

**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 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?*

- (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 need to meet all 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?

- (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.

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.

- (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 one of the periodic emissions inventories (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 this 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 redesignation approval. Therefore, even in case EPA delays the approval of the plan by couple years (up to 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.