

2008 Ozone Implementation Rule



SUNIL KUMAR
MWAQC-TAC
MARCH 10, 2015

Overview of Rule

2

- Final rule published – March 6, 2015.
- Rule effective – April 6, 2015.
- Purposes of Rule
 - Guidelines for planning to meet 2008 ozone NAAQS.
 - Revoke the 1997 8-hour ozone NAAQS in order to provide additional flexibility to areas still working to complete the control requirements of that NAAQS.

Attainment Deadlines & Extensions

3

- Attainment deadline – July 20, 2015 (Marginal nonattainment area)
 - Based on 2012-2014 design value, 76 ppb
- Eligible to request 1-year extension of the attainment deadline – 4th highest 8-hour avg ozone conc in 2014 = 71 ppb
 - Extended deadline – July 20, 2016 (Based on 2013-2015 design value)
- Clean Air Act allows two 1-year extensions, but Washington region is able to request only one.
- Failing to attain in 2015 will lead to bump-up to “Moderate NAA”.

Milestone Years (2008 Ozone Std)

4

- Base Year – 2011
- Reasonable Further Progress (Applies to Moderate nonattainment area and above)
 - Need to show 15% emission reduction using VOC and/or NO_x during January 1, 2012 through December 31, 2017.
 - Reductions from sources outside the nonattainment area do not count toward meeting the RFP requirements.
 - Calculation of “Pre-1990 motor vehicle standards adjustments” for RFP is waived.
- Attainment Deadline (Moderate nonattainment area) – July 20, 2018 (based on 2015-2017 design value)

Anti-backsliding Requirements (Revoked 1997 Ozone Standard)

5

- 1997 ozone standard revoked, but anti-backsliding requirements still apply.
- Mobile emissions budgets deemed adequate for the 1997 standard would apply for demonstrating transportation conformity.
- Anti-backsliding requirements for areas designated nonattainment for both 1997 and 2008 ozone standards (e.g, Washington area).
 - All prior control requirements and associated triggering mechanisms apply.
 - Section 185 fee programs, contingency measures for failure to make RFP or attain, and Nonattainment NSR provisions apply.

Anti-backsliding Requirements (Revoked 1997 Ozone Standard)

6

- Moderate nonattainment designation for the revoked 1997 ozone standard will continue to serve to identify NNSR anti-backsliding requirements (i.e., major source thresholds and emissions offset ratios) for issuing nonattainment NSR permits for major stationary sources and major modifications unless EPA approves a ‘redesignation substitute’.
- The major source threshold for Title V purposes in 2008 standard nonattainment areas will be the same as the threshold that applies consistent with the NNSR-related anti-backsliding provisions.

Anti-backsliding Requirements (Revoked 1997 Ozone Standard)

7

- There are two paths for establishing that anti-backsliding requirements have been fulfilled:
 - Redesignation to attainment for the 2008 ozone NAAQS, or
 - EPA approval of a ‘redesignation substitute’ for the revoked NAAQS.

Process for Redesignation Substitute

8

- States must demonstrate:
 - 1) that the specific revoked NAAQS has been attained,
 - 2) that this is due to permanent and enforceable measures, and
 - 3) that the area will continue to maintain the standard over the next 10 years.

EPA will conduct notice-and-comment rulemaking on the showing; no formal SIP submittal process.

Benefits of Redesignation Substitute

- **NNSR Requirements**
 - After a successful showing, NNSR requirements in the area for that specific revoked NAAQS would no longer apply and may be removed from the SIP.
 - The remaining governing NNSR provisions (i.e., major source thresholds and offset ratios) would be set by the highest classification to which the area is still subject (Marginal NAA for Washington area for 2008 ozone standard).
- **§185 Fee Program Requirements**
 - A successful showing terminates the requirement to implement a §185 fee program for that specific revoked standard.