

## MWAQC-TAC Item #4 (Brief Updates)

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January 15, 2013

### a. EPA's New PM<sub>2.5</sub> standard

EPA published a new stricter annual PM<sub>2.5</sub> standard on December 14, 2012. EPA revised the existing annual standard of 15 µg/m<sup>3</sup> published in 1997 to 12 µg/m<sup>3</sup>. The daily standard revised in 2006 at 35 µg/m<sup>3</sup> was retained. Air Quality Index (AQI) has also been revised accordingly. Designations for the new annual standard will be completed by December 2014 and will become effective in early 2015. The nonattainment areas for the revised annual standard will have until 2020 (five years from effective designation date) to attain the standard. The above revised standard was based on a number of recent studies concerning health impacts of fine particles.

The Washington region already meets the revised annual and existing daily standards. The most current design values for the annual and daily standards based on the period 2009-2011 is 10.8 µg/m<sup>3</sup> and 26 µg/m<sup>3</sup> respectively. Based on the current trend in design values for fine particles and emissions for PM<sub>2.5</sub> and its precursors (NO<sub>x</sub>, SO<sub>2</sub>), the region is expected to be in attainment on the revised standard in the future. EPA also requires the region to operate at least one near road PM<sub>2.5</sub> monitor in the region.

### b. Court ruling on EPA's 1997 PM<sub>2.5</sub> implementation rule

The US Court of Appeals of the District of Columbia circuit on January 4, 2013 ruled that the EPA should have issued its PM<sub>2.5</sub> implementation rule and the related 2008 New Source Review (NSR)/Prevention of Significant Deterioration (PSD) rule for the 1997 PM<sub>2.5</sub> standard according to the Clean Air Act requirements for PM<sub>10</sub> nonattainment areas (Title I, Part D, subpart 4), not 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). The Court remanded the two rules back to EPA, but did not vacate them and did not set a deadline for EPA to issue new rules.

EPA will develop the implementing rule for the new annual fine particle standard based on the Court decision. It is currently assessing the effect of the Court's decision on a variety of SIP-related actions currently pending or anticipated in the short-term (e.g., nonattainment area SIP submittals for the 2006 daily PM<sub>2.5</sub> standard). The agency also is assessing the impact of the decision on pending NSR actions in nonattainment areas for the 1997 and 2006 standards.

### c. California waiver for more stringent vehicle emission regulation

EPA granted a request of California Air Resources Board (CARB) for a waiver of federal preemption under Clean Air Act section 209(b)(1) for the state's Advanced Clean Car (ACC) regulations, adopted in January 2012. The ACC combines the control of ozone and fine particle causing pollutants and greenhouse gas emissions into a single package of requirements for passenger cars, light-duty trucks, and medium-duty passenger vehicles (and limited requirements related to heavy duty vehicles). The ACC program includes revisions to California's Low Emission Vehicle (LEVIII), Zero Emission Vehicle (ZEV), and GHG vehicle programs. The new ZEV standards will help commercialize battery-electric, plug-in hybrid and fuel cell technologies, covering about 15 percent of new vehicle sales in the state by 2025. The LEV III criteria pollutant rules increase the stringency of the vehicle standards and also extend the useful life requirements from 120,000 miles to 150,000 miles. The LEV III GHG standards (similar to federal MY 2017-2025 GHG standards) reduce fleet emissions in MY 2025 by over 34 percent over 2016 MY levels. Other states can opt into this program under Section 177 of the CAA. Maine has also adopted the above California's program. Maine announced the adoption of a final rulemaking to amend its Low-Emission Vehicle (LEV) program on December 17, 2012. The new amendments adopt motor vehicle emission standards for criteria pollutants for MYs 2015 through 2025 and GHGs for MYs 2017 through 2025; revise requirements for ZEVs; improve vehicle labeling; and

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amend existing GHG standards for passenger vehicles.

**d. New RICE rule postponed to January 14**

EPA previously proposed changes to the National Emission Standards for Hazardous Air Pollutants for the Reciprocating Internal Combustion Engines (RICE). This proposal allows an increase in the number of hours the generators can be used for the Emergency Demand Response during emergencies. In addition, Peak shaving was also allowed for the existing RICE at area sources through April 16, 2017. These changes were scheduled to be finalized on December 14, 2012. However, this was postponed to January 14.