

National Ambient Air Quality Standards (NAAQS)

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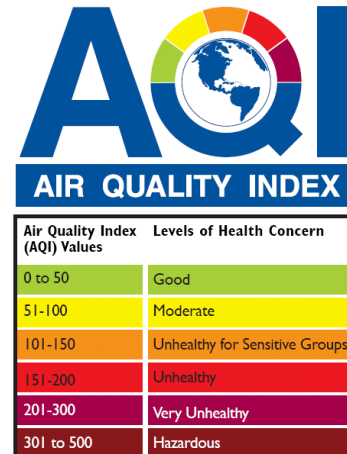
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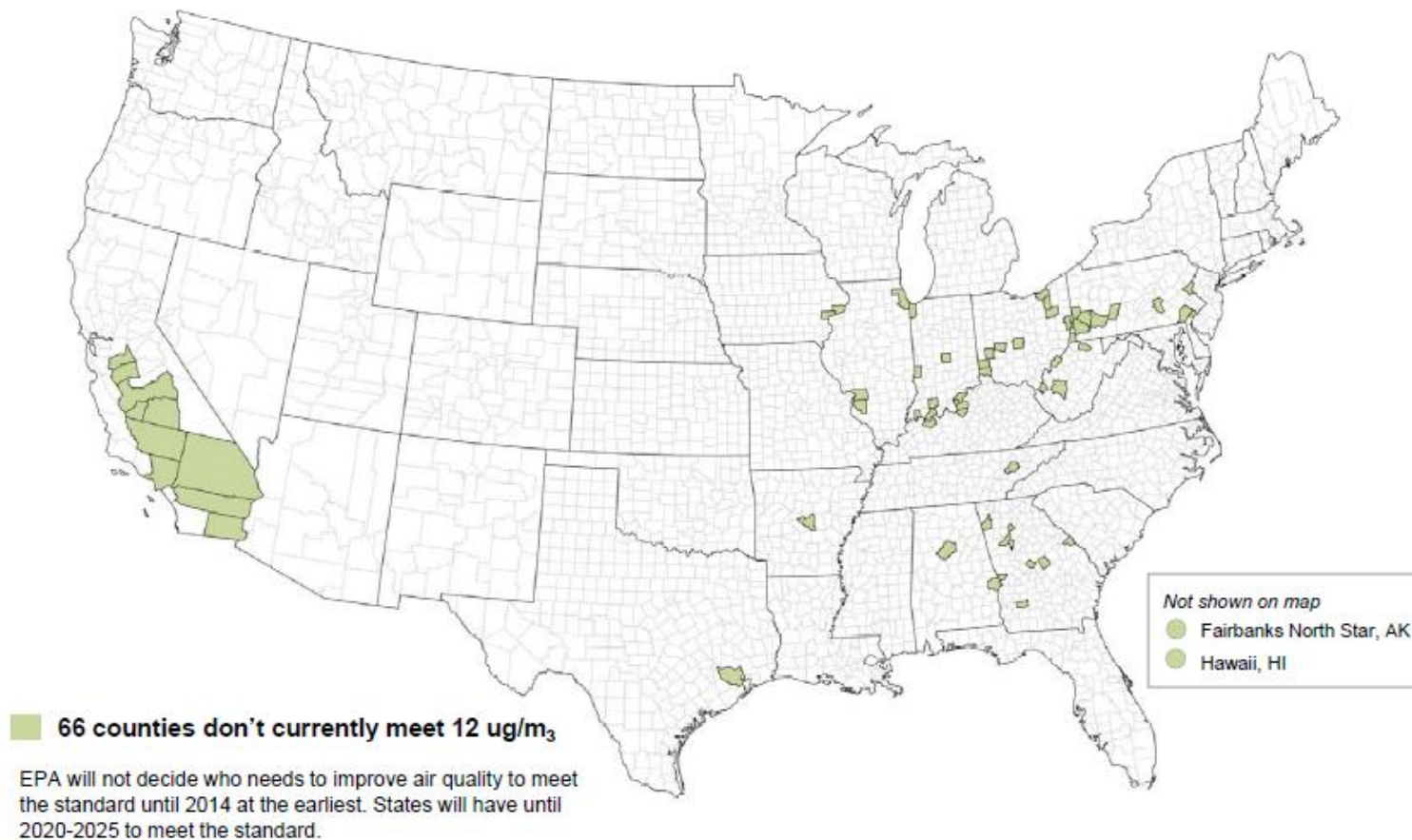
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Fine Particulate Matter (PM_{2.5})

- Lowered annual standard to 12 ug/m³ in December 2012
- EPA expects all areas to attain without new control requirements (except CA)
- Vacatur of de minimis levels (SILs and SMCs) could make permitting difficult
 - w/o SMCs, could require onsite monitoring
 - w/o SILs, could make modeling more difficult
- EPA's implementation rule also vacated
- EPA resets the baseline date; NC objects

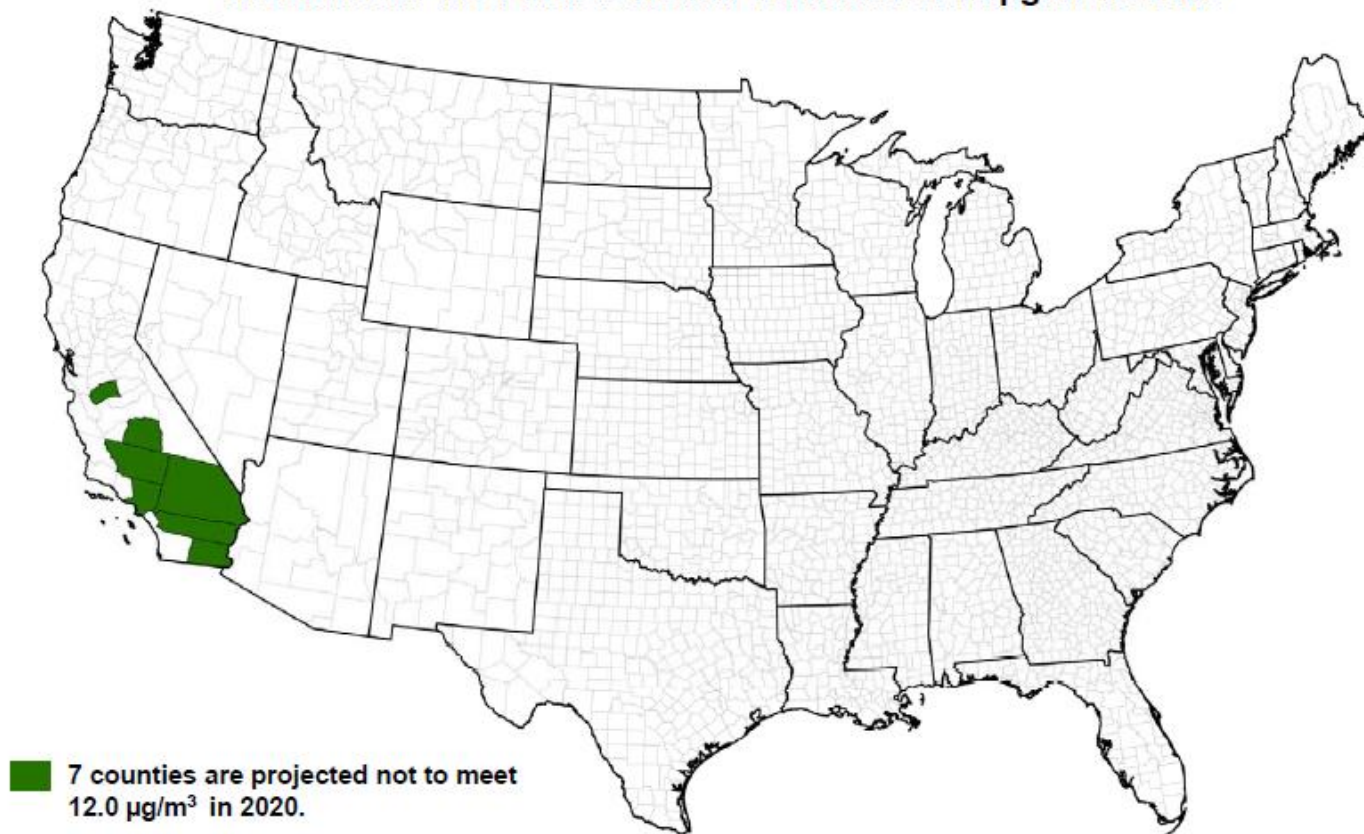


Most of the U.S. Already Meets the Annual Fine Particle Health Standard of $12 \mu\text{g}/\text{m}^3$



Source: 2009-2011 air quality data as of July 15, 2012
For more information: www.epa.gov/pm

**EPA Projections Show 99% of U.S. Counties with Monitors Would Meet
the Annual Fine Particle Health Standard of $12\ \mu\text{g}/\text{m}^3$ in 2020**



7 counties are projected not to meet
 $12.0\ \mu\text{g}/\text{m}^3$ in 2020.

All of these are already under
requirements to reduce $\text{PM}_{2.5}$.

Source: PM NAAQS RIA
For more information: www.epa.gov/pm

PM_{2.5} SILs and SMCs

- **Significant Monitoring Concentration (SMC)**

42 U.S.C. § 7475(e): requires one year of onsite monitoring, or less if approved by the state (EPA guidance: 4 month minimum)

- SMC allows sources to avoid pre-permit application monitoring requirements based on lack of significant impact (determined via modeling)
- EPA guidance allows use of a nearby air quality monitoring station under certain circumstances

PM_{2.5} SMC: 4.0 ug/m³



PM_{2.5} SILs and SMCs

- **Significant Impact Level (SIL)**

42 U.S.C. § 7475(a)(3): requires sources to demonstrate they will not cause or contribute to a violation

- SIL allows source to avoid cumulative modeling—evaluating all nearby sources—if impacts are below the SIL
- Cumulative modeling compares baseline to future expected air quality

PM_{2.5} SIL: 1.2 ug/m³



PM_{2.5} SILs and SMCs

***Sierra Club v. EPA* (D.C. Cir. Jan. 22, 2013)**

- PM_{2.5} Significant Monitoring Concentration (SMC)
 - The CAA is “extraordinarily rigid,” and EPA has no authority to adopt an SMC
- PM_{2.5} Significant Impact Level (SIL)
 - Granted EPA’s request for remand and vacatur, based on EPA’s realization that the language of its SIL provision eliminated state discretion

Primary concern: *background + SIL = violation*

PM_{2.5} Baseline

- PSD prohibits violation of “increments,”
 - area-specific “NAAQS” set a certain level above “baseline”
 - established upon submission of first PSD application
 - many “baselines” were established years ago, and new controls (NSPS, MACT) have “expanded” the increment
- EPA treated PM_{2.5} as a “new” pollutant and “reset” the baselines as of October 2011
 - eliminates any expanded increment
 - may eliminate increment protection in areas of low development (Class I) since another PSD application may never be submitted

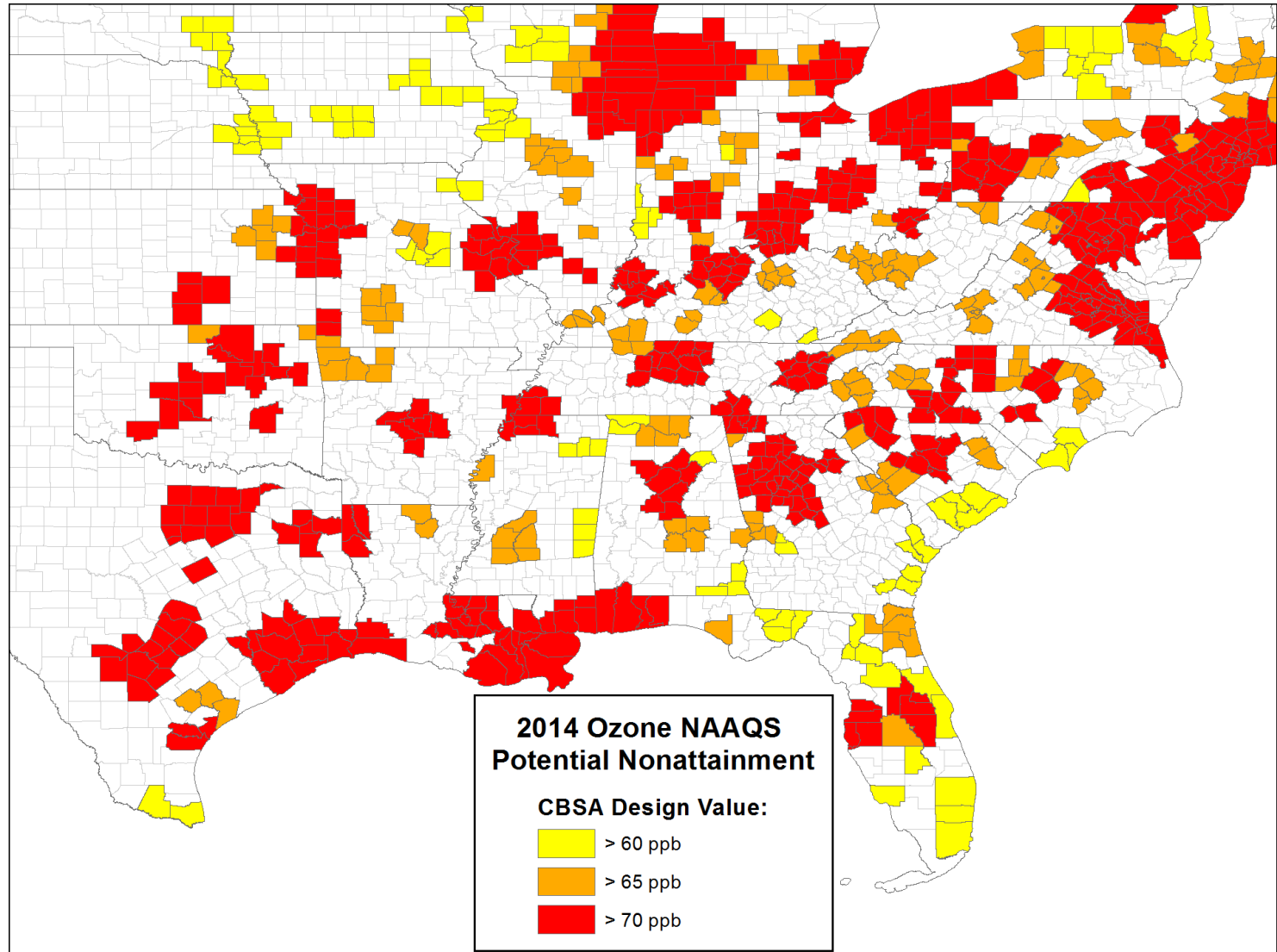
Ground Level Ozone

- Many areas now attaining 1997 standard: 84 ppb
- Current 2008 standard: 75 ppb
- More stringent standard proposed between 60-70, and then withdrawn by the Obama Administration in 2011
- EPA to propose new standard (60-70 ppb) in 2014?
- Current expectation: December (after elections)



AIR QUALITY INDEX

Air Quality Index (AQI) Values	Levels of Health Concern
0 to 50	Good
51-100	Moderate
101-150	Unhealthy for Sensitive Groups
151-200	Unhealthy
201-300	Very Unhealthy
301 to 500	Hazardous



Sulfur Dioxide (SO₂)

- One-hour standard established June 2010: 75 ppb
 - One facility (EME Homer City) has already accepted 1-hour SO₂ emission limits
- EPA failed to make initial designations within 3 years, lawsuits filed
- Rumor suggests EPA will agree to 8-12 month designations, but states have intervened (NC); briefing underway



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Sulfur Dioxide (SO₂)

- EPA originally indicated that designations would require air quality modeling due to the absence of monitoring data
- After adverse comments, EPA decided to allow states to choose; under plan new controls expected 2020 / 2023
- If the court establishes a short deadline, states may have little time to respond to modeling by environmentalists



VS.



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