

# Update on EPA Rule Making

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# Climate Change - Regulatory Initiatives



- *Completed Actions*

- California Greenhouse Gas Waiver Request - Granted 6/30/09
- GHG Reporting Rule - Final rule signed 9/22/09
  - Misc. amendments - See [www.epa.gov/climatechange/emissions/notices.html](http://www.epa.gov/climatechange/emissions/notices.html)
- Endangerment Finding - Signed 12/7/09
- Renewable Fuel Standard Program (RFS2) - Final rule signed 2/3/10
  - 2013 Standards proposed in FR on 2/7/13
- Light-Duty Vehicle GHG Emissions Standards for Model Year 2012-2016 - Final rule signed 4/1/10
- PSD and Title V GHG Tailoring Rule - Final rule signed 5/13/10
- GHG Permitting - SIP Call, Failure to Submit, FIP, Narrowing Rule - Final rules signed in 12/10
- GHG and fuel efficiency standards for Medium- and Heavy-Duty Engines and Vehicles, beginning model year 2014 - Final rule signed 8/9/11

More info: [www.epa.gov/climatechange/EPAactivities/regulatory-initiatives.html](http://www.epa.gov/climatechange/EPAactivities/regulatory-initiatives.html)

# Climate Change - Regulatory Initiatives - con't



- *Completed Actions*

- GHG Permitting - Final Biomass Deferral - Final rule published 7/20/11
- Oil and Natural Gas Air Pollution Standards - Final rule issued 4/17/12
- GHG Permitting - Tailoring Rule Step 3 - Final rule published 7/12/12
- GHG and CAFE Standards for 2017 and Later Model Year Light-Duty Vehicles - Final rule published 10/15/12

- *Pending Actions*

- Carbon Pollution Standard for New Power Plants - Proposed on 3/27/12.
- 5-year GHG NSR study and GHG Tailoring Rule Step 4 rule - Both planned to be completed by 4/16
- GHG standards for Medium- and Heavy-Duty Engines and Vehicles, model year 2018 and later - Under development

More info: <http://www.epa.gov/climatechange/EPAactivities/regulatory-initiatives.html>

# Climate Change Regulations - Legal Challenges



- EPA was challenged through a group of lawsuits on (1) the 2009 Endangerment Finding, (2) the Light Duty Vehicle Rule, and (3) the Tailoring Rule.
- On June 26, 2012, the U.S. Court of Appeals- D.C. Circuit upheld EPA's Endangerment Finding and greenhouse gas regulations issued under the Clean Air Act (CAA) for passenger vehicles and CAA permitting for stationary sources.
- The U.S. Chamber of Commerce and the National Association of Manufacturers (with others) filed petitions to D.C. Circuit Court to rehear the case. DOJ and EPA provided a response on Oct 12, 2012.
  - On Dec 20, the D.C. Court voted 6-2 to decline the rehearing.
- On March 20, the Pacific Legal Foundation, the Utility Air Regulatory Group, and the state of Virginia filed petitions with Supreme Court challenging D.C. Court decisions
  - Supreme Court has set an April 19 deadline (30-day extension from original Mar 20 deadline) for others to file an appeal.

# GHG Standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles



## 1<sup>st</sup> Phase

- Issued April 2010 by EPA and DOT
- Applies to model year 2012-2016
- Increases fuel economy by approx. 5%/year
- Sets an average emissions level of 250 grams of CO<sub>2</sub> per mile in MY 2016—equivalent to 35.5 mpg

## 2<sup>nd</sup> Phase

- Issued August 2012 by EPA and DOT
- Applies to MY 2017-2025
- Sets an average emissions level of 163 grams of CO<sub>2</sub> per mile in MY 2025—equivalent to 54.5 mpg

## Benefits of National Program for MY 2012-2025

- Saves \$1.7 trillion in fuel costs
- Reduces dependence on oil by more than 2 million barrels/day in 2025
- Cuts 6 billion metric tons of GHGs over the lifetimes of the vehicles sold in MYs 2012-2025

# Proposed Carbon Pollution Standard for New Plants



- On March 27, 2012, EPA proposed for public comment the first-ever national GHG standard for new power plants
  - EPA received over 2 million comments from the public
- Applies to new
  - Fossil fuel-fired boilers
  - Integrated Gasification Combined Cycle (IGCC) units
  - Natural Gas Combined Cycle (NGCC) units
- Proposes output-based emission standard of 1,000 pounds of CO<sub>2</sub> per megawatt-hour
- Proposed standard could be met by modern natural gas-fired combined cycle units
- Alternative 30-year compliance pathway proposed to allow new efficient coal-fired plants with plans to incorporate Carbon Capture and Storage (CCS) at a later date (10 year delay)

# Proposed Carbon Pollution Standard for New Plants - con't



Does not apply to:

- Existing units - including modifications such as changes needed to meet other air pollution standards
- New power plants that have permits and start construction within 12 months of proposal
- New units located in non-continental areas, which include Hawaii and the territories
- New units that do not burn fossil fuels, e.g. biomass only
- Simple cycle natural gas combustion turbines (i.e., peaking units)

# GHG Tailoring Rule - Actions Completed to Date



## Steps 1 and 2

- Established GHG applicability criteria for large air emissions sources (e.g., new sources >100,000 tons CO<sub>2</sub>e, increases >75,000 tons CO<sub>2</sub>e at certain sources)
- Went into effect on January 2 and July, 2011

Steps 1 and 2 lawsuit dismissed due to lack of jurisdiction by the US Court of Appeals on June 26, 2012

## Step 3

- Finalized in July 2012
- Did not lower the applicability thresholds under Steps 1 and 2; these thresholds still apply
- Establishes GHG PALs for GHG-only sources on a CO<sub>2</sub>e basis in addition to the already available mass-basis

Petition for review submitted to the DC Circuit by various industry groups on September 10, 2012

More info: [www.epa.gov/nsr/actions.html](http://www.epa.gov/nsr/actions.html)

# GHG Permitting - Streamlining Options Development



## GHG Permit Streamlining Workgroup

- Tasked with developing and recommending to EPA potential streamlining approaches for GHG permitting
- Comprised of representatives from states and local agencies, tribes, industry, one environmental group, and EPA
- Started in April 2012 and completed its work in September 2012

## EPA Next Steps

- Review CAAAC GHG Permit Streamlining Workgroup observations
- Review possible streamlining approaches as identified in the Tailoring rule and further analyze the comments received for these and other streamlining approaches
- Take action on viable streamlining options after the opportunity of public notice and comment

# GHG Permitting - Future Actions



## GHG 5-Year Study

- Purpose is to collect data on GHG permitting activity and burden for both the PSD and Title V programs
- Will be used to support future threshold decisions
- Final study is due by April 30, 2015

## Tailoring Rule - Step 4

- Information from 5-Year study will be used to support a “Step 4” rule that might phase-in GHG permitting for smaller sources
- Determination of whether to lower the thresholds in this rulemaking will take into consideration the same criteria discussed in the Tailoring rule:
  1. The time that permitting authorities need [or needed] to ramp up their resources, including developing permitting infrastructure as well as hiring and training staff
  2. Sources’ abilities to meet the requirements of the PSD program and permitting authorities’ abilities to issue timely permits, including gaining experience with GHG permitting
  3. Whether the EPA and the states could develop [or developed] streamlining measures
- Rule is due on April 30, 2016

# GHG standards for Medium- and Heavy-Duty Engines and Vehicles, model year 2018 and later - Under development



- The 2011 Phase 1 rules covered fuel efficiency and GHG rules for medium- and heavy-duty (MD/HD) vehicles for model years 2014-2018.
  - Reduces CO<sub>2</sub> emissions by 270 million metric tons and saves 530 million barrels of oil over the life of vehicles built for MY 2014 to 2018
- EPA considering "phase two" of the rulemaking for future model years. May include:
  - Consider additional and new technologies
  - Consider refining test procedures and the GEM vehicle simulation compliance model
  - Update technology, economic and environmental assessments
  - Consider more stringent standards and timing
  - Consider updating flexibilities
- Phase 2 Research - Next phase of rules will be informed by:
  - National Research Council study issued in 2010: *"Technologies and Approaches to Reducing the Fuel Consumption of Medium- and Heavy-Duty Vehicles"*
  - National Highway Traffic Safety Administration (NHTSA): Multi-year study of fuel-efficiency technologies for medium- and heavy-duty vehicles (Classes 2b-8)
  - EPA developing refinements to the Greenhouse Gas Emissions Model (GEM) for Medium- and Heavy-Duty Vehicle Compliance

# Air Quality - Regulatory Initiatives



- **Will Cover**

- NAAQS Review Schedule
- Ozone
- $PM_{2.5}$
- Regional Haze
- Regional Transport
- Tier 3 Vehicle Standards
- $SO_2$  Implementation

- **Won't Cover**

- Boiler NESHAPS (covered at Feb SIPRAC)
- RICE NESHAPS (covered at Feb SIPRAC)
- EPA Mercury and Air Toxics Standards (MATS)
  - Limits for new power plants updated March 28, 2013 - little affect in CT

# Current Schedule for Ongoing NAAQS Reviews



MILESTONE	POLLUTANT						
	NO <sub>2</sub> /SO <sub>2</sub> Secondary	PM	Ozone*	Lead	NO <sub>2</sub> Primary	SO <sub>2</sub> Primary	CO
NPR	<u>July 12, 2011</u>	<u>Jun 14, 2012</u>	Oct 2013	Feb 2014	Aug 2015	Feb 2016	Jul 2016
NFR	<u>Mar 20, 2012</u>	<u>Dec 14, 2012</u>	Sept 2014	Nov 2014	May 2016	Nov 2016	Apr 2017

NOTE: Underlined dates indicate court-ordered or settlement agreement deadlines.

\* Dates from: [www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AP38](http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201210&RIN=2060-AP38)

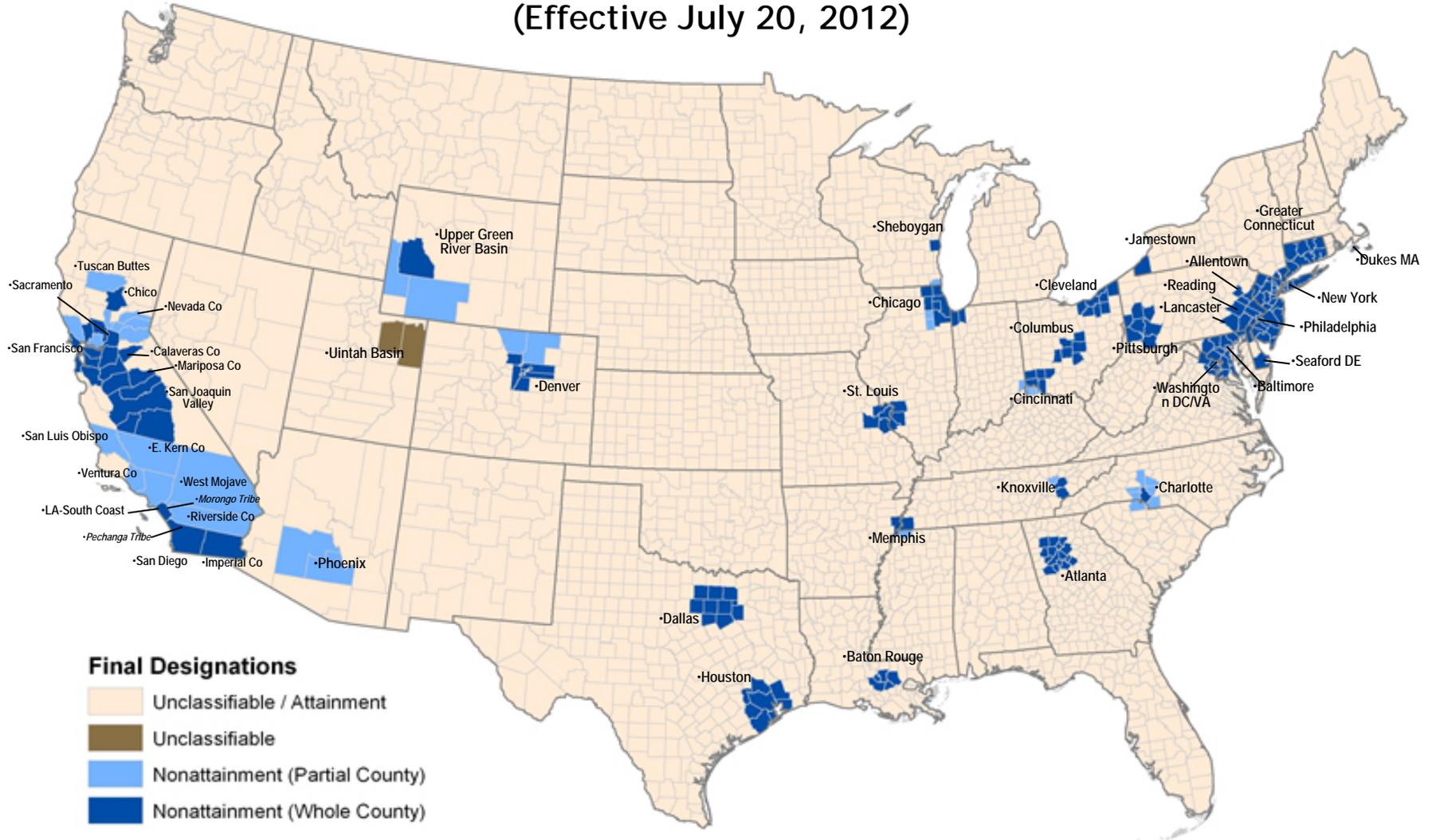
# 2008 Ozone NAAQS Designations and Implementation



- Final Area Designations
  - 46 areas designated nonattainment including 2 separate tribal areas
    - Only 3 had never before been designated nonattainment for ozone
  - Designations effective July 20, 2012 (77 FR 30088 and 77 FR 34221-Chicago)
- Ozone Designations Petitions
  - EPA received numerous petitions requesting EPA to reconsider and/or stay its designation decisions for certain areas
    - 6 Nonattainment Areas
    - 1 Unclassifiable Area
    - 15 Attainment Areas (in 8 states)
  - On Dec 14, 2012, EPA denied 29 petitions asking for reconsideration and/or stays of certain final area designations.
  - EPA continues to believe that the technical information supporting our final designations provides a sound basis for our decisions.

# Nonattainment Areas for 2008 Ozone NAAQS

(Effective July 20, 2012)



## Notes:

EPA has not designated as nonattainment any areas outside the Continental US.

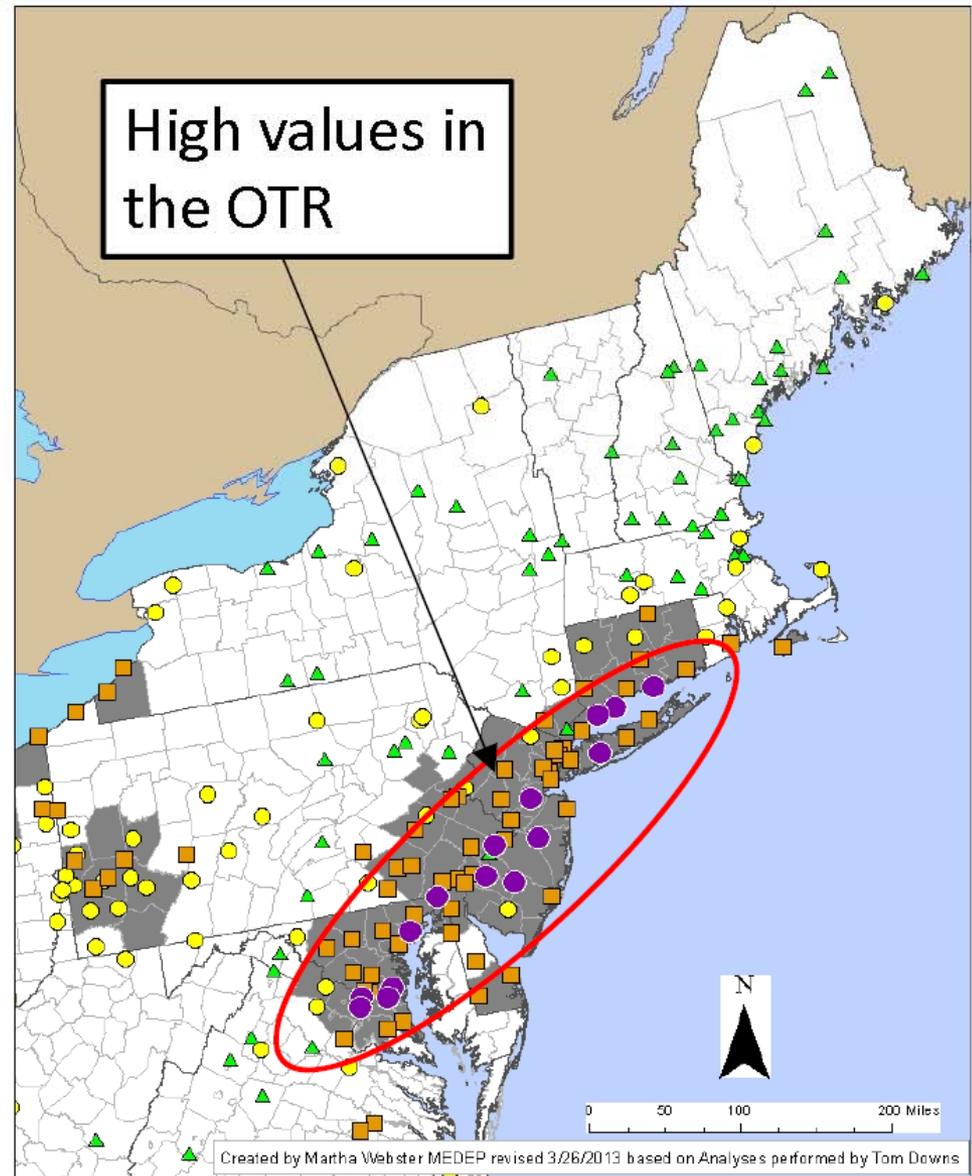
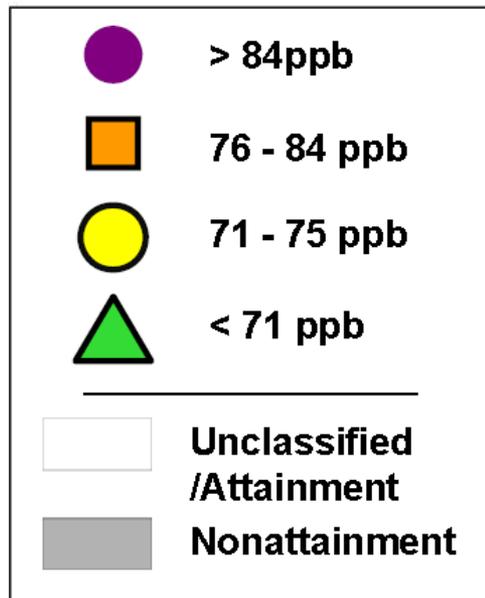
# 2008 Ozone NAAQS Designations and Implementation (cont.)



- **2008 Ozone NAAQS Classifications Rule**
  - Signed April 30, 2012, effective July 20, 2012 (77 FR 30160)
  - Established classification thresholds and end-of-year attainment dates
    - Most areas in the East are marginal with Dec 31, 2015 attainment date
  - Reclassified 6 areas in California that had previously requested bump-up for 1997 NAAQS
  - Revoked the 1997 standard, effective July 20, 2013, only for purposes of transportation conformity
- **2008 Ozone NAAQS SIP Requirements Rule**
  - Rule and guidance addressing SIP requirements under Subpart 2
  - States were briefed on the draft proposal last July
  - Signature on proposal expected soon

# Preliminary 2012 Ozone Design Values

3-Year average of the 4<sup>th</sup> high concentration for 2010, 2011, 2012



# Other Ozone-related Actions



## Findings of Failure to Submit Infrastructure SIPs for 2008 Ozone NAAQS

- On Jan 4, 2013 - EPA issued findings for 28 states, Wash DC and Puerto Rico.
  - Findings were issued pursuant to Oct 17, 2012 court order from the U.S. District Court in the Northern District of California.
- In New England, findings covered ME, MA and VT.
  - CT DEEP submitted its ozone infrastructure SIP on Dec 28, 2012
- Findings establish a 24-month deadline by which EPA must either approve a SIP or finalize a FIP for the outstanding SIP elements.
- EPA did not issue findings of failure to submit interstate transport SIPs addressing section 110(a)(2)(D)(i)(I) of the CAA.
  - In the D.C. Circuit Court decision on Cross State rule, the court *concluded* that a SIP cannot be deemed to lack a required submission or deemed deficient for failure to meet the 110(a)(2)(D)(i)(I) obligation until after the EPA quantifies that obligation.

## Adverse Action Against Findings Rulemaking

- On March 14, CT, DE, DC and MD filed a joint Petition for Judicial Review with Court of Appeals for the DC Circuit
- On March 18, EDF and Sierra Club filed a petition for administrative reconsideration with EPA
- On March 18, EDF and Sierra Club also filed Petition for Judicial Review with Court of Appeals for the DC Circuit

# Other Ozone-related Actions



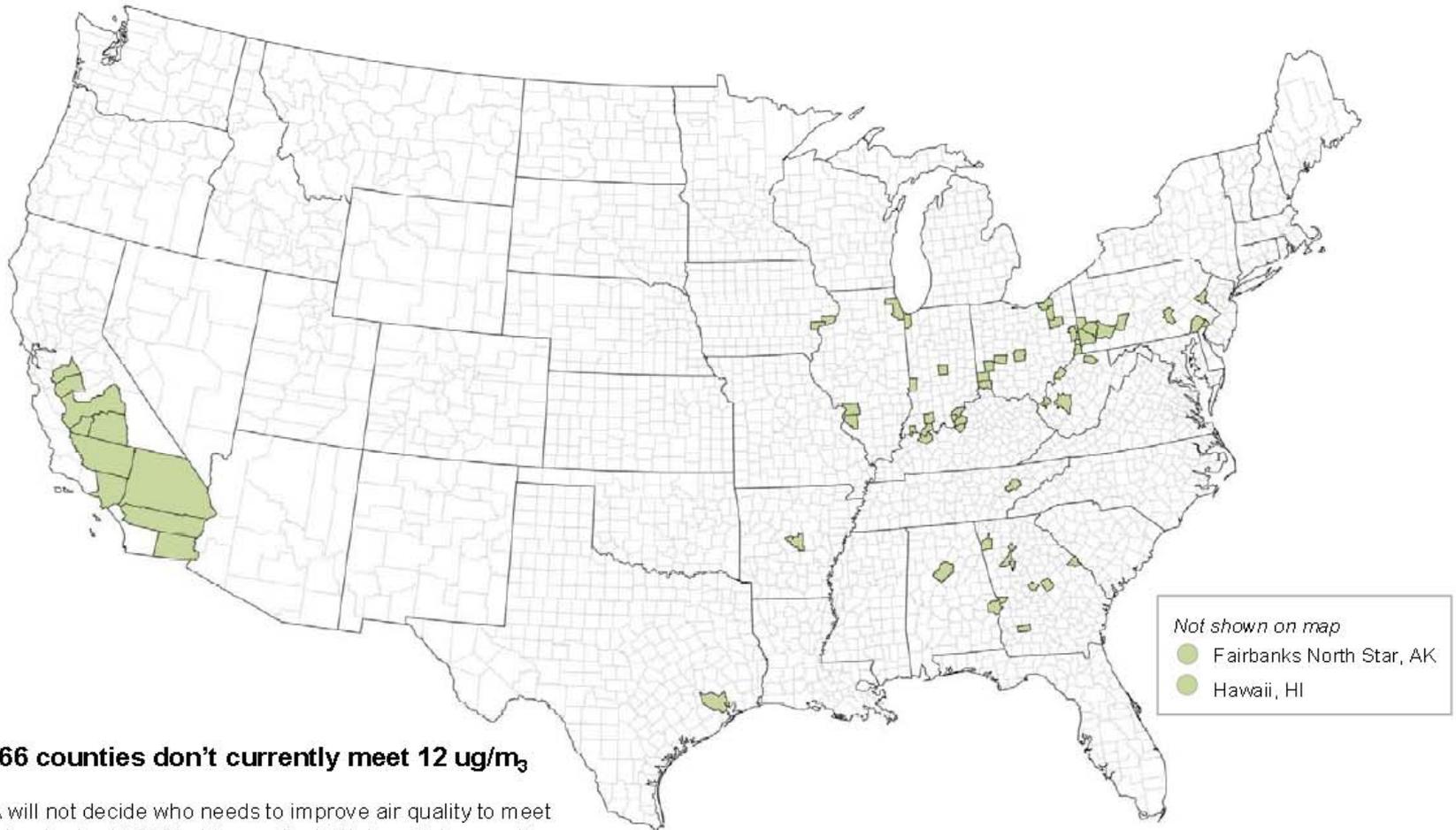
- Widespread Use of Onboard Refueling Vapor Recovery and Stage II Waiver
  - Final rule effective May 16, 2012 (77 FR 28772)
  - August 7, 2012, issued guidance for states on:
    - Methodologies to demonstrate compliance with specific CAA provisions in sections 110(l) and 193 governing EPA approval of SIP revisions
    - New technical and policy guidance for areas of the Ozone Transport Region (OTR) on implementing measures under CAA section 184(b)(2) capable of achieving emissions reductions comparable to those achievable by Stage II controls
- All New England states working on SIP changes to phase out Stage 2 vapor recovery controls

# PM<sub>2.5</sub> NAAQS Revisions



- Final revisions signed Dec 14, 2012
- Details include:
  - Annual standard for PM<sub>2.5</sub> changed to 12.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).
    - The existing annual standard of 15.0  $\mu\text{g}/\text{m}^3$  set in 1997.
  - Retained daily PM<sub>2.5</sub> standard of 35  $\mu\text{g}/\text{m}^3$  set in 2006.
  - Retained existing secondary standards for PM<sub>2.5</sub>.
  - Retained existing standards for coarse particles (PM<sub>10</sub>) set in 1987.
  - Updating the Air Quality Index (AQI) to reflect the revisions to the PM<sub>2.5</sub> standard.

# Most of the U.S. Already Meets the Annual Fine Particle Health Standard of $12 \mu\text{g}/\text{m}^3$



EPA will not decide who needs to improve air quality to meet the standard until 2014 at the earliest. States will have until 2020-2025 to meet the standard.

Source: 2009-2011 air quality data as of July 15, 2012  
For more information: [www.epa.gov/pm](http://www.epa.gov/pm)

## EPA Projections Show 99% of U.S. Counties with Monitors Would Meet the Annual Fine Particle Health Standard of $12\ \mu\text{g}/\text{m}^3$ in 2020



**7 counties are projected not to meet  $12.0\ \mu\text{g}/\text{m}^3$  in 2020.**

All of these are already under requirements to reduce  $\text{PM}_{2.5}$ .

# PM<sub>2.5</sub> NAAQS Revisions: Implementation Timeline



Milestone	Date
EPA issues Final Rule - includes PSD rule revisions/guidance	Dec 14, 2012
EPA issues Designations Guidance	April 2013
PM NAAQS effective date	Mar 18, 2013
State Designation Recommendations to EPA/ EPA issues Proposed Implementation Rule	Dec 2013
EPA issues Final Area Designations/ EPA issues Final Implementation Rule	Dec 2014
State Infrastructure SIPs due	Early 2016
Attainment Demonstration SIPs Due	Early 2018
Attainment Dates (depends on severity of problem)	2020-2025



# Ongoing PM<sub>2.5</sub> NAAQS Implementation



## 2006 PM<sub>2.5</sub> NAAQS

- Attainment demonstration SIPs due Dec 2012
  - 20 of 32 areas attaining based on 2009-2011 data
- Clean Data Determination for the NY-NJ-CT 24-hour PM<sub>2.5</sub> nonattainment area published Dec 31, 2012
  - CDD suspends the requirements to submit an attainment demonstration, and other planning SIPs related to attainment for so long as the area continues to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS

# DC Circuit Decision on PM<sub>2.5</sub> Implementation Rule and PM<sub>2.5</sub> NSR/PSD Rule



- On Jan 4, 2013, the DC Circuit Court remanded the two rules below back to EPA to repromulgate. The Court did not vacate the rules and did not set a deadline for EPA to issue new rules.
  - 2007 PM<sub>2.5</sub> Implementation Rule for the 1997 annual and 24-hour NAAQS
  - 2008 NSR/PSD rule for the 1997 PM<sub>2.5</sub> NAAQS
- The Court ruled that the Clean Air Act requires implementation of the PM<sub>2.5</sub> NAAQS under subpart 4 (the requirements for PM<sub>10</sub> nonattainment areas) rather than under the general requirements for nonattainment areas (subpart 1).
  - Relative to subpart 1, subpart 4 is more specific about what states must do to bring areas into attainment through the establishment of a two tier classification system for nonattainment areas (Moderate or Serious).
- EPA is assessing the effect of the Court's decision on a variety of SIP-related actions currently pending or anticipated in the short-term (for example, PM<sub>2.5</sub> redesignations).
- The agency also is assessing the impact of the decision on pending NSR actions in nonattainment areas for the 1997 and 2006 standards.



# Regional Haze: Status in New England



- Regional Haze SIPs were due Dec 2007
- EPA issued a “finding of failure to submit” in Jan 2009
  - All New England states received this finding
  - Finding starts a two year Federal Implementation Plan (FIP) clock
- On January 19, 2011, National Parks Conservation Association (NPCA) and several others filed a Notice of Intent to sue for EPA’s failure to act upon the Regional Haze SIPs.
- EPA’s Proposed Consent Decree with NPCA et al., published December 2, 2011.

# Consent Decree Schedule for New England States



State	Proposed Action	Final Action
Maine	November 15, 2011 ✓	March 15, 2012 ✓
Vermont	February 15, 2012 ✓	June 15, 2012 ✓
New Hampshire	February 15, 2012 ✓	June 15, 2012 ✓
Rhode Island	February 15, 2012 ✓	June 15, 2012 ✓
Massachusetts	May 15, 2012 ✓	Sept 14, 2012 ✓
Connecticut*	January 11, 2013 ✓	April 26, 2013

\*The dates for CT were extended in Nov 2012 to allow EPA to repropose CT's Haze SIP

# Action on CT Regional Haze SIP



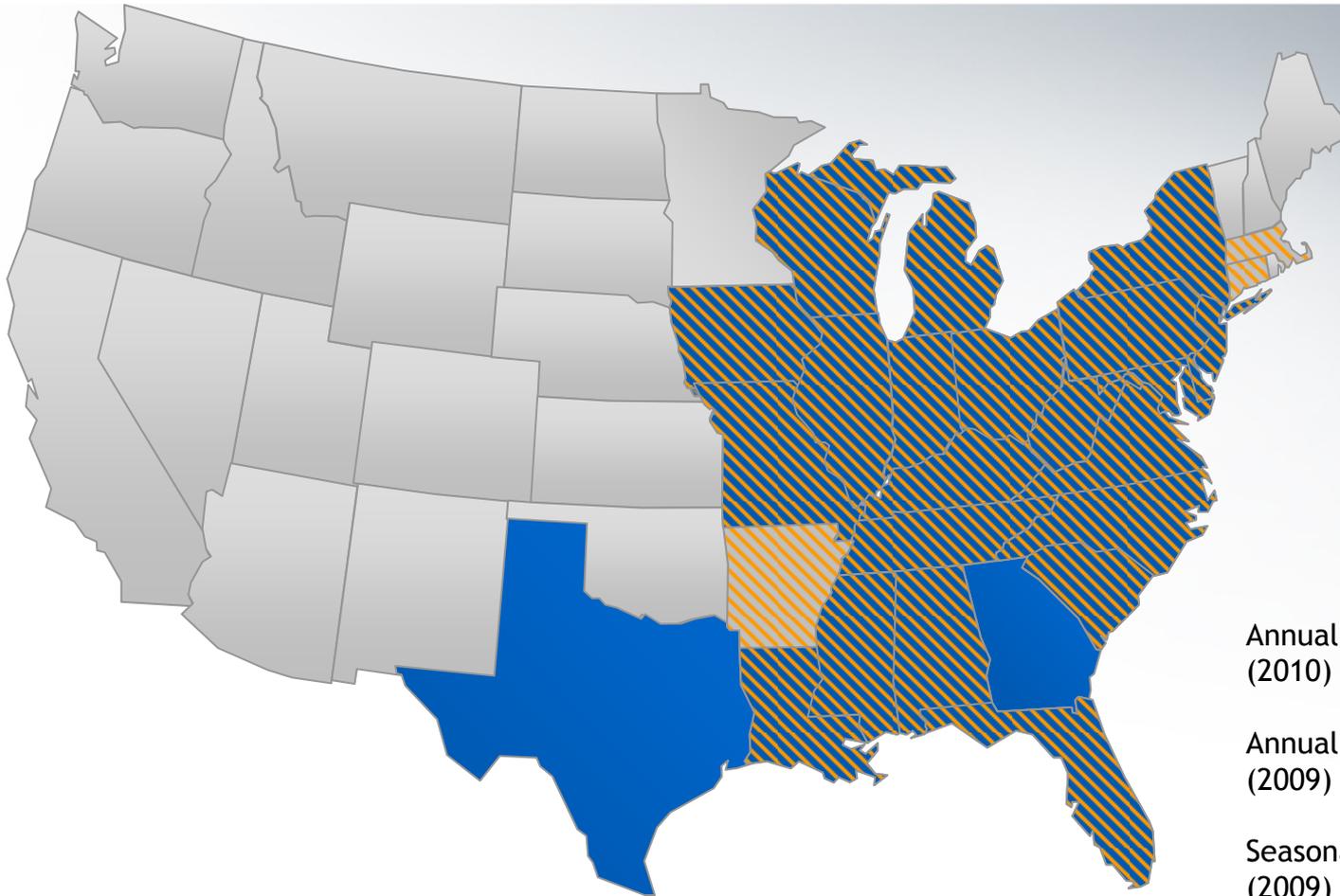
- In its Nov 19, 2009 Regional Haze SIP, CT DEEP partly relied in its Clean Air Interstate Rule (CAIR) regulation (22a-174-22c) in its Alternative to BART for NO<sub>x</sub>.
- Since CT was not included in EPA's Aug 2011 Cross-State Air Pollution Rule (CSAPR), CT DEEP proposed 22a-174-22d in Dec 2011 as a replacement to CAIR.
- On March 26, 2012, EPA proposed to approve the CT Regional Haze SIP with a reliance on CT's proposed CAIR replacement rule (22a-174-22d).
- In August 21, 2012, D.C. Circuit Court vacated CSAPR while keeping CAIR in place.
- In Nov 2012, CT DEEP withdrew the request for parallel processing of 22a-174-22d.
- On January 24, 2013, EPA published a supplemental proposed rulemaking proposing the approval of the use CT's still active CAIR rule (22a-174-22c) as one component of the Connecticut Alternative to BART for NO<sub>x</sub>.
  - EPA received joint adverse comments from Sierra Club, Earthjustice, and National Parks Conservation Association. We also received supportive comments from UARG.
- Final EPA action on the Connecticut Regional Haze SIP is due by April 26, 2013

# Status of EPA Efforts to Address Interstate Air Transport



- EPA finalized the Cross-State Air Pollution Rule (CSAPR) under the “good neighbor” provision of the Clean Air Act to reduce transported pollution that significantly affects downwind nonattainment and maintenance problems.
- December 30, 2011: The United States Court of Appeals for the D.C. Circuit issued a ruling to stay the CSAPR pending judicial review.
- August 21, 2012: D.C. Circuit Court issued a ruling to vacate and remand the Cross-State Rule to the EPA.
  - Court ordered EPA to continue to implement CAIR “pending the promulgation of a valid replacement”
- November 19, 2012: EPA memo\* provides guidance on pending actions affected by the CSAPR Court decision.
- January 24, 2013: D.C. Circuit Court denied EPA's petition for rehearing en banc of the Court's decision to vacate CSAPR.
- March 29, 2013: The U.S. Solicitor General petitioned the Supreme Court to review the D.C. Circuit Court's decision on CSAPR.

# States Covered by CAIR



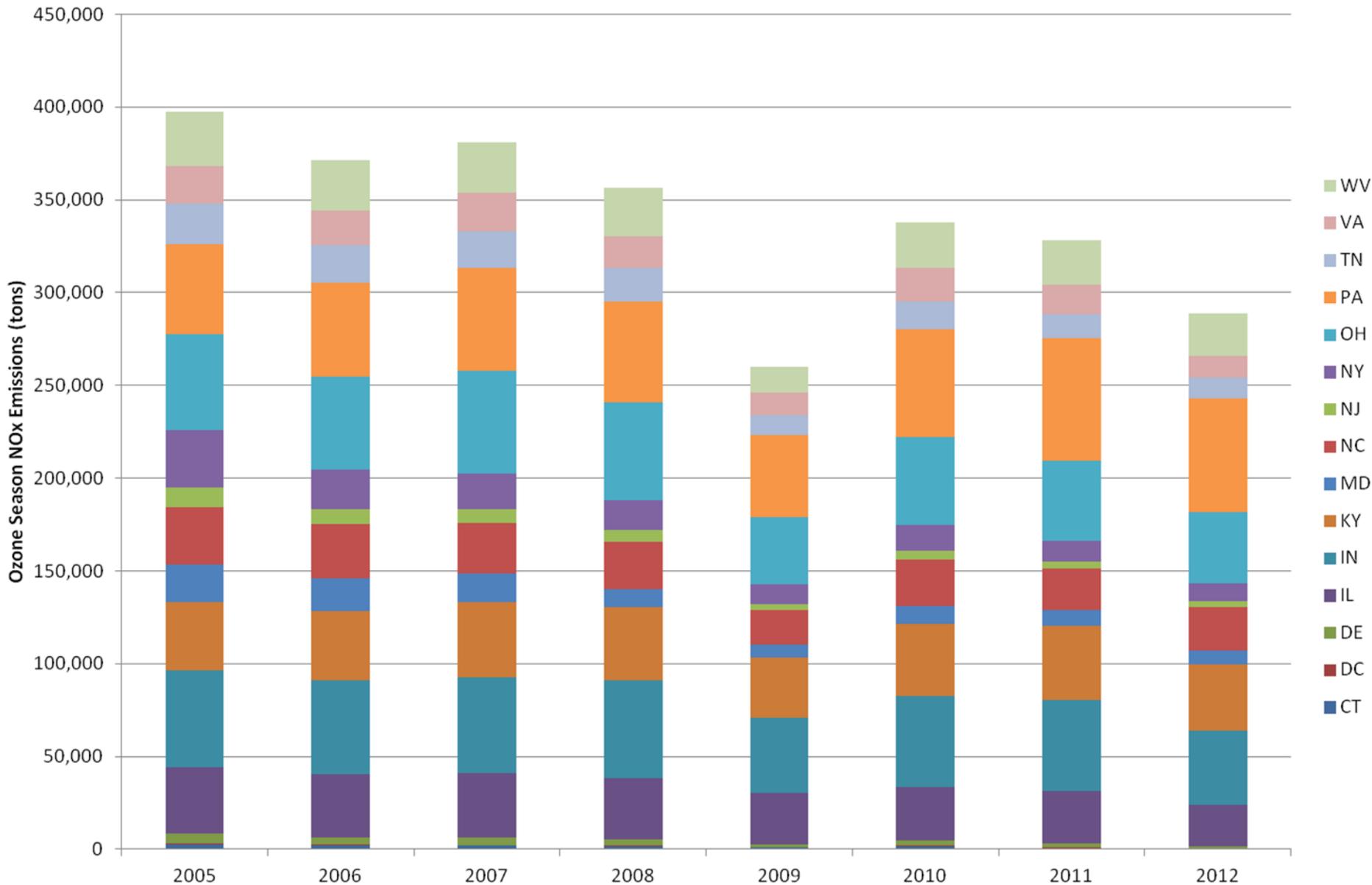
-  •States not covered by CAIR
-  •States controlled for fine particles (annual SO<sub>2</sub> and NO<sub>x</sub>)
-  •States controlled for both fine particles (annual SO<sub>2</sub> and NO<sub>x</sub>) and ozone (ozone season NO<sub>x</sub>)
-  •States controlled for ozone (ozone season NO<sub>x</sub>)

## Emission Caps\* (million tons)

	<u>2009/2010</u>	<u>2015</u>
Annual SO <sub>2</sub> (2010)	3.6	2.5
Annual NO <sub>x</sub> (2009)	1.49	1.24
Seasonal NO <sub>x</sub> (2009)	0.57	0.48

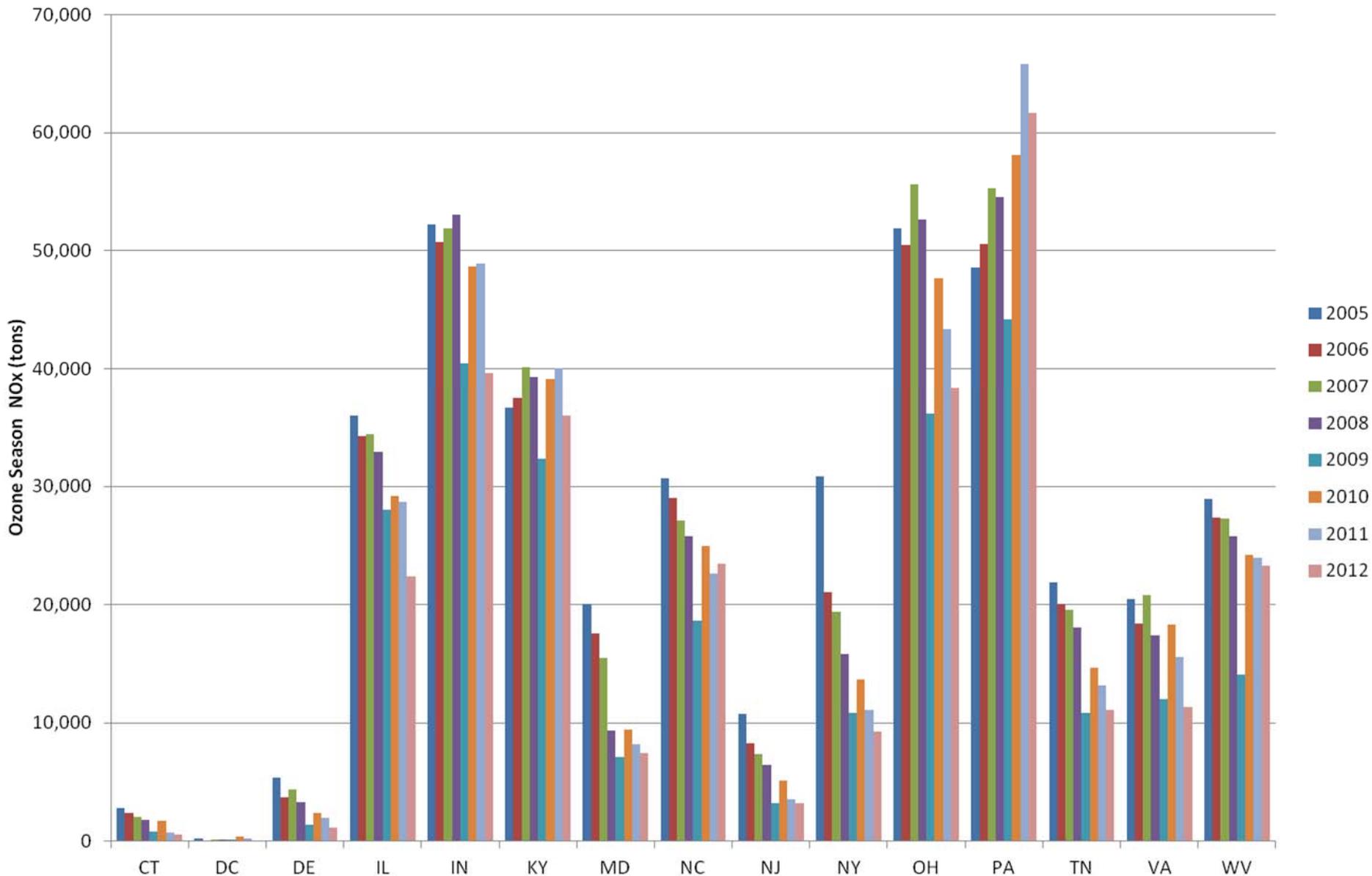
*\*For the affected region.*

# Ozone Season NOx Emissions from Electrical Generating Units in States Impacting Connecticut under CSAPR\*, plus DC, DE & CT



\* See: [www.gpo.gov/fdsys/pkg/FR-2011-08-08/pdf/2011-17600.pdf](http://www.gpo.gov/fdsys/pkg/FR-2011-08-08/pdf/2011-17600.pdf), page 48246

# Ozone Season NOx Emissions from Electrical Generating Units in States Impacting Connecticut under CSAPR, plus DC, DE & CT



# CSAPR Decision



- CSAPR court opinion addressed two key issues:
  - Significant contribution and interference with maintenance
    - "...the collective burden must be allocated among the upwind States in proportion to the size of their contributions to the downwind State's nonattainment."
    - "...once EPA reasonably designates some level of contribution as "insignificant" under the statute, it may not force any upwind State to reduce more than its own contribution to that downwind State minus the insignificant amount."
    - "EPA's authority to force reductions on upwind States ends at the point where the affected downwind State achieves attainment."
  - FIP Authority
    - "When EPA quantifies States' good neighbor obligations, it must give the States a reasonable opportunity to implement those obligations."

# Stakeholder Outreach process



- EPA is seeking input from states on the next steps to address the transport of air pollution across state boundaries.
- Two meetings with States to discuss approaches:
  - April 8, 2013, RTP, NC
  - April 17, 2013, Denver, CO
- Topics for discussion at the meetings include:
  - Outline of steps for addressing transport
  - Format for defining upwind states' obligation (air quality or emission reduction targets)
  - Addressing proportionality (how to balance multiple state linkages)
  - Consideration of cost
  - Avoiding unnecessary “over-control”
  - EPA and states' roles and responsibilities
  - Key technical aspects (such as which years and emission inventories to use in modeling)

# Tier 3 Vehicle Emission and Fuel Standards Program



- Proposed March 29, 2013
- Proposes new vehicle emissions standards and lower the sulfur content of gasoline beginning in 2017.
- Emission reductions from the Tier 3 program would lead to immediate air quality improvements.

# Tier 3 Vehicle Emission and Fuel Standards Program- con't

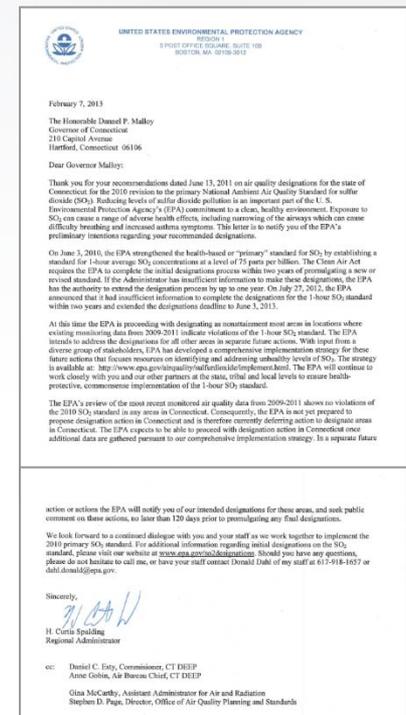


- Compared to current standards, the proposed non-methane organic gases (NMOG) and nitrogen oxides (NO<sub>x</sub>), presented as NMOG+NO<sub>x</sub>, tailpipe standards for light-duty vehicles represent approximately an 80% reduction from today's fleet average and a 70% reduction in per-vehicle particulate matter (PM) standards.
- Proposed heavy-duty tailpipe standards represent about a 60% reduction in both fleet average NMOG+NO<sub>x</sub> and per-vehicle PM standards.
- Also proposing that gasoline contain no more than 10 parts per million (ppm) of sulfur on an annual average basis by January 1, 2017.

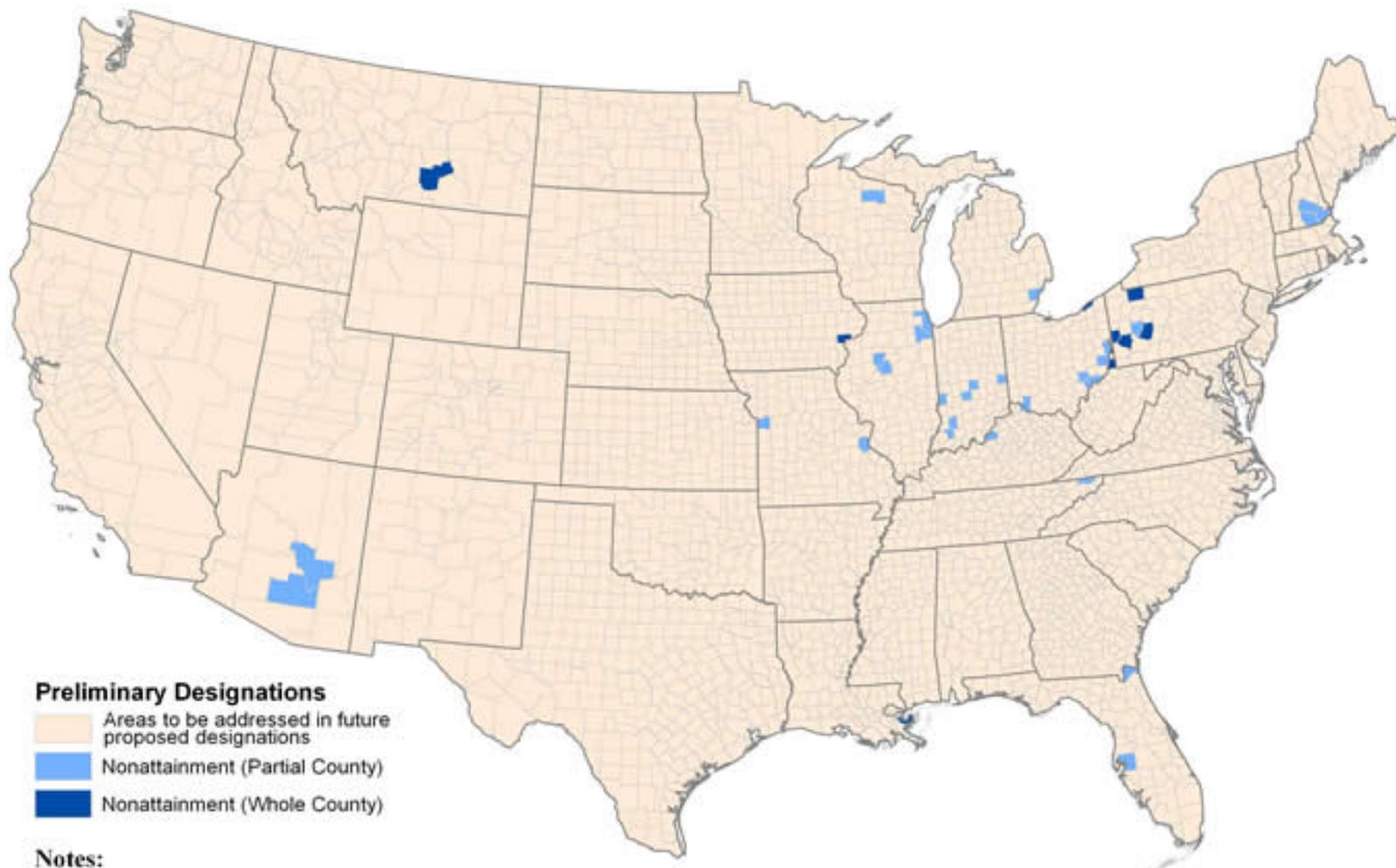
# SO<sub>2</sub> NAAQS Designations



- SO<sub>2</sub> NAAQS
  - New primary SO<sub>2</sub> 1-hr standard (75 ppb) promulgated in June 2010
- Designations
  - SO<sub>2</sub> designations guidance was issued March 24, 2011. State designation recommendations were submitted June 2011.
  - July 27, 2012 FR notice extends to June 2013 the date for completing designations for all areas
  - SIPs due 18 months after effective date of designations.
- 120 day letters
  - On Feb 7, 2013, EPA sent letters to Governors informing them of the agency's intended nonattainment designations for areas with existing monitored violations.
    - EPA anticipates designating 30 areas in 16 states as "nonattainment."
    - CT letter: No monitored violations; thus, deferring action to designate areas
  - States had until April 8 to provide additional information to EPA before the Administrator makes final decisions for these areas in June 2013.
  - On March 14, 2013, CT DEEP submitted its revised recommendation for the 1-hr SO<sub>2</sub> NAAQS.
    - CT DEEP is requesting a designed of attainment statewide.



# Map of Preliminary SO<sub>2</sub> Nonattainment Areas



**Notes:**

EPA is not intending to designate as nonattainment any areas outside the Continental US.

# SO<sub>2</sub> NAAQS Implementation



- Implementation for areas without violating monitors
  - Likely some areas without monitors have violations
  - On April 12, 2012, EPA said it no longer expecting the June 2013 section 110 infrastructure SIPs to include modeling demonstrations showing attainment in “remaining” areas
  - EPA issued May 2012 White Paper describing monitoring and modeling options for implementing the standard in areas not initially designated nonattainment
    - EPA held 3 Stakeholders meeting in May-June 2012 to seek additional input on the agency's approach for implementing the SO<sub>2</sub> standard
  - On Feb 7, 2013, EPA issued “Next steps for ... Designations and Implementation ...” document\*

\* See: [www.epa.gov/airquality/sulfurdioxide/pdfs/20130207SO2StrategyPaper.pdf](http://www.epa.gov/airquality/sulfurdioxide/pdfs/20130207SO2StrategyPaper.pdf)

# SO<sub>2</sub> NAAQS Next Steps



## Updated Strategy

- Provides a workable timeframe for designating additional areas once new regulatory provisions are in place;
- Focuses on priority sources based on size and populations in proximity;
- Provides flexibility for air agencies to characterize air quality in their jurisdictions - through monitoring, modeling, or a mix of both;
- Provides incentives and time for air agencies and sources to reduce emissions early and potentially avoid nonattainment designation in certain areas.

## Upcoming actions

- July 2013: EPA issues final technical assistance documents for modeling and monitoring
- Late 2014: EPA finalizes data requirements rule directing air agencies to characterize air quality by a date certain for priority sources
- 2015: States identify sources and areas for new monitoring, or that will be subject to modeling



# Questions