

3rd Particulate Matter/Regional Haze/Ozone Modeling Workshop

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8-Hour Ozone Implementation

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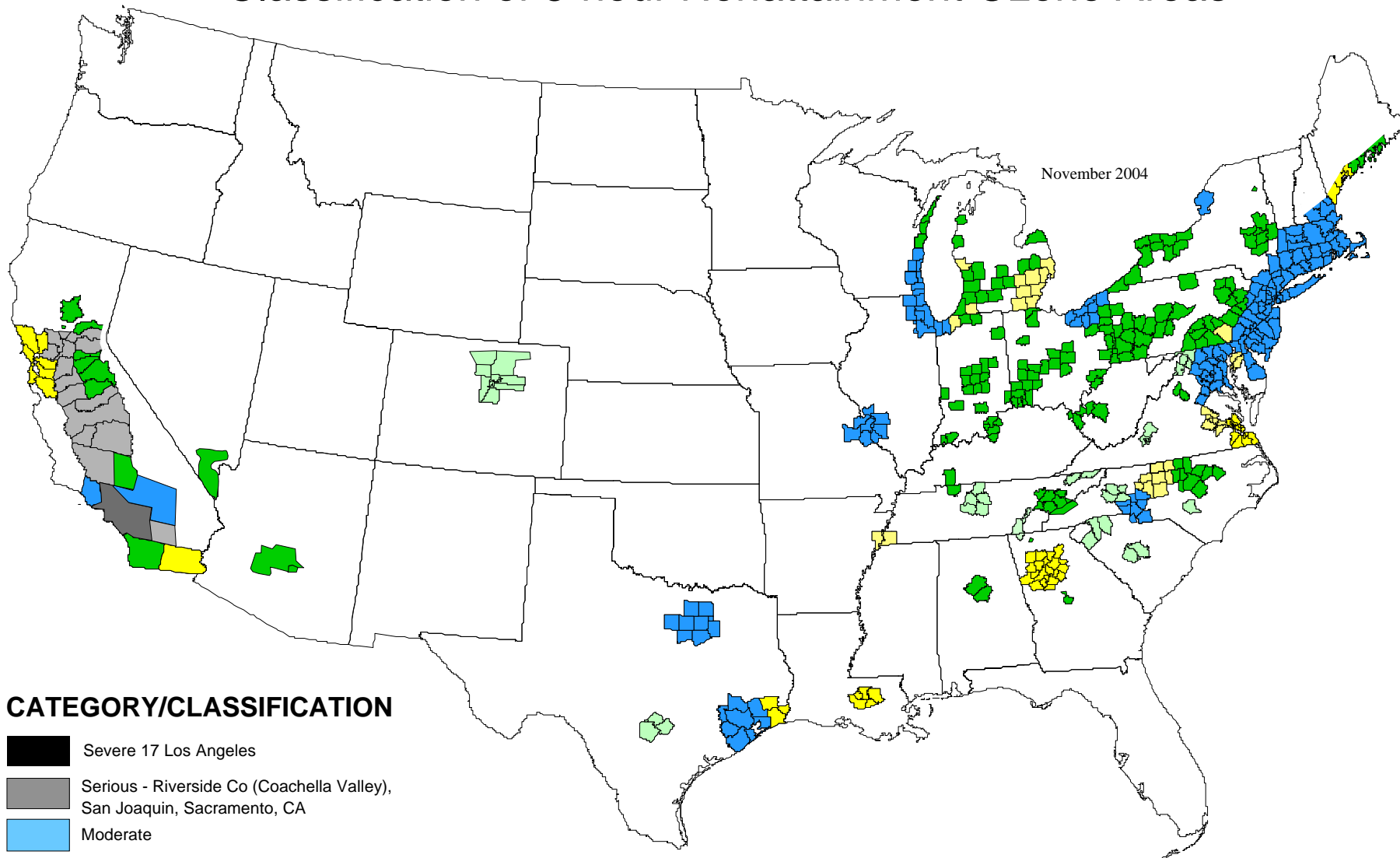
8-Hour Ozone Rules and Guidance

- 8-hr ozone final rule, Phase 1
- Overwhelming Transport in rural areas
- NOx waiver petitions
- Section 110(l) non-interference guidance
- 8-hr ozone final rule, Phase 2







Ozone Implementation Schedule

Date	Action
4/15/04	Designations & Phase I Implementation Rule
6/15/04	Effective Date of Designations
Summer/05	Phase 2 Implementation Rule
6/15/07	Attainment Demonstrations Due (proposed)
2007-2024	Range of attainment dates

Classification of 8-hour Nonattainment Ozone Areas



CATEGORY/CLASSIFICATION

-  Severe 17 Los Angeles
-  Serious - Riverside Co (Coachella Valley), San Joaquin, Sacramento, CA
-  Moderate
-  Marginal (Greensboro, NC is an EAC)
-  Subpart 1 (Basic)
-  Subpart 1 EAC (Basic)

Phase 1 Implementation Rule

- April 15, 2004 final rule signed.
- Classifications, attainment dates and attainment date extensions.
- Timing of emissions reductions needed for attainment (section 51.908).
 - The State must provide for implementation of all control measures needed for attainment no later than the beginning of the attainment year ozone season.
 - Attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date.

Petitions for Reconsideration

8-Hour Rule, Phase 1

- Three petitions received on various issues, including overwhelming transport.
- January 10, 2005 letter grants EarthJustice petition, with respect to overwhelming transport
 - Overwhelming Transport guidance was not available when Phase 1 rule was issued.
- EPA will issue proposed rulemaking and draft guidance on overwhelming transport.

Overwhelming Transport Area

- Phase 1 rule requires [51.904(a)(1)-(3)]:
 - Rural area under section 182(h) (only 7-8 areas may be eligible)
 - Local emissions relatively minor.
 - Insignificant contribution to ozone elsewhere.
- Currently
 - Revising guidance on “relatively minor” and “insignificant contribution.”
 - Will invite comment on revised guidance and proposed rule requirements (this summer).

Overwhelming Transport Area

Technical Guidance

- Outlines approach for States to demonstrate an area should receive the classification.
 - Describe analyses performed, data bases used, key assumptions and outcomes of each analysis.
 - Show why the evidence, as a whole, supports a conclusion that the area is overwhelmingly affected by transport and does not significantly contribute to downwind problems.
- Describes analytical tools which involve assembling emissions, air quality, meteorological, and/or photochemical grid modeling data.

What requirements might apply in overwhelming transport areas?

- Subpart 1 nonattainment areas are subject to section 172(c), include: *RACT/RACM, RFP, contingency measures, and attainment demonstration.*
- Plan to propose **attainment demonstration** can be met by:
 - National or regional modeling,
 - Upwind area's demonstration, OR
 - Local modeling

NOx Waiver Guidance For the 8-Hour Ozone Standard

- NOx requirements do not apply if [section 182(f)]:
 - (1) Net air benefits are greater w/o NOx reductions,
 - (2) NOx reductions don't contribute to attainment, or
 - (3) NOx reductions don't produce net ozone benefits in an ozone transport region.
- In addition, EPA may "limit the application of section 182(f) to the extent necessary to avoid achieving such excess reductions."

What NOx Requirements Can Be Waived?

- RACT,
- Nonattainment NSR,
- Inspection and maintenance,
- Conformity, and
- Title V applicability.

Experience with 1-Hour Ozone Waivers

- Guidance issued for 1-hour ozone in 1993
- 48 waivers were granted 1993-96
 - 28 granted based on 3 years of clean data
 - 20 based on modeling

June 2, 2003 8-Hour Ozone Proposal

- Extend the NO_x waiver provisions to subpart 1.
- Use same concepts as 1-hour waiver guidance; update modeling; and include PM_{2.5}.
- Require areas with 1-hour waiver to obtain separate approval for the 8-hour waiver.

July 2004 Draft Guidance

- The guidance describes what technical analyses to include in a NOx waiver petition.
- Notice of Availability on September 1, 2004
 - 2 comments received; request more modeling details.
- Final version very similar to July draft.
- Related regulatory issues will be addressed in the final 8-hour rule, Phase 2.

Section 110(l) of the CAA

The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.

Recent/Upcoming Section 110(I)

Demonstrations:

- Louisville substituting I/M with stationary source reductions
- Cincinnati, KY (“Northern KY”) substituting I/M with area source reductions
- Cincinnati, OH removing I/M—not yet determined how will demonstrate noninterference for the 8-hour.
- Miami, FL (attainment) removing Stage II from one gas station; will possibly substitute with alternative technology.

Section 110(I)

- Sec. 110(I) applies in attainment, nonattainment, maintenance and unclassifiable areas.
- Noninterference applies to anything in the SIP, all six NAAQS, air toxics, federal measures, etc.
 - For example, removal of an I/M program might require a demonstration for CO, VOCs, NO_x and PM_{2.5}.
- We expect to send the draft guidance for STAPPA/ALAPCO review in June.

Draft Section 110(I) Guidance

- Two options for demonstrating noninterference
 - Air quality analysis
 - Substitution

Air quality analysis

- An attainment or maintenance demonstration that shows attainment/maintenance without the measure.
- Alternative analyses would be on a case-by-case basis.
 - Example alternatives: dispersion modeling, ambient AQ analyses, AQ trends and emissions trends.

Substitution

- Replace dropped measure with another measure that obtains equivalent or greater emission reductions.
- Areas with an approved attainment or maintenance demonstration can substitute with existing or new measures.
- Interpollutant and precursor swaps okay but must be accompanied by technical support to justify the swap. Same for substitute measures that come from outside of the nonattainment or maintenance area.

Status of 8-hr ozone phase 2 rule

- Logged in OMB for review March 7, 2005.
- OMB also looking at several other EPA rules.
 - BART rule (originally schedule for signature on 4/15/05 and now extended to 6/15/05)
 - PM2.5 implementation rule proposal (which has been at OMB since October 2004).
- Currently expect signature of the Phase 2 8-hr O3 implementation rule in mid- to late-summer.

Phase 2 Ozone Implementation Rule

Key issues

- Reasonable Further Progress requirements.
- Reasonably Available Control Technology
- Attainment Demonstration
 - (Proposed) due June 2007
 - Consistent with most recent EPA guidance
- New Source Review (NSR)

Questions or comments?