

**Questions Related to Redesignation Request & Maintenance Plan for the  
Washington DC-MD-VA 2008 Ozone NAAQS Nonattainment Area**

Clean Air Act Section 107 (d) (3) (E) outlines the requirements for redesignation of a nonattainment area to attainment. The above Section containing all five requirements along with questions related to each of them is being presented below.

"The Administrator may not promulgate a redesignation of a nonattainment area (or portion thereof) to attainment unless -

- (i) the Administrator determines that the area has attained the national ambient air quality standard;

*Questions -*

- a. *How does the Administrator determine that the area has attained the 2008 ozone NAAQS? Does EPA need to publish a "Clean Data Determination" for the region or is the certification of the 2015 ozone data by states sufficient for this purpose?*
- b. *Based on the Washington region's ozone design value for the period 2012-14 (0.076 ppm), the region did not meet the 2008 ozone NAAQS (0.075 ppm) by the attainment date (July 20, 2015). However, based on the data for the period 2013-15, the region's current design value is 0.070 ppm. Therefore, it currently meets the 2008 NAAQS. Since EPA has not finalized the proposed rule to extend the attainment date to July 20, 2016 yet, does the region need to ask EPA if it is timely to submit the redesignation request and maintenance plan?*
- c. *Similar question from dam to EPA: When does EPA expect to finalize the proposal for extending the attainment date? Also, when might EPA be looking to publish a clean data determination? This summer, maybe?*

- (ii) the Administrator has fully approved the applicable implementation plan for the area under section 110(k);

*Question - Does the approval of the 1997 ozone NAAQS attainment SIP by EPA on April 10, 2015 satisfy this requirement or do states also need to meet the requirements for the 2008 ozone NAAQS? In case of latter, the District, Maryland, and Virginia submitted and EPA approved the base year 2011 emissions inventory (approved in 2015) and emission statement (approved in 1994/95) as part of the 2008 ozone NAAQS implementation. However, the Nonattainment NSR rules (Marginal Area) due for submission by states by July 20, 2015 is pending for Maryland and Virginia for the 2008 ozone NAAQS. Do they need to be submitted and EPA needs to approve them before the redesignation request could be submitted?*

*Additional question from dam: while the NSR rules don't yet specifically mention or reference the 2008 ozone NAAQS, because of the area's inclusion in the OTR and the resulting OTR offset requirements, VA's NSR reg isn't going to change substantively from the current SIP approved rule. Would the NSR submittal continue to be a concern?*

- (iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D.”

*Question – Have all three states met all requirements for Section 110 and part D for the 2008 ozone NAAQS? The proposed EPA rule to extend the region’s attainment date by one year seems to suggest so. However, states need to confirm this.*

*Comments from dam - That's a tough one. We are under a FIP clock, but EPA has stated in the past that they expect the CSAPR-08 rule to address the 110(a)(2)(D) FIP requirements for the 2008 ozone NAAQS. On the other hand, the proposal calls the regulation a "partial" solution with no hint as to what a full solution would be or what is acceptable for 110(a)(2)(D). I'm guessing that by the time we'd have a RR/MP ready, the CSAPR-08 stuff would have been finalized and would be implemented, and that EPA would consider that as having met 110(a)(2)(D) requirements. But that is a guess.*

### **Milestone Years for Redesignation Request & Maintenance Plan**

- (i) Base Year – The base year for the 2008 ozone NAAQS is 2011. A comprehensive emissions inventory submitted to EPA for the base year 2011 was approved in 2015.
  - a. Question from dam: would we need to update the onroad and nonroad portion of the 2011 BY inventory with results from MOVES2014a?
  
- (ii) Attainment Year – The Washington region attained the 2008 ozone NAAQS based on data for the period 2013-15. An EPA memorandum titled “Procedures for Processing Requests to Redesignate Areas to Attainment,” by John Calcagni, Director, Air Quality Management Division, September 4, 1992 provides the guidance for the selection of the attainment year. The Section 5a (Attainment Inventory), pages 8-9 of this memorandum says that the attainment year emission inventory should include the emissions during the time period associated with the monitoring data showing attainment. It also says that “For ozone nonattainment areas the inventory should be based on actual typical summer day emissions of ozone precursors (volatile organic compounds and nitrogen oxides) during the attainment year. This will generally correspond to one of the periodic inventories required for nonattainment areas to reconcile milestones.” Based on the above memorandum, the year 2014 seems to meet both requirements. It is the middle year of the three year period (2013-2015) of the air quality data, which shows attainment and it is also a periodic emissions inventory year (National Emissions Inventory 2014). The Washington region submitted annual emissions inventories for 2014 as part of the NEI2014 process in December 2015. This could serve as a starting point for developing the 2014 summer season emissions inventories. EPA staff also recently confirmed that 2014 could serve as an attainment year for this.
  
- (iii) Milestone Years (Intermediate & Maintenance Year) - Maintenance of the attainment status in the future needs to be demonstrated by showing that future emissions of ozone precursors will not exceed the level of the attainment inventory over the 10-year period following EPA’s approval of the redesignation request. For his purpose, a future maintenance year and an intermediate year (between attainment year and maintenance year) needs to be identified. Assuming the Redesignation Request & Maintenance Plan for

the 2008 ozone NAAQS is submitted to EPA in 2017 and EPA approves it in 2018, then the years 2021 and 2028 would be the intermediate year and the final maintenance year respectively. However, 2020 or 2025 seems to be a better candidate for the intermediate year and 2030 seems to be a better candidate for the final maintenance year for the following reasons:

- a. 2030 is more than 10 years apart from 2018, the year of the expected redesignation approval. Therefore, even in case EPA delays the approval of the plan by couple years (say 2020) 2030 would still remain valid as a final maintenance year.
- b. 2030 is currently TPB's milestone year for the transportation conformity analysis.
- c. Both 2020 and 2025 lie close to the middle of 2014 and 2030.
- d. 2020 was used for the MSWG GHG analysis so the emissions analysis frame-work is ready.
- e. 2025 is TPB's milestone year for the transportation conformity analysis and so the emissions analysis frame-work is ready.
  - a. Comment by dam: we'd need to check with the TPB staff about which would be better for them (2020 or 2025). If they have no preference, I'd be tempted to use 2025 because in the past EPA has noted a preference for an interim year that is about in the middle between the expected approval date and the outyear (2018-2030). However, since Martin Kotsch has retired, they may have a different opinion these days.

### Contingency Measures

We have to put together a set of contingency measures for the MP. Any ideas on what those might be that might actually be meaningful in terms of ozone improvement? Just want to start a general discussion.