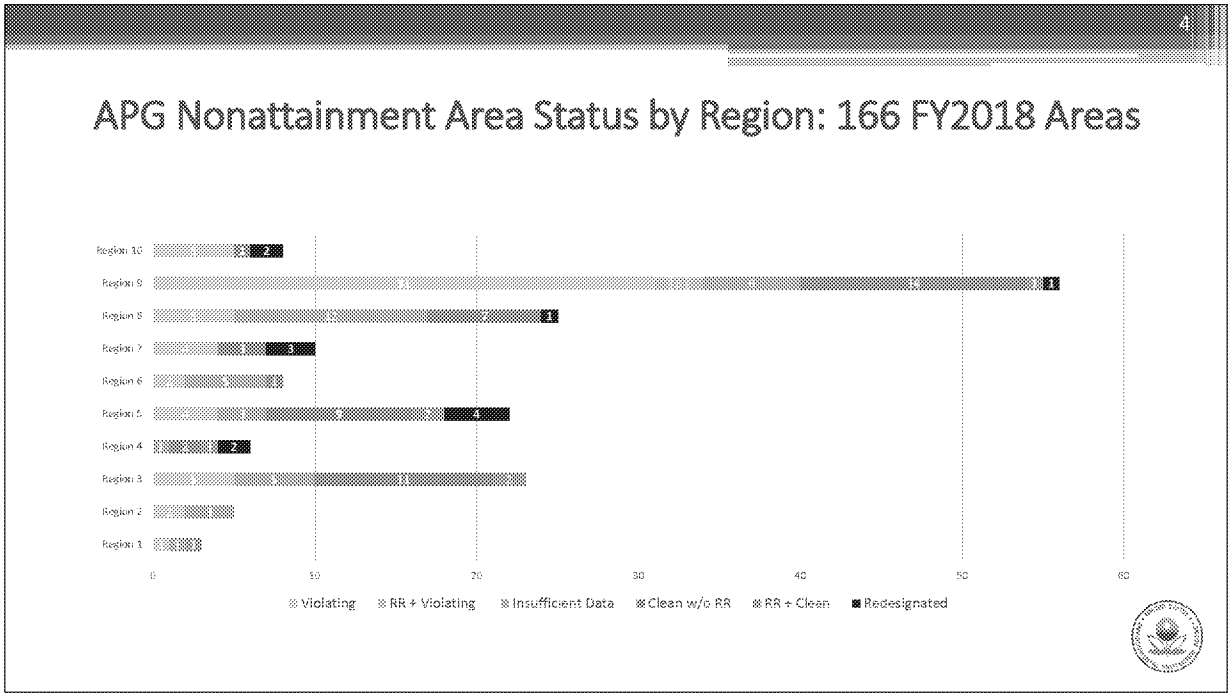
Updated 5/15

The baseline is the 166 areas designated nonattainment on October 1, 2017.

The baseline does not include the areas designated nonattainment after October 1, 2017
2015 ozone nonattainment areas (52)
2010 SO2 nonattainment areas (6 of 42)
1997 ozone nonattainment areas (35)

7 areas redesignated to attainment/maintenance in FY18.

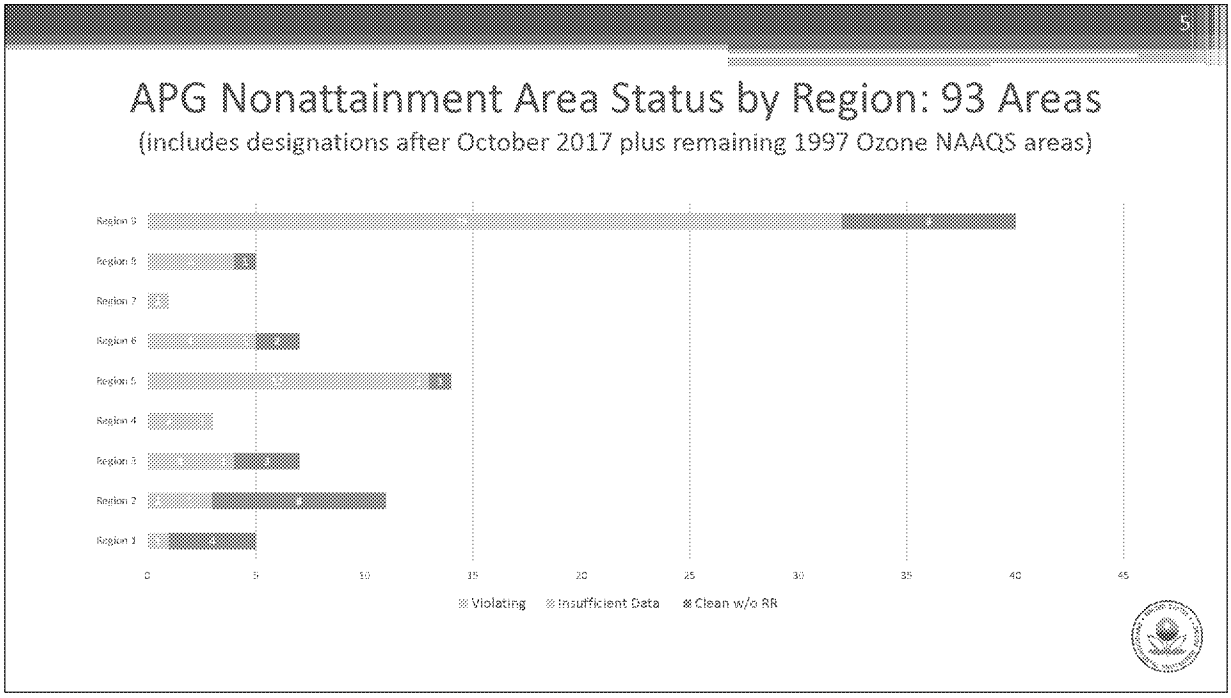
6 areas fully redesignated to attainment/maintenance in FY19 to date.
A few partial areas, including MO part of PM2.5 St. Louis.
The St. Louis "area" is counted as nonattainment until IL part redesignates.



Areas in nonattainment status as of October 1, 2017, for non-revoked standards.

55 areas with Clean Data
Including 7 with Redesignation Requests

36 areas with Insufficient Data



Areas designated nonattainment effective after October 1, 2017, plus remaining 1997 Ozone NAAQS nonattainment areas.
27 areas with Clean Data

9 areas with Insufficient Data

State Plan Electronic Collaboration System (SPeCS) for SIPs

SIP Processing Improvements

- Since January 2018, EPA have been focusing efforts on developing the internal Clearinghouse
  - The Clearinghouse is the EPA-facing portion of the system that manages and tracks submissions
  - The Clearinghouse will replace existing EPA IT systems and databases, which contain decades' worth of SIP information
- To date, states have submitted a total of **414 submissions** (357 official submissions and 57 draft submissions) SIP revisions via SPeCS since January of 2018

Plans for 2019 and Beyond

- Complete Public Dashboard
- Complete SIP Issue Tracker
- Develop an Exceptional Events Demonstration Module
- Develop the Regional Haze Module
- Develop Administrator Module
- Coordinate SPeCS with SIP Lean Efforts
- Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback

SIP Process Improvements – Early Engagement

- Ozone Quick Start Guide
- Early engagement during SIP development
- Upcoming activities:
  - Review and updating of SIP Toolkit SharePoint site
  - Review and updating of external-facing "SIP streamlining" website
  - Development of New Process Standard Operating Procedure
  - Consideration of key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval

Vera 3/12/19
Key focus of our current SIP process improvements (both internal and external facing) is around a concept of "early engagement."

Ensure that air agencies and EPA are engaged early during the SIP development process so that by the time a SIP is formally submitted to EPA for action, key approvability issues have been identified and resolved as much as possible.

Mia 3/12/19
Use SPeCS to submit your draft submissions, as well as, your official submissions to EPA.

The Ozone Quick Start Guide provides sample timelines for each year different SIP requirements are due for the 2015 ozone nonattainment areas.
Intended to help air agencies develop SIPs upon which EPA can take timely action.

Looking at ensuring that website resources on SIP development and processing are up-to-date. To that end, we are looking at the two primary websites that contain SIP processing information. One is the SIP Toolkit SharePoint Site for EPA and States. The other is an external facing website on SIP streamlining.

EPA's regional offices are continuing to work with our state/local partners to identify the best path forward for the backlogged SIP submittals. As part of those conversations, we expect to continue to discuss and explore timely options to resolve SIP submittals where withdrawal or disapproval are possibilities, among other approaches.

To the extent you are aware that a SIP submittal is outdated or superseded, please coordinate with your region to help remove the outdated/superseded SIP from EPA's review queue.

2015 Ozone NAAQS: Quick Start Guide

- On February 26, 2019, EPA posted the **Quick Start Guide** at: https://www.epa.gov/air-quality-implementation-plans/guidance-streamlining-sip-process
- Document brings together EPA and state air agency work to "lean" SIP development and processing with requirements associated with attainment planning for 2015 ozone NAAQS nonattainment areas and OTR states
- Checklists lay out a sample timeline of key milestones intended to help EPA, state and local air agencies collaborate early and throughout the SIP development process for the 2015 8-hour ozone standard
- "Early engagement" is a critical component to supporting air agencies in the development of approvable SIPs and EPA in taking timely action on SIPs

3/14

The Guide is mainly focused on nonattainment area planning obligations.

Region 4 will cover at 3:00 pm.

2015 Ozone NAAQS Update

- 2015 Ozone NAAQS signed 10/1/15 (80 FR 65292; 10/26/15)
  - Several environmental and health organizations, industry groups, and some states filed petitions for judicial review (Murray Energy v. EPA, No. 15-1385, and consolidated cases)
  - The D.C. Circuit heard oral argument in those challenges on December 18, 2018
  - No opinion issued yet
- 2015 Ozone NAAQS SIP Requirements Rule (83 FR 62998; 12/6/18)
  - On February 4, 2019, Downwinders at Risk, Sierra Club, and National Parks Conservation Association filed a petition for review of the final 2015 ozone NAAQS SIP Requirements Rule in the D.C. Circuit
  - On March 11, 2019, the petitioners' filed their statement of issues related to:
    - NNSR interprecursor trading
    - RFP requirements
      - Milestone compliance demonstrations
      - Alternative baseline year
    - Early implemented contingency measures

3/14
Details for 1st bullet:
In case of a follow up question on the timing of the decision:
It's difficult to predict when the court will act, but in our experience (per Susan Stone/HEID), the D.C. Circuit typically issues opinions about 4-6 months after oral argument.
Details for 3rd bullet:
NNSR interprecursor trading – Did EPA unlawfully or arbitrarily authorize inter-pollutant trading or offsetting to satisfy permit requirements for construction of new or modified major sources in ozone nonattainment areas?

RFP requirements
Milestone compliance demos – did EPA unlawfully or arbitrarily allow ozone nonattainment areas to claim they have met their milestones by showing only that they have implemented controls that were previously predicted to accomplish the required reductions, without regard to whether actual emissions in the area went down by the required amount?
Alternative baseline year – did EPA unlawfully or arbitrarily claim discretion to allow states to choose the baseline year, thus allowing states to minimize or even avoid having to make the required reductions?

Contingency measures – did EPA unlawfully or arbitrarily allow nonattainment areas to meet the contingency measure requirement by identifying measures that will already have been implemented at the time of a failure to meet a milestone or attain?

Progress on Ozone NAAQS Attainment

(as of May 2019)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)	2015 NAAQS (2018 Designations)
Initial Nonattainment Areas	115	46	52
Areas Redesignated to Attainment	80 (prior to revocation)**	9	0
Current Nonattainment Areas	35	37	52
Clean Data Determinations	26	17*	0

*Includes 15 Marginal area determinations of attainment by the attainment date and 2 Moderate area clean data determinations.
**Standard was revoked effective 4/6/2015.

[CBS UPDATED 3/14/2019]

NOTE regarding footnote*: the 2 Moderate nonattainment areas receiving CDDs are Baltimore MD, and Mariposa County CA. The Atlanta area has a CDD and is the only Moderate area redesignated to maintenance. Jamestown, NY has DAAD by the Marginal attainment date and CDD.

NOTE regarding footnote**:
One impact of South Coast II may be that EPA has an obligation to go back in time to 4/6/2015 to determine if any mandatory reclassifications for failure to attain by the attainment date are necessary.
For example, in 2014 EPA proposed a reclassification of Dallas from Moderate to Serious, but did not finalize that action because we revoked the 1997 NAAQS.

2010 SO_2 NAAQS Implementation: Nonattainment Area Overview

Designation Round	Number of Nonattainment Areas	Designation Effective Date	Attainment Plan Due Date	Attainment Date
1	29	October 4, 2013	April 4, 2015	October 4, 2018
2	4	September 12, 2016	March 12, 2018	September 12, 2021
2	3	January 12, 2022	July 12, 2018	January 12, 2022
3	6	April 9, 2018	October 9, 2019	April 9, 2023
4*	TBD	TBD	TBD	TBD

*Designations must be completed by December 30, 2020

Updated 5/16
Round 1 area history:
Areas that have been redesignated to attainment or received a Clean Data Determination (CDD):
Billings, MT
Campbell/Clermont, KY-OH
Jefferson Co., MO (CDD)
Areas that have fully approved SIPs:
Hillsborough FL
Nassau County FL
Pekin IL
Lemont IL
Central NH
Miami AZ
Warren PA
Proposed approval for the following areas:
Muscatine, IA (held up due to SSM)
Indiana PA
Sullivan County, TN
St. Bernard Parish, LA
Remaining areas are being worked on.

Round 2 – September and December 2016: EPA finalized designations for 65 areas including 7 nonattainment areas, 41 unclassifiable/attainment areas, and 17 unclassifiable areas
Litigation for Round 2 Designations

In Masias et al. v. EPA (10/19/18), the court ruled in favor of EPA and dismissed or denied three petitions for review

(Per GSG 3/21)
Round 3/4:
EPA finalized the Round 3 designations on December 21, 2017, for all remaining areas of the country excepting approximately 50 areas to be designated in Round 4.
Early indications are that several sites are showing violations of the NAAQS. EPA will begin engaging Round 4 states in 2019.
NOTE: EPA will not have a valid design value for Round 4 areas until after 2019 (DV will be based on the 2017-2019 monitoring data).

Round 4 – Potential Timeline;

If violating then it meets defn of nonattainment.

For specific language from “revisit” letter refer to the fact sheet in your background section of notebook.

Progress on 2010 SO_2 NAAQS Attainment
(as of March 2019)

	Round 1	Round 2	Round 3
Initial Nonattainment Areas	29	7	6
Areas Redesignated to Attainment	2	0	0
Current Nonattainment Areas	27	7	6
Clean Data Determinations	1	0	0

[CBS UPDATED 3/14/2019]

Billings, MT: EPA published the final notice approving the maintenance plan and redesignation for the area on May 5, 2016.

Campbell/Clermont, KY-OH: EPA published the final notice approving the maintenance plan and redesignation for the area on November 21, 2016.

Jefferson Co., MO (CDD): EPA issued a CDD for the area on September 13, 2017.

Interstate Transport: 2015 Ozone NAAQS

- Good Neighbor SIPs for the 2015 ozone NAAQS were due October 1, 2018. EPA is committed to a "SIP First" approach.
- To date, EPA has released three memoranda intended to assist states in developing and submitting, and to assist EPA in its review of, interstate transport SIPs that address the good neighbor requirements with respect to the 2015 ozone NAAQS.
  - **March 2018 Memo: Information on the Interstate Transport SIP Submissions**
  - **August 2018 Memo: Analysis of Contribution Thresholds (Step 2)**
  - **October 2018 Memo: Considerations for Identifying Maintenance Receptors (Step 1)**
- These memoranda are available on EPA's website at https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs
- EPA encourages consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach

Palma 3/25/19

States are required to submit "good neighbor" SIPs within 3 years of promulgation of a new or revised NAAQS. For the 2015 ozone NAAQS, SIPs were due on October 1, 2018.

For the 1997 and 2008 ozone NAAQS, EPA developed regional rulemakings (i.e., FIPs) to address the good neighbor provisions for covered states. For the 2015 ozone NAAQS, EPA is committed to a "SIP-first" approach. In 2018, EPA developed 3 memoranda and hosted outreach calls with stakeholders to assist states in preparing fully approvable good neighbor SIPs for the 2015 ozone NAAQS.

EPA released the first memorandum on March 27, 2018. This memorandum conveyed modeling results and the contribution metrics for the 2015 standard. The modeling information included the same 2023 design value information that we released with our October 2017 memorandum but also provided contribution metrics for 2015 (note: we did not include contribution metrics with the October 2017 memo, because, for 2008 (75 ppb), we indicated that there would be no nonattainment or maintenance issues in 2023).
Example concepts: use of 1 ppb vs 1% threshold, use of non-EPA modeling, reliance on different base year (with consideration of meteorological conduciveness), conclusions that emissions trends will continue to decrease, consideration of potential/expected additional cost-effective NOx emissions reductions, consideration of international emissions
Attachment A to this memorandum identified potential flexibilities that states may be able to use in applying EPA's (or their own) modeling results or other approaches in developing approvable SIPs for the 2015 ozone NAAQS

In April 2018 and July 2018, EPA hosted national outreach calls to discuss both the modeling results and the identified flexibilities. We asked stakeholders to provide additional feedback.

Following those calls, we identified the following work products as additional tools that states may be able to use to aid their SIP development:
Stakeholder-submitted comments on the identified flexibilities and EPA's comment summary document (posted to EPA's website on 8/16/18)
Thresholds analysis (1%, 1 ppb, 2ppb) – signed on 8/31/18 and posted to EPA's website on 9/4/18.
Identification of maintenance receptors to include an analysis of meteorological conduciveness – signed and posted to EPA's website on 10/19/18.

EPA continues to work on tools and implementation aids to support the development of 2015 transport SIPs. We will let stakeholders know as we post any new information. We will also communicate closely with air agencies as they prepare and submit SIPs to address the good neighbor provisions for the 2015 ozone NAAQS.

As we move forward, we encourage consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach.

Section 126 petitions (we do not have a slide but here is status):
It was filed by NY, received on March 14, 2018.
The NY petition named more than 350 EGU and non-EGU sources projected to emit at least 400 tpy of NOx in 9 upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV) and addressed both the 2008 and 2015 ozone NAAQS.
On May 11, 2018, EPA extended the deadline to act on the NY petition by 6-months to November 9, 2018.
On April 12, 2019, NY filed a complaint for failure to perform a mandatory duty. We are not currently operating under any court ordered deadline.
On May 6, 2019, the Administrator signed the proposal. The public hearing is scheduled for June 11 in DC and the public comment period will close on July 15.
Note: action is likely to pub on May 17, although we do not have confirmation of this yet.

Exceptional Events Update

- We have concurred on 25 demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
  - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
  - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
  - **Clarification Memo on Data Modification – Released April 4, 2019**
  - **Prescribed Fire Guidance – Ready to begin OMB interagency review process**
- EPA's exceptional events webpage provides key resources, including example demonstrations, and will continue to be updated as new materials become available
  - https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events

4/9/19

Stratospheric Ozone Intrusion Guidance: The guidance is intended to assist air agencies in preparing demonstrations for stratospheric ozone intrusions that satisfy the requirements of the Exceptional Events Rule. This document provides example language and example technical analyses that air agencies may use in demonstrations.

Updated High Wind Dust Event Guidance: The guidance is intended to assist air agencies in satisfying the requirements of the Exceptional Events Rule for high wind dust (i.e., PM10 and PM2.5) events and to provide example language and analyses for demonstrations. The document is a comprehensive update of the 2013 Interim Guidance for High Wind Dust Events.

Clarification Memo on Data Modification: The memo is intended to clarify the types of regulatory determinations, actions, and analyses for which EPA may consider certain modified air quality monitoring data. More specifically, the memo clarifies for which regulatory determinations a request to exclude monitoring data may be made under the Exceptional Events Rule. The document also identifies other determinations, actions, and analyses that are not covered by the Exceptional Events Rule, but for which the exclusion, selection, or adjustment of monitoring data may be appropriate and allowable under other sections of the Clean Air Act and EPA rules or guidance (e.g., modeling for PSD background).

Prescribed Fire Guidance: This guidance is an addendum to the Wildfire Ozone Guidance released in 2016. The document provides information to support the development of demonstrations under the Exceptional Events Rule for prescribed fires that may have influenced ozone or particulate matter concentrations.

Regional Haze: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap
- Key principles for implementation of the second planning period include:
  - Ensuring that states have the information they need to develop approvable regional haze plans
  - Ensuring that states have discretion and flexibility to select sources for reasonable progress analysis and whether and how to control sources of visibility-impairing pollutants
  - Ensuring that we are on a path that enables compliance with the Clean Air Act and improved visibility in Class I areas

Updated 5/16

Roadmap outline the implementation tools and guidance products that EPA will release over the next year to help states during their 2021 SIP development

Our primary focus is supporting states for their SIP development work already underway for the second period, which I'll focus on today.

Consistent with these key principles, EPA is looking closely at what air agencies may need to develop approvable SIPs for the second planning period, recognizing that many air agencies/multi-jurisdictional planning organizations are already underway with SIP development.

With particular regard to the guidance, EPA is considering whether there are aspects of the draft guidance that are ambiguous and/or do not provide air agencies with the type of support that's needed at this time to enable development of approvable SIPs.

EPA is considering these principles while we develop guidance for the second planning period. Specifically with regard to providing air agencies with additional information and context regarding selection of sources for consideration, consideration of visibility benefits along with the four statutory factors for reasonable progress, and the relevance of previous decisions to adopt emission control measures to meet other CAA requirements.

Information Outlined in EPA's Roadmap for the Second Planning Period

- **Fall 2018** – Final recommendations on selecting the 20% most impaired days, including methods for adjusting the glidepath (Section 5 of 2016 Draft Guidance)
  - ✓ Finalized December 20, 2018
- **Spring 2019** – Update, as necessary, natural visibility conditions estimates
- **Spring/Summer 2019** – Update 2028 visibility modeling platform (incl. estimates of US and international source contributions for Class I Areas)
- **Summer 2019** – Final guidance on regional haze SIP development will focus on topics such as:
  - Additional information and context regarding screening sources before in-depth analysis, including relevance of previous decisions to adopt emission controls to meet other CAA requirements
  - Consideration of visibility benefits along with the four statutory factors

[GSG – 3/12/19]
[Vera – 3/15/19]

On December 20, 2018, We finalized the "Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program." which is available on our visibility webpage.
We continue to participate in recurring MJO regional haze calls to stay apprised of state and MJO progress and approaches that we are keeping in mind as we develop the final guidance
[If asked: We are making good progress, but are still assessing what impact, if any, the government shutdown will have on our timeline for releasing the remaining products, but our continued goal is to get them out as soon as possible as we know states are already working on their second period SIPs.]

OMB has requested to review the RH guidance so timing has been delayed from spring to summer 2019.

What's on the Horizon for the Second Planning Period

- SIPs due by July 2021
- EPA will complete Roadmap products in Spring/Summer 2019
- Some states plan to submit in 2019
- Regional Offices are available for questions or preliminary feedback
- We encourage early engagement on these SIPs

[GSG – 3/12 – New slide]

Looking forward to the second implementation period, we expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

SSM SIP Call Under Policy Review

- Final SSM SIP Action of 2015 concerned SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
  - Included SSM SIP Call that applied to 36 states (45 jurisdictions)
- Judicial review of the SSM Action is pending before the D.C. Circuit, but case is currently being held in abeyance to allow for review within EPA
- On October 16, 2018, EPA granted TCEQ's petition for reconsideration with respect to the Texas SIP call for certain affirmative defense provisions in Texas' SIP

3/14
Challenges to the SSM Action are pending before the D.C. Circuit in Case No. 15-1239 (and consolidated cases) captioned Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA (formerly captioned Walter Coke, Inc. v. EPA, Case No. 15-1166).

Although the court is holding this case in abeyance, neither the court nor EPA has stayed the SSM Action. SIPs were due November 22, 2017.

EPA stated in its most recent 90-day status report filed 2/8/19 with the court that EPA is continuing to review the SSM Action to determine whether to reconsider all or part of the SSM Action and also continues to consider what action to take following the Agency's decision to grant, in part, TCEQ's administrative petition for reconsideration of the Texas SIP call.

If asked about Bill previous comments at AAPCA, you can say that "At this point, we continue to review the final SSM Action to determine next steps, and we appreciate your continued patience as we do that."

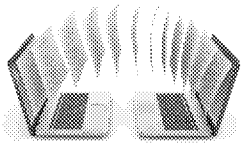
Generally, EPA is not taking action with respect to any SSM-related SIP provisions until the Administrator's Office has completed its full review of the SSM Action. Thus, all SIP actions that concern SSM provisions are considered "on hold until further notice."

Once the Administrator has completed its review, EPA Regional Offices will be advised as to how to act on SSM-related SIP submissions.

Submissions made. As of May 2018, EPA has:
Received submissions from 30 of the 45 SIP jurisdictions (among 25 of the 36 states SIP-called).
Approved a corrective SIP revision for Tennessee's Knox County AQMD (final rule published 12/16/2016 at 81 FR 91033).
Proposed approval for another 5 SIP jurisdictions, most recently through notice published 5/1/17.

EPA's Electronic Permitting System (EPS) for State-Issued Permits

- The EPS is based in the EPA's Central Data Exchange (CDX) and utilizes the same platform as State Planning Electronic Collaboration System (SPECS) for SIPs
- Our goal is to provide a consistent means for transmitting permits to the EPA for review and to provide information on the status and official communications back to the permitting authority
- We are looking for states that want to volunteer to begin using the system in order to provide feedback and suggestions for enhancements



3/21

The system borrows many of the same modules that states are already familiar with from SPECS for SIPs, such as the state landing page with a summary of all submissions, similar forms, and custom notification settings.

We want to work with the states in exploring the possibility of EPS communicating with and gathering information from state electronic systems that are already tracking permits at the state-side.

NSR Improvement Phase 1 Actions

Phase 1 | Phase 2

- Actual-to-Projected-Actual Applicability Test Guidance Memorandum
- Project Emissions Accounting Memo
- Once-In-Always-In Policy Change
- Source Aggregation
  - Common Control Guidance, Meadowbrook Letter
  - Draft Guidance on Interpreting Adjacency
- $PM_{2.5}$ and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Draft Ambient Air Policy

3/14

Actual-to-Projected-Actual Applicability Test Guidance Memorandum (12/7/17)
Project Emissions Accounting Memo (3/13/18)
Once-In-Always-In Policy Change (done need to check date)
Source Aggregation
Common Control Guidance, Meadowbrook Letter (4/30/18)
Draft Guidance on Interpreting Adjacency (9/5/18)
PM2.5 and Ozone SILs Guidance (4/7/18)
Project Aggregation Reconsideration Final Action (11/15/18)
Draft Ambient Air Policy (released 11/9/18

Ongoing Phase 1 Actions

Phase 1 | Phase 2

Action	Status	Target Date
Final Adjacency Guidance	Reviewing Comments	Summer 2019
Final Ambient Air Guidance	Reviewing Comments	Summer 2019
NPRM Project Emissions Accounting		Summer 2019
NPRM Treatment of Biomass for Permitting		TBD

5/14

Final Adjacency Guidance : This guidance clarifies how we interpret "adjacent" for all industries other than oil and gas operations. Comment period closed October 5, 2018.
OMB has requested to review so timing moved from spring to summer 2019.

Final Ambient Air guidance: This guidance clarifies that public access need not only be prevented by a fence or physical barrier; effective measures (such as patrols, cameras etc) may also be used. The comment period ended on January 11, 2019.
OMB has requested to review so timing moved from spring to summer 2019.

NPRM Project Emissions Accounting; This proposed rule clarifies and codifies the March 2018 guidance memo on Project Emissions Accounting i.e that emissions decreases can also be considered with emissions increases in Step 1.

NPRM Biomass - EPA considering regulatory approaches related to the treatment of biogenic CO2 emissions from stationary sources

Upcoming Phase 2 Improvement Actions

Phase 1 | Phase 2

Action	Target Date
NPRM NSR Error Corrections Rule	Summer 2019
NPRM Oil and Gas FIP Part I Registration Form Amendment	Summer 2019
Begin Actual Construction Guidance (Draft)	Fall 2019
Routine Maintenance Repair and Replacement (RMRR) Guidance (Draft)	Fall 2019

3/21

NSR Error Corrections Rule: This rule would correct errors in NSR regulations (over the years) due to typos, incorrect citations; FR's not updated to remove vacated elements etc

NPRM Oil and Gas FIP Part I Registration Form Amendment: This rule would reduce the pre-construction waiting period by up to 30 days; Rather than submitting the Part I Registration Form after the 30-day approval of the ESA/NHPA screening determination submission, oil and gas sources can submit the Part I Form concurrently with the screening submission.

BAC Guidance: This guidance would evaluate potential flexibilities that may be appropriate in allowing certain non-emitting activities to construct prior to getting a permit.

RMRR Guidance: This guidance would clarify that assessment of "Routine" should be done based on industry and not the 'source' in question

Upcoming Phase 2 Improvement Actions (con't)

Phase 1 Phase 2

Action	Target Date
Plantwide Applicability Limit (PAL) Guidance (Draft)	Fall 2019
NSR Actual to Projected Actual Applicability Test (ATPA) Guidance (Draft)	Fall 2019
2010 NSR Reconsiderations (Reasonable Possibility, Fugitive Emissions and Ethanol)	TBD
NSR E-Guidance Compendium and Training	December 2019

3/21

PAL Guidance: This Guidance would evaluate any potential flexibilities/clarifications that may be appropriate for PAL renewals, permit reopening, and PAL expiration.

NSR ATPA Test: This Guidance would provide clarity on several aspects of the applicability test including "could have been accommodated", "excludable emissions" etc

NSR Reconsiderations: We are hoping to close out these pending Reconsiderations from 2010

NSR E-Guidance Compendium: We intend to develop an electronic NSR Guidance database to streamline and make the system user friendly. It would also provide a one stop shopping of applicable statute, regs, links to guidance documents

NSR Training: We intend to develop training modules to address the training needs of State/Local air agencies.

Title V Permitting

- Rulemakings in Progress
  - Finalize Title V Petitions Process Rulemaking – Summer 2019
- Process Improvements
  - Increased use of electronic systems
    - EPA's Electronic Permitting System for EPA Review of State Air Permits
      - State workgroup will begin in June 2019 to test the system and provide feedback.
  - Petition Resolution
    - Resolving more petitions (see Appendix)
    - Addressing petitions more quickly
- Lean Kaizen Event held last year (Heather will cover in more depth)
  - Overall goal for Agency-issued permits is 6 months from receipt
  - Currently tracking against statutory 18-month deadline
  - Begun work on an electronic permitting system for EPA to receive electronic title V and NSR applications

3/14

Petitions process rulemaking – Finalizing this rule closes out the last remaining issues from the Title V task force (related to the requirement to respond to comments)
Electronic systems –
CDX for petitions
Currently piloting Electronic Permitting System (EPS) for EPA Review of State Air Permits with Region 9 and 10
State workgroup forming with 16 state and local permitting authorities

Petitions – see Appendix Slide
Have resolved petitions with deadlines
Continuing to resolve older petitions
Able to assign petitions as they come in (rate at which they are coming in has slowed)
Working with states on more global solutions (assisting states with comment responses, identifying issues in common with other petitions)

Title V Petitions

- Title V Petitions continue to be a substantial work load
- Petitions Received FY2018 – 10
- Petitions Resolved FY2018 – 34
  - 19 Resolved by Orders
  - 15 Resolved by other means (petitioners agreed to withdraw, previous responses identified)
- New petitions Received so far in FY2019 – 6
- Petitions Resolved so far in FY2019 – 16

Updated 5/16

2019
5 Petitions Received so far in FY2019
Lasalle Bioenergy, Otter Tail, Montgomery County, Wheelabrator Concord, New York Bay Cogeneration Highland Pellets
16 petitions Resolved in FY2019
Welsh
Suncor
Hanford
PNG Wadesboro
Cargill
Hyland Landfill Scott Petition and 1 non 505(b)(2) letter
Algonquin – incl. 8 petitions and 2 non-505(b)(2) letters
Ameren Labadie
Ameren Sioux

Petitions Resolved in 2018:
Orders
Linn/Berry (2), Gallatin (2), Wheelabrator, Exxon Olefins, Hunter, Wisconsin Proppants/Silica Sands (2), Big River Steel, Yuhuang (2), Raven, Exxon Refinery, Motiva, Pasadena, South Louisiana Methanol (2), Phillips 66

Resolved by Other Means (based on our review of petitions, identified some where facilities had closed, asked petitioners to withdraw)
BC Cobb (Petitioner withdrew)
Indiana Harbor Coke (letter sent to petitioner - this was a draft permit, too early for petition)
Reichold (petitioner withdrew)
Indian River (petitioner withdrew)
General Chemical (petitioner withdrew)
Corette (petitioner withdrew)
Entergy (4) petitioner withdrew
Sunbury (plant closed, consent decree resolved)
Shawville (plant closed, consent decree resolved)
NRG – state corrected permit

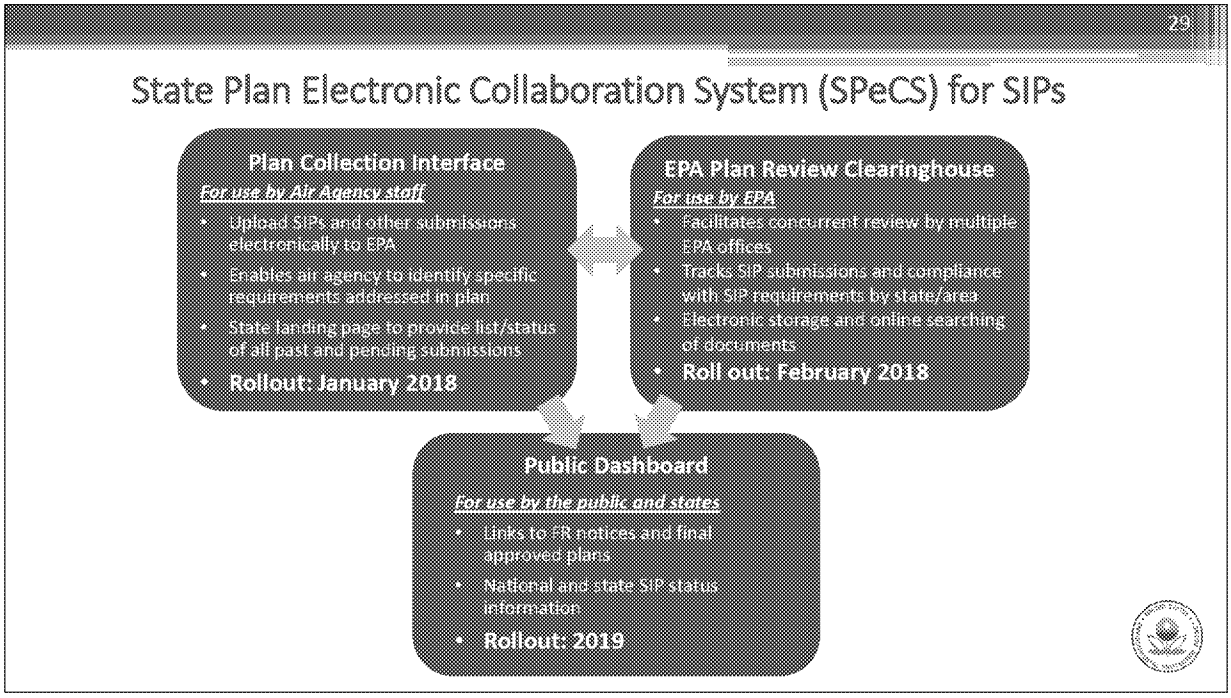
No NSR lookback – challenge in DC Circuit is based on this being a new, national policy – we say it isn't.

EPA's Electronic Permitting System (EPS) for State-Issued Permits

- Features of EPS:
  - Receive draft, proposed, and final title V permits and draft and final NSR permits
  - Includes a form where states can provide general information on the facility (which is pulled using the EPA's Facility Registry Service), the type of permit, whether there were public comments, an attachment field for the permit record, etc.
  - Includes a permit collection interface page for each permitting authorities that provides states the ability to submit new permits, update previously submitted permits, and view all pending and final submissions to the EPA

Questions and Comments

APPENDIX



3/12

SPeCS is comprised of three main components:
Plan Collection Interface: a more advanced version of the current eSIP system that allows states to upload state submissions and related data electronically
EPA Clearinghouse: internal EPA area for review of state submissions and tracking of CAA requirements
Public Dashboard: an EPA website for providing SIP-related information to the public

There are three major components for SPeCS for SIPs:
The "Landing Page" will provide a searchable list of the state's past and pending submissions.
Builds upon the existing eSIP system
Provides searchable access to previously submitted plans from the state "landing page"
Supports submission of plans using a web-based interface
Includes customized screens for different plan types, file upload capability, and completeness checks; and
Provides air agencies users with a simple, organized and consistent approach to submitting plans.
An EPA Clearinghouse for EPA only. Will be launching for EPA users in a couple of weeks.
Consolidates AirTrax and FRED functionality
Provides EPA a centralized location to manage plans.
Supports concurrent plan review by multiple offices
Provides system for identifying, elevating and resolving policy and technical issues in consistent manner
Tracks compliance of each plan with specific CAA and regulatory requirements
Provides searchable access of submissions
Integrates multiple existing EPA internal tracking systems into one
By supporting more efficient processes for plan submissions and EPA reviews, SPECS should help reduce the SIP backlog.
A Public Dashboard for the public and stakeholders.
Provides up-to-date plan status information
Links to comprehensive plan submissions and EPA Federal Register actions
Provides national and state SIP status summary information

Progress on $PM_{2.5}$ NAAQS Attainment
(as of March 2019)

	1997 $PM_{2.5}$ (2005 Designations)	2006 $PM_{2.5}$ (2009 Designations)	2012 $PM_{2.5}$ (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	34	18	0
Current Nonattainment Areas	5 *	14	9
Clean Data Determinations	4	9	3

*Includes St. Louis, MO-IL area. Missouri portion of area redesignated on 10/2/2018. Waiting for 3 years of monitoring data from Illinois side of nonattainment area.

[CBS UPDATED 3/14/2019]

For 2012 PM2.5 NAAQS, final CDD's published for Delaware County, PA, Lebanon County, PA and West Silver Valley, ID

Remaining nonattainment areas by PM2.5 NAAQS:

1997 PM2.5 NAAQS –
SERIOUS
San Joaquin Valley, CA
CDD:
Libby, MT
Liberty-Clairton, PA
Los Angeles-South Coast Air Basin, CA
St. Louis, MO-IL (MO part of area is maintenance)

2006 PM2.5 NAAQS –
SERIOUS
Fairbanks, AK
Los Angeles-South Coast Air Basin, CA
Provo, UT
Salt Lake City, UT
San Joaquin Valley, CA
MODERATE
Logan, UT-ID (received two 1 year extensions)
CDD:
Imperial Co, CA
Klamath Falls, OR
Liberty-Clairton, PA
Logan, UT-ID
Nogales, AZ
Oakridge, OR
Sacramento, CA
San Francisco Bay Area, CA
West Central Pinal, AZ

2012 PM2.5 NAAQS –
MODERATE
Allegheny County, PA
Cleveland, OH
Imperial County, CA
Los Angeles-South Coast Air Basin, CA
Plumas County, CA
San Joaquin Valley, CA
CDD:
Delaware County, PA
Lebanon County, PA
West Silver Valley, ID

NAAQS Implementation Milestones

(March 2019)

Pollutant	Final NAAQS Date	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
$PM_{2.5}$ (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
$PM_{2.5}$ (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO_2 (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO_2 (2010) (primary)	June 2010	Oct 2013, Sept 2016, Dec 2017 (+1 round)	June 2013	Apr 2015, Mar 2018, Oct 2019 (+2022)	Oct 2018, Sept 2021, Apr 2023 (+2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (all but San Antonio, TX) Sep 24, 2018 (San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

NAAQS Reviews: Status Update

(May 2019)

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_x, SO_x, PM[1]	PM[2]	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	Summer 2019 Draft ISA[3] Early 2020 Proposal Late 2020 Final	TBD[4]	TBD[4]	TBD[4]	Timing depends on PM/O3 schedules Final ISA; draft REA/PA[3]	April 11, 2019 CASAC letter on draft ISA[3] Early 2020 Proposal Late 2020 Final	TBD[4]

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2 and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = To be determined

Table updated 5/13/19

Ozone and PM2.5 public message regarding schedule:
EPA is planning for final decisions in late 2020
We are currently having internal discussions on the detailed schedules and process steps that will get us to those final decisions.

SO2: On Feb 25, 2019 the Administrator signed a notice of final rulemaking retaining the existing primary SO2 standards. The notice was published in the Fed Register on March 18.

NOx/SOx: On March 20, 2012 then-Administrator Lisa Jackson signed a final decision retaining the existing secondary standards for NO2 and SO2. We are currently in the process of conducting the next periodic review of those standards.

Interstate Transport: 2008 Ozone NAAQS

- On December 6, 2018, EPA finalized a determination that the 2016 Cross State Air Pollution Rule Update (CSAPR Update) fully addresses interstate ozone transport obligations for 20 states in the eastern US with respect to the 2008 ozone NAAQS (83 FR 65878, 12/21/18)
  - The final rule determines that 2023 is an appropriate future analytic year to evaluate further good neighbor requirements
  - The rule uses the latest data and modeling to assess air quality for 2023 and finds that there will be no remaining nonattainment or maintenance areas for the 2008 ozone NAAQS in the eastern US
  - With this determination, EPA has no obligation to establish additional requirements for sources in the 20 covered states to further reduce transported ozone pollution under the 2008 ozone NAAQS
  - The covered states do not need to submit state implementation plans (SIPs) that would establish additional requirements beyond the existing CSAPR Update with regard to the 2008 ozone NAAQS

Palma 3/25/19

Background:
CSAPR Update was finalized in September 2016 to address summertime interstate transport of ozone pollution for the 2008 ozone NAAQS (first implementation period was May – September 2017)
Based on the information available at the time of the CSAPR Update rulemaking, EPA could not conclude that the rule fully addressed good neighbor obligations for 21 of the 22 CSAPR Update states (except TN). Thus, the 2016 CSAPR Update was finalized as a partial remedy FIP w/r/t the covered states and their interstate transport obligations for the 2008 ozone NAAQS.
On 1/17/18, NY and CT filed a joint complaint re EPA's failure to promulgate fully compliant FIPs by 8/12/17 for IL, MI, PA, VA and WV. New York v. Pruitt, No. 1:18-cv-00406-JGK (S.D.N.Y.).
In response to this challenge, the court entered an order setting dates of 6/29/18 for a proposed action and 12/6/18 for a final action to fully address the good neighbor obligations for the named states.
The CSAPR Close-Out, finalized on December 6, 2018, used the latest data and new modeling to support a determination that there will be no remaining nonattainment or maintenance areas for the 2008 ozone NAAQS in the eastern US in the year 2023. Thus, the CSAPR Close-out (also known as the Determinations Rule) determined that the 2016 CSAPR Update was, in fact, a full remedy FIP for the covered states w/r/t the 2008 ozone NAAQS.

2008 Ozone NAAQS Implementation: Determinations of Attainment/Attainment Date Extensions/Reclassifications for Moderate Areas

- Attainment date for Moderate areas: July 20, 2018
- Statutory deadline for issuing final determinations: January 20, 2019
- NPRM published November 14, 2018
  - EPA proposed determinations of attainment/failure to attain (and reclassification to Serious), and 1-year attainment date extensions based on 2015-17 DV for 11 areas
  - Proposal also included due dates for attainment plans and RACT implementation
- Final notice anticipated in late spring 2019

3/14

NPRM published November 14, 2018
First comment period: November 14-December 14, 2018
Public hearing held in Washington, DC on February 15, 2019
Second comment period: February 8 – 22, 2019

Proposal also included due dates for attainment plans and RACT implementation
SIP for RACT needed for attainment purposes and all other SIP elements required for Serious areas: Due one year from the effective date of the final rule
SIP for RACT independent of attainment: Due August 3, 2020; alternatively, due 24 months from the effective date of the final rule
RACT implementation: Due August 3, 2020; alternatively, due January 1, 2024

In the November FR notice, we proposed:
2 areas attained by the attainment date
Baltimore, MD, and Mariposa County, CA, attained based on 2015-17 DV

2 areas expected to qualify for a 1-year attainment date extension to July 20, 2019
Sheboygan County, WI and Denver-Boulder, CO

7 areas failed to attain and will be reclassified to Serious with July 20, 2021, attainment date
Greater Connecticut
NY-N. NJ and Long Island
Chicago-Naperville
Nevada County (Western part) in CA
Houston-Galveston-Brazoria
Dallas-Fort Worth
San Diego County

2008 Ozone NAAQS Implementation: Post-South Coast II Decision

South Coast Air Quality Management District v. EPA (2018)

- South Coast AQMD and env. petitioners (Sierra Club *et al.*) challenged various elements of the 2008 Ozone NAAQS SIP Requirements Rule (SRR), including elements related to revoking the 1997 NAAQS (effective April 6, 2015), and the associated anti-backsliding requirements
  - The D.C Circuit decision (February 16, 2018) upheld about half of the challenged elements and vacated several flexibilities in the SRR
  - As a result of decision- 1997 ozone NAAQS nonattainment and maintenance areas that are attainment for the 2008 NAAQS are again subject to non-transportation conformity control measures as anti-backsliding requirements

Reviewed 3/21

We continue to work on providing substantive answers to the questions we've received from you. Please be assured that we have been focusing on the most pressing questions and issues first.

Please continue to direct your specific questions regarding impacts of the decision on particular areas to the appropriate EPA Regional Office for consideration.

BACKGROUND ON CHALLENGE
Env. petitioners included Sierra Club, Conservation Law Foundation, Downwinders at Risk, and Physicians for Social Responsibility – Los Angeles.
Oral arguments were held on September 14, 2017.

South Coast challenged EPA's limiting "Reasonable Further Progress" or RFP emissions reduction credits to emissions reduced "in the area." South Coast alleged that the Agency erred by not allowing credit for "out-of-area" emission reductions that improve an air districts air quality within the NA area.
Environmental petitioners challenged EPA's 2008 SIP Requirements Rule provisions that revoked the 1997 Ozone NAAQS for all areas and purposes 1 year after designations are effective. The environmental petitioners also challenged how the 2008 rule addresses the anti-backsliding requirements.

BACKGROUND ON REHEARING REQUEST
On Friday, September 14, 2018, the D.C. Circuit granted in part and denied in part EPA's petition for rehearing – granting our request "solely to the extent that vacatur of the portion of the Rule that exempts orphan areas from transportation conformity be stayed until February 16, 2019. In all other respects, the petition is denied."
This means that the court will not be changing its substantive decision in the case and that all orphan areas (which were nonattainment or maintenance for the 1997 ozone NAAQS but attainment for the 2008 NAAQS at the time of initial designation) are subject to non-transportation conformity control measures as anti-backsliding requirements now that the mandate was issued (Thursday, September 27).

STATS:
For the 1997 NA areas:
There are 35 areas that remain designated nonattainment for 1997 ozone NAAQS.
29 of the 35 areas are meeting NAAQS and may be eligible to redesignate.
16 of the 29 areas are in the OTR where there is little perceived benefits from redesignating.

Areas which must submit a 2nd 10-yr maintenance plan soon (or are overdue):
63 areas were 1997 maintenance and 2008 attainment (SC2 called orphan maintenance areas) that must submit 70 second maintenance plans
67 of the 70 second maintenance plans are overdue
Another 6 areas have part of the 1997 maintenance area not included in the 2008 nonattainment area boundaries (SC2 called these partial orphan maintenance areas).
The Regions are working with their states to include the deficient portion of the 1997 maintenance areas in the 2008 maintenance plans for the areas.

2008 Ozone NAAQS Implementation: Post-South Coast II Decision

- On November 21, 2018, EPA posted a **Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans**
- This resource document and technical information may assist states in developing initial or second maintenance plans for certain 1997 ozone NAAQS areas.
- For more info, please contact Regional Office staff or visit
  - https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment

[Last bullet updated 11/26/18]: As a result of the SCII court decision, certain 1997 ozone maintenance areas have obligations to submit second maintenance plans (MPs).

(In addition, some 1997 ozone nonattainment areas may wish to request redesignation and submit initial MPs.) A Resource Document and technical data were posted on EPA website on 11/21/2018 which may help states develop MPs, including Limited MPs.

Past LMP guidance indicated that if an area's air quality concentration is <85% of standard and the dv has been fairly stable in recent years, then the state would not need to provide a projection year inventory in the plan.

The Resource Document reviews previously issued Limited MP guidance docs, but is not to be considered a new guidance document.

NOTE to ANNA: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2015 Ozone NAAQS: Infrastructure SIPs

- Infrastructure SIPs due October 1, 2018 for the 2015 ozone NAAQS
  - Submittals received
  - EPA may become subject to a mandatory duty suit to issue findings of failure to submit overdue infrastructure SIPs
- **Guidance on Infrastructure State Implementation Plans (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)** issued September 13, 2013
  - https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf

3/14

First bullet:
As of today, EPA received 17 submittals, 15 were full submissions (other 2 submittals either left prongs 1 and 2 out or only covered prongs 1 and 2)

EPA could receive an NOI to sue to compel an FFS as soon as April 1, 2019; complaint could not come in before June 1, 2019 (60 days later)

States still developing their SIPs should refer to EPA's Guidance on Infrastructure State Implementation Plans (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) which was issued September 13, 2013

$PM_{2.5}$ NAAQS Implementation

- EPA focusing efforts on supporting states with 2006 $PM_{2.5}$ NAAQS Serious areas and 2012 $PM_{2.5}$ NAAQS Moderate areas
  - 2006 NAAQS Serious area attainment date: December 31, 2019
  - 2012 NAAQS Moderate area attainment date: December 31, 2021

- EPA is targeting spring 2019 for releasing the **revised Draft $PM_{2.5}$ Precursor Demonstration Guidance**
  - EPA is considering comments on November 2016 version of draft guidance that recommended technical approaches for precursor demonstrations to assess whether a particular precursor contributes significantly to exceedances of the NAAQS in a given area
  - States have been submitting and EPA has taken or is considering action on precursor demonstrations that states have developed using the draft guidance

More on first bullet:
EPA received NOI in January 2019 from environmental groups for not issuing FFS for Salt Lake City and Provo, UT for 2006 Serious area plans

EPA received separate complaint from different enviro groups for not issuing FFS for overdue Fairbanks, AK for 2006 NAAQS Serious area plan

Regional offices continue to work with states as they work on developing approvable plans, and we continue to look for opportunities to issue Clean Data Determinations and to redesignate areas that qualify.

More on second bullet:
Consistent with CAA section 189(e), the PM2.5 SIP Requirement Rule allows states to submit optional precursor demonstrations to show that emissions of a particular precursor do "not contribute significantly to PM2.5 levels which exceed the standard in the area."

If a precursor demonstration is approved for a particular nonattainment area, the attainment plan and/or NNSR program may exclude the precursor from certain control requirements, depending on the type of demonstration provided.

This guidance does not affect the precursor policies for PSD.

AQAD is leading development of PM2.5 Precursor Demonstration Guidance.

EPA approved precursor demonstrations for Oakridge, OR and proposed approval for Cleveland OH (2012 NAAQS).

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 2/25/2019 11:01:28 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: Materials for NSR Coordination tomorrow
Attachments: NSR Improvements Phase 2 Projects Target Date Tracker 022519.docx; NSRG Project Tracker 022519.docx

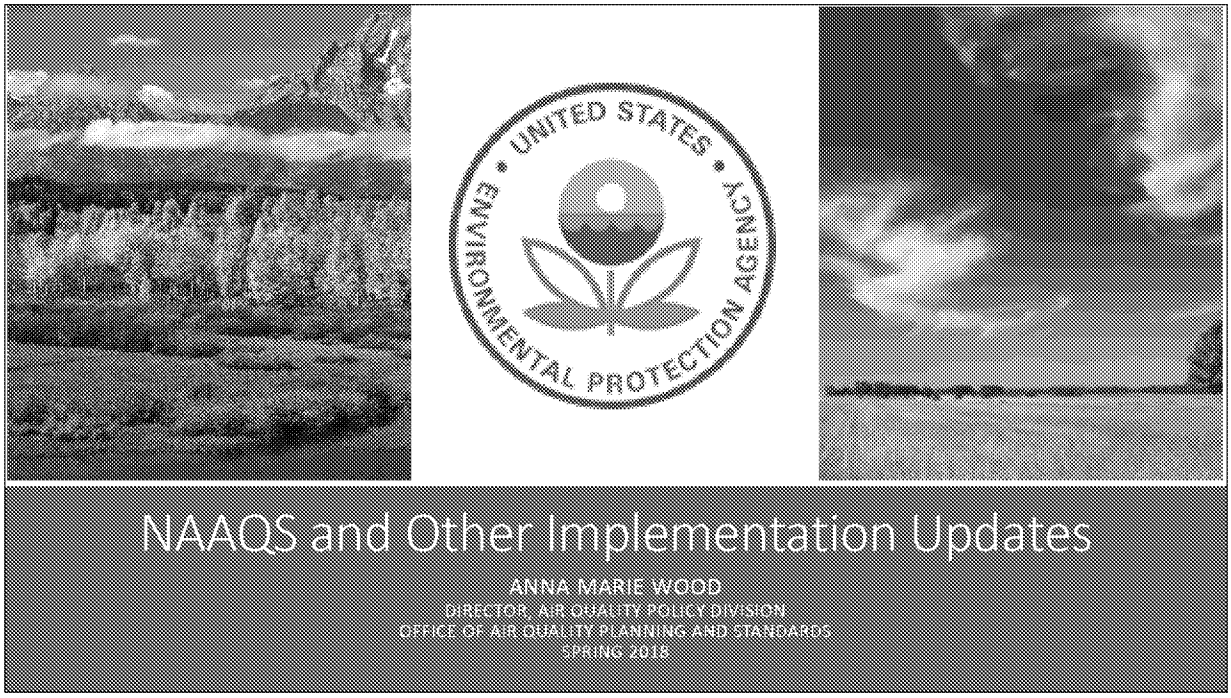
Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 2/6/2019 6:58:54 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]
Subject: NSR Project Tracker
Attachments: 2619 136 pm NSRG Project Tracker.docx

All.

Attached is a draft updated project tracker for our 2 pm meeting. This is still being refined. I will bring a couple of copies.

Raj



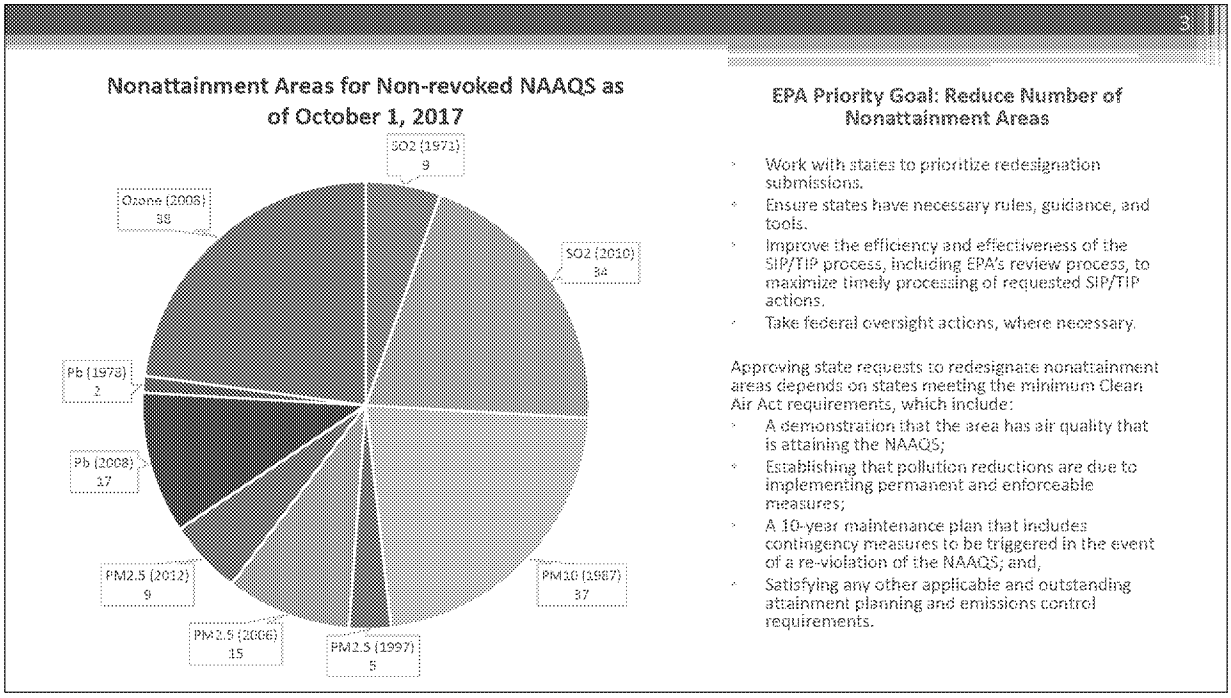
Spring 2018 Full deck w/TPs

Revised 4/2/2017 (8:00 pm)

Incl. Mike K and Harlow Comments
Incl: SPPD slides for landfills, Oil and Gas, and waiting on OIAI slide

OVERVIEW

- EPA's Clean Air Priority Goal: Reduce Number of Nonattainment Areas
- NAAQS Implementation Updates
  - Ozone
  - Sulfur Dioxide (SO_2)
  - Fine Particulate Matter ($PM_{2.5}$)
- Exceptional Events
- Transport
- Regional Haze
- Startup, Shutdown, and Malfunction (SSM) Policy
- NSR and Title V Permitting Updates
- SIP Processing Improvements, SPeCS and LEAN



[UPDATED 3/06/18 SLM]

There were 166 total nonattainment areas (baseline) for non-revoked standards as of 10/1/2017 (start of 1st quarter of FY 2018).

To facilitate this goal, EPA is committing to taking actions to (1) reduce emissions to improve air quality (e.g., mobile source programs and CSAPR), (2) improve our support to state agencies (e.g., rules, guidance and process improvements), and (3) follow the rule of law governing EPA's federal oversight responsibilities (below).

EPA fulfills its federal NAAQS implementation oversight role using tools available under the CAA to work with states in a manner consistent with the principles of cooperative federalism to fulfill attainment planning responsibilities.

EPA's Clean Air Priority Goal FY2018-2022: Reduce Number of Nonattainment Areas

FISCAL YEAR	GOAL (from 166 areas)*	ACTUAL (thru FY18 Q3)
FY2018	155	163
FY2019	146	
FY2020	144	
FY2021	140	
FY2022	101	

* The baseline of 166 is the number of areas designated nonattainment for non-revoked standards as of 10/1/2017 (start of 1st quarter of FY 2018).

[UPDATED 3/06/18 SLM]

The formulation of this goal reflects the new EPA leadership's focus on the ongoing business development implications of nonattainment designations, including nonattainment new source review permitting requirements (e.g., LAER and offsets for new/modified major sources).

Multi-state areas are counted as 1 NA area. Redesignation to attainment is not achieved until all portions of the area are officially redesignated to attainment with an EPA-approved maintenance plan.

2008 Ozone NAAQS: Implementation

- **2008 Ozone NAAQS Key implementation dates for nonattainment areas:**
  - Emissions inventories, emissions statement rules and RACT SIPs were due July 2014
  - Attainment plans and demonstrations were due July 2015 (Moderate) or July 2016 (Serious and above)
  - Marginal area attainment date July 20, 2015 (attainment determined by 2012-2014 air quality data)
  - Moderate area attainment date July 20, 2018 (2015-2017 air quality data)

- EPA to make determinations of whether Moderate nonattainment areas attained the 2008 standard by the July 20, 2018, attainment date.
  - Final action must be completed by January 20, 2019.

[UPDATED 2/27/18 RDL] scott 3/9

Litigation on the 2008 SRR has been in play since May 2015 (oral arguments were in September 2017), and the D.C. Circuit issued its decision on February 16, 2018.
We'll describe the "South Coast (2018)" decision in more detail in the following slides, but will note here that the Court reversed our revocation approach that would allow an area to avoid bump-up for failing to attain the revoked 1997 standard.
Examples of ongoing 2008 implementation actions include:
Review of attainment demonstrations and other required SIP revisions (e.g., RACT) for Marginal areas bumped up to Moderate upon failing to attain the 2008 standard by the July 20, 2015 attainment date.
We are watching if some 2008 Moderate areas will be eligible for a 1-year extension of the July 20, 2018 attainment date (as of 2/27/18: Sheboygan looks solid, and Denver may qualify if they submit an approvable EE claim).

List of 14 Moderate areas not meeting 2008 ozone NAAQS based on preliminary 2017 data:
Chicago-Naperville, IL-IN-WI
Dallas-Fort Worth, TX
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO
Greater Connecticut, CT
Houston-Galveston-Brazoria, TX
Imperial County, CA
Kern County (Eastern Kern), CA
Mariposa County, CA
Nevada County (Western part), CA
New York-N. New Jersey-Long Island, NY-NJ-CT
Pechanga Band of Luiseno Mission Indians, CA
Phoenix-Mesa, AZ (should attain with EE claim approval)
San Diego County, CA
Sheboygan County, WI

2008 Ozone NAAQS: Findings of Failure to Submit

- On January 13, 2017, in response to a complaint filed by environmental petitioners, the EPA found that 15 states and the District of Columbia failed to submit certain SIP revisions required under the 2008 ozone NAAQS (82 FR 9158; February 3, 2017; effective March 6, 2017)
  - EPA also entered into a Consent Decree with the petitioners on January 19, 2017, which sets deadlines for EPA to complete final actions on SIP submittals by various dates ranging from June 2017 to July 2018
- On November 29, 2017, also in response to a complaint filed by environmental petitioners, the EPA found that 3 states failed to submit various SIP submittals required for 2008 ozone NAAQS nonattainment areas reclassified to Moderate in 2016 (82 FR 58118; December 11, 2017; effective January 10, 2018)
  - These findings of failure to submit served as formal notice to air agencies and established deadlines by which they either must submit complete SIP revisions or become subject to mandatory sanctions

Scott 3/9
(1st bullet) States named in the FFS and nature of SIPs subject to FFS:
States are: CA, CT, D.C. (Washington), DE, IL, IN, ME, MD, MA, NH, NJ, PA, RI, VA, VT and WI.
FFS action effective date: March 6, 2017
Plaintiffs: R. Ukeiley on behalf of Center for Biological Diversity, the Center for Environmental Health, and the Clean Air Council
Plaintiff lists numerous CTGs from states that are due and includes NSR SIPs
States are working on making submissions in response to the FFS in order to avoid sanctions (see below).

(2nd Bullet) States named in the FFS and nature of SIPs subject to FFS:
States are CA, IL, and NJ for 5 areas:
Kern County (Easter Kern) (CA) – NNSR and RACT for major NOx sources
Mariposa County (CA) – emissions statement rule and NNSR
Nevada County (Western Part) (CA) – emissions statement rule; RACT for NOx and VOC; attainment demonstration, RFP, and contingency measures
Chicago-Naperville (IL) – vehicle I/M; NNSR; RACT for NOx and VOC; attainment demonstration, RFP, and contingency measures
New York-N. New Jersey – Long Island (NJ) – RACT for NOx and VOC; attainment demonstration, RFP, and contingency measures

FFS action effective date: January 10, 2018
Plaintiffs: R. Ukeiley on behalf of Center for Biological Diversity and Center for Environmental Health

(3rd bullet) General (for both FFS actions): Consequences of FFS (Mandatory sanctions and FIP obligation)
Emissions offset sanctions (higher offset ratios for permitting) would be triggered if an affected state has not submitted the required SIP submittal within 18 months of the FFS effective date. If the state has not made a complete submission within 6 months after the offset sanction is imposed, this would trigger highway funding sanctions in the affected nonattainment area (NOTE: only applies to nonattainment areas, and not to OTR states without 2008 nonattainment areas).
EPA must promulgate a Federal Implementation Plan (FIP) no later than 2 years after the FFS effective date if an affected state has not submitted, and the EPA has not approved, the required SIP submittal

2008 Ozone NAAQS Implementation: Litigation

- **2008 Ozone NAAQS State Implementation Plan (SIP) Requirements Rule** (80 FR 12264; March 6, 2015)
  - Provides rules and guidance on nearly all aspects of the attainment planning requirements
  - Revoked the 1997 NAAQS effective April 6, 2015, and established anti-backsliding requirements

South Coast Air Quality Management District v. EPA (2018)

- South Coast AQMD and env. petitioners (Sierra Club *et al.*) challenged various elements of the 2008 Ozone NAAQS SIP Requirements Rule (SRR)
- The D.C Circuit issued its decision on February 16, 2018, upholding about half of the challenged elements and vacating several flexibilities in the SRR

Scott 3/9

Env. petitioners included Sierra Club, Conservation Law Foundation, Downwinders at Risk, and Physicians for Social Responsibility – Los Angeles.

Oral arguments were held on September 14, 2017.

South Coast challenged EPA's limiting "Reasonable Further Progress" or RFP emissions reduction credits to emissions reduced "in the area." South Coast alleged that the Agency erred by not allowing credit for "out-of-area" emission reductions that improve an air districts air quality within the NA area.
Environmental petitioners challenged EPA's 2008 SIP Requirements Rule provisions that revoked the 1997 Ozone NAAQS for all areas and purposes 1 year after designations are effective. The environmental petitioners also challenged how the 2008 rule addresses the anti-backsliding requirements.

2008 Ozone NAAQS Implementation: Litigation (cont.)

- ***South Coast Air Quality Management District v. EPA (2018)*: Key Decisions Include:**
  - *UPHELD:*
    - RFP requirements including default 2011 baseline, one-time fulfillment of 15% VOC reduction, in-area restriction
    - RACT area-wide emissions averaging
    - EPA's authority to revoke a prior NAAQS with adequate anti-backsliding requirements
  - *VACATED:*
    - Anti-backsliding approaches for bump-ups, "redesignation substitutes," and transportation conformity
    - RFP alternative baseline years
    - 1997 NAAQS maintenance area flexibilities (maintenance plans, transportation conformity)
- EPA is assessing options for addressing Court decision and implications for implementation of the 2008 and 2015 NAAQS

The Court upheld RFP provisions that limit states to satisfying RFP with emission reductions within a nonattainment area, and that set 2011 as the default RFP baseline year because it was the most recent year that a triennial emissions inventory was available. The Court also upheld our RFP approach that requires an area to satisfy the 15% VOC-only reduction only once (this allows an area to substitute NOx to satisfy the 15% requirements under a subsequent standard).
The Court upheld our longstanding approach that allows states to demonstrate compliance with RACT requirements through area-wide averaged emission reductions, rather than through the installation of control technologies at every individual major source in a nonattainment area.
While the Court upheld our general authority to revoke a prior ozone standard with adequate anti-backsliding protections, they reversed our flexible approach that allowed an area to avoid a mandatory bump-up for failing to attain a revoked standard. The Court ruled that these mandatory reclassifications are a "control" for anti-backsliding purposes.
The 2008 SRR also provided a flexible approach to lift anti-backsliding requirements under a prior revoked NAAQS called the "redesignation substitute," where an area could demonstrate that it has attained a revoked standard. The Court rejected this mechanism because it does not satisfy the Clean Air Act's criteria for a formal redesignation to attainment.
Regarding transportation conformity, the 2008 SRR considered on motor vehicle emissions budgets for the 1997 NAAQS as "controls" until 2008 budgets were available; however, the Court held that transportation conformity requirements in general are "controls" for anti-backsliding purposes.
For the 2008 NAAQS, we allowed states to justify the use of an alternative RFP baseline year between 2008 (when the NAAQS was revised) and 2012 (when areas were designated), but the Court rejected this flexible approach.
Finally, the 2008 SRR provided flexibilities for areas that were maintenance for the 1997 NAAQS when it was revoked and designated attainment for the more-stringent 2008 standards. These including waiving the requirement for a second maintenance plan and performing transportation conformity determinations for the 1997 standards. The Court ruled that EPA cannot get rid of these requirements

2015 Ozone NAAQS: Implementation-Related Rulemakings

- **Proposed Rule: Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and SIP Requirements** published for public comment November 17, 2016 (81 FR 81276)
- **Final: 2015 Ozone NAAQS Classifications Rule** published March 9, 2018 (83 FR 10376)
  - Final nonattainment area classification thresholds based on "percent-above-the-standard" (PATS) methodology
  - Final maximum attainment dates associated with each nonattainment area classification
- **Final: 2015 Ozone NAAQS State Implementation Plan (SIP) Requirements Rule**
  - To be issued after remaining area designations (later this spring)
  - EPA will consider *South Coast v. EPA* (2018) decision in its final approach

[UPDATED 3/02/18 RDL] scott 3/9

National Ambient Air Quality Standards for Ozone Final Rule signed Oct. 1, 2015 (80 FR 65292), revising the primary & secondary 8-hour standards to 0.070 ppm
Related litigation is being held in abeyance while EPA reviews the 2015 rule to determine whether the standards should be maintained, modified, or otherwise reconsidered.
EPA was challenged on the level of the revised primary and secondary ozone standards, and must periodically report to the Court while the case is held in abeyance.
The proposed impl. rule provided interpretive rules and guidance on nearly all aspects of the attainment planning requirements for designated nonattainment areas for the 2015 ozone NAAQS

To support nonattainment area designations [ANTICIPATED BY APRIL 30, 2018], we issued a separate classifications final rule on March 1, 2018 that retains our existing approach for setting classification thresholds and attainment deadlines.

We are finalizing the SIP requirements portion of the 2015 NAAQS implementation rule, targeting Spring 2018 for issuance. The recent South Coast (2018) decision gave us pause to consider its implications for 2015 NAAQS implementation, which will be reflected in some aspects of the final rule.

FYI for Anna -- We proposed 2 options for revoking the 2008 Ozone NAAQS
Opt 1: revoke the 2008 NAAQS for all areas and purposes 1 year after designations are effective (historical ozone approach) with specific anti-backsliding provisions
Opt 2: revoke the 2008 NAAQS only in areas attaining the 2008 NAAQS at time of its revocation, and later for areas upon redesignation to attainment for the 2008 or 2015 NAAQS (similar to PM2.5 approach)
Opt 1 approach was rejected in part in South Coast v. EPA (2018) for revoking the 1997 NAAQS and we are assessing our 2008 revocation approach for the final rule

If asked about ozone NAAQS-related legislation:
We are monitoring for appropriation riders that would delay 2015 ozone NAAQS implementation.
HR806 (the "Olson Bill") and its Senate counterpart (SR263) would delay 2015 NAAQS implementation until 2025, and extend the general NAAQS review cycle from 5 years to 10 years. Bills reside with Senate E&PW Committee and Sen. Capito (WV) has indicated in the press that S.263 may see floor action in 2018.

2015 Ozone NAAQS Area Designations

- The statutory deadline for designations was October 1, 2017
- **On November 6, 2017, the EPA issued final designations of attainment/unclassifiable for about 85% of the counties in the United States**
  - This included 2,646 counties, two separate areas of Indian Country areas and five territories
  - It also included a designation of unclassifiable for three counties in the state of Washington due to insufficient monitoring data to calculate a 3-year ozone design value
  - These final designations took effect on January 16, 2018, 60 days after the notice was published in the Federal Register

Scott 3/9
The statutory deadline for designations for the 2015 Ozone NAAQS was October 1, 2017. EPA is in deadline litigation with several parties (see below). EPA has indicated in the litigation the intention to complete designations by April 30, 2018 for all areas except San Antonio, TX (expected by August 10, 2018).

On December 4, 2017, several public interest groups, led by the American Lung Association, filed suit in the U.S. District Court for the Northern District of California, alleging that EPA has not met its obligation to designate all areas of the country for the 2015 ozone national ambient air quality standards.
The other parties joining the lawsuit are American Public Health Association, American Thoracic Society, Appalachian Mountain Club, Environmental Defense Fund, Environmental Law and Policy Center, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club and West Harlem Environmental Action.
The parties ask the court to determine that EPA has failed to perform a nondiscretionary duty under the CAA, to enjoin the Administrator from continuing to violate that obligation, to order the Administrator to promulgate the remaining designations "forthwith," to retain jurisdiction to effectuate compliance with the Court's decree, to award Plaintiffs costs, and to grant other relief the Court deems just and proper.
Oral arguments were heard on February 22, 2018.
We are awaiting a decision from the court on deadlines for completing the designations.

All of the November 2017 designations were consistent with the recommendations from affected states and tribes. Therefore, because EPA did not modify the recommendations for these areas, 120-day notification letters were not required. EPA has not received any requests to reconsider these final designations within the 60-day requested deadline.

2015 Ozone NAAQS Designations (cont.)

- **On December 22, 2017**, EPA notified states and tribes concerning any intended modifications to their designation recommendations ("120-day letters") for the remaining undesignated areas of the U.S.
  - EPA proposed 54 intended nonattainment areas and 3 unclassifiable areas, as well as additional attainment/unclassifiable areas and deferred taking action on the 8 counties in the San Antonio, TX metropolitan statistical area
  - Notification of availability and public comment period was published on January 5, 2018 (83 FR 651); comment period ended February 5, 2018
  - EPA requested States and Tribes to provide any final input by February 28, 2018
  - EPA is under court order to promulgate final ozone area designations for these areas no later than April 30, 2018

3/30

On March 12th the court ordered a 4/30/2018 designation deadline for all remaining areas except San Antonio, which has a June 10, 2018 deadline.
Also, the court recognized that the statute does not set forth a date by which designations must be made effective, but took note of EPA's representation that it intends to make the designations effective within 30 to 60 days and states that it "would consider whether a further order is necessary if it fails to do so."

For the 8 counties in the San Antonio MSA which were deferred:
The "120 day" letters were published on March 30, 2018
Designations are due on July 17, 2018

Progress on Ozone NAAQS Attainment

(as of March 2018)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)
Initial Nonattainment Areas	115	46
Areas Redesignated to Attainment	80 (prior to revocation)	8
Current Nonattainment Areas	35	38
Clean Data Determinations	26	18*
Redesignation Substitutes	2	n/a
Reclassifications to Higher Classification	0**	13

*Includes 15 Marginal area determinations of attainment by the attainment date and 3 Moderate area clean data determinations.
**Obligation to reclassify may be affected by South Coast II decision.

[UPDATED 3/22/18 scott]

NOTE regarding footnote*: the 3 Moderate areas receiving CDDs are Atlanta GA, Baltimore MD, and Mariposa County CA.

The impacts of the Dallas and Houston 1-hr & 1997 8-hr redesignation substitutes are shown in the Green book anti-backsliding table -- https://www3.epa.gov/airquality/greenbook/hn_appendixb_upd.html

The FRNs are available also in the Green book:

DFW – 1-hr & 1997 8-hr redesignation substitute
05/25/2016
81 FR Page 33161
Proposed Approval
Redesignation Substitute Demonstration
11/08/2016
81 FR Page 78688
Final Approval
Redesignation Substitute Demonstration

HGB – 1-hr & 8-hr redesignation substitute
10/20/2015
80 FR Page 63429
Final Approval
Clean Data Determination/Attainment Determination
10/20/2015
80 FR Page 63429
Final Approval
Redesignation Substitute Demonstration

The NNSR legacy classification for Houston went from Severe (25 TPY major source threshold & 1.3 to 1 emission offsets) to Moderate(100 TPY major source threshold & 1.15 to 1 emission offsets). The NNSR legacy classification for Dallas went from Serious (50 TPY major source threshold & 1.2 to 1 emission offsets) to Moderate(100 TPY major source threshold & 1.15 to 1 emission offsets). Per Region 6, TCEQ was holding permits until the redesignation substitutes were approved & a lot of permitting completed since then.

Should say: we are considering the implications of the court decision on these areas if the decision stands, and that the state

(TX) should discuss their concerns and possible options with their regional office.

Do not say anything more before our court filing on April 16 (update after this date)

2010 SO_2 NAAQS Area Designations

- EPA revised **Primary NAAQS for Sulfur Dioxide (SO_2) standard** on June 3, 2010 to 75 ppb/1-hour (75 FR 35520)

- EPA is completing area designations in four separate Rounds:
  - *Round 1* – July 25, 2013: EPA designated 29 areas as nonattainment (effective September 12, 2013)
    - SIP submittal date: April 4, 2015
    - Attainment date: October 4, 2018
    - FFS issued: April 18, 2016
    - Number of areas issued FFS: 16 areas in 11 states
    - Mandatory sanctions (can be avoided by submitting a complete SIP)
      - First sanction: 2:1 Emissions Offset for NNSR: October 18, 2017
      - Second sanction: Highway funds: April 18, 2018
    - FIP obligation: April 18, 2018 (24 months after effective date of FFS)
    - Currently, EPA remains subject to FIP obligations for 13 of the 16 FFS areas

Larry 3/23

The FIP clock is not stopped by a completeness finding, but only by EPA fully approving a SIP for the affected area(s)

2010 SO_2 NAAQS Area Designations (con't)

- *Round 2* – July and December 2016: EPA finalized designations for 65 areas including 7 nonattainment areas, 41 unclassifiable/attainment areas, and 17 unclassifiable areas
  - Number of nonattainment areas designated on **July 12, 2016: 4**
    - Effective date of designations: **September 12, 2016**
    - SIP submittal date: **March 12, 2018**
    - Attainment date: **September 12, 2021**
  - Number of nonattainment areas designated on **December 13, 2016: 3**
    - Effective date of designations: **January 12, 2017**
    - SIP submittal date **July 12, 2018**
    - Attainment date: **January 12, 2022**

Etchell 3/27

Round 2
In the first action, the EPA finalized designations for 61 areas, on July 12, 2016. The effective date for these designations was September 12, 2016. There were 4 nonattainment areas designated in this action, and their attainment SIP due date is March 12, 2018.

In a supplemental action, on November 29, 2016, the EPA finalized designations for 4 additional areas in Texas where the court ordered deadline was extended for these areas. The effective date of these designations was January 12, 2017. There were 3 nonattainment areas in this action, and the attainment SIP due date is July 12, 2018.

EPA received several petitions in response to Round 2 on a variety of area-specific designations (listed above). Most of the petitions are consolidated in the DC Circuit but the Texas petitions are also duplicated in the Fifth Circuit.

We are working with OAR, OGC and the Regions to determine the appropriate response for each petition.

There are pending administrative petitions from Sierra Club (areas in MO, OH, IN, TX); Masias, et all (CO); Kansas City Board of Public Utilities (KS); Southern Illinois Power Cooperative (IL); Luminant (TX); and the Texas Commission on Environmental Quality (TX).

2010 SO_2 NAAQS Area Designations (con't)

- *Round 3* – December 21, 2017: EPA designated all remaining areas of the country except Round 4 areas
  - Included 6 nonattainment areas, 23 unclassifiable areas, and the remainder of the country in all states, territories, and tribes designated attainment/unclassifiable (except Round 4 areas)
  - The effective date of the designations is April 9, 2018
    - SIP submittal date: October 9, 2019
    - Attainment date: April 9, 2023
  - EPA is issuing a supplemental notice before April 9, 2018, to account for new information regarding 2017 air quality, as applicable

- *Round 4* – by December 30, 2020: EPA will designate approximately 50 remaining areas by the consent decree deadline
  - Monitoring is underway in states that timely sited monitors consistent with the SO_2 Data Requirements Rule

Scott 3/9

Round 3:
On August 22, 2017, EPA responded to Governors' recommendations for designations in "120-day" letters. These responses included identification of 107 unclassifiable/attainment areas, 36 unclassifiable areas , and 11 potential nonattainment areas.

EPA finalized the Round 3 designations on December 21, 2017, for all remaining areas of the country excepting approximately 50 areas to be designated in Round 4.

In these Round 3 designations, the EPA designated 6 areas as nonattainment and 23 areas as unclassifiable. All remaining areas except Round 4 areas were designated as Attainment/Unclassifiable.
For the 6 NA areas, plans are due October 2019.

Citrus Co FL would be finalized as "attainment/unclassifiable" rather than "unclassifiable" because 2017 monitor data and associated modeling show no violations.

Round 4
Early indications are that several sites are showing violations of the NAAQS. EPA will consider whether to designate these areas nonattainment before the CD deadline.

Total Nonattainment areas for Rounds 1, 2, and 3 = 42 (29+7+6)

Progress on 2010 SO_2 NAAQS Attainment

(as of March 2018)

	Round 1	Round 2	Round 3
Initial Nonattainment Areas	29	7	6
Areas Redesignated to Attainment	2	0	0
Current Nonattainment Areas	27	7	6
Clean Data Determinations	1	0	0

Etchells 3/20

$PM_{2.5}$ NAAQS Implementation Guidance

- $PM_{2.5}$ NAAQS SIP Requirements Rule finalized on August 24, 2016 (81 FR 58010)
  - Provides framework for planning requirements for all current and future $PM_{2.5}$ NAAQS
  - One district filed suit claiming that EPA erred by requiring that emissions reductions for RFP come from sources within the nonattainment area
    - This challenge was dismissed following the court's decision in favor of the EPA for the similar issue in the 2008 Ozone Implementation Rule litigation
- EPA issued draft $PM_{2.5}$ Precursor Demonstration Guidance in November 2016
  - Recommends technical approaches for precursor demonstrations to assess whether air quality impact from a particular precursor can be considered insignificant in a given area
  - EPA is considering comments and intends to finalize guidance in 2018
  - States have been submitting and EPA has taken or is considering action on precursor demonstrations that states have developed using the draft guidance

SLPG/Ling 3/9

Consistent with CAA section 189(e), the rule allows states to submit optional precursor demonstrations to show that emissions of a particular precursor do "not contribute significantly to PM2.5 levels which exceed the standard in the area."

If a precursor demonstration is approved for a particular nonattainment area, the attainment plan and/or NNSR program may exclude the precursor from certain control requirements, depending on the type of demonstration provided.

This guidance does not affect the precursor policies for PSD.

AQAD is leading development of PM2.5 Precursor Demonstration Guidance.

EPA approved precursor demonstrations for Oakridge, OR and is evaluating several more.

2006 $PM_{2.5}$ NAAQS Implementation

- Nonattainment area status:
  - Determinations of attainment by the attainment date for 7 areas (final action in May 2017)
  - Reclassification to Serious for 3 areas (final action in May 2017)
  - Moderate area attainment date extensions to December 31, 2017 for the Logan, UT-ID nonattainment area (final action in August 2017)
- Serious area attainment date is December 31, 2019
  - Extension of up to five years is possible if the area demonstrates attainment by 2019 is impracticable, adopts Most Stringent Measures and meets other requirements
- EPA will continue to work with states developing Serious area plans to address air quality challenges

SLPG/Ling 3/9

EPA finalized determinations that the following seven areas attained the 2006 24-Hour PM2.5 NAAQS by the December 31, 2015 attainment date based on 2013-2015 air quality data: Chico, CA; Imperial County, CA; Knoxville-Sevierville-La Follette, TN; Liberty-Clairton, PA; Nogales, AZ; Sacramento, CA; and San Francisco Bay Area, CA

In the final May 2017 action, EPA finalized reclassifications from moderate to serious for 3 areas (Fairbanks, Provo and SLC).

2006 reclass - Serious area SIPS are due December 31, 2017 for those areas reclassified from “Moderate” to “Serious.”

2012 $PM_{2.5}$ NAAQS Implementation

- EPA revised the $PM_{2.5}$ NAAQS primary annual $PM_{2.5}$ standard to 12µg/m3 on December 14, 2012 (78 FR 3086)
  - Nine Moderate nonattainment areas were designated in April 2015
  - Moderate area attainment plan due date - October 2016
  - Moderate area attainment date - December 31, 2021
- On December 20, 2017, the Center for Biological Diversity, Center for Environmental Health and the Clean Air Council filed a complaint for EPA's alleged failure to make a finding of failure to submit attainment plan revisions for certain nonattainment areas for the 2012 $PM_{2.5}$ NAAQS
  - On March 26, 2018, issued findings that three states failed to submit required attainment plan revisions for five nonattainment areas

SLPG revised 3/27

2012 PM2.5 Moderate nonattainment areas designated in 2015:
San Joaquin Valley, CA
Plumas county, CA (SIP submitted)
Cleveland, OH (SIP submitted)
South Coast, CA (SIP submitted)
Imperial county, CA
West Silver Valley, ID
Allegheny, PA
Delaware county, PA (Clean data determination, effective March 2017)
Lebanon county, PA (Clean data determination, effective April 5, 2018)

The complaint alleges that EPA failed to make a finding of failure to submit one or more SIP elements for the areas bolded in the above list.

Nonattainment areas listed in the finding of failure to submit:

State	2012 PM2.5 NAAQS Moderate Nonattainment Area
California	Imperial County
Idaho	West Silver Valley
Pennsylvania	Allegheny County
	Delaware County
	Lebanon County

Progress on $PM_{2.5}$ NAAQS Attainment

(as of March 2018)

	1997 $PM_{2.5}$ (2005 Designations)	2006 $PM_{2.5}$ (2009 Designations)	2012 $PM_{2.5}$ (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	34	17	0
Current Nonattainment Areas	5	15	9
Clean Data Determinations	4	9	2
Proposed Redesignations	0	0	0

SLPG/Ling 3/9

For 2012 PM2.5 NAAQS, only 1 of the CDD's has published (Delaware County, PA). The Lebanon County, PA final CDD was signed on 2/15/18 and should publish the week of 3/5/18.

Remaining nonattainment areas by PM2.5 NAAQS:
1997 PM2.5 NAAQS –
SERIOUS
San Joaquin Valley, CA

CDD
Libby, MT
Liberty-Clairton, PA
Los Angeles-South Coast Air Basin, CA
St. Louis, MO-IL

2006 PM2.5 NAAQS –
SERIOUS
Fairbanks, AK
Los Angeles-South Coast Air Basin, CA
Provo, UT
Salt Lake City, UT
San Joaquin Valley, CA

MODERATE
Logan, UT-ID (received two 1 year extensions)

CDD
Chico, CA
Imperial Co, CA
Klamath Falls, OR
Liberty-Clairton, PA
Nogales, AZ
Oakridge, OR
Sacramento, CA
San Francisco Bay Area, CA

West Central Pinal, AZ

2012 PM2.5 NAAQS –
MODERATE
Cleveland, OH
Delaware County, PA
Imperial County, CA
Los Angeles-South Coast Air Basin, CA
Plumas County, CA
San Joaquin Valley, CA
West Silver Valley, ID

CDD
Allegheny County, PA
Lebanon County, PA

2016 Exceptional Events Rule Implementation

- Since finalizing the 2016 rule, EPA has concurred on ozone demonstrations for CT, MA, MD, NJ, RI, TX, Ute Tribe (Utah), and Washoe County (Nevada)
- We remain focused on continuous improvement by engaging with stakeholders, addressing concerns, and streamlining the process
- We are hopeful that many of the things we are already doing or working to implement under the revised rule are addressing existing concerns such as ensuring timely review processes, right-sizing demonstrations, fostering national consistency, and providing additional resources like updated FAQs and technical guidance documents

GSG/Vera 3/9

All concurred ozone demonstrations under the new rule have been related to wildfire events, except for the Ute Tribe demonstration, which was for stratospheric ozone intrusion.

If asked about pending EE ozone demos: One ozone demonstration in the review process from PA (attainment / nonattainment for two areas) and one anticipated ozone demonstration from Louisiana (attainment / nonattainment for Baton Rouge) are expected to have implications for 2015 ozone designations. STATUS COULD CHANGE BY APRIL

General Exceptional Events Rule Background
Establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events
Provides a mechanism by which air quality data can be excluded from regulatory decisions and actions
Applies to all criteria pollutants and NAAQS and all event types to which the rule applies
Applies to all state air agencies, to (delegated) local air agencies, to tribal air agencies that operate air quality monitors that produce regulatory data and to federal land managers/federal agencies if agreed by the state
Affects design value calculations, NAAQS designation decisions, attainment determinations, and State/Tribal/Federal Implementation Plan (SIP/FIP/TIP) development

Exceptional Events: Additional Resources and Engagement to Improve the Process

- EPA resources now available online – Google "EPA Exceptional Events"
  - Wildfire-Ozone Guidance
  - 2007-to-2016 Rule Crosswalk
  - Best Practices for Multi-State Exceptional Events Demonstrations
  - Mitigation Plan Checklist
  - Example Demonstrations
- Additional implementation documents planned for this year
  - Updated FAQs
  - Updated High Winds
  - Stratospheric Ozone Intrusion
  - Prescribed Fire-Ozone
  - Alternate Paths for Data Exclusion
- Stakeholder engagement – National calls on Alternate Paths and Mitigation Plans
- EPA developing national electronic tracking system for exceptional events (similar to SPeCS for SIPs)

GSG/Vera 3/9

NOTE: ENGAGEMENT INFO MAY NEED TO BE UPDATED/REVISED.

The development and release of planned documents depends, in part, on stakeholder interest in the documents and the required review process (such as whether OMB review is required).

"Alternate paths" is the term we are using to describe possible opportunities for data exclusion outside the scope of the Exceptional Events Rule, such as:
Preparing required air quality analyses in Prevention of Significant Deterioration (PSD) permit applications
Predicting future attainment for SIP attainment demonstrations

The 2016 revised rule identified initial areas that require exceptional events mitigation plans – the plans are due to EPA by September 30, 2018.
States are able to rely on other state planning documents/resources to fulfill like requirements for mitigation plans. Your EPA Regional offices will be able to work with you on fulling the requirements for mitigation plans.
EPA will only review these plans for completeness with respect to the required elements; we will not be conducting a full review.
We will be having a national call/webinar for stakeholders on April 16 to provide interested air agencies with more information about mitigation plans.
We will also post any early example mitigation plans on EPA's exceptional events website once they are completed.

ASK:
If there are other types of resources that air agencies would find useful, please let us know. We are eager to work with you to ensure we realize all of the intended streamlining and efficiency benefits of the revised EE Rule.

Continued Emphasis on Early and Frequent Communication

- The 2016 Exceptional Events Rule eliminated event flagging and demonstration submission deadlines with the exception of initial area designations
  - Informational or 'I' flags are encouraged for initially flagging suspected events
  - Request exclusion or 'R' flags should be used when a demonstration will be submitted
- The new **Initial Notification Process** starts a conversation between EPA and air agencies to establish mutual expectations for "right-sizing" effort, assessing the purpose for data exclusion, and identifying what is needed for an approvable demonstration
- EPA intends to conduct initial review of demonstrations within 120 days of submission, complete review within 12 months, and defer demonstrations that do not have regulatory significance within 60 days

GSG/Vera 3/9

'Informational' flags in AQS can be used liberally by air agencies for marking data or possible events that they may want to revisit in the future.
(If asked): Informational flags will NOT count toward event recurrence for determining areas that require mitigation plans.

'Request exclusion' flags in AQS should be used by air agencies only for data or possible events for which they intend to submit an exceptional events demonstration.
(If asked): Request exclusion flags will count toward event recurrence for determining areas that require mitigation plans. More info. on mitigation plans will be provided on the next slide.

Coordinating and collaborating with your region on the purpose for which you want the data excluded is important so there can be a dialogue on what might be the most appropriate path for data exclusion. The initial notification requirement is especially important for this purpose.

Anecdotal evidence suggests we are generally meeting our intended deadlines for responses at various stages of the demonstration development and review process, but we know we haven't always hit the mark, and that is what we are striving for.

Ozone Transport

- To address interstate transport, **Congress established the "good neighbor" provision [Section 110(a)(2)(D)(i)(I)]**, which requires upwind states to implement emission reductions if the upwind state contributes significantly to nonattainment or interferes with maintenance of the NAAQS in downwind areas
- The CAA envisions a SIP-led process; EPA is focused on a SIP first approach
- States have asked EPA for information and guidance to enable states to develop approvable and timely transport SIPs to address regional (multi-state) air quality problems
- Congress established additional CAA provisions that can be used to address interstate transport of air pollutants that are contributing to nonattainment or interfering with maintenance of NAAQS, *e.g.*:
  - Establishing provisions for creating (and as appropriate, for expanding) transport regions, specifically establishing the ozone transport region (Section 176A)
  - Providing for states to petition EPA to address sources that emit or would emit in violation of the good neighbor provision (Section 126 petitions)

GSG 3/9, ling 3/15, CAMD reviewed 3/22

I am going to touch on status of what is happening on the "good neighbor" SIPs, the pending 126 petitions and 176A in the next few slides.

Much of our current ozone transport-related activity under the 110, 126 and 176A provisions in the CAA relate to the 2008 ozone NAAQS in the northeastern U.S., but we are beginning to see activity related to the 2015 ozone NAAQS. I will provide updates in each of these areas.

2008 Ozone NAAQS: Good Neighbor Transport SIPs

- **The CSAPR Update was finalized on September 7, 2016 to address summertime interstate transport of ozone pollution for the 2008 NAAQS in the eastern U.S. by updating the CSAPR ozone season program.**
  - The first implementation period was from May 1 – September 30, 2017
- **Outstanding good neighbor obligations for the 2008 ozone NAAQS**
  - CSAPR Update was issued as a partial remedy for 21 eastern states (full remedy for TN).
    - AL, AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NJ, NY, OH, OK, PA, TX, VA, WV, and WI
    - CSAPR Update Rule did not address 2008 transport obligations for western states
  - There are 24 states for which EPA has not yet fully-approved a SIP and continues to have a FIP obligation.
    - Kentucky – EPA is under a court-ordered deadline of June 30, 2018 for a full FIP; however, KY is developing a state-led action that will moot EPA's FIP obligation if the action can be approved by EPA.
    - For other states, EPA has statutory FIP deadlines ranging from August 2017 to March 2019
    - On 1/17/18, NY and CT filed a joint complaint re EPA's failure to promulgate fully compliant FIPs by 8/12/17 for IL, MI, PA, VA and WV

GSG 3/9, Ling 3/15, CAMD revised 3/23

In general:
States are required to submit "good neighbor" SIPs within 3 years of promulgation of a new or revised NAAQS. For the 2008 ozone NAAQS, this was March 12, 2011.

EPA must promulgate a FIP within 2 years if EPA finds that a state does not submit a good neighbor SIP or if EPA disapproves the SIP

The court ordered deadline for the KY SIP/EPA FIP is June 30, 2018. The "24" in the slide includes the eastern 21 states plus 3 western (NM, UT and WY)

STATUTORY FIP DEADLINES – (KY is on the slide so it is not included here)
8/12/17 - AL, AR, CA, IL, IA, KS, MI, MS, MO, NM, OK, PA, VA and WV
7/15/18 - IN, OH and NJ
8/19/18 - MD
9/12/18 - LA, TX and WI
9/26/18 - NY
11/18/18 - UT
3/6/19 - WY

SIPs IN-PROCESS or RECENT FINAL ACTIONS (all approval actions - status as of 2/27/18)
AL - Final CSAPR Update SIP to replace FIP - approval published in FR 10/6/17 (82 FR 46674)
CA – Proposed approval published in FR 2/7/18 (83 FR 5375)
CT – Proposed approval drafted – in review
DC – Proposed approval drafted – in review
DE – Proposed approval and direct final approval published in FR 9/27/17; withdrew direct final due to adverse comment; working on final action
GA - Final approval published in FR 10/13/17 (82 FR 47930)
MN – Final approval published in FR 12/11/17 (82 FR 58116)
NC – Final approval published in FR 10/4/17 (82 FR 46134)
NY - NY intends to revise rules by 12/29/17 at which point EPA will propose to convert the conditional approval of the SIP revision to full approval.
SC – Final approval published in FR 10/13/17 (82 FR 47936)
HI - Region drafting proposal
PR – Region finalized action 9/2016 (EPA Internal - corrections notice needed)

WV - Final CSAPR Update SIP to replace FIP - approval published in FR 2/8/18 (83 FR 5540)

Note: TX challenged our SIP disapproval action. The court set any action aside until after we addressed the Haze FIP and SO2 Remand, which we have now done (see RH slides). We are currently working with TX to identify a path forward.

2008 Ozone NAAQS: Good Neighbor Transport SIPs (con't)

- To help states develop, supplement or resubmit their good neighbor SIPs for the 2008 standards, EPA signed the **"Supplemental Transport Memo"** on October 27, 2017. The modeling conveyed in this memo indicated that there are no monitoring sites, outside of California, that were projected to have nonattainment or maintenance problems with respect to the 2008 ozone NAAQS of 75 ppb in 2023

- EPA is currently developing a federal notice-and-comment rulemaking to evaluate and make a determination regarding outstanding good neighbor obligations for the 2008 ozone NAAQS, considering new information such as the October 2017 modeling. This action should appear in the Spring 2018 Regulatory Agenda. EPA will also continue working with states outside the CSAPR Update to fully approve transport SIPs for the 2008 NAAQS

EPA recognizes that States have expressed a desire for regulatory certainty when complying with CAA requirements, planning for emissions reductions and planning for attainment

While states have asked for additional information in developing SIPs, its important to note that states can use any available information to demonstrate that they are meeting their interstate transport obligations

In the fall of last year, EPA released updated modeling for 2023, which we believe will help states develop SIPs to fully address their good neighbor obligations for the 2008 ozone NAAQS.

CAMD is leading the national action to affirm the CSAPR Update as the full remedy for the 2008 NAAQS. This action would apply only to CSAPR Update states. Anticipated timing: proposal in June 2018; final in December 2018.

2015 Ozone NAAQS: Good Neighbor Transport SIPs

- Good Neighbor SIPs for the 2015 ozone NAAQS are due in October 2015
- EPA is currently preparing materials to assist states in developing fully approvable good neighbor SIPs for the 2015 ozone NAAQS
- EPA is encouraging consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach

GSG 3/9/Ling 3/15

As I indicated in the previous slide, states are required to submit "good neighbor" SIPs within 3 years of promulgation of a new or revised NAAQS. For the 2015 ozone NAAQS, this will be in October 2018.

EPA is currently developing materials to assist states in developing fully approvable good neighbor SIPs for the 2015 ozone NAAQS in advance of the October 2018 deadline. We anticipate releasing information as follows:
In the next few weeks, we intend to issue a memorandum conveying modeling results and the contribution metrics for the 2015 standard. The modeling information will include the same 2023 design value information that we released with our October memorandum but will now include contribution metrics for 2015 (note: we did not include contribution metrics with the October memo, because, for 2008 (75 ppb), we indicated that there would be no nonattainment or maintenance issues in 2023).
With this memorandum (or in a separate communication), we will also release a discussion document identifying potential flexibilities that states can use in applying EPA's (or their own) modeling results within the 4 step transport framework needed to develop a SIP
We expect to hold a national outreach call in early March to discuss both the modeling results and the identified flexibilities
We expect to further engage with stakeholders during the spring meetings and/or in separate conference calls, as needed
After considering stakeholder feedback, EPA anticipates developing materials (memorandum or other) to communicate viable, identified approaches
As we move forward, we will encourage consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach.

Anticipated Attainment Dates for the 2015 ozone NAAQS
On November 16, 2017 (82 FR 54232), the EPA established initial air quality designations for most areas in the United States.
On December 22, 2017 (83 FR 651), the EPA indicated the anticipated area designations for most portions of the country not designated in the November 16, 2017 action. In addition, the EPA proposed the maximum attainment dates for nonattainment areas in each classification, which for Moderate ozone nonattainment is 6 years (81 FR 81276, November 17, 2016).
The EPA expects to finalize designations for most areas by April 2018 (with an anticipated effective date in 30 – 60 days after publication in the Federal Register), 6 years from the effective date is May - June 2024.
Therefore, the 2023 ozone season would be the last full ozone season before the 2024 attainment date for Moderate areas.

Clean Air Act Section 126(b)

Petitioning State	Response Deadlines	Named EGU Sources	Ozone NAAQS Cited
CT[1]	1/25/17	Brunner Island, PA	2008
DE (4 petitions)	3/5/17 4/7/17 7/9/17 8/3/17	1. Brunner Island, PA 2. Harrison, WV 3. Homer City, PA 4. Conemaugh, PA	2008 and 2015
MD[2]	7/15/17	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	Emphasized 2008, mentioned 2015
NY	On or about 5/11/18[3]	All EGU and non-EGU sources projected to emit at least 400 tpy of NOx in 9 upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV)	2008 and 2015

[1]On February 7, 2018, in response to a May 16, 2017, CT-filed, mandatory duty suit, the U.S. District Court in Connecticut ordered the EPA to sign a final action on the CT petition within 60 days, or by April 8, 2018. The EPA proposed to deny this petition on February 22, 2018.
[2]On September 27, 2017, MD and several environmental groups filed suit for EPA's failure to respond to MD's 126 petition.
[3]Petition dated 3/12/18. 60 days from petition date is 5/11/18. EPA expects to pursue a 6 month extension as allowed by the CAA, but has not yet done so.

GSG 3/9, Ling 3/15, Palma 3/16

Section 126 – Allows states to petition EPA for a finding that a major source or group of sources emits or would emit any pollutant in amounts that violate the good neighbor provision.

The EPA has seven pending and active Section 126 petitions on ozone from four states (CT, DE, MD, NY), each claiming violations of the Good Neighbor Provision by one or more specific power plants (EGUs) in named upwind states. In the recently-received NY petition, NY claims that all EGU and non-EGU sources projected to emit at least 400 tpy of NOx in 2017 in 9 named upwind states collectively contribute to NA/maintenance in NY.

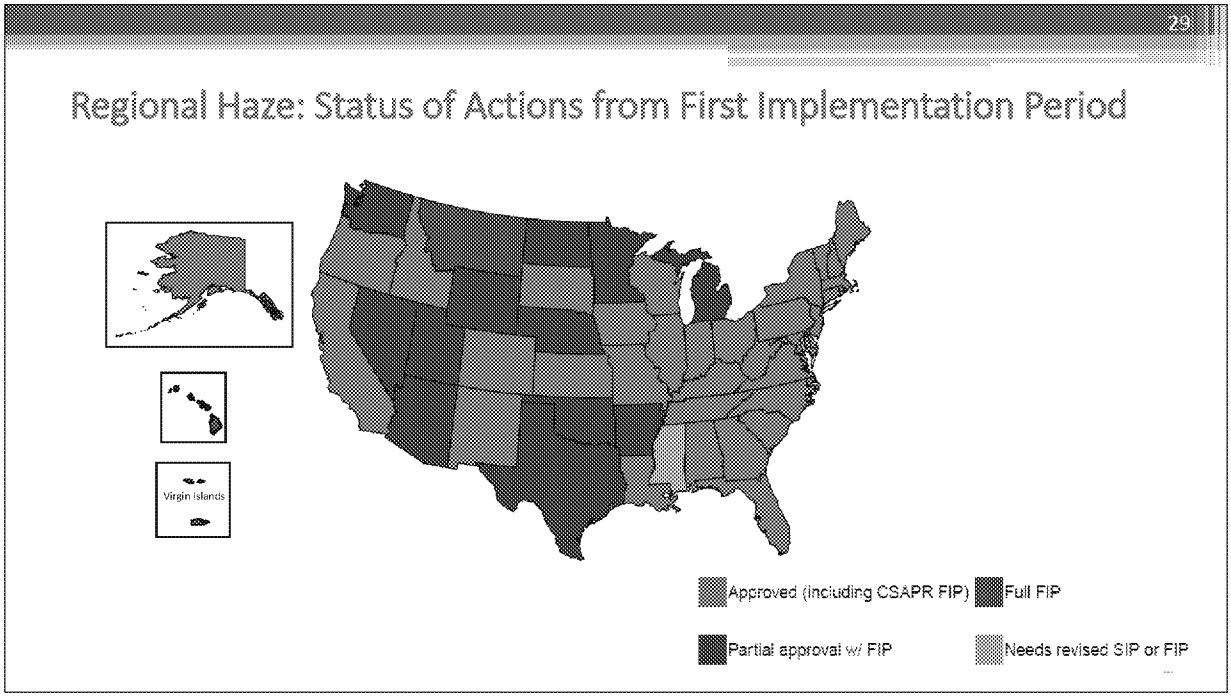
The petitioners' main argument is that coal-fired EGUs (or identified non-EGUs, for NY) either lack post-combustion NOx controls (e.g., Brunner Island in PA), or have operated post-combustion NOX controls (i.e., SCR or SNCR) sub-optimally, and that emissions from those EGUs impact other states in violation of the Good Neighbor Provision.

The petitioners also argue or imply that seasonal emission limits such as those in the currently-applicable Good Neighbor FIPs are inadequate to prevent EGU NOx emissions peaking on high-ozone days.

EPA missed the statutory response deadlines associated with these petitions. CT has filed a petition for review, MD filed suit on 9/27/17, DE and several environmental groups filed NOIs.

The CAA allows 60 days from receipt to respond to 126 petitions, but allows EPA to grant itself a 6 month extension, if needed. 60 days from the date of the NY petition is 5/11/18 (this may change slightly based on the date received by the Administrator). EPA expects a 6 month extension, but has not yet filed this action.

On February 7, 2018, (in response to the 5/16/17 mandatory duty suit filed by CT), the US District Court (District of Connecticut) issued a summary judgment that EPA issue a final action on the CT petition within 60 days (by April 8, 2018, which is effectively April 6 because 4/8 is a Sunday). We were also ordered to have a public hearing within 30 days of the order.
We held a public hearing on February 23 in DC to meet the APA requirements of 15 days' notice in advance of the hearing and 30 days following the hearing.
Peter T. signed the notice of public hearing on February 9, which EPA immediately posted on our website. The FR notice published on 2/14/18 (83 FR 6490)
The Administrator signed the proposed action denying CT's petition on February 15, 2018. This action published in the FR on 2/22/2018 (83 FR 7710)
The comment period closes on March 26, 2018.



Melinda 3/23 and 3/28
Nearly all states have complete plans in place covering the first regional haze planning period. EPA is working with states on SIP revisions as needed, but there are outstanding obligations resulting from incomplete plans and/or litigation outcomes in a few states. Litigation remains ongoing in a number of states as well.

Overview of First Planning Period SIP Actions
EPA has taken complete action on most of the required 52 plans: 36 approvals (some including CSAPR>BART FIP), 12 partial approvals, and 3 full FIPs. 1 state is still working to get a complete plan in place.

However, there remain a number of plans still under some level of review either due to ongoing litigation (8 plans), remand responses (6) or incomplete plans (1, in orange above).

Additionally, some states may be working to replace the CSAPR>BART FIP or other FIP with a SIP (these aren't indicated on the map).

Recent and outstanding actions (DO NOT SAY, FYI ONLY)
In AL, last fall we published final approval of a SIP relying on CSAPR>BART.
In TX, last fall we published a final FIP to partially address Texas' haze obligations; RP/LTS piece remains outstanding.
In LA, we recently took final action for approval of a SIP; CD deadline to take final action was in December 2017.
In AR, we recently took final action to approve a SIP to partially replace the partial FIP. (February 2018).
In NY, we recently fully approved the SIP and removed the previous FIP provisions. (February 2018).
In MS, we are awaiting a new SIP to respond to past disapprovals (which related to CAIR).

Litigation - AR, MI, MN, NY, UT, WY, TX, LA
- Pertain to a mix of issues related to SIP disapprovals
EPA working closely with states and our priority is getting states to the place where they have approvable SIPs.
In NY, we expect the recent SIP approval to resolve the litigation.

Progress Reports: EPA continues to take action on regional haze progress reports.

Summary of Progress Reports Status as of 2/13/2018
EPA continues to take action on regional haze progress reports (due dates range from 2012 to 2017, depending on when state submitted initial SIPs):
23 final approvals (NC, IA, TN, WV, DE, CA, MO, RI, KS, NV, NH, FL, VA, DC, VT, GA, NY, NJ, NM, ME, SC, KY, IN)
6 between proposal and final approval, or direct finals withdrawn (AK, MN, MI, OH, IL, WI)
12 awaiting EPA action (AR, UT, TX, CT, OK, ND, ID, SD, AZ, CO, NE, MD)

11 outstanding to EPA (LA, AL, MS, WY, PA, OR, WA, MA, MT, HI, VI)

CSAPR-better-than-BART

Recent Court Opinion:

- The D.C. Circuit recently (March 20, 2018) issued an opinion upholding EPA's 2012 CSAPR-better-than-BART rulemaking. This opinion also upheld EPA's disapprovals of several SIPs that relied on CAIR
  - The litigation in this case was in abeyance for several years while litigation on CSAPR played out
  - CSAPR-better-than-BART is currently used in regional haze plans for nineteen states

CSAPR-better-than-BART reaffirmation:

- In September 2017, EPA reaffirmed that CSAPR remains better-than-BART despite some changes to the CSAPR trading programs
- EPA received petitions for review and reconsideration on the reaffirmation rulemaking; no updates on next steps or schedule

[Melinda created 3/23]

FYI, the nineteen states are: Alabama, Arkansas, Georgia, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Nebraska, Minnesota, and Wisconsin rely on CSAPR participation as BART, either via FIP or SIP.

FYI, the changes to CSAPR included 1- the removal of Texas from the PM trading program and 2- changes to several states NOx budgets via the CSAPR Update.

Regional Haze: Second Implementation Period

- EPA is already working with states and groups of states on the second planning period
- Key principles for implementation of the second planning period include:
  - Ensuring that states have the information they need to develop approvable regional haze plans
  - Ensuring that states have discretion and flexibility to select sources for reasonable progress analysis
  - Ensuring that we are on a path that enables compliance with the Clean Air Act, improved visibility in Class I areas, and state discretion regarding whether and how to control sources of visibility-impairing pollutants

Melinda/Vera 3/9

If asked (and if Chet is unavailable to respond):
In October 2017, OAQPS' modeling group released preliminary, future-year (2028) visibility projections. This work included sector-specific source apportionment to help understand visibility impairment at Class I areas.
These results may be helpful to some states, particularly for areas where model performance was good and uncertainty was low (most eastern Class I areas).
EPA's SCRAM website has the details on this work, including the TSD (https://www.epa.gov/scram).
For questions on this work or its applicability, please contact Chet's folks.

Regional Haze Rule and Guidance Updates

- **Rule revisions were finalized on January 10, 2017 (82 FR 3078):**
  - Petitions for review were filed in the D.C. Circuit as well as petitions for reconsideration
  - On January 17, 2018, EPA announced its decision to revisit aspects of the 2017 rule revisions:
    - "EPA intends to commence a notice-and-comment rulemaking in which we will address portions of the rule, including but not limited to the Reasonably Attributable Visibility Impairment (RAVI) provisions, the provisions regarding Federal Land Manager (FLM) consultation, and any other elements of the rule we may identify for additional consideration. Furthermore, EPA plans to finalize one or more EPA guidance documents for regional haze State Implementation Plan (SIP) revisions due in 2021. Such guidance may also address some or all of the issues raised in the petitions for reconsideration."
  - EPA asked the D.C. Circuit to place the litigation into abeyance "pending administrative proceedings that may result in changes or clarifications to the challenged rule and thereby potentially narrow the scope of this litigation;" motion granted January 30, 2018
- **On July 8, 2016 (81 FR 44608), EPA released draft guidance**
  - Next steps on guidance are expected to be developed as EPA initiates regulatory review of the 2017 rule revisions

Melinda/Vera 3/9

Litigation
Now in abeyance as of January 30, 2018 pending the outcome of the revisitation (not a formal reconsideration because we neither granted nor denied any of the petitions for reconsideration, per letters sent January 17 to the petitioners). EPA must file status reports with the Court at 90-day intervals beginning April 30, 2018.

We have no public schedule to announce at this time for the rulemaking.

A total of 11 Petitions for Review were filed with the D.C. Circuit:
State of Alaska; UARG; Chamber of Commerce; National Parks Conservation Association (on behalf of several conservation groups); State of Arkansas; State of North Dakota; State of Texas; NorthWestern Corp.; Entergy; Luminant; and Southwestern Public Service Company.

In addition, 3 Petitions for Reconsideration were received:
UARG, State of Alaska, and a joint petition from Southwestern Public Service Company, Entergy Services, and Cleco Power.
Primary issues raised included:
consideration of international emissions;
the idea that uniform rate of progress may be considered a "safe harbor" in the reasonable progress evaluation;
the order of analysis of the long term strategy and the reasonable progress goals; and
the reasonably attributable visibility impairment program.

We are also reviewing the 2016 draft guidance document with an eye toward how a final guidance document may help address the concerns raised in the petitions.

SSM SIP Call Under Policy Review

- Final SSM SIP Action of 2015 concerned SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
  - Restated EPA's SSM Policy as it applied to SIPs with one change regarding affirmative defense (AD) provisions
  - Included SSM SIP Call that applied to 36 states (45 jurisdictions)
- Judicial review of the SSM Action is pending before the D.C. Circuit, but case is currently being held in abeyance to allow for review by the new administration

Juan 3/15

Challenges to the SSM Action are pending before the D.C. Circuit in Case No. 15-1239 (and consolidated cases) captioned Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA (formerly captioned Walter Coke, Inc. v. EPA, Case No. 15-1166).

Although the court is holding this case in abeyance, neither the court nor EPA has stayed the SSM Action. SIPs are due on November 29, 2017.

EPA stated in its' 90-day status report filed with the court on 7/24/17 that EPA is "continuing to review the SSM Action to determine whether the Agency will reconsider all or part of the SSM Action, and/or grant the pending petitions for reconsideration in whole or in part."

Generally, EPA is not taking action with respect to any SSM-related SIP provisions until the Administrator's Office has completed its full review of the SSM Action. Thus, all SIP actions that concern SSM provisions are considered "on hold until further notice."

Once the Administrator has completed its review, EPA Regional Offices will be advised as to how to act on SSM-related SIP submissions.

Example "emergency" issue...in case asked about EPA's CD deadline on Delaware's RACT SIP:
We recognize that the latest direction—to keep SSM-related SIP actions "on hold"—contributes to other problems for certain states, even for EPA itself.
E.g., under terms of a Consent Decree, a deadline was approaching by which EPA must act on a Delaware RACT SIP submission (which happens to include revised SSM provisions).
In Aug 2017, EPA asked a District Court for permission to delay action on the SIP until EPA completes its full policy review of the SSM Action.
The court, however, denied EPA's request, instead giving EPA just 90 days to finalize action on the SIP.

Submissions made. As of Aug 2017, EPA has:
Received submissions from 29 of the 45 SIP jurisdictions (among 25 of the 36 states SIP-called).
Approved a corrective SIP revision for Tennessee's Knox County AQMD (final rule published 12/16/2016 at 81 FR 91033).
Proposed approval for another 5 SIP jurisdictions, most recently through notice published 5/1/17.

NSR Improvements and Other Recent Actions

- Actual-to-Projected-Actual Applicability Test Guidance Memorandum
- Project Emissions Accounting Memo
- Project Emissions Accounting Rulemaking
- Source Aggregation Guidance
- Project Aggregation Reconsideration
- Ambient Air Guidance
- Rulemaking on Treatment of Biomass for Permitting
- $PM_{2.5}$ and Ozone SILs Guidance
- Routine Maintenance, Repair and Replacement (RMRR)
- Once-In-Always-In

Juan 3/15

Specifics on each action is provided in the following slides.

NSR Updates: Actual-to-Projected-Actual Applicability Test Guidance Memorandum

- **Memorandum: "New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability"** signed by Administrator Pruitt on December 7, 2017
  - Available at https://www.epa.gov/sites/production/files/2017-12/documents/policy_memo.12.7.17.pdf
  - Where a source projects an insignificant emissions increase, the level of actual emissions after the project governs applicability
  - Projections may reflect the intent to actively manage post-project operations in order to prevent a significant emissions increase from occurring
  - EPA will not second guess NSR applicability analyses that comply with the procedural requirements of the regulations

NSRG 3/9, Juan 3/15, Raj 3/27

3rd sub-bullet: The memo states a source may actually intend "to actively manage emissions and that is consistent with our regs."

The last paragraph of the memo reaffirms that state and local regulations approved by EPA into the SIP are the governing federal law. Those regulations must be at least as stringent as the federal rule requirements in 40 CFR 51.165 / 51.166, but may be more stringent. If it is determined that a SIP NSR program is deficient, EPA has the authority to call for the state to revise its regulations.
NOTE from Raj: The message here is contentious – yes states can be more stringent, but if they are we could do a SIP call.

Project Emissions Accounting (Project Netting) Guidance Memorandum

- **Memorandum: "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program"** signed by Administrator on March 13, 2018
  - Available at https://www.epa.gov/nsr
  - Communicates EPA's interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process, i.e., determining whether a project will result in a significant emissions increase
  - Interpretation is grounded in the principle that the plain language of the CAA indicates that Congress intended to apply NSR to changes that increase actual emissions and the language in the corresponding NSR regulations is consistent with that intent

- Prior EPA guidance had indicated that the relevant provisions of the NSR regulations preclude the consideration of emissions decreases at Step 1
  - For the reasons discussed in the memo, EPA will no longer apply such interpretation

NSRG 3/9/ Juan 3/15
Under EPA regulations, the process for determining whether a project at an existing major stationary source triggers the requirement to obtain an NSR permit is a two-step process.
Step 1 involves the determination of whether a proposed project will, by itself, result in a significant emissions increase.
Step 2 involves an evaluation of whether the project will result in a significant net emissions increase, considering any other increases and decreases in actual emissions at the source that are contemporaneous and otherwise creditable. EPA has generally referred to Step 2 as "netting" or "contemporaneous netting."
To qualify as a "major modification," a project must result in both a significant emissions increase (Step 1) and a significant net emissions increase (Step 2).
EPA previously referred to the consideration of emissions decreases in Step 1 as "project netting."
Past EPA statements and guidance has been inconsistent as to whether, and to what extent project netting was permitted.
In 2006, EPA proposed regulatory changes to make clear that project netting is permitted for all project categories.

Project Emissions Accounting (PEA) Proposed Rule

- EPA published on March 30, 2018, the **Issuance of Guidance Memorandum, "PEA Under the New Source Review Preconstruction Permitting Program"**
- As discussed in the memo, this clarification will apply to all project categories (including existing units only, new units only, and new and existing units)
  - Memo can be found at https://www.epa.gov/nsr/project-emissions-accounting
- A proposal will codify the considerations and interpretations reflected in the memorandum
  - Current schedule: Fall 2018

Juan 3/15; updated 3/29

Under the New Source Review (NSR) pre-construction permitting program, sources undergoing modifications need to determine whether their modification is considered a major modification and thus subject to NSR pre-construction permitting.

A source owner determines if its source is undergoing a major modification under NSR using a two-step applicability test. The first step is to determine if there is a "significant emission increase" of a regulated NSR pollutant from the proposed modification (Step 1) and the second step is to determine if there is a "significant net emission increase" of that pollutant (Step 2).

In this action, we are clarifying how to consider emissions increases and decreases from a modification in Step 1 of the NSR major modification applicability test for all unit types (i.e., new, existing, and hybrid units).

Source Aggregation

- **EPA defines *"stationary source"* in the permitting programs as all of the pollutant-emitting activities that are:**
  - located on one or more contiguous or adjacent properties *and*
  - are under common control of one person (or persons under common control), *and*
  - belong to the same major industrial grouping (2 digit SIC code)

  [40 CFR 70.2 and 52.21(b)(1) and (5)]

- EPA's interpretation of "adjacent" has evolved through source-specific determinations
  - 2016 Rulemaking clarified "adjacent" for oil and gas operations
    - Adjacent operations are limited to those within ¼ mile with shared equipment

- EPA's determinations of whether "common control" exists have been based on an assessment of multiple factors
  - We are evaluating whether/how to further refine the factors that must be assessed

- EPA intends to address "adjacent" and "common control" in upcoming actions

This is still premature – what you can say depends on whether we have spoken publicly by the time of the meeting.

Common Control – the direction we have been given – Meadowbrook letter is the reference, if public by the time of the meeting "Control" should be limited to actual control over a meaningful portion of operations relevant to air pollution; in other words, the ability to direct decisions that could impact the applicability of or compliance with relevant regulatory requirements.

It is unlikely that we will have said anything about adjacent by the time of the meetings, but based guidance received so far:

Adjacent is limited to proximity
No consideration of functional interrelatedness

4th bullet:
In terms of upcoming actions, could be in form of either case-by-case interpretations or other guidance documents.

Project Aggregation Reconsideration

- 2009 Rule for Project Aggregation
  - Established "substantially related" criterion for aggregating projects, and a 3-year rebuttable presumption against aggregating
  - Did not amend the CFR text (definition of "project"), considered an interpretive rule
  - Calling it a "new interpretation" of the rule text, it only applies prospectively
- Reconsideration and Stay of the 2009 Rule
  - NRDC petitioned for reconsideration and sued EPA on the 2009 Rule
  - EPA granted reconsideration and stayed the effectiveness of the 2009 Rule pending completion of the reconsideration or litigation
  - In 2010, EPA proposed reconsideration with a preference to revoke 2009 Rule
- Current Action – Final Reconsideration Rule
  - Current schedule: Summer 2018

Juan 3/15

Planned Current Action
Retains the 2009 Rule without amending the rule text or the 2009 interpretation.
Addresses notice and comment deficiencies and responds to other issues raised by NRDC.
Lifts the stay of the 2009 Rule, making the rule effective.

Ambient Air Guidance

- **EPA defines "*ambient air*" as "that portion of the atmosphere, external to buildings, to which the general public has access" (40 CFR 50.1(e))**
  - EPA's longstanding policy for implementing ambient air for PSD purposes was stated in a 1980 Costle letter, "*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*"
  - Subsequent guidance provided over the years by EPA to recommend how to apply 1980 policy statement for specific situations
- We are evaluating several key terms associated with the definition including: "general public", "access" and "building" to determine where additional flexibility may be appropriate
- EPA is anticipating issuing guidance in Spring 2018

Juan 3/15

This was part of what was raised in comments to the Department of Commerce.

Treatment of Biogenic CO_2 Emissions in Permitting

- **On February 13, 2018, EPA issued a response to New Hampshire reflecting its current views on the programmatic treatment of biomass**
- In this letter, EPA clarifies, among other things, that:
  - The Consolidated Appropriations Act of 2017 urges the proactive recognition of forest biomass as being both carbon neutral and a source of renewable energy
  - Spurred by this congressional action, EPA is engaged in a multi-agency effort with DOE and USDA to establish a mechanism for federal cooperation and consistency on the use of biomass for energy throughout the federal government
  - EPA will be developing a set of options consistent with the carbon neutral policy of biomass from forests and other lands sectors to provide certainty for the treatment of biomass throughout the Agency's permitting decisions
- Letter at: https://www.epa.gov/air-and-radiation/policy-update-epa-programmatic-treatment-biomass-and-forest-products-industry

NSRG/Juan 3/15

Administrator Pruitt issued a letter to Governor Sununu of New Hampshire, outlining EPA's work to advance and promote the responsible use of forest resources (we did not see the incoming letter so not sure who it actually came from).
Appropriations Act Text: Sec. 428. To support the key role that forests in the US can play in addressing the energy needs of the US, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the EPA shall consistent with their missions jointly:
Ensure that Federal policy relating to forest bioenergy:
(A) Is consistent across all Federal departments and agencies; and
(B) Recognize the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and
Establish clear and simple policies for the use of forest biomass as an energy solution including policies that:
(A) Reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.
(B) Encourage private investment throughout the forest biomass supply chain including in:(i) Working forests; (ii) Harvesting operations; (iii) Forest improvement operations; (iv) Forest bioenergy production; (v) Wood products manufacturing; or (vi) Paper manufacturing;
(C) Encourage forest management to improve forest health; and
(D) Recognize State initiatives to produce and use forest biomass.
Expect action on the policy in the near future.
Possible regulatory actions specific to the application of the policy to the permitting programs will follow.

$PM_{2.5}$ and Ozone SILs Guidance

- EPA is developing both a revised $PM_{2.5}$ SIL and new ozone SIL for permittees to use in streamlining the air dispersion modeling permitting process
- The guidance will be comprised of a policy memorandum, a technical document and legal support document
  - All three are intended to be referenced and included in any permit record where the recommended SILs are used by a permitting authority
  - The guidance is not a final agency action and is not binding for industry, permitting authorities, or the public
- An informal public comment was accomplished in 2016
- The guidance is currently under OMB review
- Projected signature of guidance - Spring 2018

NSRG 3/9/ Juan 3/15

NOTE – if signature occurs update slide

Routine Maintenance, Repair and Replacement

- EPA believes there is uncertainty regarding the Routine Maintenance, Repair and Replacement (RMRR) exclusion from "major modification" applicability
- EPA is evaluating the need to clarify the interpretation and appropriate application of the RMRR exclusion under the NSR regulations
- EPA anticipates clarification in Spring 2018

Peter K 3/27, Harlow 3/28

Policy could clarify that:
EPA will evaluate the nature and extent, purpose, frequency and cost of the proposed activities and other relevant factors in the context of the industry category to reach a common-sense finding consistent with the original intent under the regulations and WEPCO.

RMRR may include activities that involve operational improvement to an emissions unit such as efficiency and reliability, if those activities are found to be routine within the industry.

Once a proposed activity is determined to qualify as RMRR, that activity is not a "physical change or change in the method of operation."

Once-In-Always-In

- SPPD developing (per Mike K)
- Per Harlow, With respect to OI/AI, I don't think we should be shy from acknowledging in the slide, whenever it is produced, that a petition for review was filed just yesterday (March 26), challenging the guidance memorandum/interpretive rule in the U.S. Court of Appeals for the D.C. Circuit. There are multiple joint petitioners; I believe you will find that the case will be styled as *California Communities Against Toxics, et al. v. EPA*.

Once In Always In – not our rulemaking, but we recognize that implementation has permitting implications. Questions should be directed to the regions – we have a process for developing consistent responses which we will share with the regions.

Title V Permitting

- Rulemakings in progress
  - Petitions Process Rulemaking
- Process Improvements
  - Increased use of electronic systems
    - Central Data Exchange (CDX) for receipt of petitions
    - Beta test of permit submission system in Region 9
- Lean Kaizen Event held on March 26, 2018
  - See subsequent slide for more information

Juan 3/15

Petitions process rulemaking – Finalizing this rule closes out the last remaining issues from the Title V task force (related to the requirement to respond to comments)
NOTE: OPG is developing a document you can share with AAPCA showing how we have addressed the recommendations from the task force.

Electronic systems –
CDX for petitions
Currently piloting an electronic system for states to submit permits to EPA for review
Pilot in Region 9 – Feb/March 2018
With sufficient funding, hope to roll this out to all regions

Title V Petitions

- Title V Petitions continue to be a substantial work load
- Petitions Received FY 2018 (to date) – 8
- Petitions Resolved FY 2018 (to date) – 22
  - 15 Orders
  - 7 Resolved by other means (petitioners agreed to withdraw, previous responses identified)
- Pacificorp Hunter – EPA will not look back at decisions made in NSR permitting process in the context of title V
  - Provided that there was an opportunity for public comment and judicial review
  - Decision being challenged in 10th Circuit (Utah) and D.C. Circuit

Petitions Resolved 2018:

Orders
Linn/Berry (2) Gallatin (2)
Wheelabrator (2) – Assuming one gets signed April 2 Exxon Olefins
Hunter Wisconsin Proppants/Silica Sands (2)
Big River Steel Yuhuang (2)
Raven Exxon Refinery

Resolved by Other Means (based on our review of petitions, identified some where facilities had closed, asked petitioners to withdraw)
BC Cobb (Petitioner withdrew)
Indiana Harbor Coke (letter sent to petitioner - this was a draft permit, too early for petition)
Hanford 2007 (resolved as part of settlement of later petition)
Reichold (petitioner withdrew)
Indian River (petitioner withdrew)
General Chemical (petitioner withdrew)
Corette (petitioner withdrew)

No NSR lookback – Used in Hunter, Big River Steel, Exxon Olefins, Exxon Refinery, Gallatin
Challenge in DC Circuit is based on it being a new, national policy

Title V Permitting – Fee Guidance

- In response to a 2014 Office of Inspector General (OIG) report recommending enhanced oversight of state and local title V program fee practices, EPA issued two guidance documents on March 27, 2018.
  - *Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70* (Title V Evaluation Guidance) and
  - *Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs under Title V* (Updated Fee Schedule Guidance)
- These documents satisfy EPA commitments to the OIG by providing guidance for EPA regions on conducting state and local title V program and fee evaluations.
- The guidance is discretionary for EPA regions and sets no specific requirements for state programs.

Juan 3/28

We developed these in response to a 2014 Office of Inspector General (OIG) report recommending enhanced oversight of state and local title V program fee practices.

The two documents consolidate and update existing guidance, specifically updating 1993 guidance on fees.

They are consistent with Principles and Best Practices for Oversight of State Permitting Programs, which was developed in consultation with ECOS, AAPCA, NACAA, and other organizations.

The documents were reviewed by staff and management in EPA's regions, OGC, and OAQPS, as well as by state and local air agencies. A number of edits were made in response to state comments.

We originally committed to issuing guidance by September 30, 2017, but an extension was granted to allow time for state and local programs to review and provide feedback.

SIP Processing Improvements

- High priority continues to be reducing the SIP backlog and improving SIP processing times
- Trends in SIP processing:
  - Total pending SIPs reduced by 20% (between October 2013 and March 2018)
  - Historic backlogged SIPs reduced by 80% (between October 2013 and March 2018)
- SIP management improvement efforts ongoing
  - SIP management plans continue to provide opportunities for EPA regional offices and states to engage on setting SIP action priorities
  - EPA emphasizing early engagement with air agencies
  - Continued commitment to providing timely guidance on SIP development issues
  - EPA maintaining emphasis on internal SIP processing improvements
    - Using lean practices to inform opportunities for continuous improvement
    - Significant investment in IT improvements will also contribute in this area

Vera 3/9

EPA continues to refine our internal and external communications as well as implementing best practices for SIP processing. We are continuing to engage with states early to prioritize SIP reviews and actions and develop multi-year SIP management plans.

We have reduced the historic backlog that existed in October 2013 80% (from 699 SIPs to 144 SIPs as of 3/1/2018 and have reduced the total number of pending ("in-house") SIPs by over 20% since October 2013

We have improved our ability to process newly received SIPs within CAA timeframes, but number and complexity of new SIPs is making it challenging to keep some of them from becoming backlogged.

Because of this challenge there are still roughly 401 SIPs currently backlogged of the 740 SIPs pending EPA action.

Although this is a big improvement from 699 backlogged SIPs as of 10/1/2013, we know there is still work to be done to achieve our SIP processing objectives.

We believe the consultation and prioritization efforts with states is keeping us focused on acting on the most important SIPs.

SIP Processing Improvements: State Plan Electronic Collaboration System (SPeCS)

- EPA worked extensively with state air agency representatives, and partnered with E-Enterprise for the Environment and ECOS on this project over the past 18 months
  - The E-Enterprise Integrated Project Team (IPT), with 12 air agency representatives, provided useful feedback on the Plan Collection Interface (PCI) module
  - Fourteen states participated in beta testing before system was launched in January 2018
  - Training webinars and materials: https://www.epa.gov/air-quality-implementation-plans/submit-sips-online
- Benefits
  - Reduce paper/mailing/printing/storage costs
  - Save staff time and resources
  - Integrate multiple legacy tracking systems into one
  - Increase transparency
  - Achieve more efficient SIP processing

SLPG 3/9

The State Planning Electronic Collaboration System (SPeCS) is EPA's integrated electronic submission, review, and tracking system for State Implementation Plans (SIPs) and other air agency submissions that will enable EPA and state, local, and tribal agencies to:
Manage plan submissions and the plan review process more efficiently and effectively
Increase transparency through greater "real-time" data availability
Enhance collaboration among different levels of government

During 9/7-9/21/17, 14 states participating in beta-testing of the Plan Collection Interface part of the system
AR, CA, GA, IA, KY, MI, MS, NM, NY, OK, TX, WI, WV, WY

There are currently 49 state and local air agencies registered to use the system (FYI-Maine is the only state not registered).

SIP Processing Improvements: State Plan Electronic Collaboration System (SPeCS)

- Plans for 2018 and beyond (with sufficient funding) include:
  - Enhance State Plan Collection Interface based on ongoing user feedback
  - Develop Public Dashboard
  - Develop an Exceptional Events demonstration module
  - Develop Title V module for EPA review of state issued permits
  - Develop NSR Permit Tracking System and Technology Database
  - Coordinate SPeCS with SIP Lean efforts

SLPG 3/9

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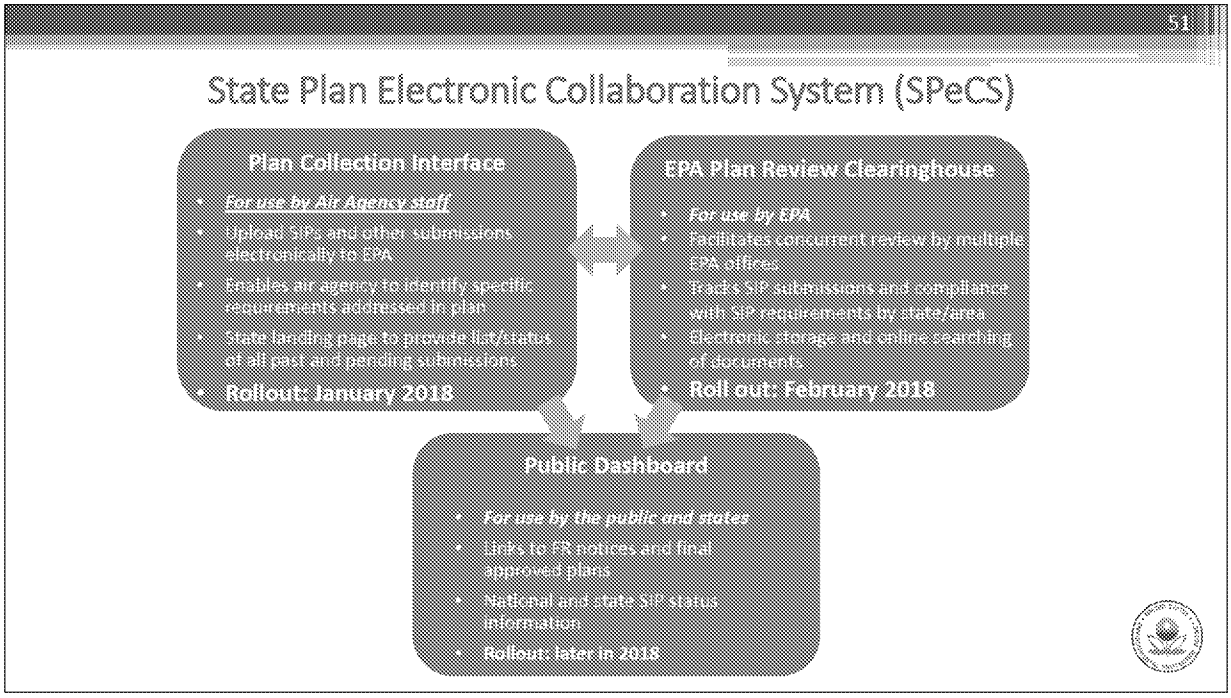


SLPG 3/9/Juan 3/15

SPeCS is comprised of three main components:
Plan Collection Interface: a more advanced version of the current eSIP system that allows states to upload state submissions and related data electronically
EPA Clearinghouse: internal EPA area for review of state submissions and tracking of CAA requirements
Public Dashboard: an EPA website for providing SIP-related information to the public

There are three major components for SPeCS for SIPs
A Plan Collection Interface for air agencies only. This is the portion of the system we will be covering today.
The "Landing Page" will provide a searchable list of the state's past and pending submissions.
Builds upon the existing eSIP system
Provides searchable access to previously submitted plans from the state "landing page"
Supports submission of plans using a web-based interface
Includes customized screens for different plan types, file upload capability, and completeness checks; and
Provides air agencies users with a simple, organized and consistent approach to submitting plans.
An EPA Clearinghouse for EPA only. Will be launching for EPA users in a couple of weeks.
Consolidates AirTrax and FRED functionality
Provides EPA a centralized location to manage plans.
Supports concurrent plan review by multiple offices
Provides system for identifying, elevating and resolving policy and technical issues in consistent manner
Tracks compliance of each plan with specific CAA and regulatory requirements
Provides searchable access of submissions
Integrates multiple existing EPA internal tracking systems into one
By supporting more efficient processes for plan submissions and EPA reviews, SPECS should help reduce the SIP backlog.

A Public Dashboard for the public and stakeholders. Similar to SIP Status pages currently on the web. Will be expanded on after Clearinghouse launch.
Provides up-to-date plan status information
Links to comprehensive plan submissions and EPA Federal Register actions
Provides national and state SIP status summary information

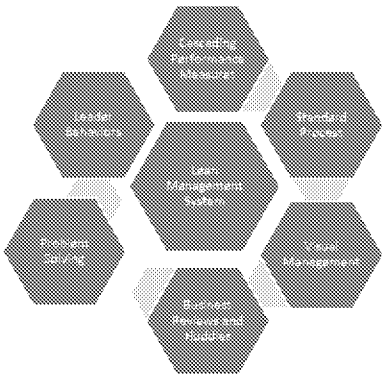
In 2018, the infrastructure of the system is being developed for expansion to other types of plans in the future
Historical plan data will be migrated into the system.
Evaluating the pros/cons of undertaking rulemaking to require or incentivize use of this electronic system by all air agencies

EPA is Implementing a Lean Management System (LMS)

EPA Desires:

- Continuous improvement through problem solving at the level closest to the work
- Continuous improvement based on respect for the people doing the work
- Accountability to the process without blaming people
- Sustainment of gains from its improvement efforts
- Development and adherence to standard processes

LEAN MANAGEMENT SYSTEM



The goal of the SIP lean event was to build a Lean Management System for SIPs in which EPA regions and headquarters offices would use visual management to more routinely take action on SIPs within Clean Air Act deadlines and eliminating the backlog by 2022.

Lean Priority Areas

- Applying lean principles to specific focus areas to:
  - Develop visual management systems
  - Identify and eliminate waste consistent with lean principles
  - Develop a more efficient and effective process
- Key areas identified include SIP processing, NSR, and Title V
- Timely action on SIPs is a priority for EPA, as reflected in EPA's recently released Strategic Plan for FY2018 – 2022 and the Agency's Reform Plan
- The Reform Plan highlights priority areas where EPA plans to apply lean tools in order to make further progress, with a new emphasis at EPA on the use of visual management tools
- SIP lean event held in February 2018 focused on both EPA process and state process – and included participants from states and a local area
  - Goal of SIP lean event was to develop process and tools that would enable EPA to eliminate the backlog and process SIPs within CAA timelines, by 2022

Vera 3/23

SIP Lean Overview and Next Steps

- Identified an ideal process that includes an emphasis on cooperative federalism and working closely with states at the outset so that states are able to submit approvable SIPs
- Described key decisions throughout the process, including the details of who should make those decisions, when, and other aspects of those decisions
- Outlined opportunities for standard work to ensure consistency across regional offices and with EPA HQ
- Considered options for addressing current pending SIPs while also implementing the new process
- Implementation details are still being developed
  - We are eager to stand this new system up as quickly as we can, and will keep you posted on our progress

Anticipated States Benefits
Identifying participants and decision makers early in the process so there is less delay.

There is a commitment from EPA to identify approvability issues before the SIP is adopted by the air agency, leading to less re-work by the air agencies and EPA.

We should see quicker approvals for state priorities such as redesignations.

Quicker processing after official submittal will help close the SIP Gap, meaning that time period between when air agencies adopt their requirements and when EPA adopts those requirements into the SIP.

There will be more regulatory certainty and quicker processing of SIPs, which can provide economic benefits to the states. Especially with redesignations.

Again, this new process will not require air agency participation, but those who cannot or choose not to participate may not see the full benefits of the new process.

There is incentive for air agencies to engage early with EPA, and many already do so, but with this new process key EPA decision makers will also be engaging early and the Lean team is hopeful these incentives will be enough to support EPA's new approach and goals.

Implementation:
We are developing an implementation plan that will identify how we will roll out and standardize the changes to the process, the standard practices and the measures. The implementation plan will also address communications and training, including involvement from and communications with air agencies.

There are changes that we will implement within EPA, such as clarifying roles and responsibilities, making decisions as close to the work being done as possible, and using templates and standard language when possible.

EPA will internally implementing a visual management board to track progress on SIP development and processing within each Region and at HQ offices.

This system will provide a framework for EPA communication with air agencies about the status of their SIP submissions throughout the process to help ensure that there is a common understanding of status and anticipated timing. Ultimately, this will provide states with more transparency about EPA's internal process and timelines.

The commitment to early engagement is expected to start applying to new SIPs as quickly as possible, and the 2015 ozone NAAQS nonattainment designations offers a great opportunity to test the new process from the beginning - from when the need for a SIP is identified.

We also recognize that we have a large number of pending SIPs. We are looking at the pending SIPs (both backlogged and not) and talking through options for handling those SIPs consistent with implementation of our more efficient lean process.

NSR and Title V Lean/Kaizen Efforts and Next Steps

- As part of the Agency streamlining efforts, we are taking a look at the permitting process and timelines for EPA-issued permits under both Title V and NSR
- We are applying Lean/Kaizen concepts to the permitting process with the goal of identifying actions we could take to expedite the process and make permitting more efficient
  - These events are focused on EPA-issued permits
- During the week of March 26, 2018, EPA HQ and Regions conducted a week-long Kaizen event focused on the Title V program
- A week-long Kaizen event for the NSR program is scheduled for the week of April 9, 2018

Juan 3/28

To expedite federal permitting, EPA is looking for ways to increase the efficiency of the permitting process and shorten the amount of time it takes to get a permit:

First, the Agency is holding two upcoming Kaizen events looking at the permitting process for EPA-issued permits.
The first Kaizen event was held the week of March 26 and focused on EPA-issued operating permits under Title V of the CAA.
The second Kaizen event is scheduled for the week of April 9 and will focus on the process for EPA-issued NSR permits.

Second, EPA is tracking the amount of time it takes to issue federal permits and is committing to significantly reducing permitting times.

Questions and Comments

APPENDIX

NAAQS Reviews: Status Update

April 2018

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_2, SO_2, PM	PM	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	Jan 2010	Jun 2010	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)[3]	TBD[4]	TBD[4]	July 14, 2017 Proposal Sept 25, 2017 Public Comment Closed April 6, 2018 Final	Sept. 18-19, 2017 CASAC review of draft PA and REA May 25, 2018 Proposal Jan 28, 2019 Final	May 24-25, 2017 CASAC review of 1st Draft ISA Late 2018 2nd Draft ISA REA Planning Document	Late 2018 1st draft ISA	TBD[4]

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2, and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = to be determined

HEID 4/2

Anticipated NAAQS Implementation Milestones

(March 2018)

Pollutant	Final NAAQS Date	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
$PM_{2.5}$ (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
$PM_{2.5}$ (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO_2 (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO_2 (2010) (primary)	June 2010	Oct 2013, Sept 2016 (+2 rounds)	June 2013	Apr 2015, Mar 2018 (Oct 2019, 2022)	Oct 2018, Sept 2021 (2023, 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Mid Oct	Oct 2018	Mid 2021-2022	Mid 2021-2038

Oil and Natural Gas:
2016 New Source Performance Standards (NSPS) Update

- **March 2018 Amendments**
  - EPA amended two narrow provisions of the 2016 NSPS to address aspects of the rule that pose significant and immediate compliance concerns:
    - Removing the requirement that leaking components be repaired during unplanned or emergency shutdowns;
    - Creating separate monitoring survey requirements for well sites located on Alaskan North Slope
    - Amendments were in response to public comments and information received in response to June 2017 proposed stays of certain requirements in the rule and subsequent Notices of Data Availability (November 2017)

- **NSPS Reconsideration**
  - EPA is reconsidering certain aspects of the 2016 NSPS, including fugitive emissions requirements
    - Looking broadly at the rule during the reconsideration process
    - EPA is continuing to evaluate comments the agency received on proposed stays and NODAs
  - EPA will issue a proposal addressing the reconsideration of the rule for public review and comment at a later date

KB Mills 4/2

Reconsideration - In an April 18, 2017 letter to petitioners: EPA Administrator convened a proceeding to reconsider fugitive emissions requirements at well sites and compressor stations
June 2017 Federal Register Notice: EPA granted reconsideration of additional requirements: well site pneumatic pumps standards and the requirements for certification by professional engineer;
In the FR notice, the Agency indicated it would look broadly at the entire rule during the reconsideration process – including the issue of regulating greenhouse gases
NOTE TO SPEAKERS - Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Oil and Natural Gas: Control Technique Guidelines (CTG)

- **March 2018: EPA proposed to withdraw 2016 Oil and Gas CTG in its entirety**
  - The CTG provides recommendations for reducing volatile organic compounds emissions from existing oil and gas equipment and processes
    - CTGs are not regulations and do not impose legal requirements directly on pollution sources
    - However, once EPA issues a CTG, states must make RACT determinations for the sources it covers
  - Because some recommendations in the Oil and Gas CTG are based on the 2016 NSPS, and others are based on the NSPS issued in 2012, EPA believes withdrawing the entire Oil and Gas CTG will be more efficient for states
  - EPA is currently reconsidering certain aspects of the 2016 NSPS and intends to look broadly at the rule during the reconsideration process
  - Comment period on the proposed CTG withdrawal ends April 23, 2018

- **For More Information**
  - https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry
  - Contact: David Cozzie, Group Leader, Fuels and Incineration Group, 919-541-5356 or cozzie.david@epa.gov

EPA is proposing to withdraw the entire oil and gas CTG
The Oil and Gas CTG relied on data and conclusions that were used in the 2016 NSPS for the oil and gas industry.
EPA is currently reconsidering certain aspects of the 2016 NSPS and intends to look broadly at the rule during the reconsideration process.
Because some recommendations in the Oil and Gas CTG are based on the 2016 NSPS, and others are based on the NSPS issued in 2012, EPA believes withdrawing the entire Oil and Gas CTG will be more efficient for states, which otherwise might be required to revise their implementation plans twice: once, to address recommendations that are tied to the 2012 NSPS, and potentially a second time after the reconsideration of the 2016 NSPS is complete.

Repeal and Replacement of the Clean Power Plan

- On October 10, 2017, after a review as directed by the Energy Independence Executive Order, EPA proposed to repeal the Clean Power Plan (CPP)
- The CPP was premised on a novel and expansive view of Agency authority, a view inconsistent with previous rules and with EPA's historic interpretation of section 111 of the Clean Air Act
- Any proposed rule to replace the CPP would return EPA's actions to its understanding that the "best system of emission reduction" for a source should be based only on measures that can be applied to or at the source
- A public hearing was held in Charleston, West Virginia, on November 28-29, 2017.
- Public listening sessions where held in Kansas City on February 21, 2018, San Francisco on February 28, 2018, and in Gillette, Wyoming, on March 27, 2018.

John Ashley/SPPD 4/2

Repeal and Replacement of the Clean Power Plan

- The public comment period for the proposed repeal of the CPP is open until April 26, 2018. To date, EPA has received approximately 500,000 comments
- On December 18, 2017, in a separate but related action, EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) to solicit information from the public about a potential future rulemaking to limit greenhouse gas emissions from existing power plants
- In light of the proposed repeal of the CPP, the focus of the ANPRM was on specific topics EPA should consider in a future regulatory action establishing emission guidelines for greenhouse gas emissions
- The comment period for the ANPRM closed February 26, 2018, and EPA received more than 250,000 comments
- For more information, go to: https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 10/25/2018 2:52:44 PM
To: Wood, Anna [Wood.Anna@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: Revised NSR Projects Tracker
Attachments: NSRG Project Tracker 102518.docx

Message

From: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Sent: 5/13/2019 4:17:07 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]
Subject: REVISED agenda for tomorrow's meeting with AFPA-AWC
Attachments: AFPA-AWC expanded agenda for EPA 5-14-19_revised.docx

Here is the revised agenda for tomorrow's meeting with AFPA-AWC. Please let me know if you have any questions.

Thank you,

Yvonne W. Johnson
Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

AF&PA/AWC – OAQPS Expanded Agenda
May 14, 2019 (revised 5/13/19)

Room: Building C-111C
Conference line: Ex. 6 Personal Privacy (PP) #

AF&PA/AWC attendees: Jim Balik, Annabeth Reitter, Rich Garber, Ryan Gesser, Phil Ferguson, Rob Kaufmann, Steve Woock, Russell Strader, Mike Curtis, Vipin Varma, Corey Brandt, Glenn Rives, Will Telligman, Shannon Broome, Paul Noe, Tim Hunt; others will join by phone

8:45 – 9:30 AM Kelly Spence

9:30 – 10:00 AM Peter Tsirigotis:

- Priorities for AF&PA/AWC (25 minutes):
    1. PSD biomass
    2. NSR reforms
    3. PM NAAQS
    4. PCWP MACT/RTR
    5. Boiler MACT

- We understand that OAQPS will be taking a lead role in the interpretation of existing rules. How will that work?
- What are Peter's/OAPQS's priorities in 2019?
    - We understand that there are some personnel shifts happening in OAQPS as well as a new focus on outreach. Can you review these transitions and developments?
    - We hear that Henry Darwin is a big advocate for "LEAN" management across the Agency. Are there LEAN initiatives within OAQPS?

10 to 11 AM NSR – white papers to be shared in advance on each topic

- **EPA: Juan Santiago, Raj Rao, Cheryl Vetter, Scott Mathias**
- Netting Step II
- Limited Debottlenecking
- RMRR/ Functional Equivalent
- Ambient air policy – GP will present case study
- Status of other critical reforms, such as begin actual construction

11 to 11:45 PSD Biomass rule

- **Vera Kornylak, Cheryl Vetter, Raj Rao, Scott Mathias, OGC: Nora Greenglass and Sara Ohrel**
- Status/timing of stand-alone PSD rule
    - Rulemaking vs guidance
    - Focus on forest biomass?
    - Outstanding legal or scientific issues
    - Schedule

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- Legal and policy rationale for stand-alone rule
    - AF&PA/AWC can describe what forest biomass materials should be covered by rule

1 to 2 PM Modeling, Test Methods, and Emission Factors

- **EPA attendees: Robin Segal, Nate Topham, James Hemby, Steph Johnson, George Bridgers, Tyler Fox and Marc Houyoux**

- CMS NSPS guidance – Reg 6 2017 letter to Oklahoma (Measurement Technology Group), Robin Segal aware of concerns (30 minutes)
    - Discuss issues and concerns with recently released (through ADI) memo:
        - "interpretation" inconsistent with the plain language of 60.13 and treatment of downtime
        - Letter appears to change data availability requirements for valid CEMS hourly averages
        - potentially triggers significant re-programming across all industry sectors

- MERPs guidance (15 minutes)
    - What changes are in the final guidance that you think are significant or important for us to understand?
    - Are you aware of any photo-chemical modeling done?
    - Did anything get discussed at the State-EPA meeting last week that concerns other planned modeling improvements?

- Paper Machine emission overestimates (15 minutes)
    - NCASI provided information to EPA on where paper machine values are relative to non-detects. What progress is possible on this issue?

2 to 3:00 PM NAAQS Implementation Issues

- **EPA attendees: Scott Mathias, Megan Brachtl, Michael Ling, Juan Santiago, Vera Kornylak**

- Regional Haze (15 minutes)
    - What is the status and schedule of reconsideration of 2017 rule?
    - States have until 2021 for responding to second planning period but some are moving forward now. How will EPA address submittals given changing requirements? And when will it approve them (especially with policies changing)?
    - Does EPA expect most areas to be on the glide path in this second round (any East vs West differences)?
    - What is the role of FLM in this round? How can EPA balance their interests with others?
    - Any new guidance expected on regional haze (some was referenced in the Sept 2018 Roadmap)?

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- International Transport/NAAQS Implementation: 4/4 Wayland-Wood memo (20 minutes)
    - Many upwind states have submitted Good Neighbor SIPs concluding no further controls in their states are needed to address downwind non-attainment areas. Are there any cross-cutting issues with these GNS that are problematic, such as modeling, reliance on exceptional events or international transport impacts?
    - As the Agency shifts to different base years for ozone (2014-16), what do you expect will happen with non-attainment designations (more, the same)?
    - Can you provide an update on EPA's response to NY's Section 126 petition?
    - How do you see the international transport policy shifts impacting future designations? How will the "but for" test work in marginal (or other) areas? If state declines to consider international transport, do they still get to seek upwind reductions?
    - Any implication of the denial of the Ozone Transport Region expansion by the court to EPA's review of pending GNS and 126 petitions?

- Exceptional Events (10 minutes)
    - How are states using the EE policy? Could additional states take advantage of the new approach (and if so, how is EPA helping with education)?
    - Does the agency plan further improvements to the policy so its easier to exclude fires and other EEs?
    - How is EPA responding to concerns of "overuse" of EE or transport?

- SSM SIP and policy (15 minutes)
    - The Reg 6 4/29 proposal contains a "narrowly tailored" affirmative defense provision for malfunctions and withdraws the SIP call for affirmative defense. What does the agency plan to do in other states including on issues beyond affirmative defense malfunctions in the SSM SIP Call?
    - Are there other state specific actions planned?

3 to 3:30 PM Boiler MACT (Jim Eddinger):

- EPA provide update on schedule for rulemaking
- Review of likely existing and new source limits
- Need for 3-yr compliance period
- Discuss CO white paper provided by coalition
    - CO is a good surrogate for non-dioxin organic HAPs
    - Best performing boilers do not use control technologies that reduce organic HAPs beyond what achieved by regulating CO alone
    - 130 ppm CO cutoff is supported by EPA's data that reductions below 130 do not result in greater reductions of organic HAPs.
- Economic impacts are modest based on our assessment, has EPA started analysis?

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Message

From: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Sent: 5/13/2019 11:37:16 AM
To: Mathias, Scott [Mathias.Scott@epa.gov]
Subject: RE: Monday: Slides
Attachments: AWood_NAAQS Implem_TPs_FINAL.pptx

Here are the slides anna used at NACAA the week of 4/29. I don't think anything has changed but I will take a look.

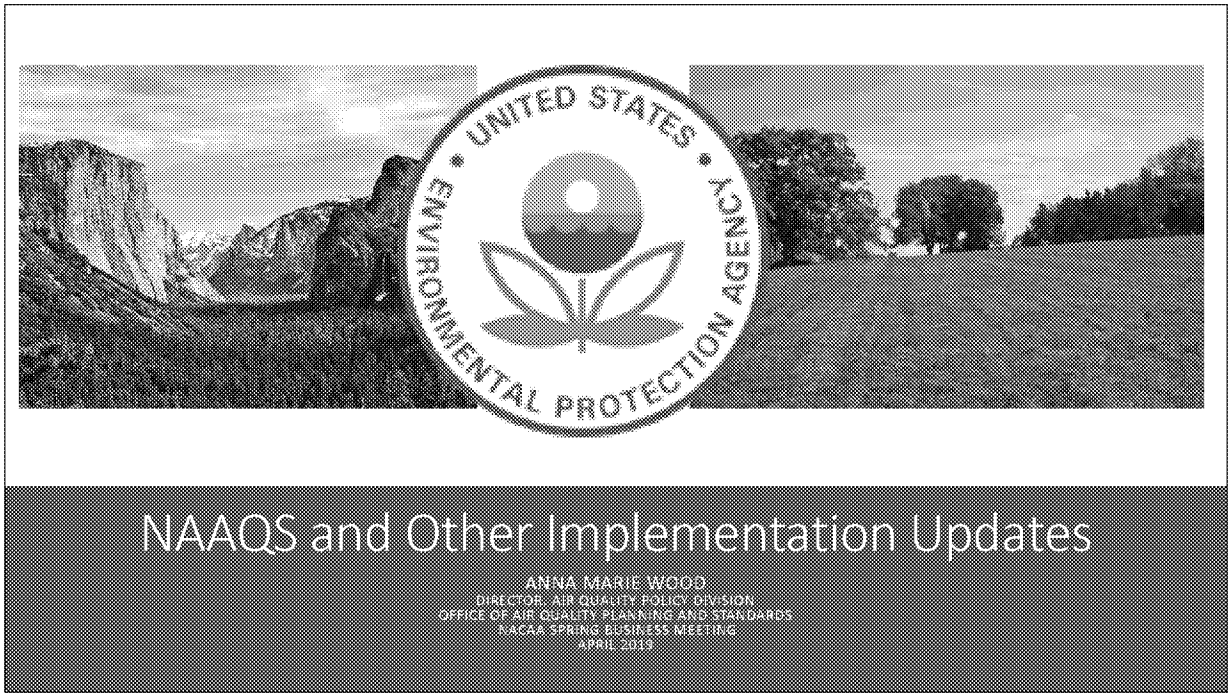
Thank you,

Yvonne W. Johnson
Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

-----Original Message-----
From: Mathias, Scott
Sent: Friday, May 10, 2019 5:27 PM
To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Subject: Monday: Slides

I need the slides from Anna's presentations. I will be narrowing the field to those focusing only in NAAQS reviews and naaqs implementation. I need any updates from HEID that they might have.

Scott Mathias | Acting Director, Air Quality Policy Division | RTP, NC | 919.541.5310



w/TPs

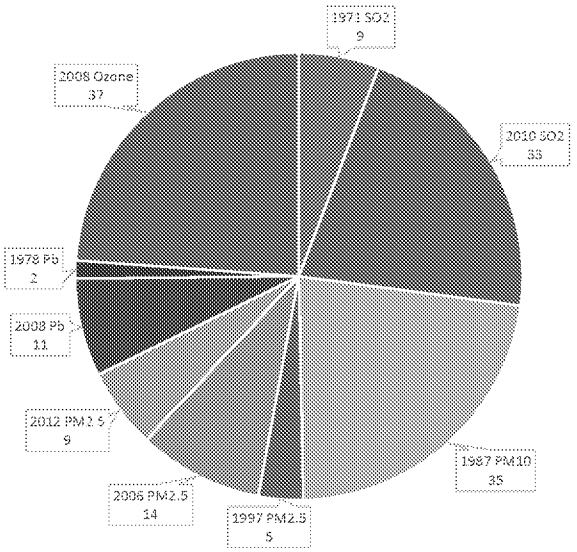
4/23/19 11:15

FULL DECK

OVERVIEW

- EPA's Clean Air Priority Goal: Reduce Number of Nonattainment Areas
- NAAQS Implementation Updates
  - Ozone
  - Sulfur Dioxide (SO_2)
  - Fine Particulate Matter ($PM_{2.5}$)
- Transport
- Exceptional Events
- Regional Haze
- Startup, Shutdown, and Malfunction (SSM) Policy
- NSR and Title V Permitting Updates
- SIP Processing Improvements and SPeCS

Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (status as of March 2019)



EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.

To approve state's requests to redesignate nonattainment areas depends on states meeting the minimum Clean Air Act requirements, which include:

- A demonstration that the area has air quality that is attaining the NAAQS;
- Establishing that pollution reductions are due to implementing permanent and enforceable measures;
- A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
- Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Updated 3/21

The baseline is the 166 areas designated nonattainment on October 1, 2017.

The baseline does not include the areas designated nonattainment after October 1, 2017
2015 ozone nonattainment areas (52)
2010 SO2 nonattainment areas (6 of 42)

7 areas redesignated to maintenance in FY18.

4 areas and the MO part of PM25 St. Louis redesignated to maintenance in FY19 Q1.
The St. Louis "area" is counted as nonattainment until IL part redesignates

NAAQS Reviews: Status Update

(March 2019)

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_x, SO_x, PM	PM	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	Summer 2019 Draft ISA[3] Early 2020 Proposal Late 2020 Final	TBD[4]	TBD[4]	TBD[4]	Timing depends on PM/O3 schedules Final ISA; draft REA/PA[3]	March 28, 2019 CASAC teleconference on draft ISA[3] Early 2020 Proposal Late 2020 Final	TBD[4]

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2 and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = To be determined

Per HEID 3/21/2019

Ozone and PM2.5 public message regarding schedule:
EPA is planning for final decisions in late 2020
We are currently having internal discussions on the detailed schedules and process steps that will get us to those final decisions.

SO2: On Feb 25, 2019 the Administrator signed a notice of final rulemaking retaining the existing primary SO2 standards. The notice was published in the Fed Register on March 18.

NOx/SOx: On March 20, 2012 then-Administrator Lisa Jackson signed a final decision retaining the existing secondary standards for NO2 and SO2. We are currently in the process of conducting the next periodic review of those standards.

2008 Ozone NAAQS Implementation: Determinations of Attainment/Attainment Date Extensions/Reclassifications for Moderate Areas

- Attainment date for Moderate areas: July 20, 2018
- Statutory deadline for issuing final determinations: January 20, 2019
- NPRM published November 14, 2018
  - EPA proposed determinations of attainment/failure to attain (and reclassification to Serious), and 1-year attainment date extensions based on 2015-17 DV for 11 areas
  - Proposal also included due dates for attainment plans and RACT implementation
- Final notice anticipated in late spring 2019

3/14

NPRM published November 14, 2018
First comment period: November 14-December 14, 2018
Public hearing held in Washington, DC on February 15, 2019
Second comment period: February 8 – 22, 2019

Proposal also included due dates for attainment plans and RACT implementation
SIP for RACT needed for attainment purposes and all other SIP elements required for Serious areas: Due one year from the effective date of the final rule
SIP for RACT independent of attainment: Due August 3, 2020; alternatively, due 24 months from the effective date of the final rule
RACT implementation: Due August 3, 2020; alternatively, due January 1, 2024

In the November FR notice, we proposed:
2 areas attained by the attainment date
Baltimore, MD, and Mariposa County, CA, attained based on 2015-17 DV

2 areas expected to qualify for a 1-year attainment date extension to July 20, 2019
Sheboygan County, WI and Denver-Boulder, CO

7 areas failed to attain and will be reclassified to Serious with July 20, 2021, attainment date
Greater Connecticut
NY-N. NJ and Long Island
Chicago-Naperville
Nevada County (Western part) in CA
Houston-Galveston-Brazoria
Dallas-Fort Worth
San Diego County

2008 Ozone NAAQS Implementation: Post-South Coast II Decision

South Coast Air Quality Management District v. EPA (2018)

- South Coast AQMD and env. petitioners (Sierra Club *et al.*) challenged various elements of the 2008 Ozone NAAQS SIP Requirements Rule (SRR), including elements related to revoking the 1997 NAAQS (effective April 6, 2015), and the associated anti-backsliding requirements
  - The D.C Circuit decision (February 16, 2018) upheld about half of the challenged elements and vacated several flexibilities in the SRR
  - As a result of decision- 1997 ozone NAAQS nonattainment and maintenance areas that are attainment for the 2008 NAAQS are again subject to non-transportation conformity control measures as anti-backsliding requirements

Reviewed 3/21

We continue to work on providing substantive answers to the questions we've received from you. Please be assured that we have been focusing on the most pressing questions and issues first.

Please continue to direct your specific questions regarding impacts of the decision on particular areas to the appropriate EPA Regional Office for consideration.

BACKGROUND ON CHALLENGE
Env. petitioners included Sierra Club, Conservation Law Foundation, Downwinders at Risk, and Physicians for Social Responsibility – Los Angeles.
Oral arguments were held on September 14, 2017.

South Coast challenged EPA's limiting "Reasonable Further Progress" or RFP emissions reduction credits to emissions reduced "in the area." South Coast alleged that the Agency erred by not allowing credit for "out-of-area" emission reductions that improve an air districts air quality within the NA area.
Environmental petitioners challenged EPA's 2008 SIP Requirements Rule provisions that revoked the 1997 Ozone NAAQS for all areas and purposes 1 year after designations are effective. The environmental petitioners also challenged how the 2008 rule addresses the anti-backsliding requirements.

BACKGROUND ON REHEARING REQUEST
On Friday, September 14, 2018, the D.C. Circuit granted in part and denied in part EPA's petition for rehearing – granting our request "solely to the extent that vacatur of the portion of the Rule that exempts orphan areas from transportation conformity be stayed until February 16, 2019. In all other respects, the petition is denied."
This means that the court will not be changing its substantive decision in the case and that all orphan areas (which were nonattainment or maintenance for the 1997 ozone NAAQS but attainment for the 2008 NAAQS at the time of initial designation) are subject to non-transportation conformity control measures as anti-backsliding requirements now that the mandate was issued (Thursday, September 27).

STATS:
For the 1997 NA areas:
There are 35 areas that remain designated nonattainment for 1997 ozone NAAQS.
29 of the 35 areas are meeting NAAQS and may be eligible to redesignate.
16 of the 29 areas are in the OTR where there is little perceived benefits from redesignating.

Areas which must submit a 2nd 10-yr maintenance plan soon (or are overdue):
63 areas were 1997 maintenance and 2008 attainment (SC2 called orphan maintenance areas) that must submit 70 second maintenance plans
67 of the 70 second maintenance plans are overdue
Another 6 areas have part of the 1997 maintenance area not included in the 2008 nonattainment area boundaries (SC2 called these partial orphan maintenance areas).
The Regions are working with their states to include the deficient portion of the 1997 maintenance areas in the 2008 maintenance plans for the areas.

2008 Ozone NAAQS Implementation: Post-South Coast II Decision

- On November 21, 2018, EPA posted a **Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans**
- This resource document and technical information may assist states in developing initial or second maintenance plans for certain 1997 ozone NAAQS areas.
- For more info, please contact Regional Office staff or visit
  - https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment

[Last bullet updated 11/26/18]: As a result of the SCII court decision, certain 1997 ozone maintenance areas have obligations to submit second maintenance plans (MPs).

(In addition, some 1997 ozone nonattainment areas may wish to request redesignation and submit initial MPs.) A Resource Document and technical data were posted on EPA website on 11/21/2018 which may help states develop MPs, including Limited MPs.

Past LMP guidance indicated that if an area's air quality concentration is <85% of standard and the dv has been fairly stable in recent years, then the state would not need to provide a projection year inventory in the plan.

The Resource Document reviews previously issued Limited MP guidance docs, but is not to be considered a new guidance document.

NOTE to ANNA: OTAQ does not want us to say anything about transportation conformity. The Resource Document includes a link to a site on Transportation Conformity issues. OTAQ plans to provide additional information on 1997 ozone NAAQS issues at this site in the near future.

2015 Ozone NAAQS Update

- 2015 Ozone NAAQS signed 10/1/15 (80 FR 65292; 10/26/15)
  - Several environmental and health organizations, industry groups, and some states filed petitions for judicial review (Murray Energy v. EPA, No. 15-1385, and consolidated cases)
  - The D.C. Circuit heard oral argument in those challenges on December 18, 2018
  - No opinion issued yet
- 2015 Ozone NAAQS SIP Requirements Rule (83 FR 62998; 12/6/18)
  - On February 4, 2019, Downwinders at Risk, Sierra Club, and National Parks Conservation Association filed a petition for review of the final 2015 ozone NAAQS SIP Requirements Rule in the D.C. Circuit
  - On March 11, 2019, the petitioners' filed their statement of issues related to:
    - NNSR interprecursor trading
    - RFP requirements
      - Milestone compliance demonstrations
      - Alternative baseline year
    - Early implemented contingency measures

3/14
Details for 1st bullet:
In case of a follow up question on the timing of the decision:
It's difficult to predict when the court will act, but in our experience (per Sharon Stone/HEID), the D.C. Circuit typically issues opinions about 4-6 months after oral argument.
Details for 3rd bullet:
NNSR interprecursor trading – Did EPA unlawfully or arbitrarily authorize inter-pollutant trading or offsetting to satisfy permit requirements for construction of new or modified major sources in ozone nonattainment areas?

RFP requirements
Milestone compliance demos – did EPA unlawfully or arbitrarily allow ozone nonattainment areas to claim they have met their milestones by showing only that they have implemented controls that were previously predicted to accomplish the required reductions, without regard to whether actual emissions in the area went down by the required amount?
Alternative baseline year – did EPA unlawfully or arbitrarily claim discretion to allow states to choose the baseline year, thus allowing states to minimize or even avoid having to make the required reductions?

Contingency measures – did EPA unlawfully or arbitrarily allow nonattainment areas to meet the contingency measure requirement by identifying measures that will already have been implemented at the time of a failure to meet a milestone or attain?

2015 Ozone NAAQS: Infrastructure SIPs

- Infrastructure SIPs due October 1, 2018 for the 2015 ozone NAAQS
  - Submittals received
  - EPA may become subject to a mandatory duty suit to issue findings of failure to submit overdue infrastructure SIPs
- **Guidance on Infrastructure State Implementation Plans (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)** issued September 13, 2013
  - https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf

3/14

First bullet:
As of today, EPA received 17 submittals, 15 were full submissions (other 2 submittals either left prongs 1 and 2 out or only covered prongs 1 and 2)

EPA could receive an NOI to sue to compel an FFS as soon as April 1, 2019; complaint could not come in before June 1, 2019 (60 days later)

States still developing their SIPs should refer to EPA's Guidance on Infrastructure State Implementation Plans (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) which was issued September 13, 2013

2015 Ozone NAAQS: Quick Start Guide

- On February 26, 2019, EPA posted the **Quick Start Guide** at: https://www.epa.gov/air-quality-implementation-plans/guidance-streamlining-sip-process
- Document brings together EPA and state air agency work to "lean" SIP development and processing with requirements associated with attainment planning for 2015 ozone NAAQS nonattainment areas and OTR states
- Checklists lay out a sample timeline of key milestones intended to help EPA, state and local air agencies collaborate early and throughout the SIP development process for the 2015 8-hour ozone standard
- "Early engagement" is a critical component to supporting air agencies in the development of approvable SIPs and EPA in taking timely action on SIPs

3/14

The Guide is mainly focused on nonattainment area planning obligations.

Progress on Ozone NAAQS Attainment

(as of March 2019)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)	2015 NAAQS (2018 Designations)
Initial Nonattainment Areas	115	46	52
Areas Redesignated to Attainment	80 (prior to revocation)	9	0
Current Nonattainment Areas	35**	37	52
Clean Data Determinations	26	17*	0

*Includes 15 Marginal area determinations of attainment by the attainment date and 2 Moderate area clean data determinations.
**Obligation to reclassify may be affected by South Coast II decision.

[CBS UPDATED 3/14/2019]

NOTE regarding footnote*: the 2 Moderate nonattainment areas receiving CDDs are Baltimore MD, and Mariposa County CA. The Atlanta area has a CDD and is the only Moderate area redesignated to maintenance. Jamestown, NY has DAAD by the Marginal attainment date and CDD.

NOTE regarding footnote**:
"Prior to revocation" is intended to mean that EPA did not redesignate areas after the revocation date of 4/6/2015.

The South Coast II decision may change how EPA approaches that, but that's been the practice up until now.

One impact of South Coast II may be that EPA has an obligation to go back in time to 4/6/2015 to determine if any mandatory reclassifications for failure to attain by the attainment date are necessary.
For example, in 2014 EPA proposed a reclassification of Dallas from Moderate to Serious, but did not finalize that action because we revoked the 1997 NAAQS.

2010 SO_2 NAAQS Implementation: Nonattainment Area Overview

Designation Round	Number of Original Nonattainment Areas	Designations Effective Date	Attainment Plan Due Date	Attainment Date
1	29	October 4, 2013	April 4, 2015	October 4, 2018
2	4	September 12, 2016	March 12, 2018	September 12, 2021
2	3	December 13, 2016	July 12, 2018	January 12, 2022
3	6	April 9, 2018	October 9, 2019	April 9, 2023
4*	TBD	TBD	TBD	TBD

*Designations must be completed by December 30, 2020

Round 1 area history:
April 18, 2016: FFS issued for 16 areas in 11 states

April 18, 2018: FIP obligation (24 months after effective date of FFS)
The FIP clock is not stopped by a completeness finding, but only by EPA fully approving a SIP for the affected area(s)

Status of Round 1 Actions:
Areas that have been redesignated to attainment or received a Clean Data Determination (CDD):
Billings, MT
Campbell/Clermont, KY-OH
Jefferson Co., MO (CDD)
Areas that have fully approved SIPs:
Hillsborough FL
Nassau County FL
Pekin IL
Lemont IL
Central NH
Miami AZ
Warren PA
Proposed approval for the following areas:
Muscatine, IA (held up due to SSM)
Indiana PA
Sullivan County, TN
St. Bernard Parish, LA
Remaining areas are being worked on.

Round 2 – September and December 2016: EPA finalized designations for 65 areas including 7 nonattainment areas, 41 unclassifiable/attainment areas, and 17 unclassifiable areas
Litigation for Round 2 Designations

In Masias et al. v. EPA (10/19/18), the court ruled in favor of EPA and dismissed or denied three petitions for review

(Per GSG 3/21)
Round 3/4:
EPA finalized the Round 3 designations on December 21, 2017, for all remaining areas of the country excepting approximately 50 areas to be designated in Round 4.

Early indications are that several sites are showing violations of the NAAQS. EPA will begin engaging Round 4 states in 2019. NOTE FOR ANNA: EPA will not have a valid design value for Round 4 areas until after 2019 (DV will be based on the 2017-2019 monitoring data).

Total Nonattainment areas for Rounds 1, 2, and 3 = 42 (29+7+6)

For specific language from "revisit" letter refer to the fact sheet in your background section of notebook.

2010 SO_2 NAAQS: Implementation and Litigation

- On June 14, 2018, the Center for Biological Diversity (CBD), the Center for Environmental Health, and the Sierra Club, filed a lawsuit in the US District Court (Northern District of California) citing:
  - EPA's alleged failure to take action (FFA) on several pending 2010 SO2 attainment plans for "Round 1" nonattainment areas; and
  - EPA's alleged failure to issue findings of failure to submit (FFS) for overdue plans for nonattainment areas for the 1971 SO_2 NAAQS.
- On December 17, 2018, the petitioners amended the June complaint, which now cites:
  - EPA's alleged failure to act on 18 pending attainment plans for "Round 1" areas in 11 states;
  - EPA's alleged failure to issue FFS for four "Round 2" areas in 3 states; and,
  - EPA's alleged failure to issue an FFS for one nonattainment area for the 1971 SO2 NAAQS.

States with Round 1 SIPs named in the current (amended) complaint:
AZ, IL, IN, IA, KY, MI, MO, OH, PA, WV, WI
States with Round 2 areas subject to FFS:
IL, MD, MI
NJ portion of Northeast Pennsylvania-Upper Delaware Valley Interstate AQCR is subject to FFS for 1971 NAAQS.

Status of litigation:
On February 21, the court entered an order resetting the briefing schedule as follows: plaintiffs' MSJ on May 15, 2019; EPA's combined opposition and cross MSJ on July 8, 2019; plaintiffs' combined reply and opposition on July 22, 2019; and a hearing on August 6, 2019.

Bottom line: Discussions between the plaintiffs and EPA are continuing, which could result in further extensions of the schedule.

NOTE: See background section of notebook for more information and for draft schedule.

Progress on 2010 SO_2 NAAQS Attainment
(as of March 2019)

	Round 1	Round 2	Round 3
Initial Nonattainment Areas	29	7	6
Areas Redesignated to Attainment	2	0	0
Current Nonattainment Areas	27	7	6
Clean Data Determinations	1	0	0

[CBS UPDATED 3/14/2019]

Billings, MT: EPA published the final notice approving the maintenance plan and redesignation for the area on May 5, 2016.

Campbell/Clermont, KY-OH: EPA published the final notice approving the maintenance plan and redesignation for the area on November 21, 2016.

Jefferson Co., MO (CDD): EPA issued a CDD for the area on September 13, 2017.

$PM_{2.5}$ NAAQS Implementation

- EPA focusing efforts on supporting states with 2006 $PM_{2.5}$ NAAQS Serious areas and 2012 $PM_{2.5}$ NAAQS Moderate areas
  - 2006 NAAQS Serious area attainment date: December 31, 2019
  - 2012 NAAQS Moderate area attainment date: December 31, 2021

- EPA is targeting spring 2019 for releasing the **revised Draft $PM_{2.5}$ Precursor Demonstration Guidance**
  - EPA is considering comments on November 2016 version of draft guidance that recommended technical approaches for precursor demonstrations to assess whether a particular precursor contributes significantly to exceedances of the NAAQS in a given area
  - States have been submitting and EPA has taken or is considering action on precursor demonstrations that states have developed using the draft guidance

More on first bullet:
EPA received NOI in January 2019 from environmental groups for not issuing FFS for Salt Lake City and Provo, UT for 2006 Serious area plans

EPA received separate complaint from different enviro groups for not issuing FFS for overdue Fairbanks, AK for 2006 NAAQS Serious area plan

Regional offices continue to work with states as they work on developing approvable plans, and we continue to look for opportunities to issue Clean Data Determinations and to redesignate areas that qualify.

More on second bullet:
Consistent with CAA section 189(e), the PM2.5 SIP Requirement Rule allows states to submit optional precursor demonstrations to show that emissions of a particular precursor do "not contribute significantly to PM2.5 levels which exceed the standard in the area."

If a precursor demonstration is approved for a particular nonattainment area, the attainment plan and/or NNSR program may exclude the precursor from certain control requirements, depending on the type of demonstration provided.

This guidance does not affect the precursor policies for PSD.

AQAD is leading development of PM2.5 Precursor Demonstration Guidance.

EPA approved precursor demonstrations for Oakridge, OR and proposed approval for Cleveland OH (2012 NAAQS).

Progress on $PM_{2.5}$ NAAQS Attainment
(as of March 2019)

	1997 $PM_{2.5}$ (2005 Designations)	2006 $PM_{2.5}$ (2009 Designations)	2012 $PM_{2.5}$ (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	34	18	0
Current Nonattainment Areas	5 *	14	9
Clean Data Determinations	4	9	3

*Includes St. Louis, MO-IL area. Missouri portion of area redesignated on 10/2/2018. Waiting for 3 years of monitoring data from Illinois side of nonattainment area.

[CBS UPDATED 3/14/2019]

For 2012 PM2.5 NAAQS, final CDD's published for Delaware County, PA, Lebanon County, PA and West Silver Valley, ID

Remaining nonattainment areas by PM2.5 NAAQS:

1997 PM2.5 NAAQS –
SERIOUS
San Joaquin Valley, CA
CDD:
Libby, MT
Liberty-Clairton, PA
Los Angeles-South Coast Air Basin, CA
St. Louis, MO-IL (MO part of area is maintenance)

2006 PM2.5 NAAQS –
SERIOUS
Fairbanks, AK
Los Angeles-South Coast Air Basin, CA
Provo, UT
Salt Lake City, UT
San Joaquin Valley, CA
MODERATE
Logan, UT-ID (received two 1 year extensions)
CDD:
Imperial Co, CA
Klamath Falls, OR
Liberty-Clairton, PA
Logan, UT-ID
Nogales, AZ
Oakridge, OR
Sacramento, CA
San Francisco Bay Area, CA
West Central Pinal, AZ

2012 PM2.5 NAAQS –
MODERATE
Allegheny County, PA
Cleveland, OH
Imperial County, CA
Los Angeles-South Coast Air Basin, CA
Plumas County, CA
San Joaquin Valley, CA
CDD:
Delaware County, PA
Lebanon County, PA
West Silver Valley, ID

Interstate Transport: 2008 Ozone NAAQS

- On December 6, 2018, EPA finalized a determination that the 2016 Cross State Air Pollution Rule Update (CSAPR Update) fully addresses interstate ozone transport obligations for 20 states in the eastern US with respect to the 2008 ozone NAAQS (83 FR 65878, 12/21/18)
  - The final rule determines that 2023 is an appropriate future analytic year to evaluate further good neighbor requirements
  - The rule uses the latest data and modeling to assess air quality for 2023 and finds that there will be no remaining nonattainment or maintenance areas for the 2008 ozone NAAQS in the eastern US
  - With this determination, EPA has no obligation to establish additional requirements for sources in the 20 covered states to further reduce transported ozone pollution under the 2008 ozone NAAQS
  - The covered states do not need to submit state implementation plans (SIPs) that would establish additional requirements beyond the existing CSAPR Update with regard to the 2008 ozone NAAQS

Palma 3/25/19

Background:
CSAPR Update was finalized in September 2016 to address summertime interstate transport of ozone pollution for the 2008 ozone NAAQS (first implementation period was May – September 2017)
Based on the information available at the time of the CSAPR Update rulemaking, EPA could not conclude that the rule fully addressed good neighbor obligations for 21 of the 22 CSAPR Update states (except TN). Thus, the 2016 CSAPR Update was finalized as a partial remedy FIP w/r/t the covered states and their interstate transport obligations for the 2008 ozone NAAQS.
On 1/17/18, NY and CT filed a joint complaint re EPA's failure to promulgate fully compliant FIPs by 8/12/17 for IL, MI, PA, VA and WV. New York v. Pruitt, No. 1:18-cv-00406-JGK (S.D.N.Y.).
In response to this challenge, the court entered an order setting dates of 6/29/18 for a proposed action and 12/6/18 for a final action to fully address the good neighbor obligations for the named states.
The CSAPR Close-Out, finalized on December 6, 2018, used the latest data and new modeling to support a determination that there will be no remaining nonattainment or maintenance areas for the 2008 ozone NAAQS in the eastern US in the year 2023. Thus, the CSAPR Close-out (also known as the Determinations Rule) determined that the 2016 CSAPR Update was, in fact, a full remedy FIP for the covered states w/r/t the 2008 ozone NAAQS.

Interstate Transport: 2015 Ozone NAAQS

- Good Neighbor SIPs for the 2015 ozone NAAQS were due October 1, 2018
- To date, EPA has released three memoranda intended to assist states in developing and submitting, and to assist EPA in its review of, interstate transport SIPs that address the good neighbor requirements with respect to the 2015 ozone NAAQS.
  - **March 2018 Memo: Information on the Interstate Transport SIP Submissions**
  - **August 2018 Memo: Analysis of Contribution Thresholds (Step 2)**
  - **October 2018 Memo: Considerations for Identifying Maintenance Receptors (Step 1)**
- These memoranda are available on EPA's website at https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs
- EPA encourages consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach

Palma 3/25/19

States are required to submit "good neighbor" SIPs within 3 years of promulgation of a new or revised NAAQS. For the 2015 ozone NAAQS, SIPs were due on October 1, 2018.

For the 1997 and 2008 ozone NAAQS, EPA developed regional rulemakings (i.e., FIPs) to address the good neighbor provisions for covered states. For the 2015 ozone NAAQS, EPA is committed to a "SIP-first" approach. In 2018, EPA developed 3 memoranda and hosted outreach calls with stakeholders to assist states in preparing fully approvable good neighbor SIPs for the 2015 ozone NAAQS.

EPA released the first memorandum on March 27, 2018. This memorandum conveyed modeling results and the contribution metrics for the 2015 standard. The modeling information included the same 2023 design value information that we released with our October 2017 memorandum but also provided contribution metrics for 2015 (note: we did not include contribution metrics with the October 2017 memo, because, for 2008 (75 ppb), we indicated that there would be no nonattainment or maintenance issues in 2023).
Attachment A to this memorandum identified potential flexibilities that states may be able to use in applying EPA's (or their own) modeling results or other approaches in developing approvable SIPs for the 2015 ozone NAAQS
In April 2018, EPA hosted two national outreach calls to discuss both the modeling results and the identified flexibilities. We asked stakeholders to provide additional feedback via email.
On July 26, 2018, after compiling feedback from a number of stakeholders, EPA held a follow-up call to summarize comments received and to provide our initial thoughts regarding several of the identified flexibilities.
At the conclusion of this call, we identified the following work products as additional tools that states may be able to use to aid their SIP development:
Stakeholder-submitted comments on the identified flexibilities and EPA's comment summary document (posted to EPA's website on 8/16/18)
Thresholds analysis (1%, 1 ppb, 2ppb) – signed on 8/31/18 and posted to EPA's website on 9/4/18.
Identification of maintenance receptors to include an analysis of meteorological conduciveness – signed and posted to EPA's website on 10/19/18.

EPA continues to work on tools and implementation aids to support the development of 2015 transport SIPs. We will let stakeholders know as we post any new information. We will also communicate closely with air agencies as they prepare and submit SIPs to address the good neighbor provisions for the 2015 ozone NAAQS.

As we move forward, we encourage consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach.

Interstate Transport: 2015 Ozone NAAQS

- EPA is committed to a **"SIP First"** Approach for 2015 Ozone NAAQS
  - States are developing and submitting good neighbor SIPs ahead of pace for previous NAAQS.
    - EPA has engaged on more than two dozen SIPs (or Draft SIPs)
  - Many SIPs are employing concepts discussed in EPA's transport memoranda
  - Example concepts: use of 1 ppb vs 1% threshold, use of non-EPA modeling, reliance on different base year (with consideration of meteorological conduciveness), conclusions that emissions trends will continue to decrease, consideration of potential/expected additional cost-effective NOx emissions reductions, consideration of international emissions
- EPA intends to further engage with states regarding the submission of approvable SIPs

3/21

We do not have a slide on section 126 petitions this time.
If anyone asks we currently have one still pending.
It was filed by NY, received on March 14, 2018.
On May 11, 2018, EPA extended the deadline to act on the NY petition by 6-months to November 9, 2018.
On February 7, NY filed a notice of intent for failure to perform a mandatory duty. We expect to propose a response very soon.

The NY petition named EGU and non-EGU sources projected to emit at least 400 tpy of NOx in 9 upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV) and addressed both the 2008 and 2015 ozone NAAQS.

NOx SIP Call Update

- On February 26, 2019, EPA finalized the regulatory action, **Emissions Monitoring Provisions in State Implementation Plans Required Under the NOx SIP Call** (84 FR 8422, 3/8/19)
  - The final rule amends the NOx SIP Call regulations to allow states to establish alternative, potentially lower-cost monitoring and reporting requirements for certain sources
  - The amendments also remove obsolete regulatory provisions and clarify the remaining regulations

3/13 – slide prepared by CAMD

NOx SIP Call Update

- All changes to source requirements will come through state rule amendments and SIP revisions and are optional for states
  - Transition from Part 75 monitoring to alternative monitoring will need to be addressed (potential for partial years of data from some sources, need to track who is using alternatives and who remains under Part 75, etc.)
  - State reporting under 40 CFR 51.122 could change. (Requirements would not change, but state actions could.) States do not have to report emissions from sources that use Part 75
- Mostly non-EGUs, but some non-Acid Rain Program EGUs in non-CSAPR states
- We expect some states to act quickly to provide alternative monitoring
- We encourage states to work with Regions and Headquarters on drafts to ensure a smooth, approvable transition

Exceptional Events Update

- We have concurred on 25 demonstrations that were submitted after revising the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
  - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
  - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
  - **Clarification Memo on Data Modification – Released April 4, 2019**
  - **Prescribed Fire Guidance – Ready to begin OMB interagency review process**
- EPA's exceptional events webpage provides key resources, including example demonstrations, and will continue to be updated as new materials become available
  - https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events

4/9/19

Stratospheric Ozone Intrusion Guidance: The guidance is intended to assist air agencies in preparing demonstrations for stratospheric ozone intrusions that satisfy the requirements of the Exceptional Events Rule. This document provides example language and example technical analyses that air agencies may use in demonstrations.

Updated High Wind Dust Event Guidance: The guidance is intended to assist air agencies in satisfying the requirements of the Exceptional Events Rule for high wind dust (i.e., PM10 and PM2.5) events and to provide example language and analyses for demonstrations. The document is a comprehensive update of the 2013 Interim Guidance for High Wind Dust Events.

Clarification Memo on Data Modification: The memo is intended to clarify the types of regulatory determinations, actions, and analyses for which EPA may consider certain modified air quality monitoring data. More specifically, the memo clarifies for which regulatory determinations a request to exclude monitoring data may be made under the Exceptional Events Rule. The document also identifies other determinations, actions, and analyses that are not covered by the Exceptional Events Rule, but for which the exclusion, selection, or adjustment of monitoring data may be appropriate and allowable under other sections of the Clean Air Act and EPA rules or guidance (e.g., modeling for PSD background).

Prescribed Fire Guidance: This guidance is an addendum to the Wildfire Ozone Guidance released in 2016. The document provides information to support the development of demonstrations under the Exceptional Events Rule for prescribed fires that may have influenced ozone or particulate matter concentrations.

Regional Haze: Ongoing Work

- Resolve remaining first implementation period actions, following a SIP path where possible.
- Support states for the second and future implementation periods.
- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap

[GSG – 3/6/19]

While we continue to work with states on lingering first planning period actions (primarily due to incomplete plans, litigation, and replacement of FIPs with SIPs), our primary focus is supporting states for their SIP development work already underway for the second period, which I'll focus on today.

Key Principles for the Second Implementation Period

- EPA is committed to working to support states for the second planning period.
- Key principles for implementation of the second planning period include:
  - Ensuring that states have the information they need to develop approvable regional haze plans
  - Ensuring that states have discretion and flexibility to select sources for reasonable progress analysis and whether and how to control sources of visibility-impairing pollutants
  - Ensuring that we are on a path that enables compliance with the Clean Air Act and improved visibility in Class I areas

[3/6/19 – GSG]
[3/15/19 – Vera]

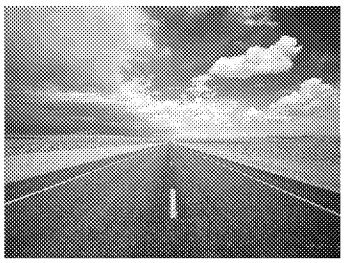
Consistent with these key principles, EPA is looking closely at what air agencies may need to develop approvable SIPs for the second planning period, recognizing that many air agencies/multi-jurisdictional planning organizations are already underway with SIP development.

With particular regard to the guidance, EPA is considering whether there are aspects of the draft guidance that are ambiguous and/or do not provide air agencies with the type of support that's needed at this time to enable development of approvable SIPs.

EPA is considering these principles while we develop guidance for the second planning period. Specifically with regard to providing air agencies with additional information and context regarding selection of sources for consideration, consideration of visibility benefits along with the four statutory factors for reasonable progress, and the relevance of previous decisions to adopt emission control measures to meet other CAA requirements.

EPA's Roadmap for the Second Planning Period

- On September 11, 2018, Acting Administrator Wheeler signed the **Regional Haze Reform Roadmap**
  - Outlines the implementation tools and guidance products that EPA will release over the next year to help states during their 2021 SIP development



Information Outlined in EPA's Roadmap for the Second Planning Period

- **Fall 2018** – Final recommendations on selecting the 20% most impaired days, including methods for adjusting the glidepath (Section 5 of 2016 Draft Guidance)
  - ✓ Finalized December 20, 2018
- **Spring 2019** – Update, as necessary, natural visibility conditions estimates
- **Spring/Summer 2019** – Update 2028 visibility modeling platform (incl. estimates of US and international source contributions for Class I Areas)
- **Spring 2019** – Final guidance on regional haze SIP development will focus on topics such as:
  - Additional information and context regarding screening sources before in-depth analysis, including relevance of previous decisions to adopt emission controls to meet other CAA requirements
  - Consideration of visibility benefits along with the four statutory factors

[GSG – 3/12/19]
[Vera – 3/15/19]
On December 20, 2018, We finalized the "Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program." which is available on our visibility webpage.
We continue to participate in recurring MJO regional haze calls to stay apprised of state and MJO progress and approaches that we are keeping in mind as we develop the final guidance
[If asked: We are making good progress, but are still assessing what impact, if any, the government shutdown will have on our timeline for releasing the remaining products, but our continued goal is to get them out as soon as possible as we know states are already working on their second period SIPs.]
[If pressed, the next significant step for the guidance will be to send the document to OMB for review.]

What's on the Horizon for the Second Planning Period

- SIPs due by July 2021
- EPA will complete Roadmap products in Spring/Summer 2019
- Some states plan to submit in 2019
- Regional Offices are available for questions or preliminary feedback
- We encourage early engagement on these SIPs

[GSG – 3/12 – New slide]

Looking forward to the second implementation period, we expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

SSM SIP Call Under Policy Review

- Final SSM SIP Action of 2015 concerned SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
  - Included SSM SIP Call that applied to 36 states (45 jurisdictions)
- Judicial review of the SSM Action is pending before the D.C. Circuit, but case is currently being held in abeyance to allow for review within EPA
- On October 16, 2018, EPA granted TCEQ's petition for reconsideration with respect to the Texas SIP call for certain affirmative defense provisions in Texas' SIP

3/14
Challenges to the SSM Action are pending before the D.C. Circuit in Case No. 15-1239 (and consolidated cases) captioned Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA (formerly captioned Walter Coke, Inc. v. EPA, Case No. 15-1166).

Although the court is holding this case in abeyance, neither the court nor EPA has stayed the SSM Action. SIPs were due November 22, 2017.

EPA stated in its most recent 90-day status report filed 2/8/19 with the court that EPA is continuing to review the SSM Action to determine whether to reconsider all or part of the SSM Action and also continues to consider what action to take following the Agency's decision to grant, in part, TCEQ's administrative petition for reconsideration of the Texas SIP call.

If asked about Bill previous comments at AAPCA, you can say that "At this point, we continue to review the final SSM Action to determine next steps, and we appreciate your continued patience as we do that."

Generally, EPA is not taking action with respect to any SSM-related SIP provisions until the Administrator's Office has completed its full review of the SSM Action. Thus, all SIP actions that concern SSM provisions are considered "on hold until further notice."

Once the Administrator has completed its review, EPA Regional Offices will be advised as to how to act on SSM-related SIP submissions.

Submissions made. As of May 2018, EPA has:
Received submissions from 30 of the 45 SIP jurisdictions (among 25 of the 36 states SIP-called).
Approved a corrective SIP revision for Tennessee's Knox County AQMD (final rule published 12/16/2016 at 81 FR 91033).
Proposed approval for another 5 SIP jurisdictions, most recently through notice published 5/1/17.

NSR Improvement Phase 1 Actions

Phase 1 | Phase 2

- Actual-to-Projected-Actual Applicability Test Guidance Memorandum
- Project Emissions Accounting Memo
- Once-In-Always-In Policy Change
- Source Aggregation
  - Common Control Guidance, Meadowbrook Letter
  - Draft Guidance on Interpreting Adjacency
- $PM_{2.5}$ and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Draft Ambient Air Policy

Ongoing Phase 1 Actions

Phase 1 | Phase 2

Action	Status	Target Date
Final Adjacency Guidance	Reviewing Comments	Late Spring 2019
Final Ambient Air Guidance	Reviewing Comments	Late Spring 2019
NPRM Project Emissions Accounting		Summer 2019
NPRM Treatment of Biomass for Permitting		TBD

3/21

Final Adjacency Guidance : This guidance clarifies how we interpret "adjacent" for all industries other than oil and gas operations. Comment period closed October 5, 2018.

Final Ambient Air guidance: This guidance clarifies that public access need not only be prevented by a fence or physical barrier; effective measures (such as patrols, cameras etc) may also be used. The comment period ended on January 11, 2019.

NPRM Project Emissions Accounting; This proposed rule clarifies and codifies the March 2018 guidance memo on Project Emissions Accounting i.e that emissions decreases can also be considered with emissions increases in Step 1.

NPRM Biomass - EPA considering regulatory approaches related to the treatment of biogenic CO2 emissions from stationary sources

Upcoming Phase 2 Improvement Actions

Phase 1 | Phase 2

Action	Target Date
NPRM NSR Error Corrections Rule	Late Spring 2019
NPRM Oil and Gas FIP Part I Registration Form Amendment	Late Spring 2019
Begin Actual Construction Guidance (Draft)	Fall 2019
Routine Maintenance Repair and Replacement (RMRR) Guidance (Draft)	Fall 2019

3/21

NSR Error Corrections Rule: This rule would correct errors in NSR regulations (over the years) due to typos, incorrect citations; FR's not updated to remove vacated elements etc

NPRM Oil and Gas FIP Part I Registration Form Amendment: This rule would reduce the pre-construction waiting period by up to 30 days; Rather than submitting the Part I Registration Form after the 30-day approval of the ESA/NHPA screening determination submission, oil and gas sources can submit the Part I Form concurrently with the screening submission.

BAC Guidance: This guidance would evaluate potential flexibilities that may be appropriate in allowing certain non-emitting activities to construct prior to getting a permit.

RMRR Guidance: This guidance would clarify that assessment of "Routine" should be done based on industry and not the 'source' in question

Upcoming Phase 2 Improvement Actions (con't)

Phase 1 Phase 2

Action	Target Date
Plantwide Applicability Limit (PAL) Guidance (Draft)	Fall 2019
NSR Actual to Projected Actual Applicability Test (ATPA) Guidance (Draft)	Fall 2019
2010 NSR Reconsiderations (Reasonable Possibility, Fugitive Emissions and Ethanol)	TBD
NSR E-Guidance Compendium and Training	December 2019

3/21

PAL Guidance: This Guidance would evaluate any potential flexibilities/clarifications that may be appropriate for PAL renewals, permit reopening, and PAL expiration.

NSR ATPA Test: This Guidance would provide clarity on several aspects of the applicability test including "could have been accommodated", "excludable emissions" etc

NSR Reconsiderations: We are hoping to close out these pending Reconsiderations from 2010

NSR E-Guidance Compendium: We intend to develop an electronic NSR Guidance database to streamline and make the system user friendly. It would also provide a one stop shopping of applicable statute, regs, links to guidance documents

NSR Training: We intend to develop training modules to address the training needs of State/Local air agencies.

Title V Permitting

- Rulemakings in Progress
  - Finalize Title V Petitions Process Rulemaking – Summer 2019
- Process Improvements
  - Increased use of electronic systems
    - Testing electronic permit submission system with permitting authorities in several regions
    - Hoping to expand testing to more permitting authorities through ECOS
  - Petition Resolution
    - Resolving more petitions (see Appendix)
    - Addressing petitions more quickly
- Lean Kaizen Event held last year
  - Goal for Agency-issued permits is 6 months from receipt

3/14

Petitions process rulemaking – Finalizing this rule closes out the last remaining issues from the Title V task force (related to the requirement to respond to comments)
Electronic systems –
CDX for petitions
Currently piloting an electronic system for states to submit permits to EPA for review
Pilot in Regions 9 and 10
With sufficient funding, hope to roll this out to all regions
Want to work with ECOS to allow testing with more regions

Petitions – see Appendix Slide
Have resolved petitions with deadlines
Continuing to resolve older petitions
Able to assign petitions as they come in (rate at which they are coming in has slowed)
Working with states on more global solutions (assisting states with comment responses, identifying issues in common with other petitions)

Title V Petitions

- Title V Petitions continue to be a substantial work load
- Petitions Received FY2018 – 9
- Petitions Resolved FY2018 – 36
  - 20 Orders
  - 16 Resolved by other means (petitioners agreed to withdraw, previous responses identified)
- Petitions Received so far in FY2019 – 5
- Petitions Resolved so far in FY2019 – 6

Updated 4/11

2019
5 Petitions Received so far in FY2019
Lasalle Bioenergy, Otter Tail, Montgomery County, Wheelabrator, Highland Pellets
6 petitions Resolved in FY2019 (slide assumes PNG signed by meetings) 2 pending
Welsh
Suncor
Hanford
PNG Wadesboro
Cargill
Hyland Landfill
Algonquin – 11 petitions (pending – OAR review)

Petitions Resolved in 2018:
Orders
Linn/Berry (2), Gallatin (2), Wheelabrator (2), Exxon Olefins, Hunter, Wisconsin Proppants/Silica Sands (2), Big River Steel, Yuhuang (2), Raven, Exxon Refinery, Motiva, Pasadena, South Louisiana Methanol (2), Phillips 66

Resolved by Other Means (based on our review of petitions, identified some where facilities had closed, asked petitioners to withdraw)
BC Cobb (Petitioner withdrew)
Indiana Harbor Coke (letter sent to petitioner - this was a draft permit, too early for petition)
Hanford 2007 (resolved as part of settlement of later petition)
Reichold (petitioner withdrew)
Indian River (petitioner withdrew)
General Chemical (petitioner withdrew)
Corette (petitioner withdrew)
Entergy (4) petitioner withdrew
Sunbury (plant closed, consent decree resolved)
Shawville (plant closed, consent decree resolved)
NRG – state corrected permit

No NSR lookback – challenge in DC Circuit is based on this being a new, national policy – we say it isn't.

EPA's Electronic Permitting System (EPS) for State-Issued Permits

- The EPS is based in the EPA's Central Data Exchange (CDX) and utilizes the same platform as State Planning Electronic Collaboration System (SPECS) for SIPs
- Our goal is to provide a consistent means for transmitting permits to the EPA for review and to provide information on the status and official communications back to the permitting authority
- We are looking for states that want to volunteer to begin using the system in order to provide feedback and suggestions for enhancements

3/21

The system borrows many of the same modules that states are already familiar with from SPECS for SIPs, such as the state landing page with a summary of all submissions, similar forms, and custom notification settings.

We want to work with the states in exploring the possibility of EPS communicating with and gathering information from state electronic systems that are already tracking permits at the state-side.

EPA's Electronic Permitting System (EPS) for State-Issued Permits

- Features of EPS:
  - Receive draft, proposed, and final title V permits and draft and final NSR permits
  - Includes a form where states can provide general information on the facility (which is pulled using the EPA's Facility Registry Service), the type of permit, whether there were public comments, an attachment field for the permit record, etc.
  - Includes a permit collection interface page for each permitting authorities that provides states the ability to submit new permits, update previously submitted permits, and view all pending and final submissions to the EPA

SIP Process Improvements

- Focus on reducing the SIP backlog and improving SIP processing times
- Trends in SIP processing
- SIP Process Improvement Activities
  - Promoting early engagement between EPA and air agencies during SIP development
  - Ongoing communication to ensure EPA takes action on the SIP submittals that matter most for air quality – using management plans and SIP planning conversations
  - Continued investment in the State Plan Electronic Collaboration System (SPeCS) for use of draft and final submittals
  - Continued commitment to providing timely guidance on SIP development issues

Vera 3/12/19

Trends in SIP processing in FY:
As of March 1, 2019, for FY 2019, EPA received 129 SIP submittals from states and
EPA acted on 88 SIPs. Approximately 48% of SIPs acted on were backlogged at the time of signature.
As of March 1, 2019, the SIP backlog was 392

To put the FY19 to-date SIP numbers in context:
In FY18, EPA received 362 SIP submittals
In FY18, EPA acted on 356 SIPs, 180 of which were backlogged at the time of final action (51%)

The SIP improvement actions here should look familiar as we are continuing the work where we see positive impacts – namely collaborating with air agencies to ensure we are taking action on high priority SIPs.
We are expanding that collaboration through work on early engagement, which I'll discuss more on the next slide.

SIP Process Improvements – Early Engagement

- Ozone Quick Start Guide
- Early engagement during SIP development
- Upcoming activities:
  - Review and updating of SIP Toolkit SharePoint site
  - Review and updating of external-facing "SIP streamlining" website
  - Development of New Process Standard Operating Procedure
  - Consideration of key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval

Vera 3/12/19
Key focus of our current SIP process improvements (both internal and external facing) is around a concept of "early engagement."

Ensure that air agencies and EPA are engaged early during the SIP development process so that by the time a SIP is formally submitted to EPA for action, key approvability issues have been identified and resolved as much as possible.

Mia 3/12/19
Use SPeCS to submit your draft submissions, as well as, your official submissions to EPA.

The Ozone Quick Start Guide provides sample timelines for each year different SIP requirements are due for the 2015 ozone nonattainment areas.
Intended to help air agencies develop SIPs upon which EPA can take timely action.

Looking at ensuring that website resources on SIP development and processing are up-to-date. To that end, we are looking at the two primary websites that contain SIP processing information. One is the SIP Toolkit SharePoint Site for EPA and States. The other is an external facing website on SIP streamlining.

EPA's regional offices are continuing to work with our state/local partners to identify the best path forward for the backlogged SIP submittals. As part of those conversations, we expect to continue to discuss and explore timely options to resolve SIP submittals where withdrawal or disapproval are possibilities, among other approaches.

To the extent you are aware that a SIP submittal is outdated or superseded, please coordinate with your region to help remove the outdated/superseded SIP from EPA's review queue.

SIP Processing Improvements:
State Plan Electronic Collaboration System (SPeCS) for SIPs

- EPA has worked extensively with state air agency representatives, and partnered with E-Enterprise for the Environment and ECOS on this project over the past 2 years
  - The E-Enterprise SPeCS Integrated Project Team (IPT), with 12-15 air agency representatives, provided input and feedback on the Plan Collection Interface (PCI) module before it was launched in January 2018
  - IPT is now focusing on Public Dashboard and soon after the Exceptional Events modules
- Since January 2018, EPA have been focusing efforts on developing the internal Clearinghouse
  - The Clearinghouse is the EPA-facing portion of the system that manages and tracks submissions
  - The Clearinghouse will replace existing EPA IT systems and databases, which contain decades' worth of SIP information
- To date, states have submitted a total of **374 submissions** (319 official submissions and 55 draft submissions) SIP revisions via SPeCS since January of 2018

Updated 3/21

Our next meeting with the E-Enterprise SPeCS Integrated Project Team, on 3/27/19, we plan to review with the states the Public Dashboard mock-up.

We would like to recognize the following states that have been top 5 submitters in SPeCS: AZ, MO, MT, TN and VA.

SIP Processing Improvements:
State Plan Electronic Collaboration System (SPeCS) for SIPs

- Plans for 2019 and beyond include:
  - Complete Public Dashboard
  - Develop an Exceptional Events Demonstration Module
  - Develop the Regional Haze Module
  - Coordinate SPeCS with SIP Lean Efforts
  - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback

Reviewed 3/12

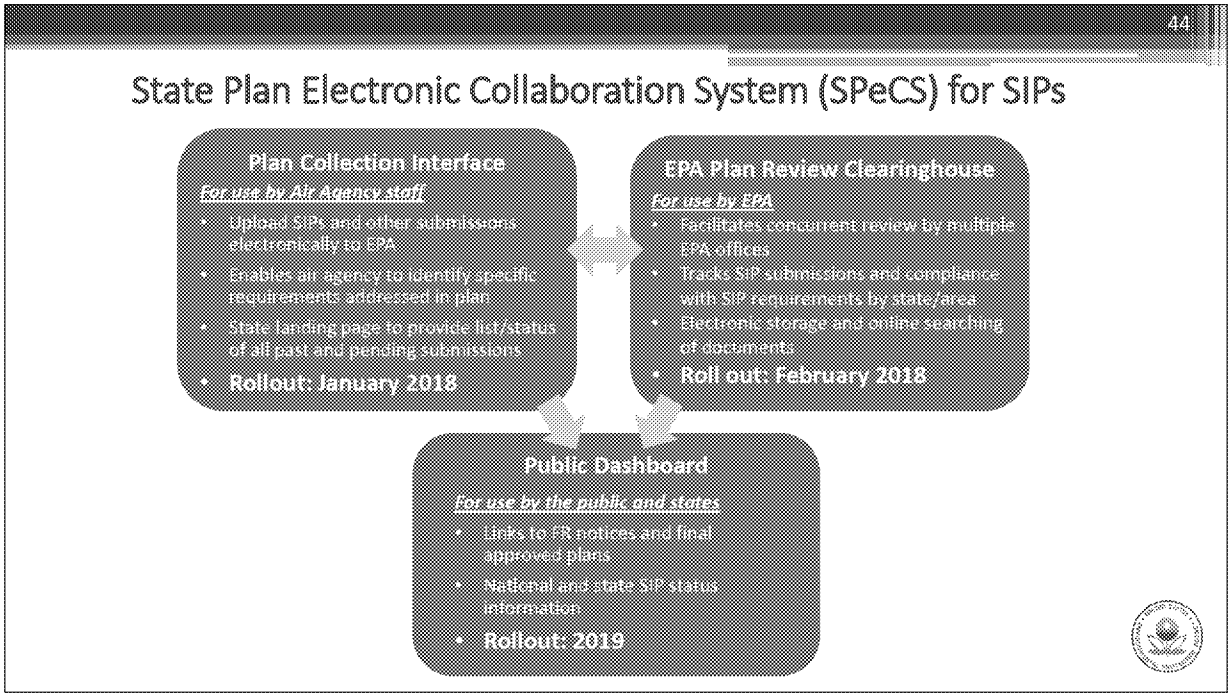
Questions and Comments

APPENDIX

NAAQS Implementation Milestones

(March 2019)

Pollutant	Final NAAQS Date	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
$PM_{2.5}$ (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
$PM_{2.5}$ (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO_2 (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO_2 (2010) (primary)	June 2010	Oct 2013, Sept 2016, Dec 2017 (+1 round)	June 2013	Apr 2015, Mar 2018, Oct 2019 (+2022)	Oct 2018, Sept 2021, Apr 2023 (+2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (all but San Antonio, TX) Sep 24, 2018 (San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038



3/12

SPeCS is comprised of three main components:
Plan Collection Interface: a more advanced version of the current eSIP system that allows states to upload state submissions and related data electronically
EPA Clearinghouse: internal EPA area for review of state submissions and tracking of CAA requirements
Public Dashboard: an EPA website for providing SIP-related information to the public

There are three major components for SPeCS for SIPs:
The "Landing Page" will provide a searchable list of the state's past and pending submissions.
Builds upon the existing eSIP system
Provides searchable access to previously submitted plans from the state "landing page"
Supports submission of plans using a web-based interface
Includes customized screens for different plan types, file upload capability, and completeness checks; and
Provides air agencies users with a simple, organized and consistent approach to submitting plans.
An EPA Clearinghouse for EPA only. Will be launching for EPA users in a couple of weeks.
Consolidates AirTrax and FRED functionality
Provides EPA a centralized location to manage plans.
Supports concurrent plan review by multiple offices
Provides system for identifying, elevating and resolving policy and technical issues in consistent manner
Tracks compliance of each plan with specific CAA and regulatory requirements
Provides searchable access of submissions
Integrates multiple existing EPA internal tracking systems into one
By supporting more efficient processes for plan submissions and EPA reviews, SPECS should help reduce the SIP backlog.
A Public Dashboard for the public and stakeholders.
Provides up-to-date plan status information
Links to comprehensive plan submissions and EPA Federal Register actions
Provides national and state SIP status summary information

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 7/2/2018 6:18:27 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Spangler, Matthew [Spangler.Matthew@epa.gov]; Nizich, Greg [Nizich.Greg@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]
Subject: NSR Projects Tracker attached for tomorrow's coordination meeting with Anna
Attachments: NSRG Project Tracker 070218 Rev.docx

Raj Rao, P.E.
Group Leader, New Source Review Group,
Air Quality Policy Division,
Office of Air Quality Planning and Standards (MD-C504-03)
US Environmental Protection Agency
109 TW Alexander Drive
Research Triangle Park, NC 27709
919-541-5344
919-541-5509 - Fax

Note: Positions or views expressed here do not represent official EPA policy. Interagency Deliberative and Confidential

Message

From: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Sent: 4/20/2020 8:52:00 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]
Subject: Spring 2020_NAAQS Implem_TPs_Final Draft.pptx
Attachments: Spring 2020_NAAQS Implem_TPs_Final Draft.pptx

Here you go. It includes Mia's updates and I got a revised slide from HEID on the NAAQS reviews. Let me know if you need anything else.

Thank you,

Yvonne W. Johnson
Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

NAAQS/SIP, Permitting, & Other Air Quality Planning Updates

Spring 2020

Scott Mathias, Acting Director, Air Quality Policy Division
Office of Air Quality Planning and Standards

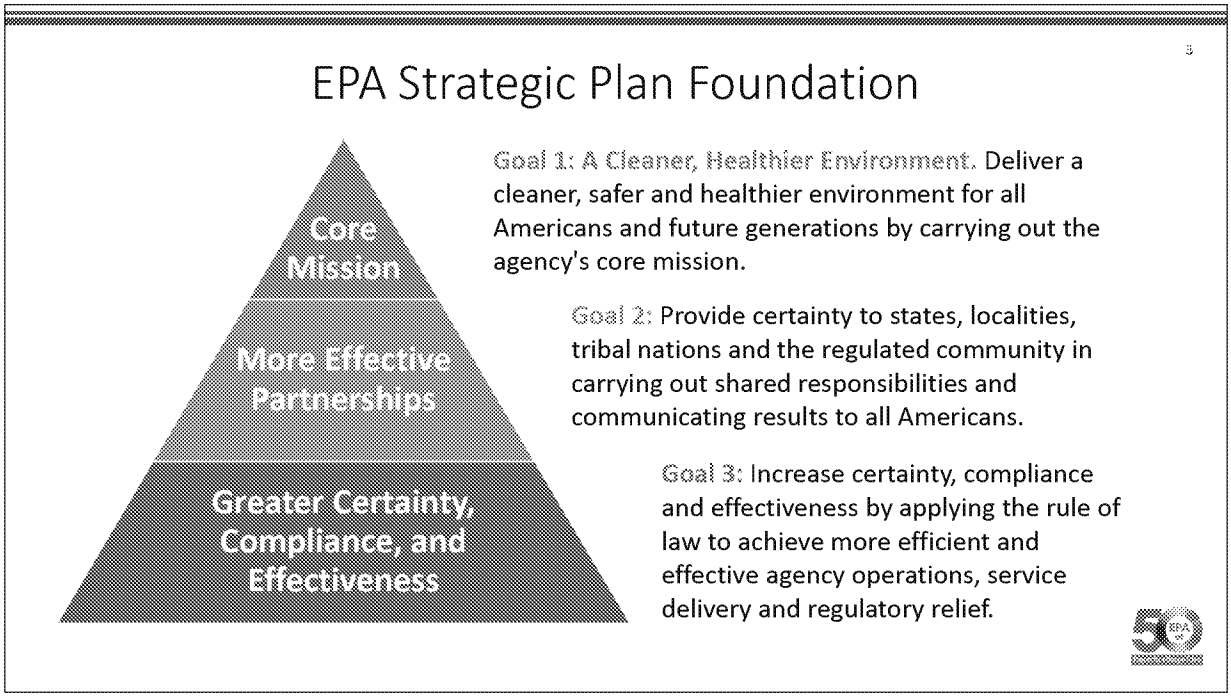
FULL DECK w/TPs updated April 14, 2020 (4:45pm)

Thank you _____(hosts) for inviting us to share information about Clean Air Act programs with all of you.

Today I will provide the update on implementing the National Ambient Air Quality Standards, and my colleague _____ will provide updates on activity in Clean Air permit programs.

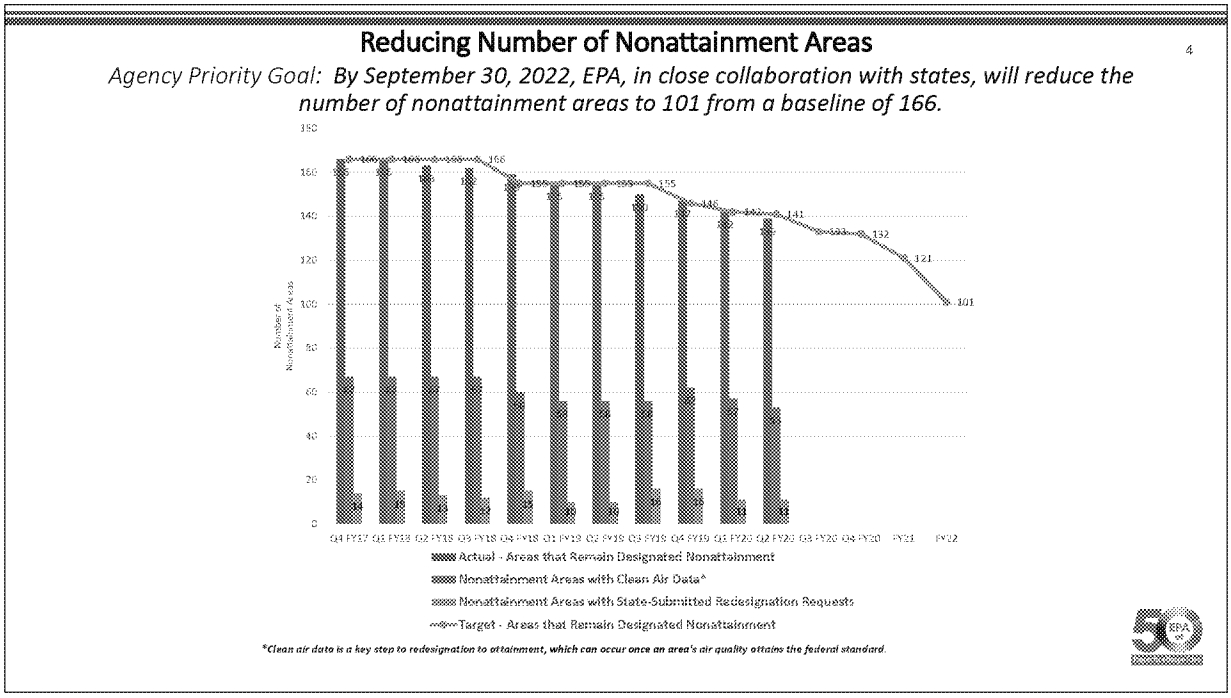
Overview

- EPA Strategic Plan Priority Goals
  - Nonattainment Areas
  - SIP Process Improvements
- NAAQS Implementation Updates
  - Ozone
  - Sulfur Dioxide (SO_2)
  - Fine Particulate Matter ($PM_{2.5}$)
  - Lead (Pb)
- Advance Program
- Exceptional Events
- Startup, Shutdown & Malfunction
- Regional Haze
- Permitting



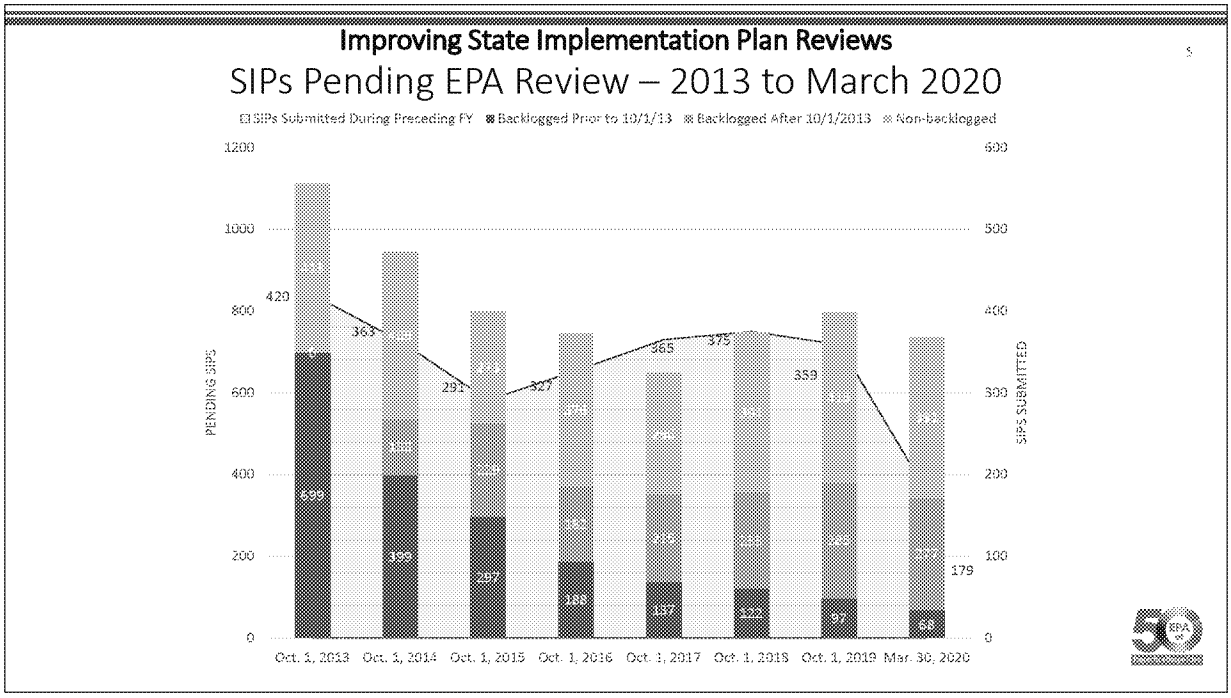
[Updated 9/26 SM] – new slide from Wheeler 9/09 email.
Now I want to mention activities associated with EPA's Strategic Plan.

The Administration has established goals within each of the three strategic goal areas. The ones that relate specifically to my office's programs, including the programs I am (we are) addressing today, are under Goal 1 "A cleaner, healthier environment" and Goal 3 "Greater certainty, compliance, and effectiveness"
Specifically they include:
(1) "Improve Air Quality" as indicated by reducing the number of nonattainment areas for the 6 criteria pollutants, and eliminating the backlog of State Implementation Plan reviews,
(2) "Streamline & Modernize" through speeding up environmental permitting, and
(3) "Improving Efficiency & Effectiveness" through use of the LEAN management system



[UPDATED 4/9/2020]

So, the goal is to reduce the number of these nonattainment areas from 166 to 101 by 2022.
This chart shows quarterly progress in redesignating the 166 areas to attainment (thru 3/30/2020)
Thru March 30, 2020, a total of 27 areas have been redesignated = 41.5% progress toward the overall goal of 101
The last set of bars also shows that 53 additional areas remain nominally eligible for redesignation because they have Clean Data, which is the first step toward redesignation (see middle royal blue bar).
(Butch can not get to FRED for this number of pending RRMPs) It also shows there are currently only 11 pending redesignation requests that states have submitted to EPA (see small dark blue bar)
not all are approvable because either the air quality is violating the NAAQS –or-
there is another component of the submission that does not fully fulfill the CAA's redesignation requirements.
Main message is that there is more to do, and it starts with developing and submitting redesignation requests, along with the required 10-year maintenance plans.



[UPDATED 4/6/2020]
Another area of focus under the Strategic Plan is to eliminate that backlog of state implementation plans (SIPs)

The backlog consists of SIP submissions that have been under EPA review for more than the time alloted under the statute for EPA to complete its review.

Our strategy involves both (1) taking timely action on new SIPs as they come in to prevent them from becoming backlogged, and (2) eliminating the older SIPs in the backlog in a manner that prioritizes actions that matter most to air management agencies and to environment protection.

To give you a sense of this challenge, this graphic captures both the inflow of SIPs and the backlog status for the last several years.

Scale on right side (different than left side) = number of SIPs submitted each year (light blue shading under the dotted line): Average nearly 360 (actual 357) SIP submissions per year for last 7 full fiscal years [Range 420 in FY2013 to 291 in FY2015]. Thus far in FY2019 we have received 179 submissions.

Turning to the left side scale: This shows the total number of pending SIPs and the backlog trend. A SIP submission is defined as "backlogged" when EPA has not taken final action to approve/disapprove that submission within 18 months of the submission date.

Since the backlog may change daily, it is typically expressed "as of" a given date. So each of the data points on the charts capture the volume at specific points in time – end of fiscal years 2013 thru 2018 (start of fiscal years 2014-2020), and up through March 30, 2020 (first 6 months) for the current fiscal year.

Currently in 2020, EPA has 736 SIP submissions that are pending final review and action. About half of those are considered backlogged.

That backlog has remained relatively steady in the range of 350-390 SIPs since 2016 (see sum of the bottom two blue shades of each bar).

However, the historic backlog (dark blue) has been about 90% eliminated.

WESTAR States SIP Backlog Report

(as of 4/13/2020)

Region 10		Region 9	
State	**Backlogged SIPS**	**State**	**Backlogged SIPs**
Alaska	1	Arizona	29
Idaho	3	California	103
Oregon	5	Hawaii	0
Washington	1	Nevada	6
Total	*10*	*Total*	*138*
Region 8		**Region 6**	
Colorado	4	New Mexico	4
Montana	6	*Total*	4
North Dakota	4		
South Dakota	1		
Utah	7		
Wyoming	2		
Total	*24*		

[UPDATED 4/13/2020]

SIP Process Improvements

- Early engagement during SIP development
- SIP Lean Toolkit - https://www.epa.gov/air-quality-implementation-plans/state-implementation-plan-sip-lean-toolkit-collaboration-between
- Ongoing activities:
  - Undertaking backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval (letters sent in late 2019 followed by 1:1 conversations with states)
  - Updates to www.epa.gov/sips
  - State Plan Electronic Collaboration System (SPeCS) development

[Reviewed Vera 4/17)]

As I said, our approach is focusing both on acting on the incoming SIPs before they become backlogged, and also taking actions that are in the backlog.

These involve different strategies, and represent a collective effort of EPA Regions and Headquarters Offices working together to better the entire process. This includes developing and using LEAN management tools, and incorporating valuable input from knowledgeable state agency personnel. For the last several years we were focused on process improvements and standard operating procedures. Now we are in implementation mode.

In December 2019, EPA issued the last of the planned "lean" related tools - SIP Lean Toolkit for Collaboration Between EPA and Air Agencies. The SIP Lean Toolkit is a product of the most recent joint EPA and air agency SIP process improvement effort which began with a week-long kaizen event in February 2018 that involved EPA, state and local air agency participants who identified early engagement as a key to timely SIP approval. The SIP Lean Toolkit provides templates, checklists, and other helpful information intended to support this engagement.

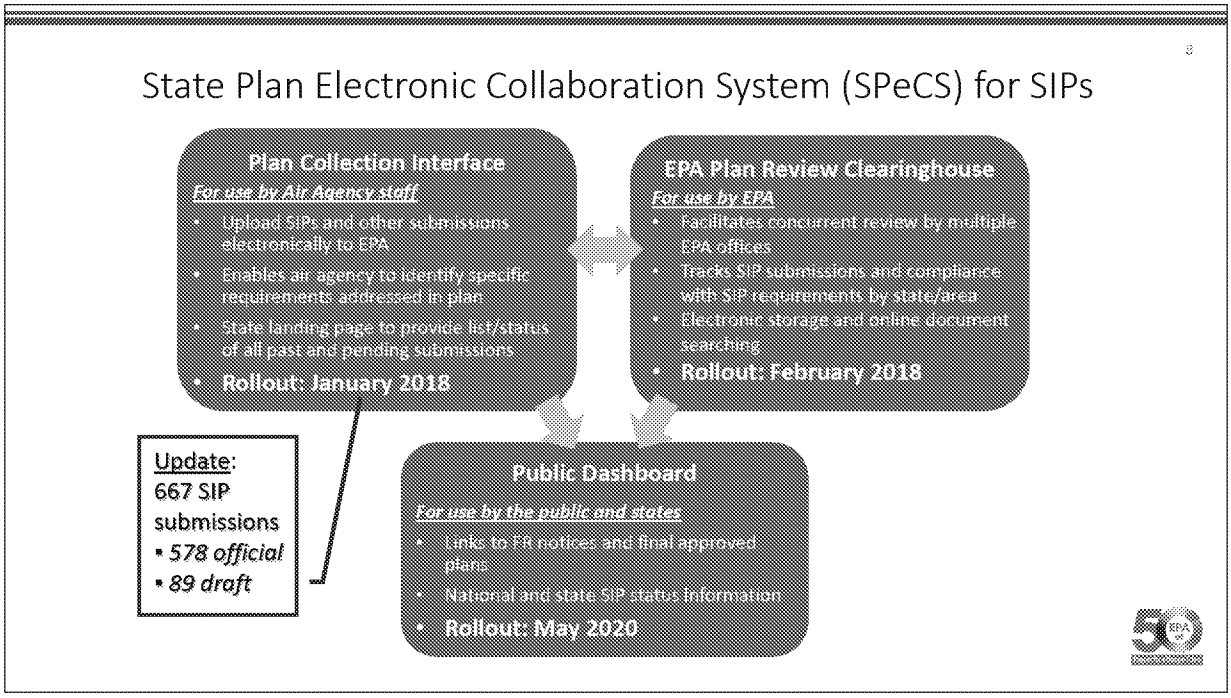
The SIP Lean Toolkit provides an important framework for early engagement between air agencies and EPA on SIPs under development. We know that air agencies are working to develop approvable SIPs, and EPA supports that and would like to defer to air agencies and support their choices. We also appreciate that once a SIP is too far down the developmental path, there can be significant obstacles for making further revisions. In many cases, we observe early engagement is a helpful approach to get feedback to states early in their SIP development process. Even where air agencies do not make changes responsive to EPA feedback, the engagement helps to support transparency and clarity regarding paths forward on submitted SIPs.

And we are also continuing our development of the State Plan Electronic Collaboration System (SPeCS). Among other things, this system is expected to improve the transparency of the status of EPA's SIP reviews.

We are also now cooperating with Office of Inspector General (OIG) on an investigation regarding EPA's review and action process, and the SIP backlog. We do not know the precise timeline for the OIG investigation but typically such investigations conclude with a report containing recommendations for action.

Realistically we do not expect to see significant progress on the backlog until late in 2020 because it takes time for our use of all these strategies and tools to yield results.

But I do want to emphasize that we want to continue hearing from air agencies about what additional tools and resources would be most helpful in supporting our mutual goals of taking timely action on SIPs and eliminating the SIP backlog.



[UPDATED MS 4/20)

To refresh you on where we are with SPeCS, this shows the 3 main components of the system.

This past year EPA has been focusing efforts on continuing to develop the Internal Clearinghouse and the Public Dashboard
The Clearinghouse is the EPA-facing portion of the system that manages and tracks submissions, and is where we are absorbing the functionality of several legacy IT and data management systems.
These legacy systems contain decades worth of SIP information.

A main focus this current year is rollout of the Public Dashboard. This is where state agency personnel and the public will have access to information about the status of SIP submissions.
May 2020 release of:
The Nonattainment and Maintenance Area Population Tool
The Nonattainment and Maintenance Area Dashboard
Mid-late summer 2020 release of:
The Required SIP Elements Dashboard

Plans for 2020 and Beyond
Complete Exceptional Events Demonstration Module
Develop the Regional Haze Module
Develop the Administrator Module
Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback
Future additions could include SIP Lean, 111(d) and 129 rules [Q&A-Maybe 179B(b) demos in future.]

Pollutant-Specific Implementation Updates

Ozone, SO_2, $PM_{2.5}$, Pb

3

Now, on to updates on activities for specific pollutants.

2015 Ozone NAAQS Implementation Update

- 52 areas initially designated nonattainment:
  - 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
  - San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

* Sep 24, 2021 for San Antonio, TX area

- Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19); redesignation proposals for Door County, WI and Berrien County, MI areas anticipated Spring 2020
- Initial SIP submittals (emissions inv./statements) due August 3, 2020

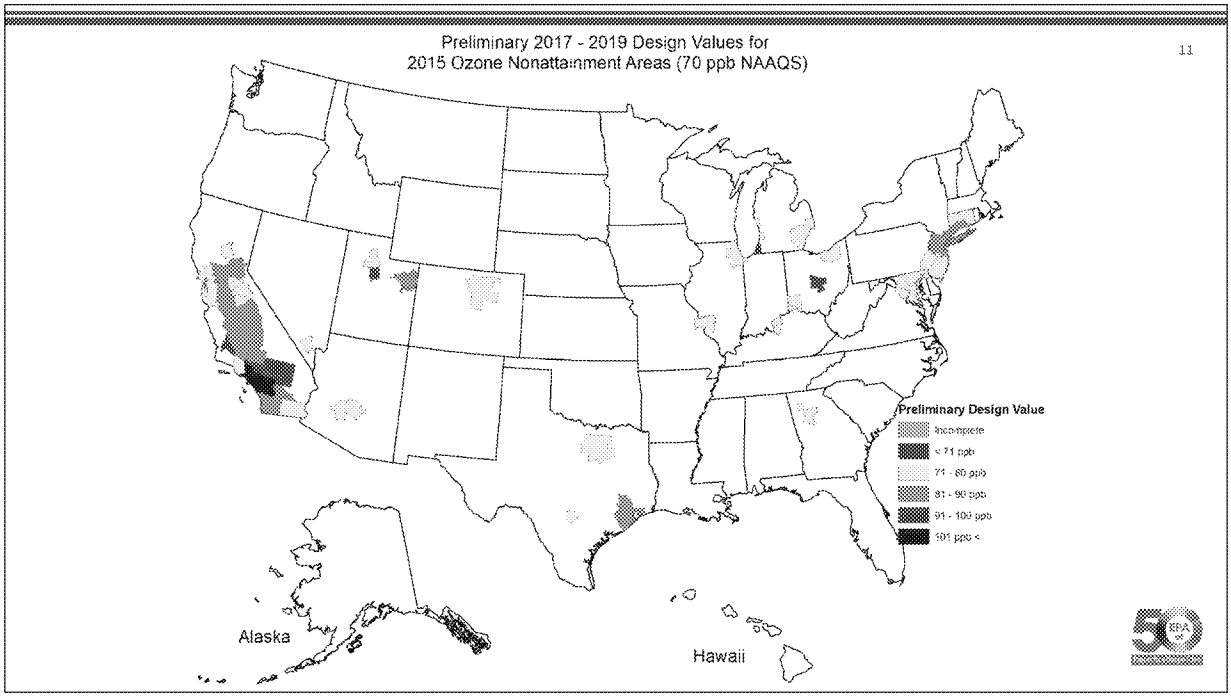
[UPDATED 3/31 RDL]

Starting first with Ozone, EPA designated 52 nonattainment areas in 2018.

The distribution of these areas in the classification tiers is shown here, with the majority of areas classified Marginal, with an upcoming attainment deadline in 2021 based on 2018-2020 air quality.

In 2018, only Columbus OH attained the standards, and the area was quickly redesignated to attainment effective August 21, 2019. We anticipate proposing to redesignate Door County, WI and Berrien County, MI areas to attainment in spring 2020.

Also coming up is the deadline for initial SIPs covering emissions inventory and emissions statements. That deadline is August 3, 2020.



[UPDATED 4/07/20] – note these are still preliminary DVs.

Blue indicates area is likely attaining the 2015 ozone NAAQS

2020 has the potential to be an interesting year for air quality values, but we will have to see what happens as we head into summer.

2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
  - SIPs were due October 1, 2018
  - As of April 2020, EPA has received 39 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
  - Final rule published December 6, 2018 (83 FR 62998)
  - Petitioners' brief filed July 22, 2019:
    - NNSR interprecursor trading
    - RFP requirements: milestone compliance demonstrations
    - RFP requirements: alternative baseline year
    - Early implemented contingency measures
  - Oral arguments Fall 2020 earliest

[UPDATED 4/01 RDL]

iSIP update, these were due October of last year
As of early April 2020, we have 39 full submittals, 9 partial submittals;
No litigation currently to force EPA to make findings that states failed to submit these SIPs.
However, there are still 8 submittals outstanding (50 states + DC + 5 territories = 56 total)

2015 SRR litigation: On February 4, 2019, Downwinders at Risk, Sierra Club, and National Parks Conservation Association filed a petition for review of the final 2015 ozone NAAQS SIP Requirements Rule in the D.C. Circuit

Petitioners' brief filed July 22, 2019:
Did EPA unlawfully and arbitrarily authorize interpollutant or interprecursor trading to satisfy offset requirements?
Did EPA unlawfully and arbitrarily allow ozone nonattainment areas to claim they have met their RFP milestones by showing only that they have implemented controls, without regard to whether actual emissions in the area went down by the required amount?
Did EPA unlawfully and arbitrarily claim discretion to allow states to choose their own RFP baseline year, thus allowing states to minimize or even avoid having to make the required reductions?
Did EPA unlawfully allow nonattainment areas to meet the contingency measure requirement by identifying measures that will already have been implemented at the time of a failure to meet a milestone or attain the standard?
Oral arguments delayed at petitioners' request, anticipated Fall 2020 earliest

2015 Ozone NAAQS Interstate Transport

- EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
  - Received 46 of 56 states/jurisdictions
  - Finalized approval action on 5 SIP submissions
  - Proposed approval on an additional 13 submissions
- Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
  - On November 22, 2019, EPA issued an FFS finding that 7 states failed to submit interstate transport SIPs for the 2015 ozone NAAQS.
  - 2 states have since submitted

[Updated 4/2/20 - TAU] – also called "Good Neighbor" SIPs

Finishing up on 2015 ozone, we continue to work through challenging ozone transport issues, particularly where states are strongly linked to projected ongoing downwind nonattainment or maintenance problems.

Status: Received 46 good neighbor SIPs so far and have taken some action on 18 of them.
Some states are using the list of potential flexibilities in analytical approaches for developing a good neighbor SIP from EPA's March 2018 guidance.

EPA's Findings of Failure to Submit on 11/22/19
EPA's deadline to determine whether a complete SIP had been submitted was April 1, 2019
Complaints were filed in September and October, 2019 (Sierra Club 9/30, separately CT and NJ naming PA and VA 10/29)
7 states were included in this notice (ME, NM, PA, RI, SD, UT, VA)
Since issuance, 2 states have submitted complete SIPs (SD, UT)

Add'l Background:
On March 27, 2018, EPA provided projected air quality modeling results for ozone in 2023 identifying potential nonattainment and maintenance sites and projected upwind state contribution data.
States can use these data to develop their implementation plans to address the CAA's interstate transport requirements (assure emissions within their jurisdictions do not contribute significantly to nonattainment or interfere with maintenance in other states).

Other Related Transport:
On September 20, 2019, EPA signed a final action denying New York's CAA section 126(b) petition, which asked the EPA to determine that approximately 350 identified sources in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia emit air pollutants that significantly contribute to problems with New York's ability to attain and maintain the 2008 and 2015 ozone NAAQS in Chautauqua County, New York and the New York City Metropolitan Area. EPA concluded that New York did not meet its burden to demonstrate that the named sources emit or would emit ozone-forming pollutants at levels that violate the Clean Air Act's good neighbor provision for the 2008 and 2015 ozone standards. New York filed a lawsuit challenging the petition denial in the D.C. Circuit. Briefing has been completed. Oral argument on this case was scheduled for May 7th, but has been suspended due to COVID-19. Oral arguments may be scheduled to be held via teleconference, but the D.C. Circuit has not so ordered yet.

EPA is also reviewing a section 176(a) petition from the state of Maine that was submitted to EPA on February 24, 2020. The state requests that a portion of Maine be removed from the Ozone Transport Region.

2008 Ozone NAAQS Implementation Update

- Moderate Area Update
  - Moderate area Determinations of Attainment by the Attainment Date (DAAD) published August 23, 2019 (84 FR 44238), effective September 23, 2019
  - DAAD action established new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
  - Redesignation proposals for Inland and Shoreline Sheboygan County, WI areas and Chicago-Naperville, IL-IN-WI area anticipated Spring 2020
  - Separate related final actions for Phoenix, AZ; Denver, CO; and Imperial County, CA

- 2008 Ozone NAAQS Interstate Transport
  - **CSAPR Update** – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
  - **CSAPR Closeout** – October 1, 2019, D.C. Circuit decision on *New York v. EPA*, was to vacate and remand the CSAPR Close-Out because it did not address states good neighbor obligations with respect to the next applicable attainment date in 2021.

Reviewed BL & TU 4/20

There are 14 areas that were classified Moderate for the 2008 standards, and EPA has been actively evaluating progress toward attainment for these 14 areas.

EPA has finished taking our statutorily-required actions for 11 of these 14 areas. These actions have resulted in several areas being reclassified to Serious, which extends the attainment deadline to July 2021 but triggers additional SIP and permit program requirements. We have aligned the SIP revision deadlines with the August 2020 deadline for submitting the two-year SIPs meeting the 2015 ozone NAAQS requirements to give the affected states an opportunity to streamline their submission process for both standards.

There were separate related final actions for Phoenix (Nov 2019, attained), Denver (Dec 2019, reclassification), and Imperial County CA (Feb 2020, attained).

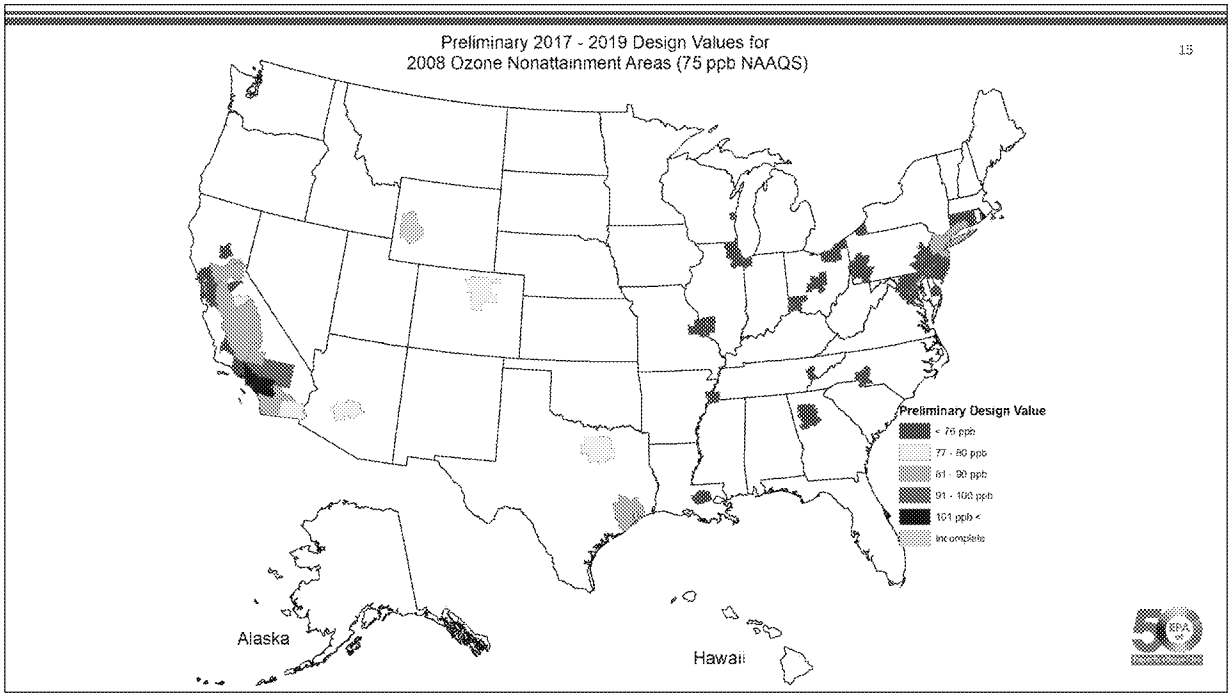
Importantly, the Imperial County action involved an attainment determination based on international emissions transport under CAA section 179B.

Interstate ozone transport for 2008 ozone NAAQS (Beth P. 9/23/19)
The 9/13 D.C. Circuit decision on Wisconsin v. EPA (CSAPR Update) ruled for EPA on a host of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emission reductions. The court held that EPA was obligated to address the full scope of Good Neighbor obligations under the 2008 ozone NAAQS in the CSAPR Update – and no later than the statutory attainment date for the downwind nonattainment area (which for the 2008 NAAQS would have been July 2018, assuming we can use the Moderate date instead of the Marginal date, which the ruling does not explicitly say). The court remanded the CSAPR Update without vacatur. We are currently identifying options to move forward.
The 10/1 D.C Circuit decision on New York v. EPA (CSAPR Closeout) ruled against the EPA, vacating and remanding the CSAPR Close-Out because it did not address state's good neighbor obligations with respect to the next applicable attainment date in 2021. The court summarized the Wisconsin court's holding that the Good Neighbor Provision requires upwind states to eliminate their significant contributions in accordance with the dates by which downwind States must come into compliance with the NAAQS. Noting that EPA relied on the same statutory interpretation that had been rejected by the court in Wisconsin to select its 2023 analytic year in the CSAPR Close-Out, the New York court concluded that EPA's defense of the CSAPR Close-Out was foreclosed.

BACKGROUND: Moderate area DAAD final rule (1st bullet)
Signed August 7, 2019
Determined that Baltimore, MD, and Mariposa, CA, attained the standards by the attainment date;

Granted a 1-year attainment date extension for the historic Sheboygan County, Wisconsin, which is now divided into two areas—the Inland Sheboygan County, WI, nonattainment area and the Shoreline Sheboygan County, WI, nonattainment area. The extension areas must attain the standard no later than July 20, 2019; and
Reclassified seven areas in 8 states—CA, CT, IL, IN, NJ, NY, TX and WI— as Serious. These areas must attain the standards by July 20, 2021.
2008 Serious area SIP revisions are due by August 3, 2020 (attainment demo & RFP, NNSR, RACT, etc.); intended to help streamlining with initial SIP submittals for 2015 NAAQS (also due 8/03/20)
Final rule distinguishes (bifurcates) Serious area RACT:
"RACT measures tied to attainment" – implemented by August 3, 2020; needed for purposes of meeting RFP or attaining the NAAQS by the Serious attainment date (July 20, 2021)
"RACT measures not tied to attainment" – SIP revision due 18 months after final rule eff. date; potential additional measures that can be implemented by the July 20, 2021 Serious attainment date; could help areas attain 2008 and 2015 standards more expeditiously
Separate actions
Denver, CO -- proposal for mandatory reclassification to Serious (84 FR 41674; 8/15/19)
Phoenix, AZ – proposed Moderate DAAD (84 FR 27566; 6/13/19); final rule in progress
Imperial County, CA – Moderate SIP and 179B demo; proposal in progress
Eastern Kern County, CA – final rule for voluntary reclassification to Serious (83 FR 31334; 7/05/18)

BACKGROUND CSAPR:
In 2016, when EPA finalized the CSAPR Update, we indicated that, at that time, we could only conclude that the trading program was a partial remedy to states' good neighbor SIPs, absent further analysis.
In 2018, EPA finalized the CSAPR Close-Out which found, based on further analysis, that the CSAPR Update in fact fully addressed states' obligations for the 2008 ozone NAAQS.



[UPDATED 4/07/20] – note these are still preliminary DVs.

Blue indicates area is attaining the NAAQS

1997 Ozone NAAQS Implementation Update

- The February 2018 South Coast II ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
  - not reclassifying areas upon failure to timely attain;
  - "redesignation substitute" mechanisms to terminate antibacksliding controls; and
  - excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
- The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Region 6 finalized new redesignation actions:
  - Houston-Galveston-Brazoria, TX area (85 FR 8411; 2/14/20)
  - Dallas-Fort Worth, TX area (85 FR 19096; 4/06/20)
- We are also updating 40 CFR part 52 to reflect certain nonattainment areas that previously attained the 1997 NAAQS by their respective attainment dates (direct final rule anticipated mid-2020).

(reviewed RL 4/20)

We are still sorting out the adverse court decision on EPA's ozone implementation rule related to revoking the 1997 standards. In South Coast II the court reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
not reclassifying areas upon failure to timely attain; and
"redesignation substitute" mechanisms to terminate antibacksliding controls
excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
EPA's Region 6 office recently finalized a form of redesignation for the Houston and Dallas areas to "terminate antibacksliding obligations" for 1-hr and 1997 ozone NAAQS [Note: The South Coast II decision does not generally explicitly apply to the revoked 1-hr ozone NAAQS].
As a reminder, the South Coast II court upheld our "formal redesignation" approach where a state can terminate antibacksliding obligations under a revoked NAAQS via a request to redesignate to attainment for an active (2008, 2015) NAAQS with an approved 175A maintenance plan that addresses the active NAAQS and the revoked NAAQS.

To address 2nd 10-year MAINTENANCE PLANS, EPA provided a "Resource Document" to assist states in developing 175A plans as "limited maintenance plans". https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment

"Implementation of the Revoked 1997 8-Hour Ozone National Ambient Air Quality Standards; Updates to 40 CFR Part 52 for Areas that Attained by the Attainment Date": EPA will also update regulatory text in 40 CFR part 52 to reflect EPA's factual determination that certain nonattainment areas attained the revoked 1997 8-hour ozone NAAQS by their respective attainment dates, and therefore were not required to implement antibacksliding obligations associated with failure to timely attain. We anticipate adopting these part 52 updates in direct final rule in mid-2020.

The nonattainment areas that timely attained the standards are the Buffalo-Niagara Falls area, and the Jefferson County, Poughkeepsie and Jamestown areas in New York; the Sheboygan County area in Wisconsin; the Denver-Boulder-Greeley-Ft. Collins-Loveland area in Colorado; and in California, the San Francisco Bay and Ventura County nonattainment areas.

2010 SO_2 NAAQS Implementation Update

- Round 1 nonattainment areas:
  - EPA has approved attainment plans for 18 areas (out of 29); one area has a CDD
  - EPA is under consent decree to take final action on submitted plans for 1 area by April 30, 2020 and for 8 other areas by October 30, 2020
  - Regional Offices are working with HQ and states on addressing approvability issues for all remaining attainment plans and acting quickly on redesignation requests
- Round 2 nonattainment areas:
  - EPA issued Findings of Failure to Submit attainment plans for two areas in a FR notice dated September 20, 2019, with an effective date of October 21, 2019
  - Attainment plans were due March 12, 2018
- Round 3 nonattainment areas:
  - Attainment plans were due October 9, 2019
- Interstate transport:
  - EPA continues to make good progress approving submitted SO_2 interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.

[4/20/20 AK updated transport bullet]

Round 1 and 2 -- CBD lawsuit: Filed suit in the Northern District of California on June 14, 2018, and amended on December 17, 2018, to compel EPA to act on several SIPs submitted to address Round 1 designations and to issue a findings of failure to submit (FFS) for several nonattainment areas designated in Round 2 or for areas designated for the 1971 SO2 NAAQS. EPA, and the CBD negotiated a proposed consent decree and published a section 113(g) notice on September 4, 2019:

Section 113(g) notice: The notice sought public comment on the proposed consent decree establishing deadlines for EPA to:
Act on twelve (12) Round 1 plans
Issue an FFS notice for 3 areas that were designated in Round 2: Williamson County, IL; Anne Arundel Co and Baltimore Co, MD; and, St. Clair Co, MI.

With respect to the Round 1 plans:
EPA has April 30, 2020 deadline for taking final action on one area (Allegheny, PA)
EPA has until October 30, 2020 to take action on 9 areas:
Hayden, AZ
Muscatine, IA
Southwest Indiana, IN
Detroit, MI
Muskingum River, OH
Steubenville, OH-WV – COMPLETED; OH portion redesignated
Indiana, PA
Rhinelander, WI
Marshall, WV

Sullivan Co, TN is the ONLY remaining Round 1 area for which EPA has not taken final action on the submitted SIP, and it is not named in the lawsuit (EPA proposed approval in 2018).

With respect to the FFS: The FFS notice was published in the FR on September 20, 2019 for 2 areas: Anne Arundel Co and Baltimore Co, MD; and St. Clair Co, MI. Note: The designation status of Williamson County was "corrected" to attainment after the 113(g) was published, therefore EPA did not include it in the FFS notice.
- The EPA is obligated to apply mandatory sanctions in 18 months and again in 24 months if the affected states have not submitted a complete SIP by the applicable deadlines;
- Sanctions 1: Offsets apply at 18 months of FFS. (March 2021).
- Sanctions 2: Highway funding sanctions apply at 24 months of FFS. (September 2021).

Number of Round 3 SIPs Received:
- Currently, only 1 of the 6 NA SIPs has been received to date:
1. Hillsborough Co-Polk Co, FL : Submitted
2. Huntington Co, IN
3. Warrick Co, IN
4. San Juan, PR
5. Evangeline Parish, LA
6. Piti-Cabras, Guam

-Effective date of designation: April 9, 2018.
-SIP due date: October 9, 2019.
-Attainment date: April 9, 2023.

Clean Data Determination Area:
Jefferson Co, MO

Interstate transport:
15 final published EPA approval actions (on 19 SIPs – R8 did a multi-state action covering 5 states)
35 SIPs submitted, 21 outstanding.

Round 4 SO_2 NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.
- The next major milestones are on May 1, 2020.

Timeline for 2010 Primary SO_2 NAAQS Designations Process – Round 4
Areas Associated with December 31, 2020, Court Ordered Deadline

Milestone	Date
States and tribes certify 2019 SO_2 monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO_2 monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 120 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO_2 area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO_2 monitoring networks pursuant to the DRR and that have not been previously designated)

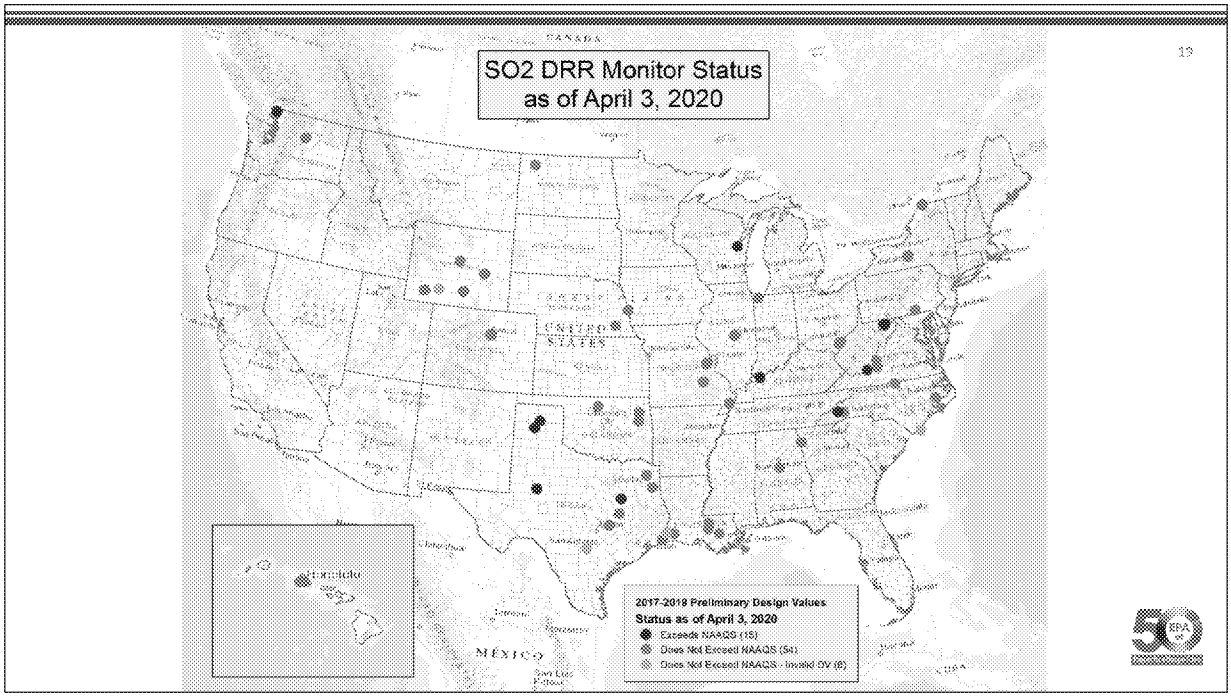
[4/6/20 CM- highlighted next major milestone]

Approximately 52 areas that remain undesignated.

Round 4 designations process guidance memo under signature of Peter Tsirigotis.

A key date is May 1, 2020 for states to (if they wish) provide updated designation recommendations.

EPA HQ is not officially addressing any redesignations of already-designated areas (including Unclassifiable areas) as a formal part of the Round 4 process. Any such actions are separate Region-driven actions following the CAA's redesignation provisions.



[Updated 4/6/20 CM]

This map shows the monitoring locations for the areas to be designated in Round 4. It includes a preliminary assessment of the potential monitored levels in relation to the 75 ppb SO2 standard. These DVs are preliminary. There are approximately 4 areas that were previously designated unclassifiable in Round 2 but selected the monitoring pathway pursuant the DRR.

As shown, there are 15 monitors with preliminary DVs above the NAAQS (shown as a red marker) and will be the subject of establishing appropriate nonattainment boundaries [TX (4), MO, VA, WV, MD, NC, WA, KY, MD, NY, WI]. (Note: The area in Potter County, TX was designated unclassifiable in Round 2 but is now has a monitor violating the NAAQS.)

Progress on $PM_{2.5}$ NAAQS Attainment

(as of March 31, 2020)

	1997 $PM_{2.5}$ (2005 Designations)	2006 $PM_{2.5}$ (2009 Designations)	2012 $PM_{2.5}$ (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	3
Current Nonattainment Areas	**4**	**14**	**6**
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021

(Reviewed by LH 4/20)

Still a few nonattainment areas and some upcoming deadlines for attaining.

Specifically, a deadline at the end of this year for 5 areas classified Serious for the 2006 standards.

BACKGROUND
1997 NAAQS Moderate: Libby MT (2011), Liberty-Clairton (2011), LA-South Coast (2015); 1997 Serious = SJV
2006 NAAQS Serious: Fairbanks, Provo, SLC, SJV, LA-South Coast (other 9 areas are Moderate)
2012 NAAQS all are Moderate

$PM_{2.5}$ NAAQS Implementation: 2019 Actions

DATE	STATE	AREA	NAAQS	ACTION
5/28/2019	IL	St. Louis	1997	Final Redesignation
4/10/2019	UT	Provo (Serious)	2006	Final Clean Data Determination
9/29/2019	UT	Salt Lake City (Serious)	2006	Final Clean Data Determination
10/03/2019	AZ	West Central Pinal	2006	Final DAAD
4/12/2019	OH	Cleveland	2012	Final Redesignation
9/30/2019	PA	Lebanon County	2012	Final Redesignation
9/30/2019	PA	Delaware County	2012	Final Redesignation

(updated LH 4/20)

In 2019, EPA took a number of actions this year including a Determination of Attainment by the Attainment Date, Clean Data Determinations for Moderate and Serious areas and redesignating areas from nonattainment to attainment.

2020 – NO new actions

For PM10 (1987), there has been some activity in 2020:

04/02/2020 Imperial Valley, CA (CA) whats new
Redesignation to Maintenance
Proposed Approval
85 FR 18509

04/07/2020 West Pinal, AZ (AZ) whats new
Change to a Higher Classification (Bump-Ups)
Proposed Approval
85 FR 19408

04/07/2020 West Pinal, AZ (AZ) whats new
Failure to Attain by Attainment Date
Proposed Approval
85 FR 19408

Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
  - Remaining redesignations
  - Monitor removal issues

[Reviewed 4/20 LH)

Bullet 3: Focus is now on:
Redesignations
Resolving data issues and violations
Monitor removals
States have been requesting monitor removals for various reasons
Exploring current monitoring regulations and the potential need for additional guidance

Exceptional Events Update

- EPA has concurred on 34 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- Guidance documents to help right-size demonstrations and facilitate the exceptional events process:
  - Stratospheric Ozone Intrusion Guidance – Released November 2018
  - Updated High Wind Dust Event Guidance – Released April 4, 2019
  - Clarification Memo on Data Modification – Released April 4, 2019
  - Prescribed Fire Guidance – Released August 9, 2019
- SPeCS for Exceptional Events is under development and expected to be deployed this summer
- EPA's exceptional events webpage provides additional resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available
  - https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events

Updated 4/3/20 DS

For CenSARA: EE guidance may not be of general interest but I've included it here for completeness and reference.

As noted earlier in the presentation, a new module in the SPeCS family, SPeCS for Exceptional Events is being developed. This system will streamline the processing of demonstrations, improve efficiency, and enhance data storage and retrieval.
Note for Scott:
Currently, we only track demonstrations internally via an Excel spreadsheet on SharePoint and it is not accessible on the EE website.
When SPeCs for EE has a public dashboard (not planned for 1st phase), public would be able to access the information.

ADVANCE

www.epa.gov/advance

- A collaborative program for states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or $PM_{2.5}$
  - 40 current partners with 360+ counties and 45 million population
  - Forum for stakeholder collaboration, monthly info on grants and training opportunities, access to EPA technical assistance
  - Provide annual plan updates to EPA describing relevant programs (e.g., mobile sources, transportation, energy efficiency, renewable energy, stationary, woodsmoke, education)
  - Plans for current partners are on the EPA website
- 12 current partners in WESTAR region
  - CO: Pikes Peak Area Council of Governments (Colorado Springs); ID: Salmon, St. Maries
  - NM: Doña Aña, Eddy, Lea, San Juan counties; OR: Lakeview, Prineville; UT: Uintah Basin
  - There are a significant number of other areas with air quality values that are approaching the level of the ozone and $PM_{2.5}$ NAAQS and may be good candidates for Advance
  - We would be happy to schedule a presentation with your organization
- In OAQPS, management of the Advance program has shifted to the Air Quality Policy Division. Contact Rich Damberg (damberg.rich@epa.gov) for more info.

3/31/20: update by Rich

Closing out NAAQS-related updates, I wanted to put a plug in for EPA's Advance program.

The program was established in 2012, and is a collaborative effort between EPA and government partners to encourage continued air quality improvement in ozone and PM2.5 areas designated as attainment. Areas update their plans each year.

We continue to work through the EPA Regional Offices to reach out to areas that we consider to be good candidates for the program:
ozone attainment areas with dv >65 ppb;
PM2.5 attainment areas with annual dv >10 micrograms/m3, or 24-hr dv >30 micrograms/m3.
Based on the latest design values (2016-18), EPA identified 250 counties as Advance Program "candidates."

Program management is moving between OAQPS Divisions this year in order to better integrate it with OAQPS NAAQS implementation efforts. The transition is more meaningful to us in OAQPS than it will be to our partners, who will continue to receive support from us in EPA HQ as well as their Regional Office contacts. We encourage new areas to join the program.

[NOTE: R2 is the one EPA Region that does not currently have any Advance areas.]

Provisions Concerning Start-Up, Shutdown and Malfunction (SSM) Events in SIPs

- In 2015 EPA finalized the SSM SIP Action. That action included: (1) a response partially granting and partially denying Sierra Club's petition for a SIP call; (2) updating, restating, and consolidating SSM policy; and, (3) a SIP Call applying that policy and directing several states to revise SSM-related provisions for exemptions and affirmative defenses in their SIPs. Litigation in the D.C. Circuit challenging that action was put in abeyance in April 2017.
- EPA Region 6 announced an alternative interpretation and withdrew the SIP call for Texas with respect to affirmative defense provisions.
  - Final action published in the Federal Register on February 7, 2020
  - On April 7, 2020, a group of environmental and public health organizations led by Sierra Club filed a petition in the D.C. Circuit for review of EPA's action withdrawing the SSM SIP call issued to Texas
- EPA Region 4 announced an alternative interpretation and withdrew the SIP call for North Carolina with respect to automatic and director's discretion exemptions
  - Final action signed by the Regional Administrator on April 2, 2020

[UPDATED April 2020]

Regional Haze Program: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
  - 2018 Technical Guidance on Tracking Visibility Progress (completed December 2018)
  - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
  - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
  - Some states plan to submit in 2019
  - We encourage early engagement on all SIPs
  - Regional Offices are available for questions or preliminary feedback

4/10 BT

Based on the Reform Roadmap and the key principle states are in the lead and they will be looking for opportunities to leverage emission reductions associated with other Clean Air Act programs to help improve visibility, we have recently released resources and one upcoming to assist states with their SIPs:
2018 Technical Guidance (completed Dec. 2018)
The newly released Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed Aug. 2019). We held a webinar for States on Sept 10, 2019 that provided a detailed walkthrough of the guidance.
2028 Modeling including estimates of US and international source contributions for Class I Areas (completed 9/19/19; webinar TBD in October)
BT 4/10

Looking forward to the second implementation period, second planning period SIPS are due on July 31, 2021.

We expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. NOTE FOR SCOTT – we have seen several SIPs that are out for public comment, and all of them have been from MANE-VU states.

Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

We appreciate early engagement with Regions on SIP development – recognizing the guidance just came out, are there issues you anticipate needing EPA engagement on?

[Notes added 9/26 from another slide]
Looking forward to the second implementation period, second planning period SIPS are due on July 31, 2021.
We hope that our newly released guidance will help reduce state planning burdens while also ensuring compliance with the CAA and RHR.
We expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. NOTE FOR SCOTT – we have seen several SIPs that are out for public comment, and all of them have been from MANE-VU states.
Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

FYI
Specifically, since 2014, for states that wish to, EPA is working with states to replace partial Federal Implementation Plans (FIPs) issued in the first planning period with SIPs.
FIPs with SIPs in 14 states: Arizona, Arkansas, Georgia, Indiana (proposed), Iowa (proposed), Kentucky, Missouri, New Mexico, New York, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

Updated 4/10 BT

The Regional Haze Rule requires states to submit a series of State Implementation Plans (SIPs) designed to protect visibility in Class I areas for the second and subsequent implementation periods. (Section 51.308)
In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999. (82 FR 3078)
In September 2018, Administrator Wheeler laid out EPA's goals to support states in the Regional Haze Reform Roadmap The Roadmap also notes that we are continuing to explore further regulatory changes to impact future planning periods after the 2nd implementation period.

Note: Following the 2017 Rule, we received three petitions for administrative reconsideration from states and utilities. In January 2018, EPA announced its intention to revisit certain aspects of the 2017 rule revisions, including FLM consultation and Reasonably Attributable Visibility Impairment (RAVI) provisions. No timeframe has been set for this rulemaking.
"Regional haze" is defined at 40 CFR 51.301 as "visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area."

The Regional Haze Rule (RHR or Rule) requires states to submit a series of State Implementation Plans (SIPs) to protect visibility in Class I areas, and governs states' obligations and EPA's review of periodic SIPs developed for the second and subsequent implementation periods.

In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999.

Permitting Related Updates

Now, on to updates on Permit Program activities.

Overview

- Review Completed Permit Policy Actions
- Update on Recent/Ongoing Actions
- Website Enhancement/NSR Training
- Permitting Process Improvements

Review of Completed Permit Policy Actions

- Actual-to-Projected Actual Emissions Applicability Memo (12/7/2017)
- Project Emissions Accounting Under NSR Memo (83 FR 13745; 3/13/2018)
- $PM_{2.5}$ and Ozone Significant Impact Level (SIL) Guidance (4/17/18)
- Project Aggregation Reconsideration Final Rule (83 FR 57324; 11/15/18)
- Source Determination Clarifications – "Common Control" Interpretation
  - Meadowbrook 4/30/2018 memo to Pennsylvania DEP
  - Ameresco 10/16/2018 memo to Wisconsin DNR

Actual-to-Projected Actual Emissions Applicability Memo – "New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability"
Basically states that EPA will not "second guess" NSR applicability analyses performed by sources (as they project their actual emissions increase resulting from a modification at the facility) as long as they conduct the analyses in keeping with our regulations, which requires that they use relevant data to support their analyses.
EPA intends to focus on the level of actual emissions during the 5- or 10- years recordkeeping or reporting period after the project to determine whether to exercise its enforcement discretion

Project Emissions Accounting Memo – Communicates EPA's interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered determining whether a project will result in a significant emissions increase (i.e., at Step 1 of the NSR applicability process)

Revised PM2.5 SILs/new ozone SILs
Based on new technical approach and legal rationale, and streamlined the air dispersion modeling process for PSD.
Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
Where SILs are used, reference all three and include in any permit record. Not final agency action; not binding for industry, permitting authorities, or the public.
April 7, 2020 – DC Court of Appeals held that SILs guidance is not final agency action subject to review. Expressed no opinion as to ripeness or the merits of the SIL guidance itself.

Project Aggregation – EPA granted to NRDC reconsideration and stay of 2009 "Interpretive Rule" for Project Aggregation, which had established "substantially related" criterion for aggregating projects and a 3-year rebuttable presumption against aggregation. Final action in 2018 affirmed the interpretation finalized in 2009. Lifts the stay of the 2009 action, making it immediately effective.

Source Determination Clarification – Common Control
Meadowbrook Letter: Explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements
Ameresco Letter: In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources. Shared activities should be allocated to a single source to avoid unworkable outcomes.
Background: Determining which pollutant-emitting activities constitute a single "stationary source" can impact the applicability of major NSR and title V. Criteria are:
located on one or more contiguous or adjacent properties;
under common control of one person (or persons under common control); and
belonging to the same major industrial grouping

Update on Recent/Ongoing Actions

- Source Determination Clarification – Adjacent
- Ambient Air Policy
- Project Emissions Accounting Rule
- Tribal NSR Oil & Gas FIP Streamlining Amendment
- NSR Error Corrections
- Plantwide Applicability Limit (PAL) Guidance
- Begin Actual Construction Guidance
- Treatment of Biogenic CO_2 in PSD
- Reasonable Possibility Rule Reconsideration
- Ethanol Production Major Source Rule Reconsideration
- Fugitive Emissions Rule Reconsideration

Highlighting developments since Fall 2020 state meetings in September/October 2019.

Source Determination Clarification – Adjacent

- **11/26/2019: Final Guidance issued "Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
- For all industries other than oil and natural gas production and processing, EPA adopts an interpretation of "adjacent" based on physical proximity only
- The concept of "functional interrelatedness" would not be considered by EPA when determining whether activities are located on adjacent properties

EPA has taken several steps to clarify which pollutant-emitting activities constitute a single "stationary source" for purposes of determining the applicability of major NSR and title V.

Criteria are:
located on one or more contiguous or adjacent properties;
under common control of one person (or persons under common control); and
belonging to the same major industrial grouping

EPA's interpretation of "adjacent" has evolved through source-specific determinations, and a 2016 rule clarified for the oil and gas industry that "adjacent" operations are limited to those activities within ¼ mile with shared equipment

Ambient Air Policy

- **12/10/2019: Final Policy issued "Revised Policy on Exclusions from Ambient Air"**
- Limited change to the way EPA applies regulatory definition of ambient air, *"that portion of the atmosphere, external to buildings, to which the general public has access"* – 40 CFR 50.1(e)
- EPA policy for implementing ambient air for PSD was stated in a 1980 Costle letter, "*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*"
- Change replaces specific concept of a fence or other physical barriers with "*measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*"

Clarifies that there can be measures beyond a fence or other physical barrier that are effective in restricting public access (e.g., advanced monitoring and surveillance systems, like drones).

NSR Rulemakings Underway

- **Project Emissions Accounting Rule**
  - Proposed rule revisions (84 FR 39244, 8/9/2019) would clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the NSR applicability process
    - Intended to eliminate any uncertainty with the rule language
    - Comment period closed 10/8/2019
  - Final Rule expected Fall 2020
- **Tribal NSR Oil & Gas FIP Amendment**
  - Proposed Part I Registration Form streamlining amendment 7/15/2019
  - Rule would reduce the pre-construction waiting period by up to 30 days by providing for concurrent submissions of Part I Form and ESA/NHPA screening documentation
  - Final Rule published on March 19, 2020 (85 FR 15279)
- **NSR Error Corrections Rule**
  - Proposed rule (12/20/2019, 84 FR 70092) would correct NSR regulation typos and incorrect citations, and update the regulations to remove vacated elements
  - Final Rule expected Spring 2020

Project Emissions Accounting Rule – The P.E.A. memo issued in 2018 is currently in litigation (5/29/18 Petition for Review by EDF, NRDC and Sierra Club (D.C. Cir.)). Court granted Petitioner's unopposed motion to hold the case in Abeyance on 7/13/18 while EPA is addressing the issues in a rulemaking.
Rulemaking is Tier 2 and will be submitted to OMB for interagency review.

NSR Error Corrections Rule – Tier 3, will not be submitted to OMB for interagency review.

NSR Rulemakings Underway (cont.)

- **2008 Fugitive Emissions Rule Reconsideration**
  - Final Rule exempted certain source categories from considering fugitive emissions in NSR major modification determinations
  - EPA granted an NRDC petition for reconsideration of the Rule and stayed its effectiveness
  - Litigation (Newmont Mining and NRDC) held in abeyance
  - Currently working on a proposal: to OMB April 2020; signature Summer 2020
- **2007 Ethanol Major Source Rule Reconsideration**
  - Final Rule raised the applicability threshold from 100 tpy to 250 tpy for major NSR and title V for certain ethanol production facilities
  - EPA granted 2009 petition for reconsideration from NRDC; litigation held in abeyance
  - EPA letter to NRDC issued 10/21/2019 partially denying/granting petition
  - Region 7 is taking action on several SIPs involving ethanol facilities
  - Currently working on a proposal to address partial grant (target proposal date is February 2021)

Note covered in slides – for Q&A
Reasonable Possibility:
2007 rule established criteria for determining recordkeeping, monitoring and reporting requirements that apply to projects for which Actual-To-Projected-Actual applicability test is applied
EPA initially denied, then granted NJ's petition for reconsideration of the 2007 RP rule; litigation held in abeyance
EPA issued letter to NJ on 11/5/2019, communicating that EPA is no longer reconsidering the rule.
Litigation is moving forward

Treatment of Biogenic CO_2 in Air Permitting

- **Consolidated Appropriations Act** (FY2017-FY2020) outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production, including policies that reflect the carbon-neutrality of forest bioenergy
- April 2018 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO_2 resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- Draft Proposed Rule is currently at OMB for review

Proposal went to OMB 2/24/2020

Expect a published proposal late spring 2020

NSR Guidance Underway

- **Plantwide Applicability Limit (PAL) Guidance**
  - PAL regulations were established as part of 2002 NSR reform
  - Guidance addresses elements of the PAL regulations that stakeholders have identified as generating perceived risk/disincentives
  - Comment period closed 3/16/2020; Final guidance anticipated –Summer 2020
- **Begin Actual Construction Guidance**
  - Sources cannot legally "begin actual construction" of a major source or major modification without first obtaining a major NSR permit
  - Guidance explores flexibilities under the existing rule language that would allow certain non-emitting activities to be undertaken prior to obtaining a permit
  - Draft guidance memo posted for 45-day comment 3/25/2020; Final guidance anticipated – Fall 2020

PAL guidance: draft guidance posted for comment Feb 2020; Final Summer 2020

Begin Actual Construction: 45 day comment period; ends May 11, 2020

Website Enhancements/Training Development

- Website Improvements
  - Completed several enhancements to the existing EPA air permitting rule and guidance website
  - Organizing guidance documents in NSR and Title V index by topic area
  - Phase I enhancements completed November 2019
  - Phase 2 including topic page descriptions and document summaries targeted for completion of June 2020
- NSR Training Development
  - Received state agency input on recommended NSR training topics
  - Currently developing NSR training modules that will be available through the improved permitting website
  - Targeted for completion of July 2020

E-guidance: Jan 2020
Add pages to our NSR/T5 Policy and Guidance Website to increase its educational value and streamline searches.
A table of contents links to NSR topic pages, which link to relevant guidance statements and will eventually trainings offered on the topic.
Phase 2 enhancements include topic page descriptions and document summaries

Training: Jan 2020
In coordination with larger Agency efforts to revamp training.
Developing standardized NSR program training slides to be used and linked from the EPA/NSR website
Plan for in-classroom (non-website) delivery of standard training slide decks.
Develop other topic specific training using creative ways to deliver

Process Improvements: Electronic Systems

- Central Data Exchange (CDX) for receipt of Title V petitions
  - Target completion date - September 2020
- Electronic Permitting System (EPS)
  - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, Title V, and other permits for EPA review
  - Also electronic processing of EPA-issued NSR and title V permits
  - Target for completion – FY-2021
- Replacing and modernizing RACT/BACT/LAER Clearinghouse
  - Target for completion – FY-2021

EPS:
State permits status: Implement enhancements suggested by states and release for national use in beginning of 2020.
EPA permits status: Currently in development, minimum viable product was ready at end of FY19 with final release available in late FY2020.
RACT/BACT/LAER status: currently gathering requirements
Delays pushing some actions to FY 2021 due to software updates requirements – conversion from Drupal 7 to Drupal 8 and development of the new modules will be in Drupal 8.

ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking was severed from June 2019 final ACE rule
- Administration still interested in pursuing action on the NSR hourly emissions test

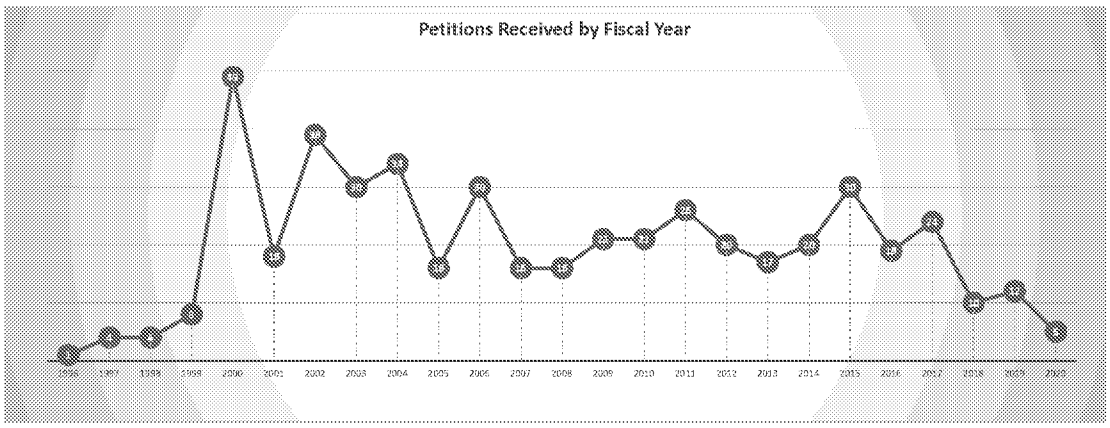
Three options were proposed
Target is FY2021

Title V Petitions Rule

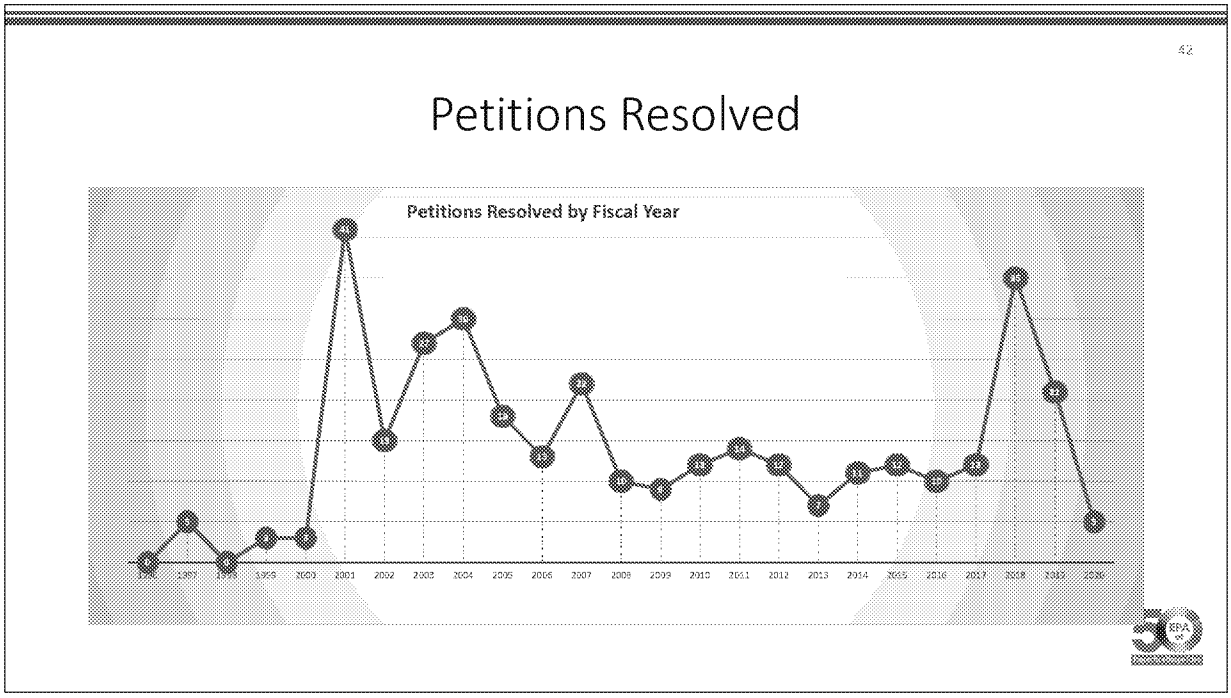
- EPA published the final **"Revisions to the Petition Provisions of the Title V Permitting Program"** in the Federal Register on February 5, 2020 (85 FR 6431)
  - Effective April 6, 2020
- Three main :
  - How to submit a petition (*where* to send it)
  - Mandatory content for petitions (tell us *what* the problem is, on *which* permit)
  - Requires permitting authorities to respond in writing to significant comments, and provide the response with the proposed permit to EPA for review
    - Permitting authorities determine what is significant
    - We have spelled out how this works with "concurrent" review

Also added requirement for petitioner to send permitting authority and source a copy of the petition
We did NOT finalize:
Requirement to provide notice to public when proposed permit goes to EPA
EPA intends to post information on its own websites
Ultimately, Electronic Permit System (EPS) will show this information

Title V Petitions Received by Year



Title V Petitions continue to be a substantial work load
Trends:
Increased focus on wood pellet manufacturing – Morehouse, LaSalle (2), Highland Pellets, Enviva
Texas permits related to incorporation by reference (received in 2016-17)
Monitoring for synthetic minor limits
Monitoring to determine that a limit does NOT apply (Newark Bay, Riverview)



Notes on Petitions:

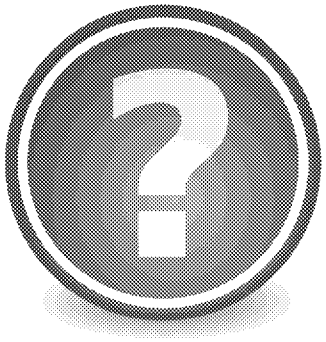
NSR/TItle V Interface

PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of Title V
Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"

This order was challenged, first in the DC Circuit- DC Circuit said it was not the appropriate venue, so the challenge was heard in the 10th Circuit, in Utah, where the source is located. Oral arguments were held in March. Awaiting the decision

Another title V order that relied on “no NSR lookback”, Exxon Mobil was challenged in the 5th circuit court of Appeals. Oral arguments occurred last spring. Still awaiting that decision.

Questions and Comments



Appendix

NAAQS Reviews: Status Update

(April 2020)

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_2, SO_2, PM	PM	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	Sept 2019 Draft ISA[3] Oct 2019 Draft PA Early 2020 Proposal Late 2020 Final	TBD[4]	TBD	TBD	TBD Final ISA; draft REA/PA	Dec 2019 Final ISA Jan 2020 Final PA April 2020 Proposal Late 2020 Final	TBD

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2 and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = To be determined

Updated by HEID 4/20 (S.Jenkins)

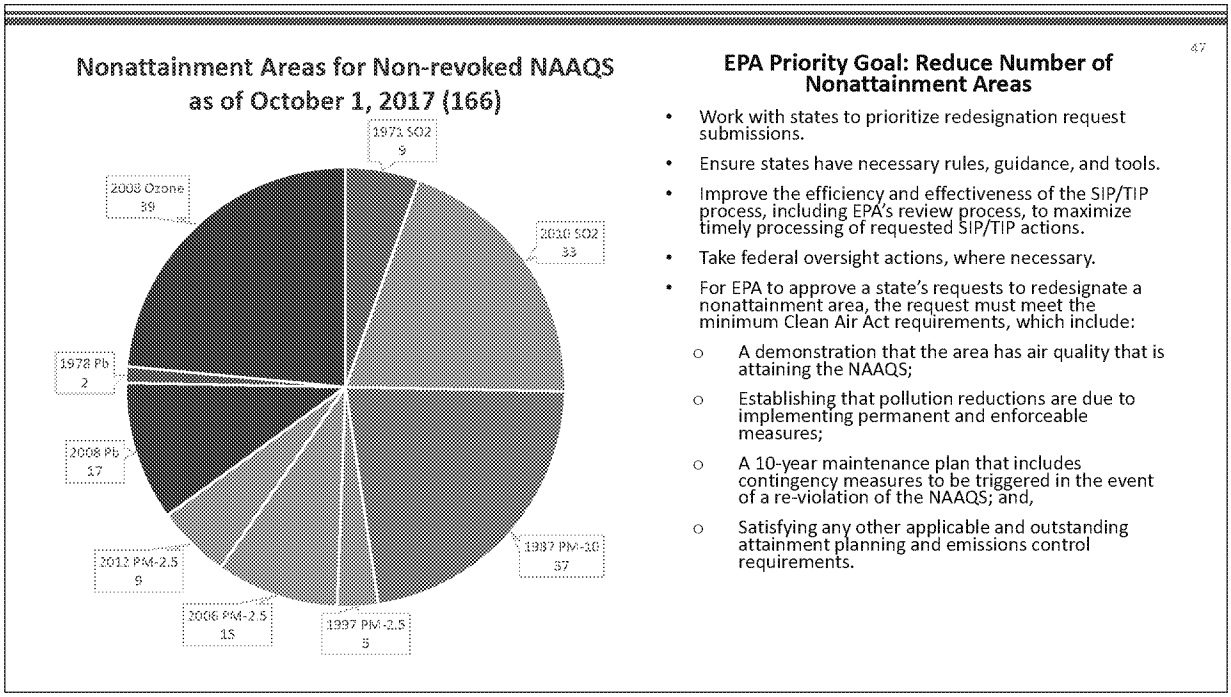
NAAQS Implementation Milestones (February 2020)

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
$PM_{2.5}$ (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
$PM_{2.5}$ (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO_2 (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO_2 (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.

Reviewed by SLPG Feb 2020

As has become custom, we have updated our table of implementation milestones as a reference.



[UPDATED SM 9/26; Pie chart changes: added Sheboygan split to 2008 O3, subtracted Williamson IL from 2010 SO2]

We'll look first at nonattainment areas and how we are tracking progress on redesignating areas to attainment.

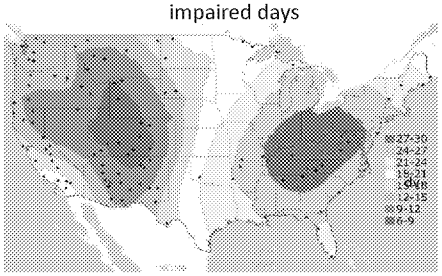
This pie chart shows the breakdown of the 166 nonattainment areas we began tracking in 2017. It indicates how many areas are associated with each of the pollutant standards.

About three-fourths 3/4 of the nonattainment areas are due to 3 pollutants: SO2, 2008 Ozone, and PM10. About a quarter (25.3%) for Sulfur Dioxide, a just under a quarter each for 2008 Ozone (23.4%), and 1987 PM10 (22.3%).

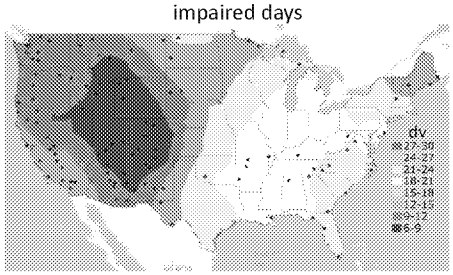
We recognize that the entire universe of nonattainment areas is larger than this pie shows.
Since 2017 additional areas have been designated nonattainment for the 2010 SO2 standard and the 2015 ozone standard.
Also, a court decision affecting the revoked 1997 and 1-hour ozone standards has brought some aspects of nonattainment implementation back into active regulatory consideration.
Universe of NAAs (October 2019) = 302 areas
166 is now 147
+ 2010 SO2 = 6 areas
+ 2015 Ozone = 51 areas (was 52 with Columbus)
+ 1997 Ozone = 35 areas
+ 1-hr Ozone = 63 areas

Regional Haze Program First Planning Period: Visibility is Improving

2000-2004
Visibility (dv) on 20% most impaired days



2013-2017
Visibility (dv) on 20% most impaired days



- Between 2000 and 2017, state and Federal emissions control programs, including the 1st implementation period of the Regional Haze Program have reduced total SO2 emissions by 13.6 million tons per year (-84%) and total NOx by 11.7 million tons per year (-52%)
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas

4/3 BT
Updated to use emissions numbers (from the NEI trends report) that reflect the total change (decrease) in SO2 and NOx between 2000 and 2017. That's a better reflection of why visibility has improved so much (especially in the east). Only a small portion is directly due to the RH program (most of the eastern reductions were from CSAPR/CSAPR > BART), but that is why visibility is so much improved.

Visibility is improving, and state and federal efforts have achieved significant improvements in visibility throughout the country, driven by large reductions in emissions of SO2 and NOx.
These two maps show the visibility in deciviews on the 20% most impaired days.
The map of the left is from 2000-2004 and the map on the right is from 2013-2017.
Warmer colors represent higher deciviews (which indicate more impairment).
You can see that the red and the orange values have disappeared from the East and in the West, the areas with the lowest values have expanded.
Overall we estimate that during the first planning period that average visual range increased by 20 – 30 miles in each Class I area.

Message

From: Montanez, Jessica [Montanez.Jessica@epa.gov]
Sent: 3/29/2018 8:48:44 PM
To: Wood, Anna [Wood.Anna@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Rao, Raj [Rao.Raj@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Spangler, Matthew [Spangler.Matthew@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]
Subject: Notes from March 29 NSR Updates Meeting
Attachments: NSRUpdateMeeting_Minutes_03292018.docx

Jessica Montañez
Office of Air Quality Planning and Standards
Air Quality Policy Division
New Source Review Group
109 TW Alexander Drive MD: C504-03 RTP, NC 27711
Phone: 919-541-3407
Note: Positions or views expressed here do not represent official EPA policy.

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Message

From: Long, Pam [Long.Pam@epa.gov]
Sent: 1/23/2018 7:19:50 PM
To: Rao, Raj [Rao.Raj@epa.gov]
CC: Mathias, Scott [Mathias.Scott@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Lee, Santiago [Lee.Santiago@epa.gov]
Subject: RE: 2 requests for Anna meetings

See in red below.

From: Rao, Raj
Sent: Tuesday, January 23, 2018 2:02 PM
To: Long, Pam <Long.Pam@epa.gov>
Cc: Mathias, Scott <Mathias.Scott@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Lee, Santiago <Lee.Santiago@epa.gov>
Subject: 2 requests for Anna meetings

Hi Pam,

1) Can you please add Scott and Cheryl to the NSR Projects Coordination meeting on Tuesdays (currently with Juan and Anna). Scott and Cheryl, the plan is to start off with source aggregation guidance update and then biomass and you too can leave for us to continue with the rest of the NSR projects under Juan's purview. I will share with you a planning tool that I have. Done.

2) Please schedule a 45 min pre-brief for Anna on Ambient Air for Thursday afternoon. Invitees : Anna, Juan, Chuck, Dan and me. Done.

Thanks
Raj

Raj Rao, P.E.
Group Leader, New Source Review Group,
Air Quality Policy Division,
Office of Air Quality Planning and Standards (MD-C504-03)
US Environmental Protection Agency
109 TW Alexander Drive
Research Triangle Park, NC 27709
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919-541-5509 - Fax

Note: Positions or views expressed here do not represent official EPA policy. Interagency Deliberative and Confidential

Regulations designed to protect human health can also drive innovation to achieve sustainable wildfire management

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Lori D. Daniels
Department of Forest and Conservation Sciences, The University of British Columbia, Vancouver, Canada

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Ana G. Rappold
US Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Environmental Public Health Division, RTP NC.

Michael Brauer

School of Population and Public Health, The University of British Columbia, Vancouver, Canada

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Abstract

Sustainable fire management has eluded all industrial societies. Given increasing wildfire events and magnitude, prescribed burning is promoted as the key to reducing fire hazard, but resultant smoke can adversely affect public health and compliance with air quality standards. However, existing regulations can drive adoption of novel fire management approaches to lower the risk of economically destructive wildfires while also improving air quality, and reducing climate-forcing emissions. For instance, mechanical clearing of trees from the wildland-urban interface can create 'green fire-breaks' that are biodiverse and attractive, and the harvested fuel can be used for biomass heating and electricity generation. We illustrate this possibility by comparing current and potential fire management approaches in the environmentally similar landscapes of Vancouver Island in British Columbia, Canada and the island state of Tasmania in Australia.

Commented [LP1]: To my eye, the body of the paper is about the potential for DIFFERENT regulations to drive such adoption. The paper does not actually examine whether any nation's underlying statute would support the promulgation of regulations that would require or strongly incentivize mechanical thinning. See the longer comment on the last paragraph of the paper.

Commented [LP2]: The actual examination of potential fire management approaches is very limited, not much more than qualitative speculation.

In a nutshell

- Fuel treatments (prescribed burning and mechanical thinning) on the wildland-urban interface can reduce the economically and socially destructive effects of wildfire.
- Prescribed burning has been increasingly constrained by changing fire seasons and the generation of smoke that harms human health.
- Compared with prescribed fires, mechanical clearing is easier to implement, generates no smoke, and poses no risk of fire escapes.
- Harvested trees can be used for biomass energy, in turn reducing smoke emissions from domestic wood heaters.
- Enforcement of existing air quality statutes can drive innovations in fuels management as to reduce the risk of wildfires to reduce smoke pollution from multiple sources.

Commented [LP3]: This is a very absolute statement. There does not appear to be anything in the paper to support it. In fact, the paper notes the high cost of mechanical clearing.

Commented [LP4]: In both locations addressed in the paper, there is already a lot of biomass being used for heating, in wood heaters. The issue is not that it is biomass, but whether it is processed for cleaner burning in a differently designed wood heater. This should be made clearer.

Introduction

Unlike other natural hazards, wildfires can be both started and suppressed by humans (Bowman *et al.* 2011). Globally, Indigenous peoples have inhabited flammable landscapes for thousands of years using fire for subsistence economies that sustained biodiversity (Bowman *et al.* 2011). Colonization has disrupted these socio-ecological traditions, with no industrial economy achieving sustainable existence with wildfire (Moritz et al. 2014). Indeed, wildfire management is increasingly characterized as being in crisis across the contemporary world. This is due to a constellation of factors, including rapid expansion of urban areas into flammable landscapes, recent fires exceeding suppression capabilities, and climate change driving longer and more extreme fire seasons (Fischer *et al.* 2016). Accordingly, there is increasing recognition of the need for more sustainable management of wildland fuels.

There is growing acceptance among land managers that prescribed burning, the intentional and managed application of landscape fire, can reduce wildfire hazard (Fernandes and Botelho 2003). Nonetheless, this approach has a number of downsides, including: (a) risk of fires accidentally destroying the property and infrastructure they were intended to protect, meaning that each burn carries the heavy transactional costs of negotiating with multiple land tenures, other stakeholders, and insurance providers (Stephens *et al.* 2016); (b) blunted effectiveness of prescribed burning during extreme fire weather, because reduced fuel loads do not limit fire spread in hot, dry, windy conditions (Price and Bradstock 2012); (c) fewer days available for prescribed burning under changing climate (Jolly *et al.* 2015); and (d) management of smoke pollution to minimize its public health impacts (Schweizer and Cisneros 2016). Of these drawbacks, the latter imposes the greatest constraint on prescribed burning (Schweizer and Cisneros 2016), because the affected public perceives increased smoke production in the wildland-urban interface to be an annoyance and a public health risk.

Much like air pollution from other sources, smoke pollution from landscape fires has been associated with increased human morbidity and mortality in exposed populations (Reid *et al.* 2016). Indeed, thousands of studies describing the harmful effects of air pollution from multiple sources have driven regulations, policies, and technologies to reduce emissions from vehicles, industry, power generation, and space heating. Such advances have yielded significant health and economic benefits over recent decades because they reduce the immediate harms and the burden of chronic disease associated with ongoing air pollution exposures (Dominici *et al.* 2014). Pollutant emissions from prescribed burning

also lead to health risks, but they are less amenable to control and can lead to non-compliance with air quality standards that are legally enforceable in some jurisdictions (Haikerwal *et al.* 2015).

Policies to manage tensions caused by the smoke impacts of prescribed burning are evolving worldwide, but are formalized in the United States by the Clean Air Act (Hyde *et al.* 2017). Enforcement of this legislation requires jurisdictions exceeding National Ambient Air Quality Standards -(NAAQS) to implement emissions reductions plans that may restrict or prevent use of prescribed burning (Hyde *et al.* 2017). North et al. (2015) suggest that the US Environmental Protection Agency should exempt prescribed fire smoke in the same way that it exempts wildfire smoke, which it attributes to unmanageable exceptional events. Here we offer an alternative perspective: we suggest that existing air quality regulations have the potential to drive the innovation required to achieve ecologically and economically sustainable fire management. We illustrate our argument using two case studies that span the spectrum of contemporary approaches to air quality regulation and forest management: Vancouver Island, British Columbia, Canada and Tasmania, Australia (Figure 1). Both of these temperate islands are similar with respect to size, climate, and human populations, but they different with respect to environmental management.

Vancouver Island – reliance on mechanical fuels treatments

The temperate Vancouver Island (area = 31,285 km^2, population = 760,000) is located to the west of mainland British Columbia, the westernmost province in Canada. It is heavily forested, and spans a steep precipitation gradient from west to east (Figure 1A). Prior to settlement by Europeans, old-growth temperate rain forests composed of cedars and hemlocks covered much of the Island, with Douglas-fir forests and Garry oak woodlands dominating the east coast (Meidinger and Pojar 1991). These vegetation assemblages developed during the Holocene, as recently as 6,000 years ago (Pellatt *et al.* 2001), with increased fire occurrence in the past 2,000 years due to Indigenous burning (Brown and Hebda 2002). Fire weather on the island is shaped by a seasonal shift in the subtropical high-pressure cell northward along the Pacific coast, which results in a substantive summer water deficit. Summer high pressure cells result in strong outflow winds, low precipitation, and low relative humidity, which elevates fire danger ratings. The occurrence of dangerous fire weather has been increasing in the recent past (Figure 2A), with extreme fire danger persisting for more than 60 days in four of the past 20 years. Prolonged drought and record high temperatures in 2015 saw a record 25,000 ha of forests burned in the Coast Fire Zone of British Columbia, which includes Vancouver Island.

The capital city of British Columbia, Victoria (population = 370,000) is surrounded by forested parks and the watersheds that supply municipal drinking water (Figure 1). The resulting wildland urban interface is complex and dispersed across approximately 700 km^2. -Modern fire records indicate almost 80% of the fires in the greater Victoria region were ignited by humans, although they burn small areas due to effective detection and suppression. -However, the fire risk is increasing due to hazardous fuels resulting from fire exclusion, regeneration of second-growth forests after logging, potential ignitions as the population grows, and as climate changes (Figure 2A). Community wildfire protection plans have been developed and implemented, which include raising public awareness of fire risk, improving the fire resistance of homes and critical infrastructure, reducing fuels using mechanical treatments, and creating a landscape with fuel breaks and fire containment areas.

The topography and climate of Vancouver Island favour smoke pooling, particularly under inversion conditions. This is well-illustrated by the city of Port Alberni, where severe air pollution occurs in the cooler months due to the burning of forest debris and use of wood heaters (Figure 3A). -Unlike Tasmania, however, the practice of prescribed burning in standing forests is rare, but burning is the most common way to dispose of debris generated by logging and land clearing, which is known as 'pile burning'. The scheduling of these burns attempts to minimize their air quality impacts, but piles often burn for several days once lit, and smoke can affect populations across the island. Over the past 25 years, the province has developed and updated its Open Burning Smoke Control Regulation to mitigate smoke impacts, but problems persist.

In addition, more than 35% of homes on Vancouver Island continue to use wood as a primary or supplementary source of heat, which is driven by its availability, affordability, and Canadian tradition. A recent emissions inventory for the Comox Valley found that 45% of all $PM_{2.5}$ emissions could be attributed to pile burning and 35% could be attributed to residential wood burning (Dailyde 2015), which happens in closer proximity to human populations. Over the same period the province has developed and updated its Solid Fuel Burning Domestic Appliance Regulation to address smoke from residential wood burning, but problems persist (Figure 3A). Especially absent are effective mechanisms to replace older, inefficient appliances with low-emissions heaters. On the mainland of British Columbia a large wood pellet industry has developed to salvage forests killed by bark beetles (Lamers *et al.* 2014), but most pellets are being exported to Europe and Asia where they are used as a renewable

fuel to offset or replace greenhouse gas emissions from fossil fuels. These facilities can also pelletize waste wood from forestry and land clearing, but Vancouver Island does not yet have a pellet plant.

Tasmania - reliance on prescribed burning

The island state of Tasmania (area = 68,000 km^2, population = 515,000) is located to the south of the eastern mainland of Australia. Like Vancouver Island, it is dominated by flammable vegetation that spans a steep precipitation gradient from the humid west coast to the dry east coast (Reid *et al.* 1999) (Figure 1D). -Human ignitions have occurred across the island for at least 35,000 years, creating a complex mosaic of fire-prone treeless plains, eucalypt savannas, and tall eucalypt forests that integrate with fire sensitive temperate rainforest (Thomas *et al.* 2010). The capital city of Hobart (population = 225,000) is located in a particularly dangerous location, which is topographically constrained by an estuary at the end of a valley with steep slopes. This creates a long and complex wildland-urban interface spanning approximately 120km. -The valley periodically funnels strong, hot northerly winds originating from the centre of the Australian continent. These become extremely dry due to the Foehen effect, which is caused by the high plateau in the middle of Tasmania, creating extremely dangerous fire weather (Fox-Hughes 2012) (Figure 1). -In 1967, such extreme conditions sustained a fire that destroyed the outer suburbs of Hobart and threatened the centre of the city (Scott *et al.* 2014). Compounding this risk are lengthening fire seasons (Figure 2B).

In response to these fire disasters in Tasmania there has been increased investment and prescribed burning to reduce wildfire hazard around Hobart, combined with larger networks of firebreaks to provide additional protection for urban developments. However, prescribed burning is not possible in tall eucalypt forests because they only become flammable under dangerous fire weather conditions. Furthermore, change in climate (longer wildfire seasons, earlier snowmelt, changes in precipitation and pressure) are reducing the number of days suitable for prescribed burning operations (Figure 2B). Because public sentiment is strongly opposed to tree clearing, mechanical fuel treatments are not widely used. Government guidelines for reducing wildfire risk include modifying structures to resist ember attack and landscaping to reduce the density of flammable vegetation around buildings (Bowman 2015). However, these guidelines are not enforceable for existing structures. Overall, the socio-demographic and physical environments expose Hobart to the risk of catastrophic fires, which has been recognized by disaster planners (White *et al.* 2016).

Commented [LP5]: "in"?

Smoke from biomass burning is recognized as a significant environmental health issue in Tasmania. Like Vancouver Island, the topography and climate favour nighttime pooling of ambient smoke through the drainage of cold air into valleys, which affects numerous towns and cities. Although prescribed burning is conducted on moderate fire weather days, these are commonly associated with poor smoke dispersion due to nighttime temperature inversions and calm conditions. As such, air quality concerns constrain the use of prescribed burning during the weather windows when such fires can be controlled. -Tasmanian land managers currently employ a bidding system for the number, size, and location of prescribed burns based on their predicted emissions and likely dispersal of smoke. This system aims to prevent exceedances of the 25 $\mu g\ m^{-3}$ national air quality standard 24-hour average concentrations of fine particulate matter ($PM_{2.5}$) (Hyde et al. 2017). Additionally, communications strategies are being developed to help susceptible individuals manage smoke exposures and health impacts using mainstream media, social media, and a smart phone application.

Again, like Vancouver Island, Tasmanian air quality is also affected by domestic wood combustion. Approximately 30% of homes are heated by wood, reflecting the cool climate and the abundance of timber. Affordable fuel is an important consideration given the low socioeconomic status of the population (Department of Health and Human Services 2013), but many domestic wood heaters are poorly designed and operated. Indeed, wood heater emissions are the only substantial cause of poor air quality in Tasmania during the colder season (Environment Protection Authority Tasmania 2006). This is well-illustrated by the severe winter smoke pollution in Launceston (Figure 3B), the second-largest city in Tasmania. Winter air quality in Launceston was significantly improved by a government scheme that enabled households to swap wood heaters for electric heaters, which resulted in demonstrable public health benefits (Johnston *et al.* 2013). In comparison, public education programs designed to reduce air pollution by improving the operation of wood heaters have had limited success. Domestic heating using ultra-low emissions technologies, such as pellet stoves, can also reduce smoke pollution, but this industry has yet to develop in Tasmania.

Lessons from Vancouver Island and Tasmania

In Tasmania, prescribed burning is the predominant method of fuels management whereas in British Columbia fuels are managed by mechanical treatments and burning debris. Unlike Tasmania, there is a

well-developed wood pellet industry based around salvaging wood that cannot be used for other purposes. Strategic combination of elements from both settings could lead to a socio-ecological system of fuel treatments that would reduce wildfire risk at the wildland-urban interface, increase resilience to wildfire, reduce air pollution, and achieve sustainable human co-existence with flammable landscapes (Figure 4). Mechanical fuel treatments are rarely used in Australia compared with North America, but research following the disastrous 'Black Saturday' fires found that removing trees within 40 m of houses had a larger effect on reducing property losses than prescribed burning (Gibbons *et al.* 2012). A similar study in California found the same (Syphard *et al.* 2014). The major constraint on mechanical treatments is the cost, which vastly exceeds that of prescribed burning. For example, the province of British Columbia spent $78 million on mechanical thinning of 78,245 ha in the wildland-urban interface of high-risk communities from 2004-2015, which accounted for less than 10% of the 1.7 million ha identified as being at moderate to high risk. One critical contributor to high treatment costs is the lack of market for mechanically harvested fuels. In principle, it is possible to use these trees to produce biomass energy that could be used to generate heat and electricity for surrounding communities (Evans and Finkral 2009, Hartsough *et al.* 2008). Both mechanical thinning and bioenergy harvest are mature technologies, but they are rarely combined to manage wildfire hazard because of the economic constraints (Hartsough *et al.* 2008).

Commented [LP6]: Figure 4 goes well beyond combining existing elements from both settings. For example, it mentions air cleaners.

Commented [LP7]: Distribution of heat from a central facility would be a big infrastructure issue, if that's what is being referred to here.

Leveraging existing air pollution regulation to drive fire management innovation

Regulation of air quality has driven innovation to reduce emissions from vehicles, industry, and space heating, with marked improvement in regional and urban air quality and corresponding benefits to human health. Hubbell et al. (2010) describe the range of strategies and initiatives implemented as part of the US Clean Air Act and the impacts of those interventions on air quality. They include: (1) the establishment of legally-binding ambient air quality standards to protect public health; (2) emissions standards for industrial sources and toxic pollutants; and (3) mobile source (vehicular) pollution control programs, including technology-forcing emissions restrictions and fuel quality standards. More stringent requirements are implemented in areas not meeting the NAAQS (known as "nonattainment" areas), including the offset of emissions from new industrial sources by reductions from other industrial sources. There are also clauses to prevent areas meeting air quality standards from slipping into nonattainment status – a principle adopted in Canada as "Keeping Clean Areas Clean". The 1990 US Clean Air Act amendments were noteworthy for their adoption of innovative approaches, such as market-based initiatives and emissions cap-and-trade programs as well as performance-based

Commented [LP8]: This reference to a principle specific to Canada seems oddly placed in the middle of a discussion about the legal situation in the U.S.

standards. Taken together, these and other initiatives have resulted in large benefits to population health, such as measured increases in life expectancy (Fann *et al.* 2017, Zigler *et al.* 2017), with health and environmental benefits repeatedly demonstrated to exceed the costs of the regulations.

Commented [LP9]: To my knowledge, the CAA itself has only one cap-and-trade program (the Acid Rain program), and no market-based initiative or performance-based standards. (The emissions fee program for failure to attain by deadline could be seen as an exception.) The latter were introduced by EPA as part of the implementation of the CAA.

In principle, incentives to reduce pollution from both prescribed burning and domestic wood heating could be used to generate local demand for bioenergy which, in turn, could reduce the costs of mechanical fuel treatments. Through the application of air quality regulation, we envision a human-natural system that is sustainable in highly fire-prone environments (Figure 4). While many would dismiss this vision as unrealistic due to the high costs and sociopolitical challenges associated with such landscape-wide transformation, the history of air quality management and its public health benefits must be considered. Further, these criticisms need to be compared with the extraordinary costs of major fire disasters, including firefighting, asset losses, and indirect economic impacts such as reduced tourism during fire events or smoke episodes. In Tasmania, annual firefighting costs have jumped from the AU$15 million in 2013 to over AU$52 million in 2016, due to the greater use of aircraft. In the Canadian province of Alberta, the insurance costs for the 2016 Horse River wildfire, which burned into the city of Fort McMurray, have been estimated at CA$3.6 billion, while the total economic impact has been estimated at CA$8.9 billion (KPMG 2017, MNP LLP 2017) Although the potential impacts of wildfire in British Columbia were understood to be similar to those experienced in Alberta (BC Wildfire Service 2015), the unprecedented 2017 season demonstrated that the CA$78 million spent on strategic wildfire prevention from 2004-2015 has been insufficient to safeguard communities. This is not due to lack of funding for disaster mitigation, however; during the same period the provincial government invested CA$17 billion on seismic upgrades for schools, hospitals, roads, and bridges to reduce the impacts of imminent earthquakes.

When compared with natural disasters such as major earthquakes, wildfires pose a relatively predictable and manageable risk to human populations. The key to managing the risk lies in routine and ongoing management of the fuels at the wildland-urban interface. The most popular approach to managing such fuels is the use of prescribed fire, which is constrained by its bureaucracy, efficacy, practicability, and smoke generation. Of these constraints, only smoke generation intersects with a regulatory framework that can be leveraged to promote alternate approaches that have the potential to be more sustainable despite their higher costs. Rather than exempting emission from fuel treatments we suggest that enforcement of existing air quality regulation has the capacity to positively transform the currently unsustainable approaches to fuels and management. Such innovation is only possible through

Commented [LP10]: This statement does not reflect a proper understanding of the differences between an "air quality regulation" and "enforcement." An existing regulation requires certain actions. Enforcement approaches can affect how well the regulated parties adhere to those actions, but enforcement approaches cannot change the actions that are required.

What actually seems to be intended is a change in regulation. The paper does not address, for any country, whether such a change would be within the law that authorizes a government agency to promulgate and revise such regulations.

Also, the fact sheet refers to "existing statutes" not 'existing regulation."

holistic understanding of direct and indirect ecological, economic, and public health impacts of fire management and the power of regulation to drive innovation.

Acknowledgements

We acknowledge the supported by Health Canada, Wall Institute for Advanced Studies, UBC School of Population and Public Health, UBC Faculty of Forestry, BC Centre for Disease Control, and an Australian Research Council Linkage Grant (LLP130100146). We especially thank Negar Elmieh for her facilitation of discussions during a special workshop session.

Authorship statement

This article is based on presentations and discussion at the symposium 'Finding the balance: Wild fire prescribed fire, forest health, and public health' held at The University of British Columbia (UBC) in April 2016. DMJSB led the writing with input from all the authors. DMJSB and FHJ were supported in part by International Visiting Research Scholar awards from the Peter Wall Institute for Advanced Studies at UBC. GJW drafted the figures, …SBH conceived of the original symposium and assisted DJMSB at every stage of the writing.

Disclaimer
The research described in this article has been reviewed by the National Health and Environmental Effects Research Laboratory, U.S. Environmental Protection Agency, and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Agency, nor does the mention of trade names of commercial products constitute endorsement or recommendation for use.

Figure 1. Geographic context of Vancouver Island, Canada, and Tasmania, Australia. The broad vegetation cover of these temperate forested islands is controlled by elevation (A and B) and precipitation gradients (C and D). A feature of these islands are complex wildland-urban interfaces (E and F). The location of the capitals of British Columbia (Victoria) and Tasmania (Hobart) and the regional towns of Port Alberni (population 18,000) and Launceston (population 85,000) are also indicated (A and B).

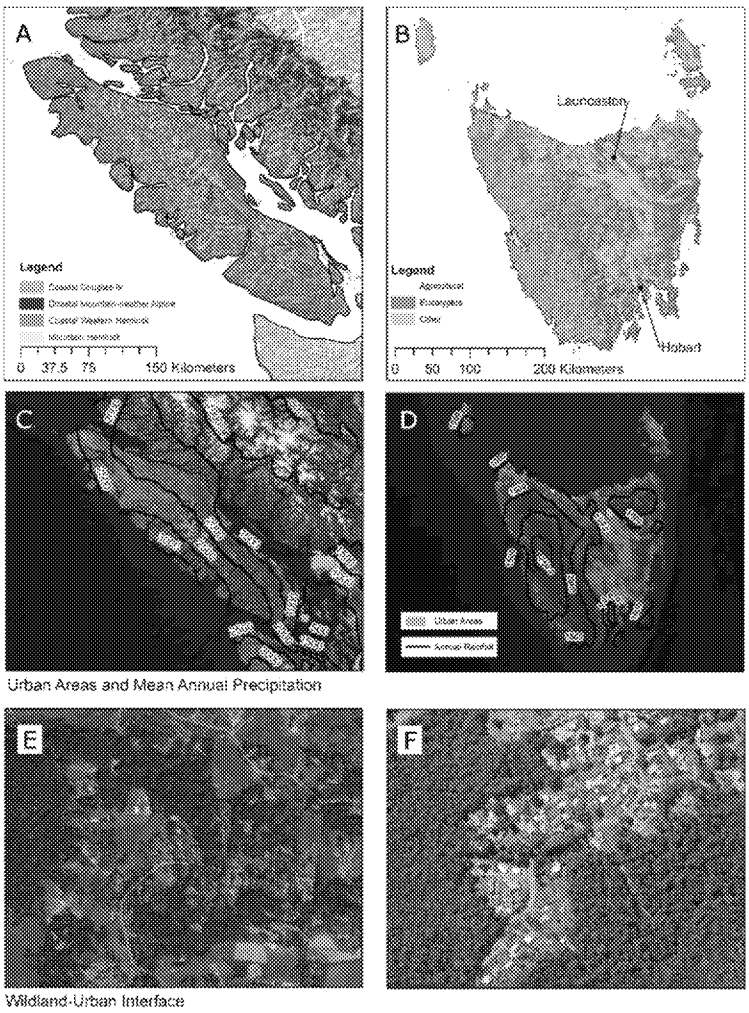


Figure 2. Trends in fire season length for Victoria, Vancouver Island and Hobart, Tasmania from 1986 to 2016. -While there is considerable inter-annual variation in an ensemble metric of fire season length based on Jolly et al. (2015), these data show a steady increase in response to climate change.

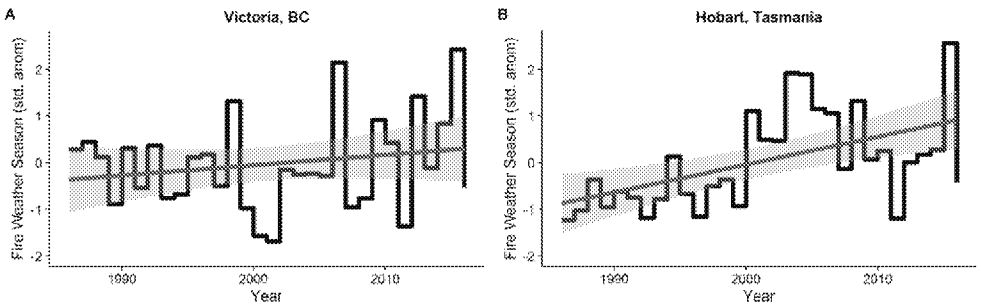


Figure 3. Seasonal and diurnal patterns of smoke pollution in Port Alberni, Vancouver Island and Launceston, Tasmania. The average hourly concentration of fine particulate matter ($PM_{2.5}$) is indicated for each month for both locations (A and B). The corresponding mean monthly maximum and minimum air temperatures for these locations are indicated (C and D). In the winter months (October-March in Port Alberni, April-September in Launceston) domestic wood heaters are the primary source of pollution and both locations.

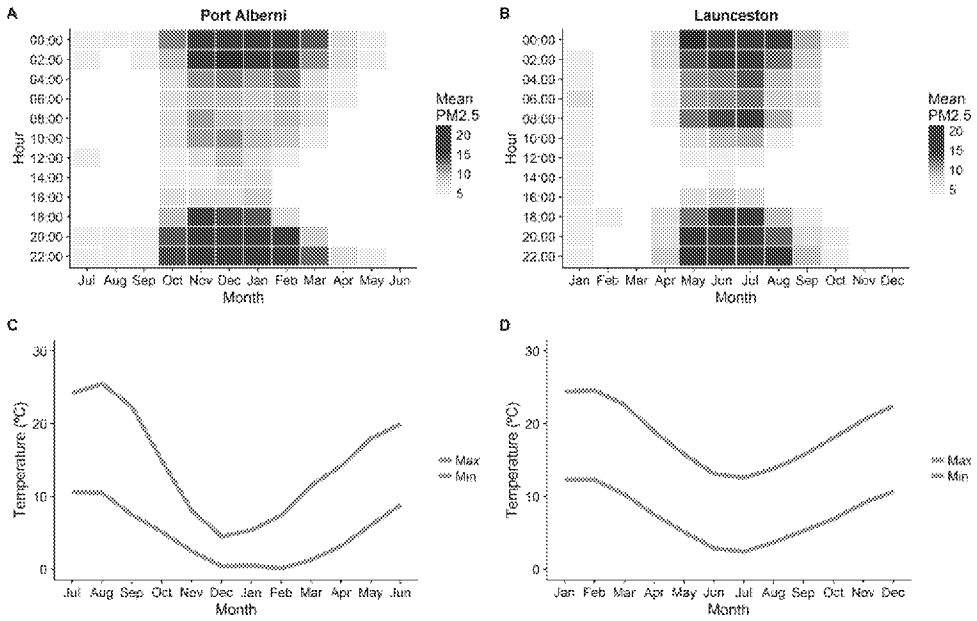
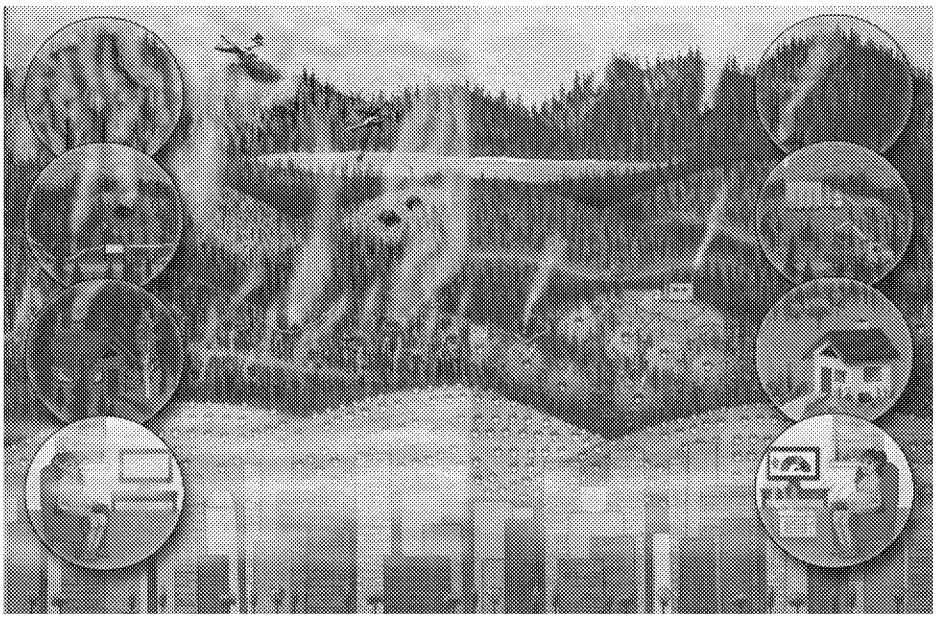


Figure 4. The effects of smoke pollution on public heath can motivate fuels management, appropriate built environment, and community engagement to achieve sustainable coexistence with wildfire. The status quo (left side) sharply contrasts a plausible fuels management scenario designed to drastically reduce smoke pollution (right side). Current management is based on aggressive and expensive suppression of high intensity fires (top left circle) where mechanical treatment would favour lower intensity fires that are less costly to manage (top right circle). The use of fire to manage the wildland-urban interface and to remove logging debris (second top left circle) would be replaced with mechanical harvesting and use of waste biomass for production of bioenergy (second top right circle). On the wildland-urban interface the dangerous intermix of housing stock with wildland fuels and reliance on inefficient wood heaters (second bottom left circle) would be replaced with urban areas designed based on fire resilient principles and use of bioenergy in the form of community generators and efficient residential pellet furnaces (second bottom right circle). Urban environments presently affected by severe smoke pollution episodes for which individuals and public health authorities are ill-prepared (bottom left circle) would become cleaner due to reduced smoke from wildfires, prescribed burning, and residential heaters, with better preparation though improved public health messaging and use portable air cleaners (bottom right circle).



*Artwork credit to Jen Burgess

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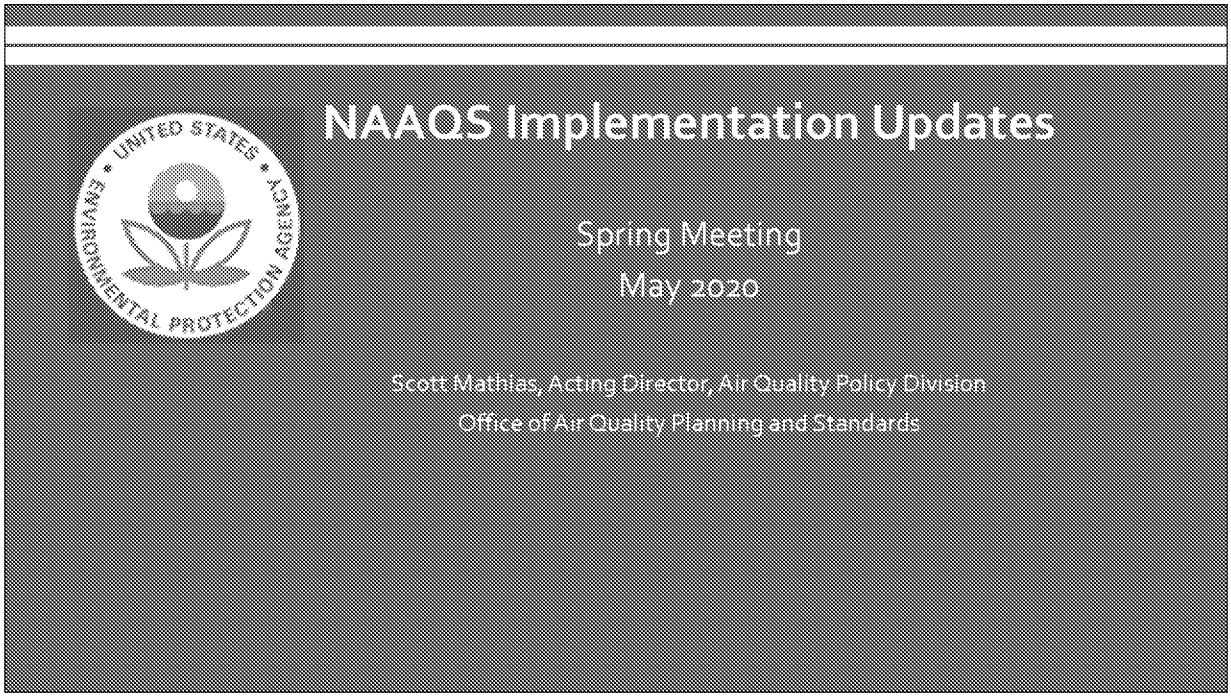


FULL DECK w/TPs updated April 14, 2020

Thank you _____(hosts) for inviting us to share information about Clean Air Act programs with all of you.

Today I will provide the update on implementing the National Ambient Air Quality Standards, and my colleague _____ will provide updates on activity in Clean Air permit programs.

Overview

- NAAQS Review Update
- EPA Strategic Plan Priority Goals
  - Nonattainment Areas
  - SIP Process Improvements
- NAAQS Implementation Updates
  - Ozone
  - Sulfur Dioxide (SO_2)
  - Fine Particulate Matter ($PM_{2.5}$)
  - Lead (Pb)
- Advance Program
- Exceptional Events
- Regional Haze
- Permitting

NAAQS Implementation Milestones (February 2020))

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
$PM_{2.5}$ (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
$PM_{2.5}$ (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO_2 (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO_2 (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.

Reviewed by SLPG Feb 2020

As has become custom, we have updated our table of implementation milestones as a reference.

NAAQS Reviews: Status Update

(February 2020)

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_2, SO_2, PM	PM	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	Sept 2019 Draft ISA[3] Oct 2019 Draft PA Early 2020 Proposal Late 2020 Final	TBD[4]	TBD	TBD	TBD Final ISA; draft REA/PA	Dec 2019 Final ISA Jan 2020 Final PA Early 2020 Proposal Late 2020 Final	TBD

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2 and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = To be determined

UPDATED Feb 2020 by HEID

NAAQS Review Status

(Sept 2019)

	Ozone	Lead	Primary NO_2	Primary SO_2	Secondary (Ecological) NO_2, SO_2, PM[1]	PM[2]	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	Sept/Oct 2019 Draft ISA and Draft PA[3] Early 2020 Proposal Late 2020 Final	TBD[4]	TBD	TBD	Timing of next steps is TBD Final ISA; draft REA/PA	Sept 5, 2019 Draft PA released to CASAC and public Early 2020 Proposal Late 2020 Final	TBD

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

[1] Combined secondary (ecological effects only) review of NO_2, SO_2 and PM
[2] Combined primary and secondary (non-ecological effects) review of PM
[3] IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment
[4] TBD = To be determined

OLD VERSION of table

[Updated 9/17/19 HEID + 9/26/19 SM]
A key component to fulfilling EPA's mission is establishing health-protective ambient air quality standards for each of the 6 criteria air pollutants.
Our current activity is focused on 3 reviews: PM, Ozone, and Secondary ecological review for NO2, SO2, and PM

PM: The draft Policy Assessment was released to the CASAC and the public on September 5. This document will be the subject of a public meeting of the Clean Air Science Advisory Committee (CASAC) - anticipated in October 2019. Proposal early 2020, Final December 2020.
Recently CASAC, as part of its advice to the Agency on the draft Integrated Science Assessment (ISA), requested that the EPA establish a panel of experts to aid its review of future NAAQS documents.
On September 13 the Administrator announced the selection of a pool of 12 subject matter experts to support the Chartered CASAC's review of particulate matter and ozone.
The Administrator also appointed a new member to the Chartered Clean Air Scientific Advisory Committee (CASAC), Dr. Ronald Kendall from Texas Tech University

Ozone: The ISA was release on September 26, to be followed shortly by the PA in October. CASAC review of both by the end of 2019; Proposal 1st half of 2020 (to June), Final 12/2020.
2015 Ozone NAAQS Litigation: Several environmental and health organizations, industry groups, and some states filed petitions for judicial review following issuance of the 2015 NAAQS (Murray Energy v. EPA, No. 15-1385, and consolidated cases). The D.C. Circuit heard oral argument in those challenges on December 18, 2018, and issued a final opinion on August 23, 2019. In brief, the opinion upheld the primary ozone standard, but remanded the secondary public welfare standards (aimed at protecting animals, crops and vegetation) for reconsideration by EPA. They also vacated the permit grandfathering mechanism that EPA had established as a transition from the 2008 to the 2015 NAAQS.

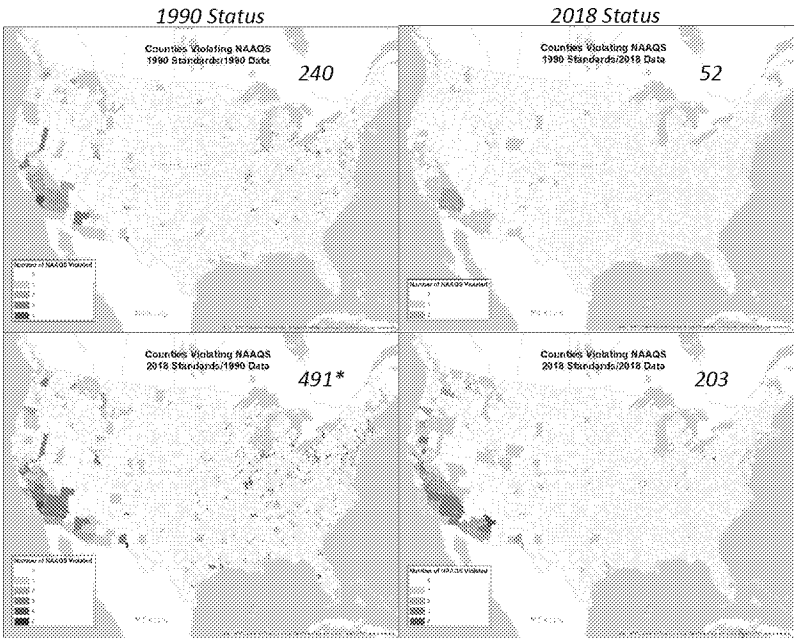
Secondary Ecological: While progress has been made, the timing of next steps in that review is still being determined.

Others: Finally, there are currently no specific schedules for the reviews for CO, Lead, Primary NO2, and Primary SO2.

Progress since 1990: Counties Violating 1 or More NAAQS

Stds/AQ Data	No.
1990/1990	240
1990/2018	52
2018/1990	491*
2018/2018	176* (203)

* Does not count counties violating only the $PM_{2.5}$ standards which did not exist in 1990. National air quality monitoring for $PM_{2.5}$ began in 1999.



[NO UPDATES 9/09]

[8/23 Used light background maps from Doug Solomon.]

Now, for a different view of progress in implementing the Clean Air Act than you may have seen in the past.

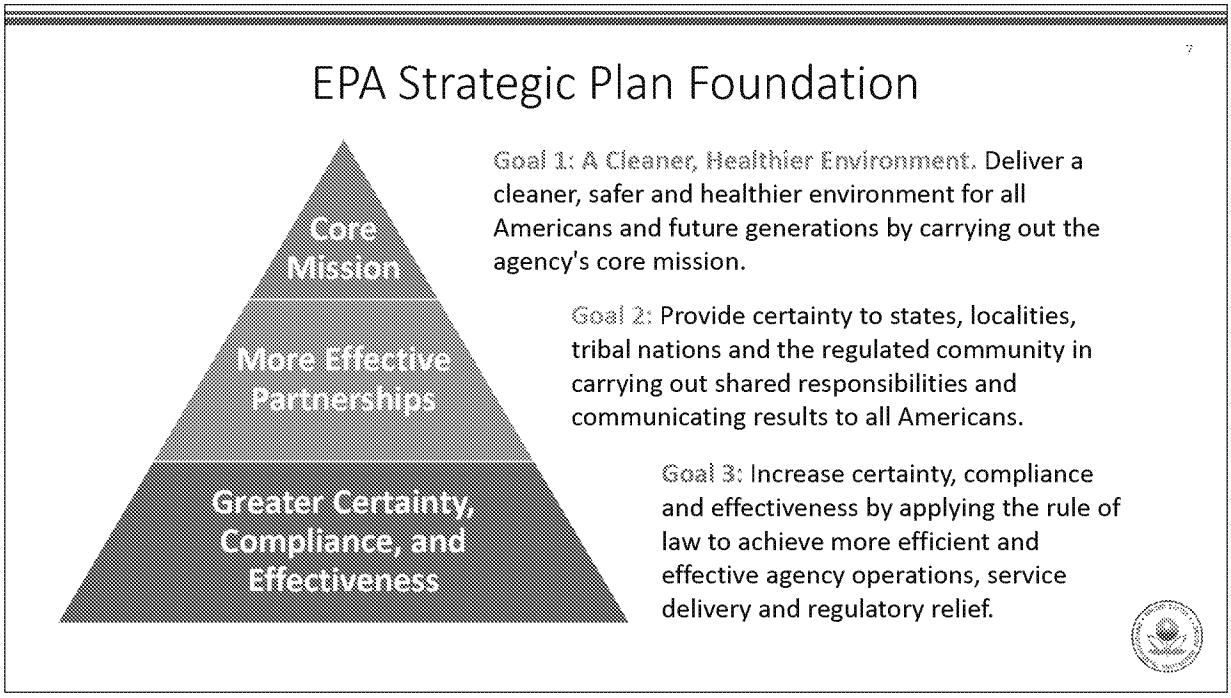
I worked with our air quality data analysts to paint a picture of how far the U.S. has come in meeting ambient air quality standards.

I think these maps tell a story of both tremendous progress, but illustrate there is still work to do.

They depicts an evaluation of 1990 and 2018 air quality data against standards that existed in 1990 and in 2018, based on counties with monitors.

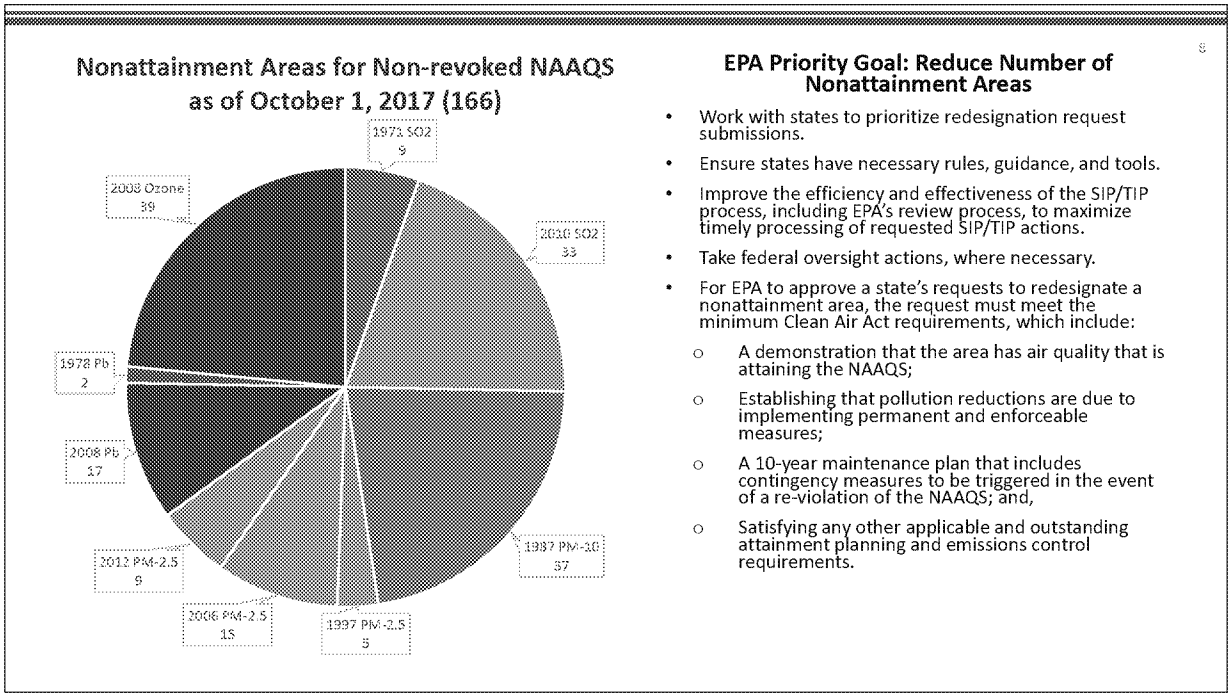
Regardless of which set of standards you evaluate, there are far fewer counties with violating monitors today (right side panels) than in 1990 (left side panels).
Nearly 80% reduction for 1990 standards
About 65% reduction in terms of current standards

However, today there are still more than 200 counties exceeding ambient standards, including 40 counties that violate 2 or more standards.



[Updated 9/26 SM] – new slide from Wheeler 9/09 email.
Now I want to mention activities associated with EPA's Strategic Plan.

The Administration has established goals within each of the three strategic goal areas. The ones that relate specifically to my office's programs, including the programs I am (we are) addressing today, are under Goal 1 "A cleaner, healthier environment" and Goal 3 "Greater certainty, compliance, and effectiveness"
Specifically they include:
(1) "Improve Air Quality" as indicated by reducing the number of nonattainment areas for the 6 criteria pollutants, and eliminating the backlog of State Implementation Plan reviews,
(2) "Streamline & Modernize" through speeding up environmental permitting, and
(3) "Improving Efficiency & Effectiveness" through use of the LEAN management system



[UPDATED SM 9/26; Pie chart changes: added Sheboygan split to 2008 O3, subtracted Williamson IL from 2010 SO2]

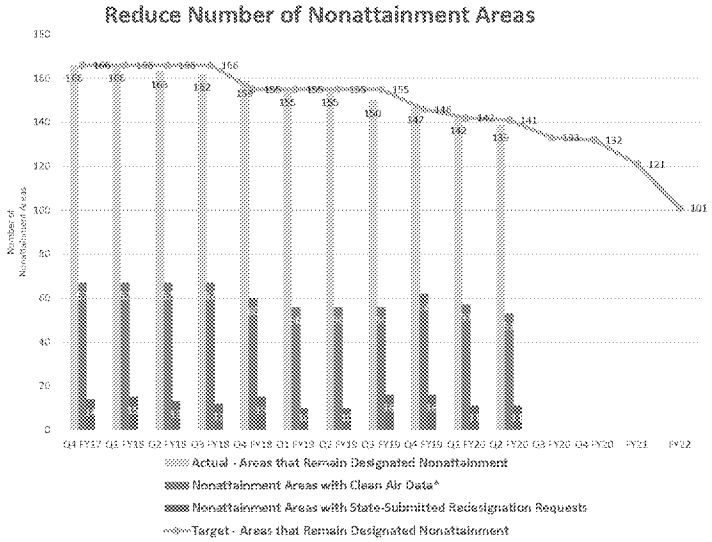
We'll look first at nonattainment areas and how we are tracking progress on redesignating areas to attainment.

This pie chart shows the breakdown of the 166 nonattainment areas we began tracking in 2017. It indicates how many areas are associated with each of the pollutant standards.

About three-fourths 3/4 of the nonattainment areas are due to 3 pollutants: SO2, 2008 Ozone, and PM10. About a quarter (25.3%) for Sulfur Dioxide, a just under a quarter each for 2008 Ozone (23.4%), and 1987 PM10 (22.3%).

We recognize that the entire universe of nonattainment areas is larger than this pie shows.
Since 2017 additional areas have been designated nonattainment for the 2010 SO2 standard and the 2015 ozone standard.
Also, a court decision affecting the revoked 1997 and 1-hour ozone standards has brought some aspects of nonattainment implementation back into active regulatory consideration.
Universe of NAAs (October 2019) = 302 areas
166 is now 147
+ 2010 SO2 = 6 areas
+ 2015 Ozone = 51 areas (was 52 with Columbus)
+ 1997 Ozone = 35 areas
+ 1-hr Ozone = 63 areas

Agency Priority Goal: *By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.*



**Clean air data is a key step to redesignation to attainment, which can occur once an area's air quality attains the federal standard.*

[UPDATED 4/9/2020]

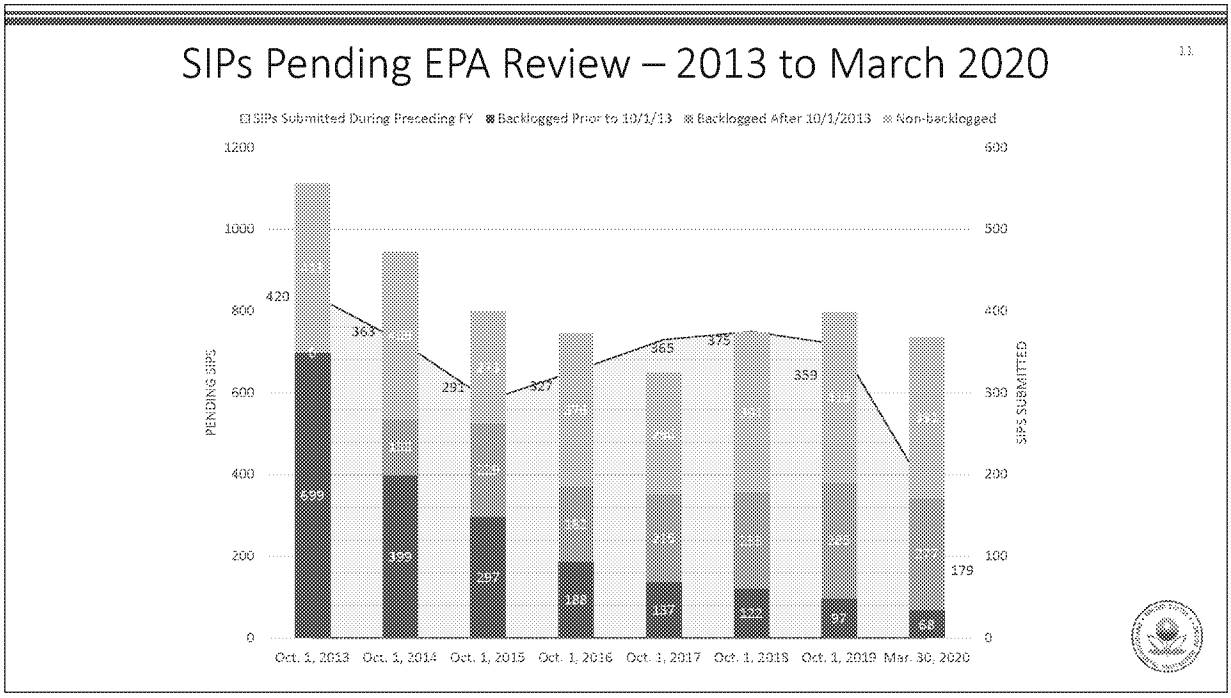
So, the goal is to reduce the number of these nonattainment areas from 166 to 101 by 2022.
This chart shows quarterly progress in redesignating the 166 areas to attainment (thru 3/30/2020)
Thru March 30, 2020, a total of 27 areas have been redesignated = 41.5% progress toward the overall goal of 101
The last set of bars also shows that 53 additional areas remain nominally eligible for redesignation because they have Clean Data, which is the first step toward redesignation (see middle royal blue bar).
(Butch can not get to FRED for this number of pending RRMPs) It also shows there are currently only 11 pending redesignation requests that states have submitted to EPA (see small dark blue bar)
not all are approvable because either the air quality is violating the NAAQS –or-
there is another component of the submission that does not fully fulfill the CAA's redesignation requirements.
Main message is that there is more to do, and it starts with developing and submitting redesignation requests, along with the required 10-year maintenance plans.

Improving State Implementation Plan Reviews

Another area of focus under the Strategic Plan is to eliminate that backlog of state implementation plans (SIPs)

The backlog consists of SIP submissions that have been under EPA review for more than the time alloted under the statute for EPA to complete its review.

Our strategy involves both (1) taking timely action on new SIPs as they come in to prevent them from becoming backlogged, and (2) eliminating the older SIPs in the backlog in a manner that prioritizes actions that matter most to air management agencies and to environment protection.



[UPDATED 4/6/2020]

To give you a sense of this challenge, this graphic captures both the inflow of SIPs and the backlog status for the last several years.

Scale on right side (different than left side) = number of SIPs submitted each year (light blue shading under the dotted line): Average nearly 360 (actual 357) SIP submissions per year for last 7 full fiscal years [Range 420 in FY2013 to 291 in FY2015]. Thus far in FY2019 we have received 179 submissions.

Turning to the left side scale: This shows the total number of pending SIPs and the backlog trend. A SIP submission is defined as "backlogged" when EPA has not taken final action to approve/disapprove that submission within 18 months of the submission date.

Since the backlog may change daily, it is typically expressed "as of" a given date. So each of the data points on the charts capture the volume at specific points in time – end of fiscal years 2013 thru 2018 (start of fiscal years 2014-2020), and up through March 30, 2020 (first 6 months) for the current fiscal year.

Currently in 2020, EPA has 736 SIP submissions that are pending final review and action. About half of those are considered backlogged.

That backlog has remained relatively steady in the range of 350-390 SIPs since 2016 (see sum of the bottom two blue shades of each bar).

However, the historic backlog (dark blue) has been about 90% eliminated.

WESTAR States SIP Backlog Report

(as of 4/13/2020)

Region 10		Region 9	
State	**Backlogged SIPS**	**State**	**Backlogged SIPs**
Alaska	1	Arizona	29
Idaho	3	California	103
Oregon	5	Hawaii	0
Washington	1	Nevada	6
Total	*10*	*Total*	*138*
Region 8		**Region 6**	
Colorado	4	New Mexico	4
Montana	6	*Total*	4
North Dakota	4		
South Dakota	1		
Utah	7		
Wyoming	2		
Total	*24*		

[UPDATED 4/13/2020]

SIP Process Improvements

- Early engagement during SIP development
- SIP Lean Toolkit - https://www.epa.gov/air-quality-implementation-plans/state-implementation-plan-sip-lean-toolkit-collaboration-between
- Ongoing activities:
  - Undertaking backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval (letters sent in late 2019 followed by 1:1 conversations with states)
  - Updates to www.epa.gov/sips
  - State Plan Electronic Collaboration System (SPeCS) development

[UPDATED 9/26 SM]

As I said, our approach is focusing both on acting on the incoming SIPs before they become backlogged, and also taking actions that are in the backlog.

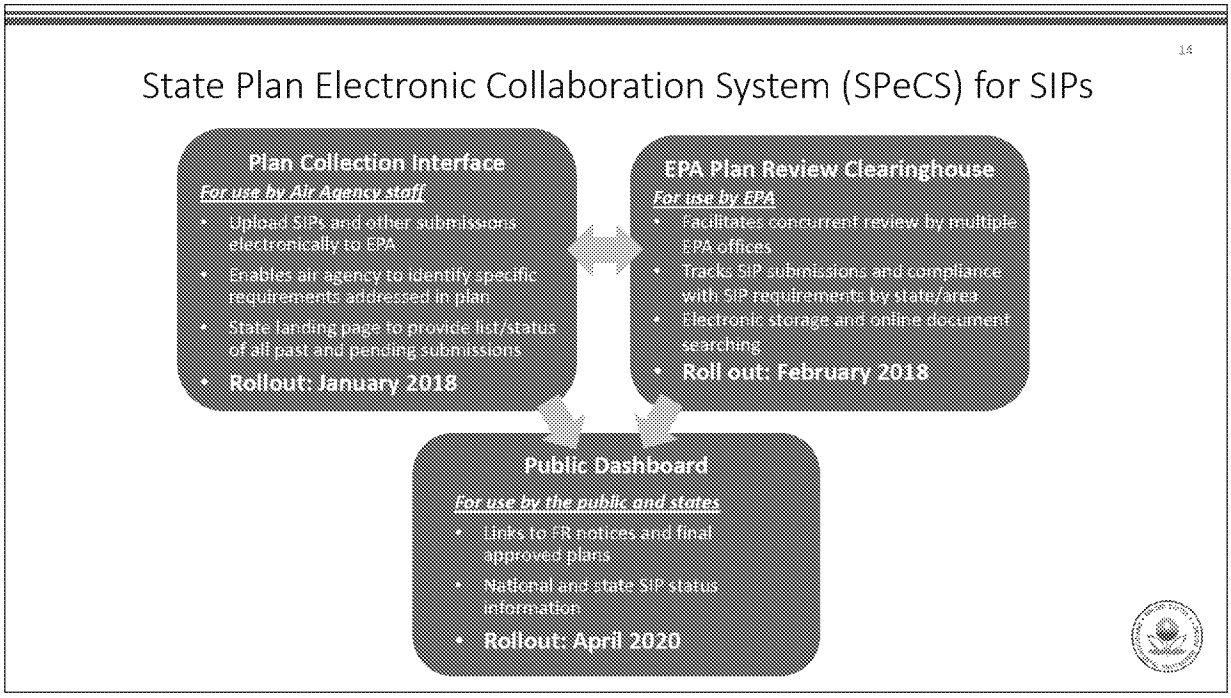
These involve different strategies, and represent a collective effort of EPA Regions and Headquarters Offices working together to better the entire process. This includes developing and using LEAN management tools, and incorporating valuable input from knowledgeable state agency personnel. For the last several years we were focused on process improvements and standard operating procedures. Now we are in implementation mode.

In December 2019, EPA issued the last of the planned "lean" related tools - SIP Lean Toolkit for Collaboration Between EPA and Air Agencies. The SIP Lean Toolkit is a product of the most recent joint EPA and air agency SIP process improvement effort which began with a week-long kaizen event in February 2018 that involved EPA, state and local air agency participants who identified early engagement as a key to timely SIP approval. The SIP Lean Toolkit provides templates, checklists, and other helpful information intended to support this engagement.

The SIP Lean Toolkit provides an important framework for early engagement between air agencies and EPA on SIPs under development. We know that air agencies are working to develop approvable SIPs, and EPA supports that and would like to defer to air agencies and support their choices. We also appreciate that once a SIP is too far down the developmental path, there can be significant obstacles for making further revisions. In many cases, we observe early engagement is a helpful approach to get feedback to states early in their SIP development process. Even where air agencies do not make changes responsive to EPA feedback, the engagement helps to support transparency and clarity regarding paths forward on submitted SIPs.

And we are also continuing our development of the State Plan Electronic Collaboration System (SPeCS). Among other things, this system is expected to improve the transparency of the status of EPA's SIP reviews.

We are also now cooperating with Office of Inspector General (OIG) on an investigation regarding EPA's review and action process, and the SIP backlog. We do not know the precise timeline for the OIG investigation but typically such investigations conclude with a report containing recommendations for action.



[UPDATED 9/10]

To refresh you on where we are with SPeCS, this shows the 3 main components of the system. I want to note that since rolling out the Plan Collection Interface in January 2018, states have submitted more than 504 submissions using the new system (434 official submissions and 68 draft submissions).

This past year EPA has been focusing efforts on continuing to develop the Internal Clearinghouse and the Public Dashboard The Clearinghouse is the EPA-facing portion of the system that manages and tracks submissions, and is where we are absorbing the functionality of several legacy IT and data management systems.
These legacy systems contain decades worth of SIP information.

A main focus this current year is rollout of the Public Dashboard. This is where state agency personnel and the public will have access to information about the status of SIP submissions.

SPeCS for SIPs (cont.)

- Since January 2018, states have submitted more than 663 submissions
  - >577 official submissions and >86 draft submissions
- Plans for 2020 and Beyond
  - Complete Public Dashboard
  - Complete Exceptional Events Demonstration Module
  - Develop the Regional Haze Module
  - Develop the Administrator Module
  - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback

[UPDATED 9/26 SM]
In addition to the Public Dashboard, we intend to turn our attention to developing modules for Regional Haze SIPs and Exceptional Events Demonstrations. [Q&A-Maybe 179B(b) demos in future.]

Realistically we do not expect to see significant progress on the backlog until late in 2020 because it takes time for our use of all these strategies and tools to yield results.

But I do want to emphasize that we want to continue hearing from air agencies about what additional tools and resources would be most helpful in supporting our mutual goals of taking timely action on SIPs and eliminating the SIP backlog.

Provisions Concerning Start-Up, Shutdown and Malfunction Events in SIPs

- In 2015 EPA finalized the SSM SIP Action. That action included: (1) a response partially granting and partially denying Sierra Club's petition for a SIP call; (2) updating, restating, and consolidating SSM policy; and, (3) a SIP Call applying that policy and directing several states to revise SSM-related provisions for exemptions and affirmative defenses in their SIPs. Litigation in the D.C. Circuit challenging that action was put in abeyance in April 2017.
- EPA Region 6 announced an alternative interpretation and withdrew the SIP call for Texas with respect to affirmative defense provisions. That action was published in the Federal Register on February 7, 2020. On April 7, 2020, a group of environmental and public health organizations led by Sierra Club filed a petition in the D.C. Circuit for review of EPA's action withdrawing the SSM SIP call issued to Texas.
- EPA Region 4 announced an alternative interpretation and withdrew the SIP call for North Carolina with respect to automatic and director's discretion exemptions. That action was signed by the Regional Administrator on April 2, 2020.

[UPDATED 9/26 SM]
In addition to the Public Dashboard, we intend to turn our attention to developing modules for Regional Haze SIPs and Exceptional Events Demonstrations. [Q&A-Maybe 179B(b) demos in future.]

We will also be looking to incorporate what we are learning from our SIP LEAN efforts into the functionality of SPeCS.

Realistically we do not expect to see significant progress on the backlog until late in 2020 because it takes time for our use of all these strategies and tools to yield results.

But I do want to emphasize that we want to continue hearing from air agencies about what additional tools and resources would be most helpful in supporting our mutual goals of taking timely action on SIPs and eliminating the SIP backlog.

Pollutant-Specific Implementation Updates

Ozone, SO_2, $PM_{2.5}$, Pb

Now, on to updates on activities for specific pollutants.

2015 Ozone NAAQS Implementation Update

- 52 areas initially designated nonattainment:
  - 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
  - San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

* Sep 24, 2021 for San Antonio, TX area

- Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19); redesignation proposals for Door County, WI and Berrien County, MI areas anticipated Spring 2020
- Initial SIP submittals (emissions inv./statements) due August 3, 2020

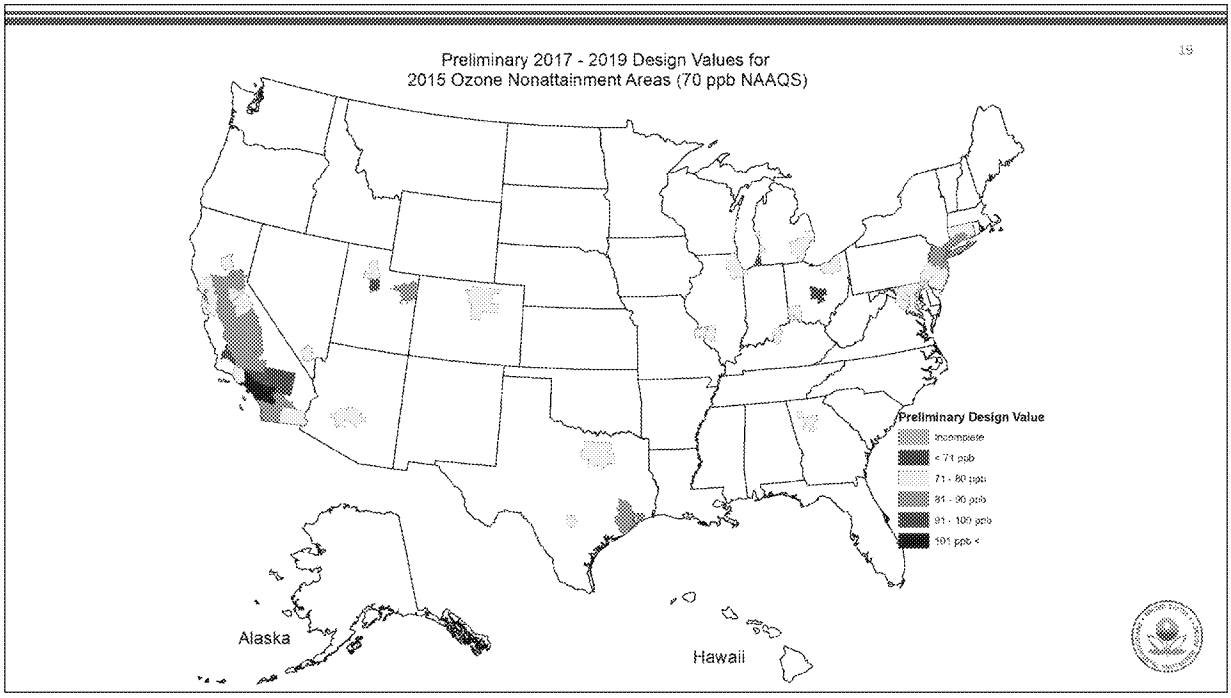
[UPDATED 3/31 RDL]

Starting first with Ozone, EPA designated 52 nonattainment areas in 2018.

The distribution of these areas in the classification tiers is shown here, with the majority of areas classified Marginal, with an upcoming attainment deadline in 2021 based on 2018-2020 air quality.

In 2018, only Columbus OH attained the standards, and the area was quickly redesignated to attainment effective August 21, 2019. We anticipate proposing to redesignate Door County, WI and Berrien County, MI areas to attainment in spring 2020.

Also coming up is the deadline for initial SIPs covering emissions inventory and emissions statements. That deadline is August 3, 2020.



[UPDATED 4/07/20] – note these are still preliminary DVs.

2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
  - SIPs were due October 1, 2018
  - As of April 2020, EPA has received 39 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
  - Final rule published December 6, 2018 (83 FR 62998)
  - Petitioners' brief filed July 22, 2019:
    - NNSR interprecursor trading
    - RFP requirements: milestone compliance demonstrations
    - RFP requirements: alternative baseline year
    - Early implemented contingency measures
  - Oral arguments Fall 2020 earliest

[UPDATED 4/01 RDL]

iSIP update, these were due October of last year
As of early April 2020, we have 39 full submittals, 9 partial submittals;
No litigation currently to force EPA to make findings that states failed to submit these SIPs.
However, there are still 8 submittals outstanding (50 states + DC + 5 territories = 56 total)

2015 SRR litigation: On February 4, 2019, Downwinders at Risk, Sierra Club, and National Parks Conservation Association filed a petition for review of the final 2015 ozone NAAQS SIP Requirements Rule in the D.C. Circuit

Petitioners' brief filed July 22, 2019:
Did EPA unlawfully and arbitrarily authorize interpollutant or interprecursor trading to satisfy offset requirements?
Did EPA unlawfully and arbitrarily allow ozone nonattainment areas to claim they have met their RFP milestones by showing only that they have implemented controls, without regard to whether actual emissions in the area went down by the required amount?
Did EPA unlawfully and arbitrarily claim discretion to allow states to choose their own RFP baseline year, thus allowing states to minimize or even avoid having to make the required reductions?
Did EPA unlawfully allow nonattainment areas to meet the contingency measure requirement by identifying measures that will already have been implemented at the time of a failure to meet a milestone or attain the standard?
Oral arguments delayed at petitioners' request, anticipated Fall 2020 earliest

2015 Ozone NAAQS Interstate Transport

- EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
  - Received 46 of 56 states/jurisdictions
  - Finalized approval action on 5 state SIPs
  - Proposed approval on an additional 13 SIPs
- Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
  - On November 22, 2019, EPA issued an FFS finding that 7 states failed to submit interstate transport SIPs for the 2015 ozone NAAQS.
    - 2 states have since submitted

[Updated 4/2/20 - TAU] – also called "Good Neighbor" SIPs

Finishing up on 2015 ozone, we continue to work through challenging ozone transport issues, particularly where states are strongly linked to projected ongoing downwind nonattainment or maintenance problems.

Status: Received 46 good neighbor SIPs so far and have taken some action on 18 of them.
Some states are using the list of potential flexibilities in analytical approaches for developing a good neighbor SIP from EPA's March 2018 guidance.

EPA's Findings of Failure to Submit on 11/22/19
EPA's deadline to determine whether a complete SIP had been submitted was April 1, 2019
Complaints were filed in September and October, 2019 (Sierra Club 9/30, separately CT and NJ naming PA and VA 10/29)
7 states were included in this notice (ME, NM, PA, RI, SD, UT, VA)
Since issuance, 2 states have submitted complete SIPs (SD, UT)

Add'l Background:
On March 27, 2018, EPA provided projected air quality modeling results for ozone in 2023 identifying potential nonattainment and maintenance sites and projected upwind state contribution data.
States can use these data to develop their implementation plans to address the CAA's interstate transport requirements (assure emissions within their jurisdictions do not contribute significantly to nonattainment or interfere with maintenance in other states).

Other Related Transport:
On September 20, 2019, EPA signed a final action denying New York's CAA section 126(b) petition, which asked the EPA to determine that approximately 350 identified sources in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia emit air pollutants that significantly contribute to problems with New York's ability to attain and maintain the 2008 and 2015 ozone NAAQS in Chautauqua County, New York and the New York City Metropolitan Area. EPA concluded that New York did not meet its burden to demonstrate that the named sources emit or would emit ozone-forming pollutants at levels that violate the Clean Air Act's good neighbor provision for the 2008 and 2015 ozone standards. New York filed a lawsuit challenging the petition denial in the D.C. Circuit. Briefing has been completed. Oral argument on this case was scheduled for May 7th, but has been suspended due to COVID-19. Oral arguments may be scheduled to be held via teleconference, but the D.C. Circuit has not so ordered yet.

EPA is also reviewing a section 176(a) petition from the state of Maine that was submitted to EPA on February 24, 2020. The state requests that a portion of Maine be removed from the Ozone Transport Region.

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2008 Ozone NAAQS Implementation Update

- Moderate area update
  - Moderate area Determinations of Attainment by the Attainment Date (DAAD) published August 23, 2019 (84 FR 44238), effective September 23, 2019
  - DAAD rule established new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
  - Redesignation proposals for Inland and Shoreline Sheboygan County, WI areas and Chicago-Naperville, IL-IN-WI area anticipated Spring 2020
  - Separate related final actions for Phoenix, AZ; Denver, CO; and Imperial County, CA
- 2008 Ozone NAAQS Interstate Transport
  - CSAPR Update – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
  - CSAPR Closeout – October 1, 2019, D.C. Circuit decision on *New York v. EPA*, was to vacate and remand the CSAPR Close-Out because it did not address state's good neighbor obligations with respect to the next applicable attainment date in 2021.

[UPDATED 3/31 RDL, 4/2/2020 - TAU]

There are 14 areas that were classified Moderate for the 2008 standards, and EPA has been actively evaluating progress toward attainment for these 14 areas.

EPA has finished taking our statutorily-required actions for 11 of these 14 areas. These actions have resulted in several areas being reclassified to Serious, which extends the attainment deadline to July 2021 but triggers additional SIP and permit program requirements. We have aligned the SIP revision deadlines with the August 2020 deadline for submitting the two-year SIPs meeting the 2015 ozone NAAQS requirements to give the affected states an opportunity to streamline their submission process for both standards.

There were separate related final actions for Phoenix (Nov 2019, attained), Denver (Dec 2019, reclassification), and Imperial County CA (Feb 2020, attained).

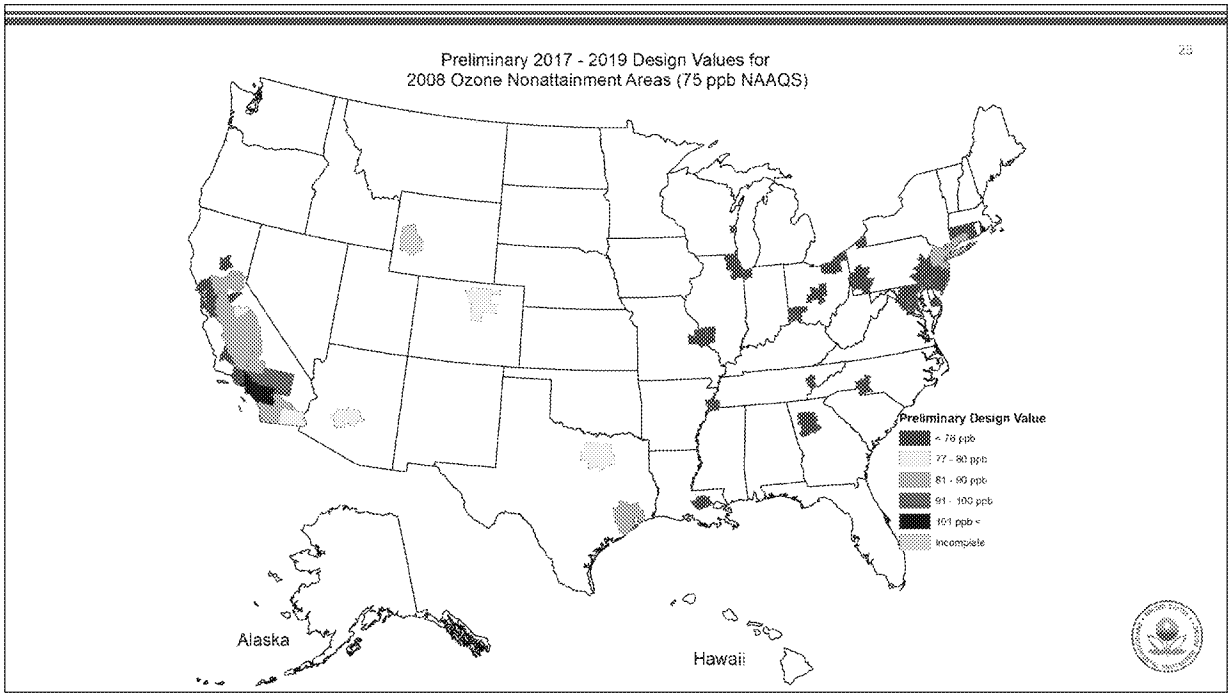
Importantly, the Imperial County action involved an attainment determination based on international emissions transport under CAA section 179B.

Interstate ozone transport for 2008 ozone NAAQS (Beth P. 9/23/19)
The 9/13 D.C. Circuit decision on Wisconsin v. EPA (CSAPR Update) ruled for EPA on a host of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emission reductions. The court held that EPA was obligated to address the full scope of Good Neighbor obligations under the 2008 ozone NAAQS in the CSAPR Update – and no later than the statutory attainment date for the downwind nonattainment area (which for the 2008 NAAQS would have been July 2018, assuming we can use the Moderate date instead of the Marginal date, which the ruling does not explicitly say). The court remanded the CSAPR Update without vacatur. We are currently identifying options to move forward.
The 10/1 D.C Circuit decision on New York v. EPA (CSAPR Closeout) ruled against the EPA, vacating and remanding the CSAPR Close-Out because it did not address state's good neighbor obligations with respect to the next applicable attainment date in 2021. The court summarized the Wisconsin court's holding that the Good Neighbor Provision requires upwind states to eliminate their significant contributions in accordance with the dates by which downwind States must come into compliance with the NAAQS. Noting that EPA relied on the same statutory interpretation that had been rejected by the court in Wisconsin to select its 2023 analytic year in the CSAPR Close-Out, the New York court concluded that EPA's defense of the CSAPR Close-Out was foreclosed.

BACKGROUND: Moderate area DAAD final rule (1st bullet)
Signed August 7, 2019
Determined that Baltimore, MD, and Mariposa, CA, attained the standards by the attainment date;

Granted a 1-year attainment date extension for the historic Sheboygan County, Wisconsin, which is now divided into two areas—the Inland Sheboygan County, WI, nonattainment area and the Shoreline Sheboygan County, WI, nonattainment area. The extension areas must attain the standard no later than July 20, 2019; and
Reclassified seven areas in 8 states—CA, CT, IL, IN, NJ, NY, TX and WI— as Serious. These areas must attain the standards by July 20, 2021.
2008 Serious area SIP revisions are due by August 3, 2020 (attainment demo & RFP, NNSR, RACT, etc.); intended to help streamlining with initial SIP submittals for 2015 NAAQS (also due 8/03/20)
Final rule distinguishes (bifurcates) Serious area RACT:
"RACT measures tied to attainment" – implemented by August 3, 2020; needed for purposes of meeting RFP or attaining the NAAQS by the Serious attainment date (July 20, 2021)
"RACT measures not tied to attainment" – SIP revision due 18 months after final rule eff. date; potential additional measures that can be implemented by the July 20, 2021 Serious attainment date; could help areas attain 2008 and 2015 standards more expeditiously
Separate actions
Denver, CO -- proposal for mandatory reclassification to Serious (84 FR 41674; 8/15/19)
Phoenix, AZ – proposed Moderate DAAD (84 FR 27566; 6/13/19); final rule in progress
Imperial County, CA – Moderate SIP and 179B demo; proposal in progress
Eastern Kern County, CA – final rule for voluntary reclassification to Serious (83 FR 31334; 7/05/18)

BACKGROUND CSAPR:
In 2016, when EPA finalized the CSAPR Update, we indicated that, at that time, we could only conclude that the trading program was a partial remedy to states' good neighbor SIPs, absent further analysis.
In 2018, EPA finalized the CSAPR Close-Out which found, based on further analysis, that the CSAPR Update in fact fully addressed states' obligations for the 2008 ozone NAAQS.



[UPDATED 4/07/20] – note these are still preliminary DVs.

1997 Ozone NAAQS Implementation Update

- The February 2018 *South Coast II* ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
  - not reclassifying areas upon failure to timely attain;
  - "redesignation substitute" mechanisms to terminate antibacksliding controls; and
  - excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
- The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Recent related final actions include:
  - Houston-Galveston-Brazoria, TX area (85 FR 8411; 2/14/20)
  - Dallas-Fort Worth, TX area (85 FR 19096; 4/06/20)
- EPA provided "Resource Document" to assist states with preparing second 175A maintenance plans, including "limited maintenance plans." https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment
- We are also updating 40 CFR part 52 to reflect certain nonattainment areas that previously attained the 1997 NAAQS by their respective attainment dates (direct final rule anticipated mid-2020).

[UPDATED 4/09 RDL]

We are still sorting out the adverse court decision on EPA's ozone implementation rule related to revoking the 1997 standards. In South Coast II the court reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
not reclassifying areas upon failure to timely attain; and
"redesignation substitute" mechanisms to terminate antibacksliding controls
excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
EPA's Region 6 office recently finalized a form of redesignation for the Houston and Dallas areas to "terminate antibacksliding obligations" for 1-hr and 1997 ozone NAAQS [Note: The South Coast II decision does not generally explicitly apply to the revoked 1-hr ozone NAAQS].
As a reminder, the South Coast II court upheld our "formal redesignation" approach where a state can terminate antibacksliding obligations under a revoked NAAQS via a request to redesignate to attainment for an active (2008, 2015) NAAQS with an approved 175A maintenance plan that addresses the active NAAQS and the revoked NAAQS.

To address 2nd 10-year MAINTENANCE PLANS, EPA provided a "Resource Document" to assist states in developing those plans. Our Region 5 office recently proposed approval of second maintenance plans for multiple areas in IN and OH, many using the LMP approach (Jul-Aug 2019).
EPA will also update regulatory text in 40 CFR part 52 to reflect EPA's factual determination that certain nonattainment areas attained the revoked 1997 8-hour ozone NAAQS by their respective attainment dates, and therefore were not required to implement antibacksliding obligations associated with failure to timely attain. We anticipate adopting these part 52 updates in direct final rule in mid-2020.
The nonattainment areas that timely attained the standards are the Buffalo-Niagara Falls area, and the Jefferson County, Poughkeepsie and Jamestown areas in New York; the Sheboygan County area in Wisconsin; the Denver-Boulder-Greeley-Ft. Collins-Loveland area in Colorado; and in California, the San Francisco Bay and Ventura County nonattainment areas.

2010 SO_2 NAAQS Implementation Update

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- **Round 1 nonattainment areas:**
  - EPA has approved attainment plans for 18 areas (out of 29); one area has a CDD.
  - EPA is under consent decree to take final action on submitted plans for 1 area by April 30, 2020 and for 8 other areas by October 30, 2020.
  - Regional Offices are working with HQ and states on addressing approvability issues for all remaining attainment plans and acting quickly on redesignation requests.
- **Round 2 nonattainment areas:**
  - EPA issued Findings of Failure to Submit attainment plans for two areas in a FR notice dated on September 20, 2019, with an effective date of October 21, 2019.
  - Attainment plans were due March 12, 2018.
- **Round 3 nonattainment areas:**
  - Attainment plans were due October 9, 2019.
- **Interstate transport:** EPA continues to make good progress approving submitted SO_2 interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.

[4/2/20 AK updated transport bullet]

Round 1 and 2 -- CBD lawsuit: Filed suit in the Northern District of California on June 14, 2018, and amended on December 17, 2018, to compel EPA to act on several SIPs submitted to address Round 1 designations and to issue a findings of failure to submit (FFS) for several nonattainment areas designated in Round 2 or for areas designated for the 1971 SO2 NAAQS. EPA, and the CBD negotiated a proposed consent decree and published a section 113(g) notice on September 4, 2019:

Section 113(g) notice: The notice sought public comment on the proposed consent decree establishing deadlines for EPA to:
Act on twelve (12) Round 1 plans
Issue an FFS notice for 3 areas that were designated in Round 2: Williamson County, IL; Anne Arundel Co and Baltimore Co, MD; and, St. Clair Co, MI.

With respect to the Round 1 plans:
EPA has April 30, 2020 deadline for taking final action on one area (Allegheny, PA)
EPA has until October 30, 2020 to take action on 9 areas:
Hayden, AZ
Muscatine, IA
Southwest Indiana, IN
Detroit, MI
Muskingum River, OH
Steubenville, OH-WV – COMPLETED; OH portion redesignated
Indiana, PA
Rhinelander, WI
Marshall, WV

Sullivan Co, TN is the ONLY remaining Round 1 area for which EPA has not taken final action on the submitted SIP, and it is not named in the lawsuit (EPA proposed approval in 2018).

With respect to the FFS: The FFS notice was published in the FR on September 20, 2019 for 2 areas: Anne Arundel Co and Baltimore Co, MD; and St. Clair Co, MI. Note: The designation status of Williamson County was "corrected" to attainment after the 113(g) was published, therefore EPA did not include it in the FFS notice.
- The EPA is obligated to apply mandatory sanctions in 18 months and again in 24 months if the affected states have not submitted a complete SIP by the applicable deadlines;
- Sanctions 1: Offsets apply at 18 months of FFS. (March 2021).
- Sanctions 2: Highway funding sanctions apply at 24 months of FFS. (September 2021).

Number of Round 3 SIPs Received:
- Currently, only 1 of the 6 NA SIPs has been received to date:
1. Hillsborough Co-Polk Co, FL : Submitted
2. Huntington Co, IN
3. Warrick Co, IN
4. San Juan, PR
5. Evangeline Parish, LA
6. Piti-Cabras, Guam

-Effective date of designation: April 9, 2018.
-SIP due date: October 9, 2019.
-Attainment date: April 9, 2023.

Clean Data Determination Area:
Jefferson Co, MO

Interstate transport: see slide

Round 4 SO_2 NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.
- The next major milestones are on May 1, 2020.

Timeline for 2010 Primary SO_2 NAAQS Designations Process – Round 4
Areas Associated with December 31, 2020, Court Ordered Deadline

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Milestone	Date
States and tribes certify 2019 SO_2 monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO_2 monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 120 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO_2 area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO_2 monitoring networks pursuant to the DRR and that have not been previously designated)

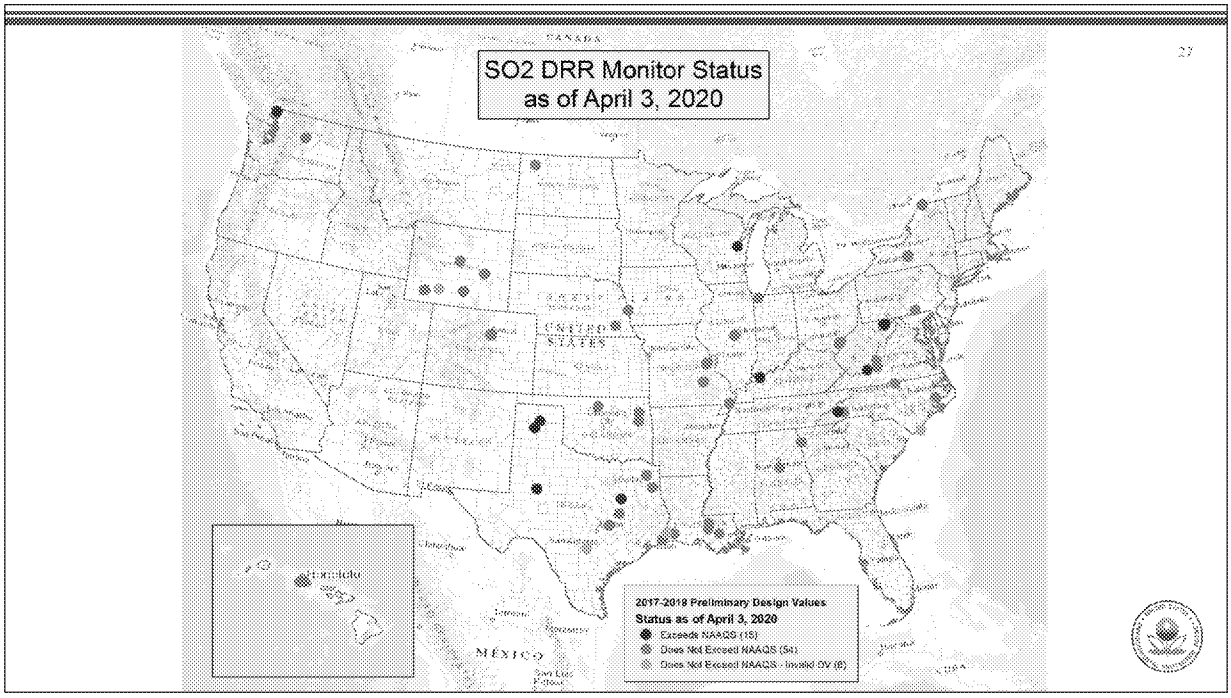
[4/6/20 CM- highlighted next major milestone]

Approximately 52 areas that remain undesignated.

Round 4 designations process guidance memo under signature of Peter Tsirigotis.

A key date is May 1, 2020 for states to (if they wish) provide updated designation recommendations.

EPA HQ is not officially addressing any redesignations of already-designated areas (including Unclassifiable areas) as a formal part of the Round 4 process. Any such actions are separate Region-driven actions following the CAA's redesignation provisions.



[Updated 4/6/20 CM]

This map shows the monitoring locations for the areas to be designated in Round 4. It includes a preliminary assessment of the potential monitored levels in relation to the 75 ppb SO2 standard. These DVs are preliminary. There are approximately 4 areas that were previously designated unclassifiable in Round 2 but selected the monitoring pathway pursuant the DRR.

As shown, there are 15 monitors with preliminary DVs above the NAAQS (shown as a red marker) and will be the subject of establishing appropriate nonattainment boundaries [TX (4), MO, VA, WV, MD, NC, WA, KY, MD, NY, WI]. (Note: The area in Potter County, TX was designated unclassifiable in Round 2 but is now has a monitor violating the NAAQS.)

Progress on $PM_{2.5}$ NAAQS Attainment

(as of February 29, 2020)

	1997 $PM_{2.5}$ (2005 Designations)	2006 $PM_{2.5}$ (2009 Designations)	2012 $PM_{2.5}$ (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	3
Current Nonattainment Areas	**4**	**14**	**6**
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021

[NO UPDATES 9/10]

Still a few nonattainment areas and some upcoming deadlines for attaining.

Specifically, a deadline at the end of this year for 5 areas classified Serious for the 2006 standards.

BACKGROUND
1997 NAAQS Moderate: Libby MT (2011), Liberty-Clairton (2011), LA-South Coast (2015); 1997 Serious = SJV
2006 NAAQS Serious: Fairbanks, Provo, SLC, SJV, LA-South Coast (other 9 areas are Moderate)
2012 NAAQS all are Moderate

$PM_{2.5}$ NAAQS Implementation: 2019 Actions

DATE	STATE	AREA	NAAQS	ACTION
5/28/2019	IL	St. Louis	1997	Final Redesignation
4/10/2019	UT	Provo	2006	Final Clean Data Determination
4/25/2019	AZ	West Central Pinal	2006	Proposed Clean Data Determ.
6/5/2019	UT	Salt Lake City	2006	Proposed Clean Data Determ.
4/12/2019	OH	Cleveland	2012	Final Redesignation
7/16/2019	PA	Lebanon County	2012	Proposed Redesignation
7/16/2019	PA	Delaware County	2012	Proposed Redesignation

- $PM_{2.5}$ Precursor Demonstration Guidance issued in May 2019

[NO UPDATES 9/10]

EPA has taken a number of actions this year recognizing Clean Data and redesignating some areas.

Precursor Demo Guidance
We issued guidance on submitting optional precursor demonstrations to show that emissions of a particular precursor do "not contribute significantly to PM2.5 levels which exceed the standard in the area."

If the EPA approves a precursor demonstration, the attainment plan and/or NNSR program may exclude the precursor from certain control requirements, depending on the type of demonstration provided.

A number of areas have already taken advantage of this flexibility and others are currently working on demonstrations. Eg.
SJV is developing a precursor demo for ammonia;
Allegheny plans to submit a demonstration that excludes NH3 and VOC for its 2012 Moderate SIP;
We approved Cleveland 2012 Moderate SIP- demonstrating out of NH3 and VOC (final effective Ap 12, 2019);
Bay Area may have had a demo approved for NNSR.

Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
  - Remaining redesignations
  - Monitor removal issues

[NO UPDATES 9/10]

Bullet 3: Focus is now on:
Redesignations
Resolving data issues and violations
Monitor removals
States have been requesting monitor removals for various reasons
Exploring current monitoring regulations and the potential need for additional guidance

Exceptional Events Update

- EPA has concurred on 34 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
  - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
  - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
  - **Clarification Memo on Data Modification – Released April 4, 2019**
  - **Prescribed Fire Guidance – Released August 9, 2019**
- SPeCS for Exceptional Events is under development and will be deployed this summer
- EPA's exceptional events webpage provides key resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available
  https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events

Updated 4/3/20 DS

For CenSARA: EE guidance may not be of general interest but I've included it here for completeness and reference.

As noted earlier in the presentation, a new module in the SPeCS family, SPeCS for Exceptional Events is being developed. This system will streamline the processing of demonstrations, improve efficiency, and enhance data storage and retrieval.

ADVANCE

www.epa.gov/advance

- A collaborative program for states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM2.5
  - 40 current partners with 360+ counties and 45 million population
  - Forum for stakeholder collaboration, monthly info on grants and training opportunities, access to EPA technical assistance
  - Provide annual plan updates to EPA describing relevant programs (e.g., mobile sources, transportation, energy efficiency, renewable energy, stationary, woodsmoke, education)
  - Plans for current partners are on the EPA website
- 12 current partners in WESTAR region
  - CO: Pikes Peak Area Council of Governments (Colorado Springs); ID: Salmon, St. Maries
  - NM: Doña Aña, Eddy, Lea, San Juan counties; OR: Lakeview, Prineville; UT: Uintah Basin
  - There are a significant number of other areas with air quality values that are approaching the level of the ozone and PM2.5 NAAQS and may be good candidates for Advance
  - We would be happy to schedule a presentation with your organization
- In OAQPS, management of the Advance program has shifted to the Air Quality Policy Division. Contact Rich Damberg (damberg.rich@epa.gov) for more info

3/31/20: update by Rich

Closing out NAAQS-related updates, I wanted to put a plug in for EPA's Advance program.

The program was established in 2012, and is a collaborative effort between EPA and government partners to encourage continued air quality improvement in ozone and PM2.5 areas designated as attainment. Areas update their plans each year.

We continue to work through the EPA Regional Offices to reach out to areas that we consider to be good candidates for the program:
ozone attainment areas with dv >65 ppb;
PM2.5 attainment areas with annual dv >10 micrograms/m3, or 24-hr dv >30 micrograms/m3.
Based on the latest design values (2016-18), EPA identified 250 counties as Advance Program "candidates."

Program management is moving between OAQPS Divisions this year in order to better integrate it with OAQPS NAAQS implementation efforts. The transition is more meaningful to us in OAQPS than it will be to our partners, who will continue to receive support from us in EPA HQ as well as their Regional Office contacts. We encourage new areas to join the program.

[NOTE: R2 is the one EPA Region that does not currently have any Advance areas.]

Regional Haze Program

- "Regional haze" is defined at 40 CFR 51.301 as "visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area."
- The Regional Haze Rule (RHR or Rule) requires states to submit a series of State Implementation Plans (SIPs) to protect visibility in Class I areas, and governs states' obligations and EPA's review of periodic SIPs developed for the second and subsequent implementation periods.
- In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999.

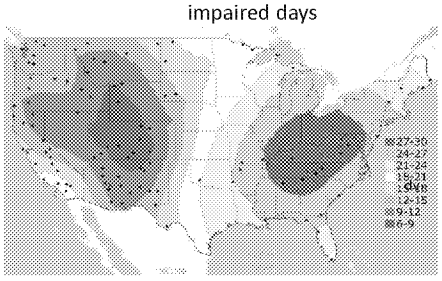
Updated 4/10 BT

The Regional Haze Rule requires states to submit a series of State Implementation Plans (SIPs) designed to protect visibility in Class I areas for the second and subsequent implementation periods. (Section 51.308)
In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999. (82 FR 3078)
In September 2018, Administrator Wheeler laid out EPA's goals to support states in the Regional Haze Reform Roadmap The Roadmap also notes that we are continuing to explore further regulatory changes to impact future planning periods after the 2nd implementation period.

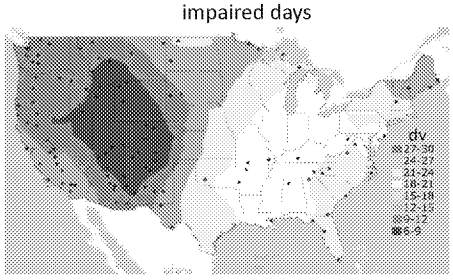
Note: Following the 2017 Rule, we received three petitions for administrative reconsideration from states and utilities. In January 2018, EPA announced its intention to revisit certain aspects of the 2017 rule revisions, including FLM consultation and Reasonably Attributable Visibility Impairment (RAVI) provisions. No timeframe has been set for this rulemaking.

First Planning Period: Visibility is Improving

2000-2004
Visibility (dv) on 20% most impaired days



2013-2017
Visibility (dv) on 20% most impaired days



- The National Park Service estimates that as of mid-2014, emission controls established under the first planning period led to approximately 500,000 tons/year of SO_2 and 300,000 tons/year of NOx reductions
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas

Updated 9/22 + 9/26 SLM

Visibility is improving, and state and federal efforts have achieved significant improvements in visibility throughout the country, driven by large reductions in emissions of SO2 and NOx.
These two maps show the visibility in deciviews on the 20% most impaired days.
The map of the left is from 2000-2004 and the map on the right is from 2013-2017.
Warmer colors represent higher deciviews (which indicate more impairment).
You can see that the red and the orange values have disappeared from the East and in the West, the areas with the lowest values have expanded.
Overall we estimate that during the first planning period that average visual range increased by 20 – 30 miles in each Class I area.

Regional Haze: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
  - 2018 Technical Guidance on Tracking Visibility Progress (completed Dec. 2018)
  - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
  - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
  - Some states plan to submit in 2019
  - We encourage early engagement on all SIPs
  - Regional Offices are available for questions or preliminary feedback

4/10 BT

Based on the Reform Roadmap and the key principle states are in the lead and they will be looking for opportunities to leverage emission reductions associated with other Clean Air Act programs to help improve visibility, we have recently released resources and one upcoming to assist states with their SIPs:
2018 Technical Guidance (completed Dec. 2018)
The newly released Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed Aug. 2019). We held a webinar for States on Sept 10, 2019 that provided a detailed walkthrough of the guidance.
2028 Modeling including estimates of US and international source contributions for Class I Areas (completed 9/19/19; webinar TBD in October)

[Notes added 9/26 from another slide]
Looking forward to the second implementation period, second planning period SIPS are due on July 31, 2021.
We hope that our newly released guidance will help reduce state planning burdens while also ensuring compliance with the CAA and RHR.
We expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. NOTE FOR SCOTT – we have seen several SIPs that are out for public comment, and all of them have been from MANE-VU states.
Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

FYI
Specifically, since 2014, for states that wish to, EPA is working with states to replace partial Federal Implementation Plans (FIPs) issued in the first planning period with SIPs.
FIPs with SIPs in 14 states: Arizona, Arkansas, Georgia, Indiana (proposed), Iowa (proposed), Kentucky, Missouri, New Mexico, New York, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

What's on the Horizon for the Second Planning Period

- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
  - We really appreciated all the engagement during the CenSARA
  - Air Agencies seem to be embracing early engagement and we anticipate that a handful of states will submit SIPs prior to the July 2021 deadline
  - Regional Offices are available for questions or preliminary feedback

BT 4/10

Looking forward to the second implementation period, second planning period SIPS are due on July 31, 2021.

We expect some states will submit in 2019 and we have already seen a handful of draft SIPs. We encourage states and RPOs to continue working together and sharing information. NOTE FOR SCOTT – we have seen several SIPs that are out for public comment, and all of them have been from MANE-VU states.

Our Regional Offices are a great resource that states can take advantage of during their SIP development process for questions or draft SIP review. As mentioned, a key principle for the second planning period is to empower states with information and flexibility so EPA is ready to assist states as they develop these SIPs.

We appreciate early engagement with Regions on SIP development – recognizing the guidance just came out, are there issues you anticipate needing EPA engagement on?

Permitting Related Updates

Now, on to updates on Permit Program activities.

Overview

- Review Completed Permit Policy Actions
- Update on Recent/Ongoing Actions
- Website Enhancement/NSR Training
- Permitting Process Improvements

Review of Completed Permit Policy Actions

- Actual-to-Projected Actual Emissions Applicability Memo (12/7/2017)
- Project Emissions Accounting Under NSR Memo (83 FR 13745; 3/13/2018)
- $PM_{2.5}$ and Ozone Significant Impact Level (SIL) Guidance (4/17/18)
- Project Aggregation Reconsideration Final Rule (83 FR 57324; 11/15/18)
- Source Determination Clarifications – "Common Control" Interpretation
  - Meadowbrook 4/30/2018 memo to Pennsylvania DEP
  - Ameresco 10/16/2018 memo to Wisconsin DNR

Actual-to-Projected Actual Emissions Applicability Memo – "New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability"
Basically states that EPA will not "second guess" NSR applicability analyses performed by sources (as they project their actual emissions increase resulting from a modification at the facility) as long as they conduct the analyses in keeping with our regulations, which requires that they use relevant data to support their analyses.
EPA intends to focus on the level of actual emissions during the 5- or 10- years recordkeeping or reporting period after the project to determine whether to exercise its enforcement discretion

Project Emissions Accounting Memo – Communicates EPA's interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered determining whether a project will result in a significant emissions increase (i.e., at Step 1 of the NSR applicability process)

Revised PM2.5 SILs/new ozone SILs
Based on new technical approach and legal rationale, and streamlined the air dispersion modeling process for PSD.
Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
Where SILs are used, reference all three and include in any permit record. Not final agency action; not binding for industry, permitting authorities, or the public.
April 7, 2020 – DC Court of Appeals held that SILs guidance is not final agency action subject to review. Expressed no opinion as to ripeness or the merits of the SIL guidance itself.

Project Aggregation – EPA granted to NRDC reconsideration and stay of 2009 "Interpretive Rule" for Project Aggregation, which had established "substantially related" criterion for aggregating projects and a 3-year rebuttable presumption against aggregation. Final action in 2018 affirmed the interpretation finalized in 2009. Lifts the stay of the 2009 action, making it immediately effective.

Source Determination Clarification – Common Control
Meadowbrook Letter: Explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements
Ameresco Letter: In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources. Shared activities should be allocated to a single source to avoid unworkable outcomes.
Background: Determining which pollutant-emitting activities constitute a single "stationary source" can impact the applicability of major NSR and title V. Criteria are:
located on one or more contiguous or adjacent properties;
under common control of one person (or persons under common control); and
belonging to the same major industrial grouping

Update on Recent/Ongoing Actions

- Source Determination Clarification – Adjacent
- Ambient Air Policy
- Project Emissions Accounting Rule
- Tribal NSR Oil & Gas FIP Streamlining Amendment
- NSR Error Corrections
- Plantwide Applicability Limit (PAL) Guidance
- Begin Actual Construction Guidance
- Treatment of Biogenic CO2 in PSD
- Reasonable Possibility Rule Reconsideration
- Ethanol Production Major Source Rule Reconsideration
- Fugitive Emissions Rule Reconsideration

Highlighting developments since Fall 2020 state meetings in September/October 2019.

Source Determination Clarification – Adjacent

- **11/26/2019: Final Guidance issued "Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
- For all industries other than oil and natural gas production and processing, EPA adopts an interpretation of "adjacent" based on physical proximity only.
- The concept of "functional interrelatedness" would not be considered by EPA when determining whether activities are located on adjacent properties.

EPA has taken several steps to clarify which pollutant-emitting activities constitute a single "stationary source" for purposes of determining the applicability of major NSR and title V.

Criteria are:
located on one or more contiguous or adjacent properties;
under common control of one person (or persons under common control); and
belonging to the same major industrial grouping

EPA's interpretation of "adjacent" has evolved through source-specific determinations, and a 2016 rule clarified for the oil and gas industry that "adjacent" operations are limited to those activities within ¼ mile with shared equipment

Ambient Air Policy

- **12/10/2019: Final Policy issued "Revised Policy on Exclusions from Ambient Air"**
- Limited change to the way EPA applies regulatory definition of ambient air, *"that portion of the atmosphere, external to buildings, to which the general public has access"* – 40 CFR 50.1(e)
- EPA policy for implementing ambient air for PSD was stated in a 1980 Costle letter, "*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*"
- Change replaces specific concept of a fence or other physical barriers with "*measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*"

Clarifies that there can be measures beyond a fence or other physical barrier that are effective in restricting public access (e.g., advanced monitoring and surveillance systems, like drones).

NSR Rulemakings Underway

- **Project Emissions Accounting Rule**
  - Proposed rule revisions (84 FR 39244, 8/9/2019) would clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the NSR applicability process
    - Intended to eliminate any uncertainty with the rule language
    - Comment period closed 10/8/2019
  - Final Rule expected Fall 2020
- **Tribal NSR Oil & Gas FIP Amendment**
  - Proposed Part I Registration Form streamlining amendment 7/15/2019
  - Rule would reduce the pre-construction waiting period by up to 30 days by providing for concurrent submissions of Part I Form and ESA/NHPA screening documentation
  - Final Rule published on March 19, 2020 (85 FR 15279)
- **NSR Error Corrections Rule**
  - Proposed rule (12/20/2019, 84 FR 70092) would correct NSR regulation typos and incorrect citations, and update the regulations to remove vacated elements
  - Final Rule expected Spring 2020

Project Emissions Accounting Rule – The P.E.A. memo issued in 2018 is currently in litigation (5/29/18 Petition for Review by EDF, NRDC and Sierra Club (D.C. Cir.)). Court granted Petitioner's unopposed motion to hold the case in Abeyance on 7/13/18 while EPA is addressing the issues in a rulemaking.
Rulemaking is Tier 2 and will be submitted to OMB for interagency review.

NSR Error Corrections Rule – Tier 3, will not be submitted to OMB for interagency review.

NSR Rulemakings Underway (cont.)

- **2008 Fugitive Emissions Rule Reconsideration**
  - Final Rule exempted certain source categories from considering fugitive emissions in NSR major modification determinations.
  - EPA granted an NRDC petition for reconsideration of the Rule and stayed its effectiveness
  - Litigation (Newmont Mining and NRDC) held in abeyance
  - Currently working on a proposal: to OMB April 2020; signature Summer 2020.
- **2007 Ethanol Major Source Rule Reconsideration**
  - Final Rule raised the applicability threshold from 100 tpy to 250 tpy for major NSR and title V for certain ethanol production facilities
  - EPA granted 2009 petition for reconsideration from NRDC; litigation held in abeyance
  - EPA letter to NRDC issued 10/21/2019 partially denying/granting petition
  - Region 7 is taking action on several SIPs involving ethanol facilities.
  - Currently working on a proposal to address partial grant. Target proposal date is February 2021.

Note covered in slides – for Q&A
Reasonable Possibility:
2007 rule established criteria for determining recordkeeping, monitoring and reporting requirements that apply to projects for which Actual-To-Projected-Actual applicability test is applied
EPA initially denied, then granted NJ's petition for reconsideration of the 2007 RP rule; litigation held in abeyance
EPA issued letter to NJ on 11/5/2019, communicating that EPA is no longer reconsidering the rule.
Litigation is moving forward

Treatment of Biogenic CO_2 in Air Permitting

- Consolidated Appropriations Act (FY2017-FY2020) outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production, including policies that reflect the carbon-neutrality of forest bioenergy
- April 2018 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO_2 resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- Draft Proposed Rule is currently at OMB for review

Proposal went to OMB 2/24/2020

Expect a published proposal late spring 2020

NSR Guidance Underway

- **Plantwide Applicability Limit (PAL) Guidance**
  - PAL regulations were established as part of 2002 NSR reform
  - Guidance addresses elements of the PAL regulations that stakeholders have identified as generating perceived risk/disincentives
  - Comment period closed 3/16/2020; Final guidance anticipated –Summer 2020
- **Begin Actual Construction Guidance**
  - Sources cannot legally "begin actual construction" of a major source or major modification without first obtaining a major NSR permit
  - Guidance explores flexibilities under the existing rule language that would allow certain non-emitting activities to be undertaken prior to obtaining a permit
  - Draft guidance memo posted for 45-day comment 3/25/2020; Final guidance anticipated – Fall 2020

PAL guidance: draft guidance posted for comment Feb 2020; Final Summer 2020

Begin Actual Construction: 45 day comment period; ends May 11, 2020

Website Enhancements/Training Development

- Website Improvements
  - Completed several enhancements to the existing EPA air permitting rule and guidance website.
  - Organizing guidance documents in NSR and Title V index by topic area.
  - Phase I enhancements completed November 2019.
  - Phase 2 including topic page descriptions and document summaries targeted for completion of June 2020.
- NSR Training Development
  - Received state agency input on recommended NSR training topics.
  - Currently developing NSR training modules that will be available through the improved permitting website.
  - Targeted for completion of July 2020.

E-guidance: Jan 2020
Add pages to our NSR/T5 Policy and Guidance Website to increase its educational value and streamline searches.
A table of contents links to NSR topic pages, which link to relevant guidance statements and will eventually trainings offered on the topic.
Phase 2 enhancements include topic page descriptions and document summaries

Training: Jan 2020
In coordination with larger Agency efforts to revamp training.
Developing standardized NSR program training slides to be used and linked from the EPA/NSR website
Plan for in-classroom (non-website) delivery of standard training slide decks.
Develop other topic specific training using creative ways to deliver

Permitting Process Improvements: Increase Use of Electronic Systems

- Central Data Exchange (CDX) for receipt of Title V petitions
  - Target completion date - September 2020
- Electronic Permitting System (EPS)
  - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, Title V, and other permits for EPA review
  - Also electronic processing of EPA-issued NSR and title V permits
  - Target for completion – FY 2021
- Replacing and modernizing RACT/BACT/LAER Clearinghouse
  - Target for completion – FY 2021

EPS:
State permits status: Implement enhancements suggested by states and release for national use in beginning of 2020.
EPA permits status: Currently in development, minimum viable product was ready at end of FY19 with final release available in late FY2020.
RACT/BACT/LAER status: currently gathering requirements
Delays pushing some actions to FY 2021 due to software updates requirements – conversion from Drupal 7 to Drupal 8 and development of the new modules will be in Drupal 8.

ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs.
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory.
- NSR rulemaking severed from 6/19 final ACE rule.
- Administration still interested in pursuing action on the NSR hourly emissions test.

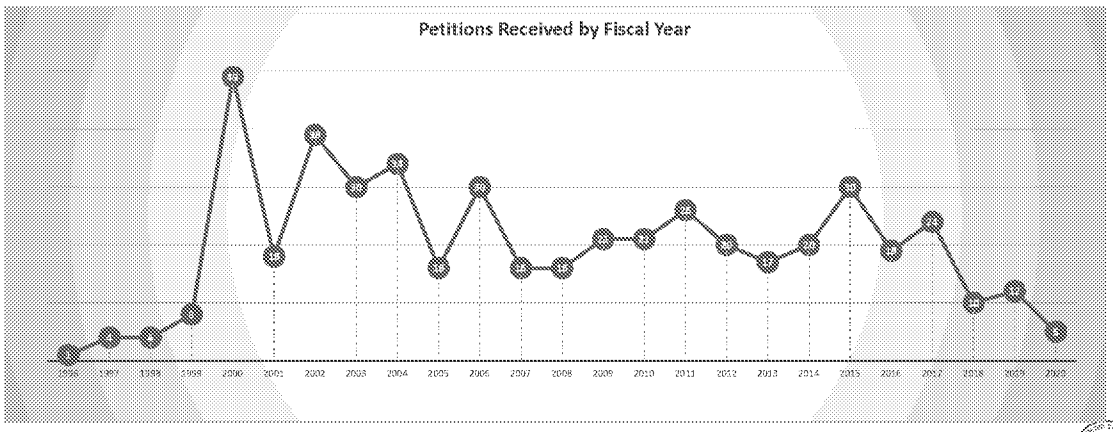
Three options were proposed
Target is FY2021

Title V Petitions Rule

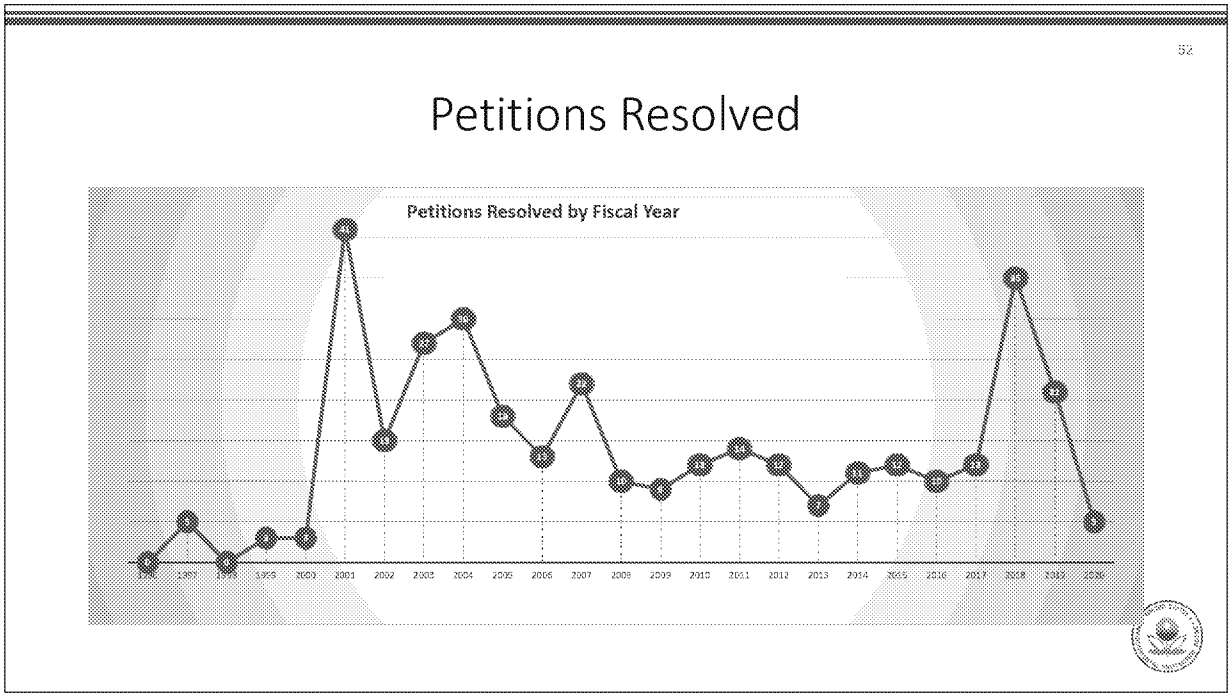
- Published in the Federal Register February 5, 2020
  - Effective April 6, 2020
- Three main changes
  - How to submit a petition (*where* to send it)
  - Mandatory content for petitions (tell us *what* the problem is, on *which* permit)
  - Requires permitting authorities to respond in writing to significant comments, and provide the response with the proposed permit to EPA for review
    - Permitting authorities determine what is significant
    - We have spelled out how this works with "concurrent" review

Also added requirement for petitioner to send permitting authority and source a copy of the petition
We did NOT finalize:
Requirement to provide notice to public when proposed permit goes to EPA
EPA intends to post information on its own websites
Ultimately, Electronic Permit System (EPS) will show this information

Title V Petitions Received by Year



Title V Petitions continue to be a substantial work load
Trends:
Increased focus on wood pellet manufacturing – Morehouse, LaSalle (2), Highland Pellets, Enviva
Texas permits related to incorporation by reference (received in 2016-17)
Monitoring for synthetic minor limits
Monitoring to determine that a limit does NOT apply (Newark Bay, Riverview)



Notes on Petitions:

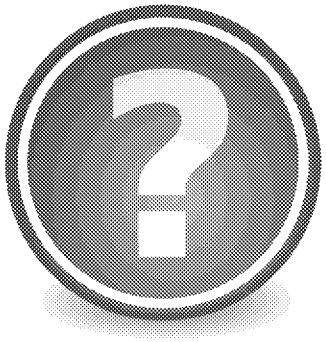
NSR/TItle V Interface

PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of Title V
Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"

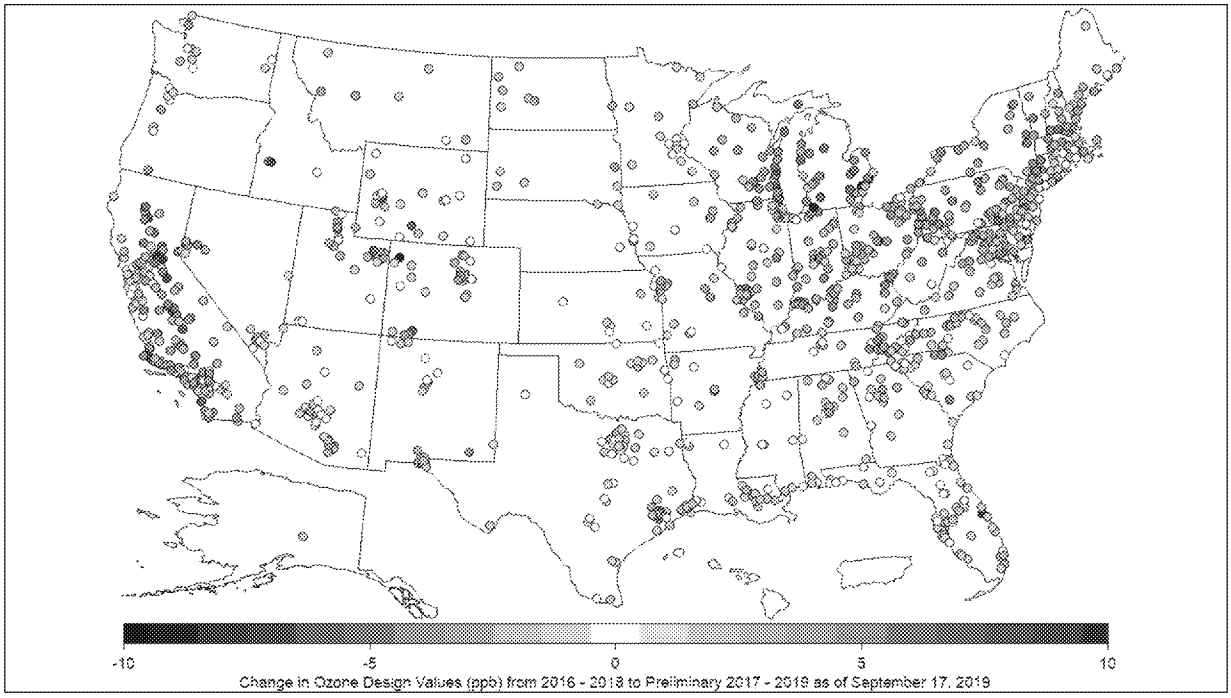
This order was challenged, first in the DC Circuit- DC Circuit said it was not the appropriate venue, so the challenge was heard in the 10th Circuit, in Utah, where the source is located. Oral arguments were held in March. Awaiting the decision

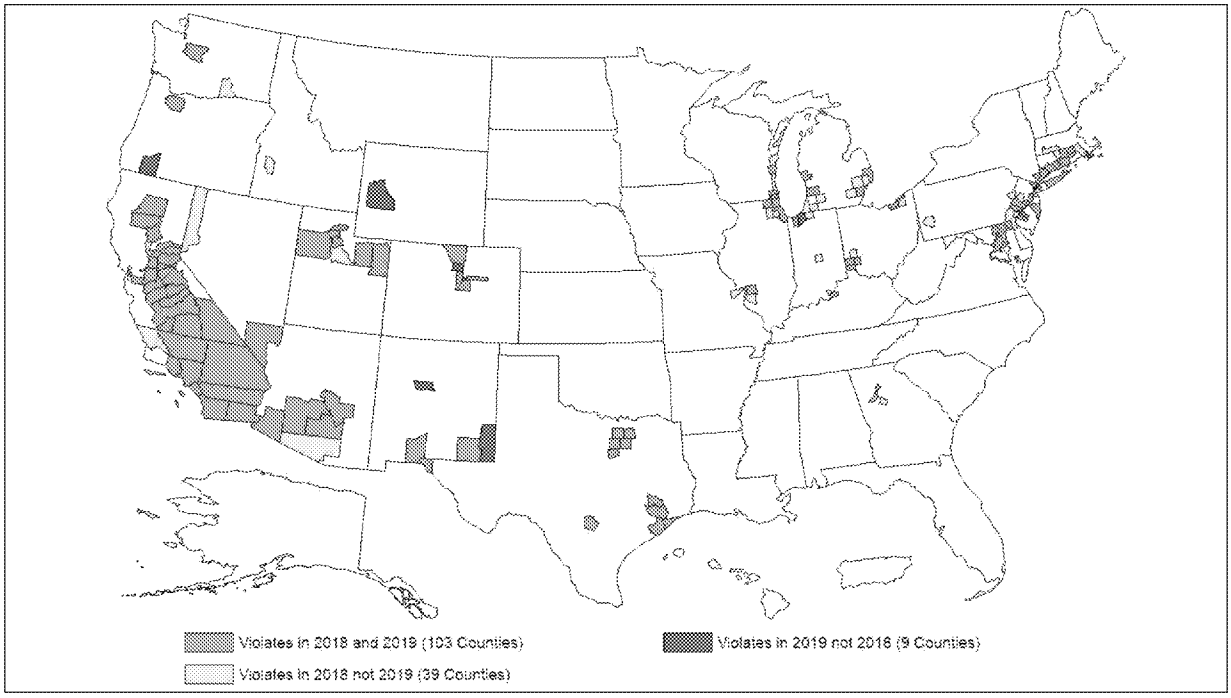
Another title V order that relied on “no NSR lookback”, Exxon Mobil was challenged in the 5th circuit court of Appeals. Oral arguments occurred last spring. Still awaiting that decision.

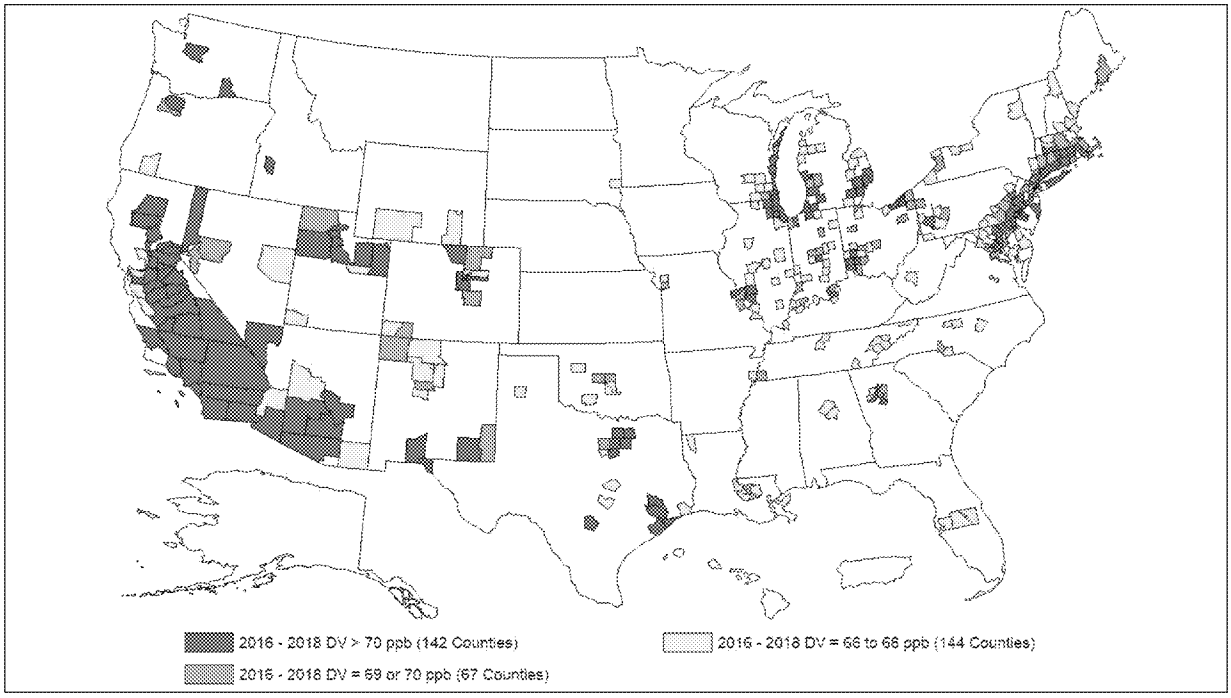
Questions and Comments

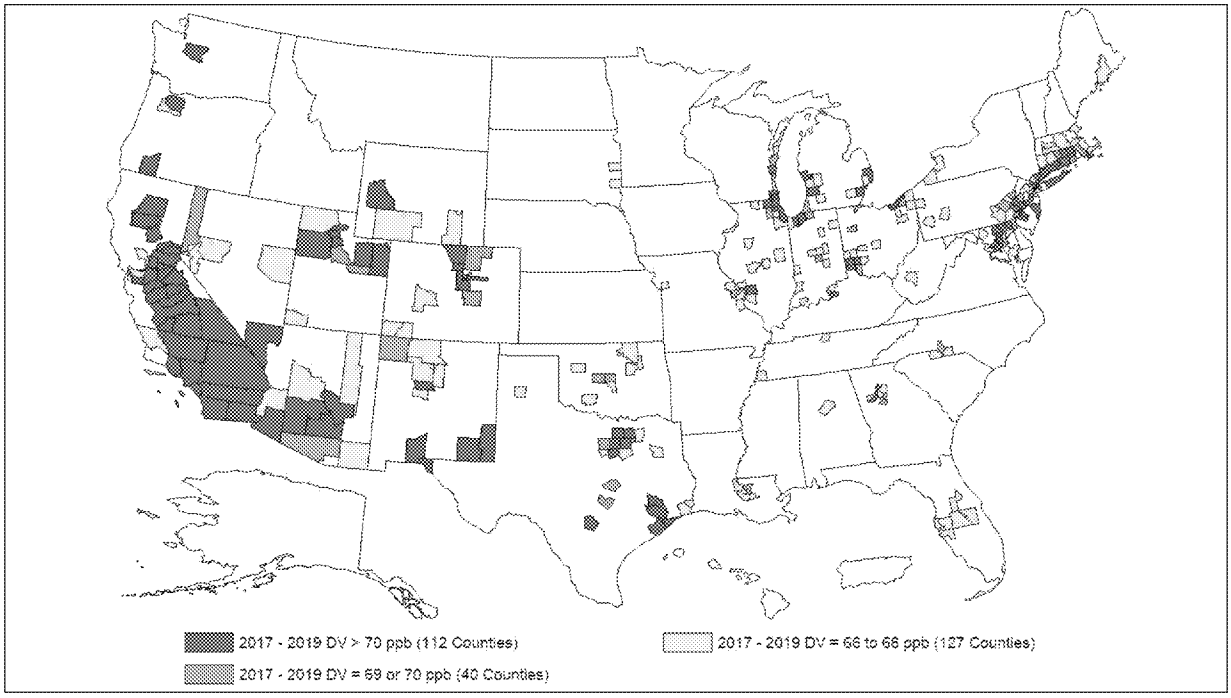


- SCOTT – no changes to the following slides. Will need ot be updated if you want to use.


-10
-5
0
5
10
Change in Ozone Design Values (ppb) from 2016 - 2018 to Preliminary 2017 - 2019 as of September 17, 2019


Violates in 2018 and 2019 (103 Counties)
Violates in 2019 not 2018 (9 Counties)
Violates in 2018 not 2019 (39 Counties)


2016 - 2018 DV > 70 ppb (142 Counties)
2016 - 2018 DV = 66 to 68 ppb (144 Counties)
2016 - 2018 DV = 69 or 70 ppb (67 Counties)


2017 - 2019 DV > 70 ppb (112 Counties)
2017 - 2019 DV = 66 to 66 ppb (127 Counties)
2017 - 2019 DV = 69 or 70 ppb (40 Counties)

Key Similarities and Differences in Regional Haze: 1st and 2nd Implementation Periods

Similarities: 1st period and 2nd period

- There are no bright lines in the rule for what is reasonable for states to include in their long-term strategies (LTS) for making reasonable progress
- EPA maintained the approach to SIP development (develop LTS, then project Reasonable Progress Goals (RPGs))

Differences: 1st period vs. 2nd period

- Focus in 2nd period is on reasonable progress, as opposed to 1st period focus on both BART and reasonable progress
- Visibility benefits are one of the five factors for BART identified in the first period, but are not one of the four statutory factors identified for reasonable progress
- Unlike the 2005 BART Guidelines Rule (which described how to quantify the five statutory factors for BART in the first period), the RHR does not dictate an analytical methodology for evaluating the reasonable progress factors and instead provides a flexible process for states to follow in developing approvable submissions
- Tracking metric uses anthropogenic impairment (vs. worst visibility)
- 51.308(f) is the applicable regulation, rather than 51.308(d) and 51.308(e)

For both the 1st and 2nd planning periods:
There are no bright lines in the rule for what is reasonable for states to include in their long-term strategies (LTS) for making reasonable progress.
EPA has maintained the same approach to SIP development which is to develop the Long Term Strategy first, then project the Reasonable Progress Goals (RPGs).
As we move into the 2nd planning period, the focus is on reasonable progress. The first period required plans to primarily address a one-time best available retrofit technology (BART) requirement that applied to certain older, larger stationary sources. The first and subsequent plans must also include measures necessary to make reasonable progress toward the national goal.
Visibility benefits are one of the five factors for BART identified in the first period, but are not one of the four statutory factors identified for reasonable progress. The RHR, however, does not prohibit consideration of visibility benefits.
Unlike the 2005 BART Guidelines Rule (which described how to quantify the five statutory factors for BART in the first period), the RHR does not dictate a particular analytical methodology for evaluating the reasonable progress factors and instead provides a flexible process for states to follow in developing approvable submissions.
The 2017 RHR changed the tracking metric to use anthropogenic impairment instead of the worst visibility, to help states focus in on the emissions that are in your control.

Regional Haze Guidance: Purpose and Goals

- Purpose: To help states develop approvable regional haze 2nd implementation period SIPs consistent with the Clean Air Act and the Regional Haze Rule
- The goals of this Guidance Document include:
  - Support states in developing SIPs for complying with the CAA visibility requirements
  - Highlight the discretion and flexibilities states have within the statutory and regulatory requirements to develop regional haze SIPs
  - Reduce state planning burdens
  - Leverage emission reductions achieved through CAA and other programs that further improve visibility
- The required content of these SIPs is specified in the Regional Haze Rule (RHR) (40 CFR 51.308(f)), which was revised in 2017

As I mentioned before, the Regional Haze Guidance was released last week. This version replaces the 2016 draft guidance. I'm going to give you a quick overview here, but we are planning a more in-depth public webinar on Sept 10.
The primary purpose of this guidance document is to help states develop approvable 2nd implementation period SIPs consistent with the Clean Air Act and the Regional Haze Rule.
The guidance document is intended to complement the Rule by providing more information and examples of how to develop SIPs with an emphasis on the discretion and flexibilities states have within the statutory and regulatory requirements.
States retain the discretion to develop regional haze SIP revisions that differ from the recommendations in this guidance; however, states must ensure the regional haze SIPs are consistent with all applicable requirements.