

**Preliminary Draft Questions for EPA related to the Planned Redesignation Request & Maintenance Plan for the Washington DC-MD-VA 2015 Ozone NAAQS Nonattainment Area**

Based on EPA's published data for the period 2021 through 2023, the ozone design value for the Washington, DC-MD-VA 2015 ozone NAAQS nonattainment area is 0.071 ppm. However, EPA indicated that they intend to grant an Exceptional Events Waiver to the District for the McMillan monitor's June 29, 2023 ozone data in a letter (July 17, 2024). This action brings down the design value for the above period to 0.070 ppm and the region attains the 2015 ozone NAAQS.

As the region has attained the above NAAQS, the Washington region is currently planning to submit a redesignation request and a maintenance plan. In this respect, we have a few questions related to the requirements for redesignation of the area to attainment and related milestone year and emissions inventories for which we need your response.

**Questions related to Redesignation Requirements**

Following are the questions along with the related parts of the Clean Air Act Section 107 (d) (3) (E), which outlines various requirements for redesignation of a nonattainment area to attainment.

"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 2015 ozone NAAQS? Does EPA need to publish a "Clean Data Determination" for the region before the Washington region can submit the request?*
- b. *Based on EPA's published ozone design value for the Washington region's for the period 2021-23 (0.071 ppm), the region did not meet the 2015 ozone NAAQS (0.070 ppm) by the attainment date (August 3, 2024). However, as mentioned above, the Exceptional Events Waiver granted to the District for McMillan's June 29, 2023 ozone data, the region's current design value is 0.070 ppm. This indicates attainment of the 2015 ozone NAAQS. Since EPA has not published the final rule for the above waiver yet, is it timely to start the development of the redesignation request and maintenance plan?*
- c. *When does EPA expect to finalize the rule for the above waiver? Also, when might EPA be looking to publish a clean data determination? The next Spring, maybe?*

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

*Question – Does the submittal of the Washington region's Redesignation Request & Maintenance Plan for the 2008 ozone NAAQS in 2018 and the subsequent approval by EPA (May 15, 2019 – MD & VA; August 15, 2019 - DC) satisfy this requirement or do*

*the following requirements also need to be submitted and approved by EPA first before the redesignation request can be submitted?*

*Please note that the District, Maryland, and Virginia submitted, and EPA approved the base year 2017 emissions inventory (approved in 2022) and emission statement (approved in 1994/95) as part of the 2015 ozone NAAQS implementation.*

**District**

*Infrastructure SIP requirements - Section 110 (a)(2)D(i)-II Prong 3: Interstate Transport PSD*

*Maintenance Plan requirements – Moderate Nonattainment NSR rule, Emission Statement Regulations (182(a)(3)(B)), RACT*

*OTR requirements - RACT*

**Maryland**

*Maintenance Plan requirements – Moderate Nonattainment NSR rule, Emission Statement Regulations (182(a)(3)(B)), RACT, I/M Basic, Emission Inventories*

*182(a)(1) (submitted in 2020, not on SIP status website)*

*OTR requirements - RACT*

**Virginia**

*Maintenance Plan requirements – I/M Basic, Moderate Nonattainment NSR rule, RACT*

*Infrastructure SIP requirements - Section 110 (a)(2)D(i)-I Prong 1: Interstate Transport Significant Contribution, Section 110 (a)(2)D(i)-I Prong 2: Interstate Transport Interfere with Maintenance*

*OTR requirements - RACT*

Note to MWACQ-TAC: The above submittals are required for the 2015 ozone NAAQS. Requirements related to the attainment plan were due in January 2023 following the reclassification to moderate nonattainment area.

**Questions related to Milestone Years & Emissions Inventories**

- (i) Base Year – The base year for the 2015 ozone NAAQS is 2017. A comprehensive emissions inventory submitted to EPA for the base year 2017 was approved in 2022.

*Question – Would we need to update the onroad and nonroad portions of the 2017 BY inventory using the MOVES4 (or the latest model available at the time of the development of those inventories) or do those emissions inventories developed and submitted using the MOVES2014b model (EPA approved model at that time) meet the requirements for the 2017 BY emission inventories for the proposed redesignation request and maintenance plan for the 2015 ozone NAAQS?*

- (ii) Attainment Year – The 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. 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.”

*Question – The Washington area is considering using the year 2022 as an attainment year for the proposed redesignation request and maintenance plan. It seems to meet the first requirement outlined in the above memorandum. It is in the middle of the three-year period (2021-2023) of the air quality data, which shows attainment. However, it is not a periodic emissions inventory year. The more recent periodic inventory was submitted for 2020, which does not seem to be a typical inventory given the pandemic induced emissions decline. The next periodic inventory year is 2023, but that won't be published until March 2026. EPA is currently in the advanced stage in the development of the 2022 modeling inventory. Therefore, using 2022 as the attainment year inventory seems most appropriate. Are you OK with 2022 being used as an attainment year?*

- (iii) 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.

*Question – Is 2032 acceptable as the intermediate year and 2038 as the maintenance year? There are a number of reasons why the area prefers to use 2032 and 2038 as the intermediate and the maintenance year respectively. First, the CAA requires that the maintenance be demonstrated over the 10-year period following EPA's approval of the redesignation request & maintenance plan and EPA has 18 months to decide on the plan since its submission. Therefore, the maintenance year has to be at least 12 years apart from the year of the expected submission. For this reason, 2038 seems a good choice for the maintenance year as it is about 12 years apart from the expected late 2026/early 2027 timeframe of submission. Second, the year 2032 lies close to the middle of 2022 and 2038. Third, 2032 and 2038 are part of the 2022 emissions modeling platform. Therefore, parts of the inventories required for those two years will be available from EPA and this will help the region develop the plan relatively quickly.*

Please let us know any additional information we should consider as we develop the redesignation request & maintenance plan.