

REVISED CROSS-STATE AIR POLLUTION RULE UPDATE (2008 OZONE NAAQS)

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Background

- CAA - “Good neighbor” provision requires states to address interstate transport of air pollution that affects the ability of downwind states to attain and maintain clean air standards.
- States meet these requirements by submitting SIPs and reducing emissions that contribute significantly to air quality impacts in downwind states.
- CAA - Gives EPA a backstop role to issue FIPs in the event states do not submit approvable SIPs. The Revised CSAPR Update proposal fulfills this backstop role.
- This proposed rule continues EPA’s efforts since the 1990s to address interstate pollution, through rules such as the NOx SIP Call (1998), Clean Air Interstate Rule (2005), and Cross-State Air Pollution Rule (2011).



Background

- In October 2016, EPA finalized the CSAPR Update to address summertime transport of ozone for the 2008 ozone standard. EPA could not conclude at that time that the rule fully addressed good neighbor obligations for 21 of the 22 CSAPR Update states.
- In December 2018, EPA finalized the CSAPR Close-Out, found that in 2023 there were no remaining nonattainment or maintenance receptors in the eastern US, and determined that the CSAPR Update fully addressed interstate pollution transport obligations under the 2008 standard for ozone in 20 eastern states.
- On September 13, 2019, the US Court of Appeals for the DC Circuit remanded the CSAPR Update and concluded that it unlawfully failed to eliminate significant contribution to nonattainment and interference with maintenance by downwind areas' attainment deadlines for the 2008 standard.
- On October 1, 2019, the DC Circuit vacated the CSAPR Close-Out rule on the same grounds as above. This rule analyzed the year 2023 as opposed to 2021, the next applicable attainment date, and failed to demonstrate that it was impossible to address significant contributions by 2021.

Introduction

- On October 15, 2020, the EPA proposed the Revised Cross-State Air Pollution Rule (CSAPR) Update in response to the court remand in order to address 21 states' outstanding interstate pollution transport obligations for the 2008 ozone standard.
- Based on latest data and modeling, EPA found that projected 2021 emissions of 12 out of 21 states contributed at or above a threshold of 1% of the standard (0.75 ppb) to the identified nonattainment and/or maintenance problems in downwind states.
- EPA proposes to revise state emission budgets that reflect additional emissions reductions from EGUs beginning with the 2021 ozone season, which along with other changes already underway in the power sector would reduce emissions of ozone season NO_x emissions by nearly 26,000 tons more in 2021 than in 2019, a reduction of nearly 20 percent in 12 states in the eastern half of the US.



Introduction

- EPA proposes to adjust emissions budgets for the 12 states for each ozone season for 2021 through 2024 to incentivize ongoing operation of identified emissions controls to address significant contribution. After the 2024 ozone season, no further adjustments would be required under this proposed rulemaking.
- EPA proposes to authorize a one-time conversion of allowances banked in 2017-2020 under the previous ozone season NOx trading program into a limited number of allowances that can be used for compliance under the new trading program.
- According to EPA, this approach gives due credit for the emissions reductions represented by banked allowances, while also securing the additional reductions required in this proposed rulemaking.



Cost-Benefit

- The compliance costs of the program are estimated to be approximately \$20 million per year (2016\$) over the period from 2021 to 2025.
- The proposal would result in public health benefits by preventing harmful and costly health effects, such as, asthma attacks, missed work and school days, hospital and emergency room visits, and premature deaths.
- The proposal would also result in an improvement in the visibility in national and state parks, and an increase in protection for sensitive ecosystems such as, lakes, streams, coastal waters, estuaries, and forests.

Public Hearing & Comment

- Public hearing held on November 12, 2020.
- Public comments can be sent by December 14, 2020 using the following methods:
 - Federal eRulemaking portal
 - Email: A-and-R-Docket@epa.gov. Include docket ID No. EPA-HQ-OAR-2020-0272 in the subject line of the message.
 - Fax: Fax your comments to 202-566-9744
 - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention docket ID No. EPA-HQ-OAR-2020-0272, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
 - Hand delivery or courier: Deliver your comments to EPA Docket Center, Room 3334, 1301 Constitution Ave, NW, Washington, DC 20460.