NACAA
national association of clean air agencies

Clean Air 101:
State and Local Air Regulators' Roles and Perspectives

ASE/BCSE Meeting
December 15, 2010

Bill Becker
NACAA

What I Will Cover

- Federal/State/Local Roles Under the CAA—State Implementation Plans
- State/Local Regulation of Greenhouse Gas Emissions Under the CAA

NACAA
national association of clean air agencies

Roles of Government Under the CAA

- EPA
  - Sets National Standards (e.g., Health-Based Standards) and Guidance
  - Oversees and Approves State, Tribal and Local Actions
  - Conducts Research
  - Provides Funding
- State and Local Air Pollution Control Agencies
  - Have “Primary” Responsibility for Implementation
  - Monitor Air Quality, Develop Emissions Inventories, Inspect Facilities and Enforce Regulations
  - Develop State Implementation Plans (SIPs) That Include All Measures Necessary to Achieve Clean Air

NACAA
national association of clean air agencies

National Ambient Air Quality Standards

- EPA is Required to Establish NAAQS to Protect Public Health (Primary Standard) and Welfare (Secondary Standard)
- The Primary Standard is the Foundation of the CAA and Identifies the Concentration of Ambient Air Above Which It is Unhealthy to Breathe
- An Area's "Design Value" Determines What Actions Need to be Taken
- EPA Has Established Seven NAAQS
  - Lead
  - Nitrogen Dioxide
  - Sulfur Dioxide
  - Ozone
  - Carbon Monoxide
  - Particle Pollution (PM_{10} and $PM_{2.5}$)

NACAA
national association of clean air agencies

State Implementation Plan Process

- Once a NAAQS is Set or Revised, States and EPA Must Undertake Several Obligations to Ensure the NAAQS Are Met
  - Within Two years After a New NAAQS, EPA (With State Input) Must "Designate" Whether Areas Are Meeting the NAAQS
  - Within Three Years After a New NAAQS, States Must Submit SIPs ("Infrastructure") to Show They Have Basic Air Quality Components
  - Within 18-36 Months After "Designations," States Must Submit "Nonattainment SIPs," (Attainment Demonstrations) Outlining the Strategies and Measures Necessary to Meet the NAAQS by the Mandated Deadlines
- SIPs Must Be Developed With Public Input, Formally Adopted By the State and Ultimately Approved By EPA. If/When Approved, Control Measures Are Enforceable in Federal Court

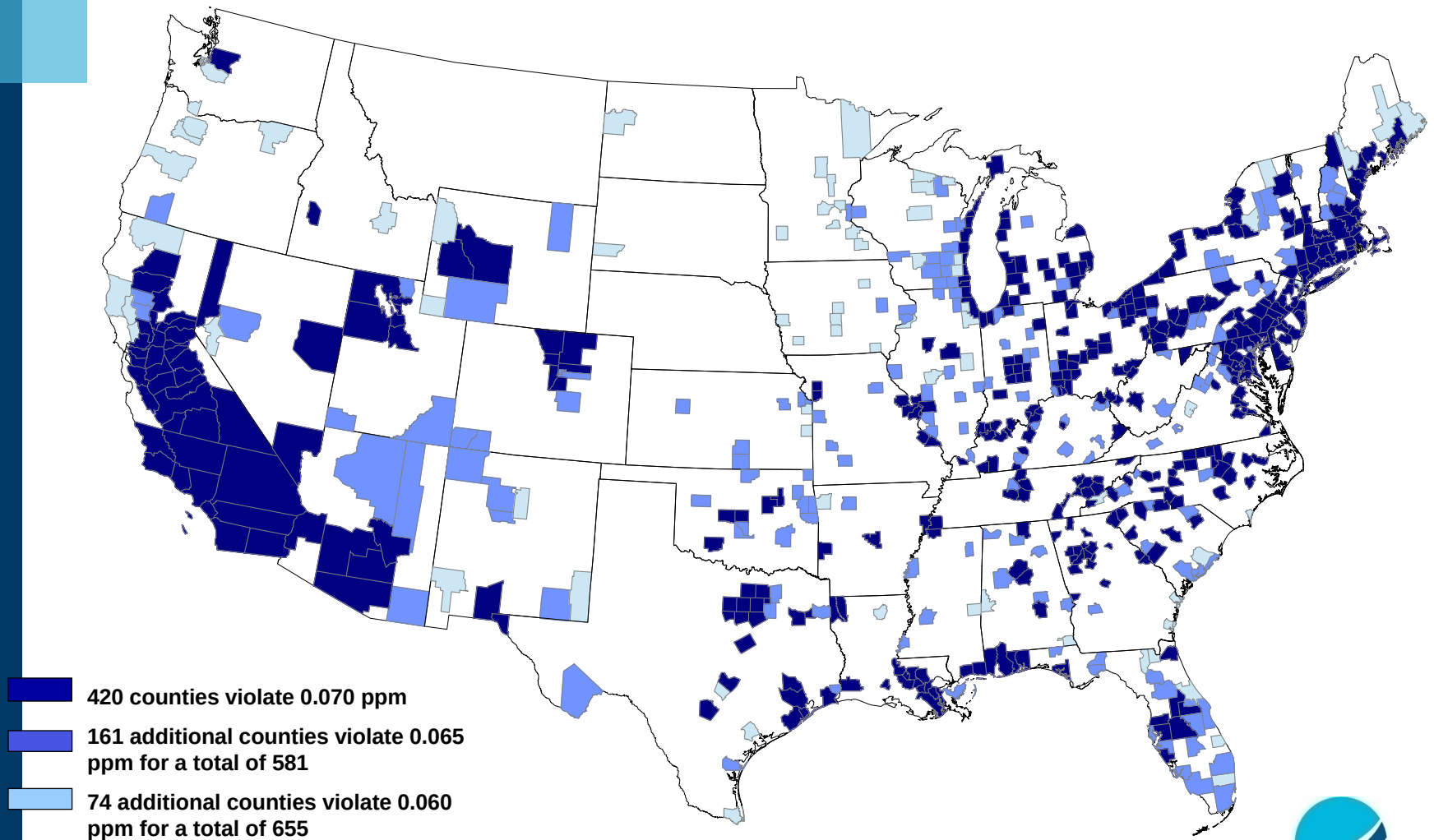
NACAA
national association of clean air agencies

Anticipated NAAQS Implementation Milestones

Pollutant	NAAQS Promulgation	Designations Effective (approximate date)	110(a) SIPs Due (3 yrs after NAAQS promulgation)	Attainment Demonstration Due	Attainment Date
$PM_{2.5}$ (2006)	Sept 2006	Dec 2009	Sept 2009	Dec 2012	Dec 2014/2019
Pb	Oct 2008	Nov 2010/2011 (extra time for new monitors)	Oct 2011	June 2012/2013	Nov 2015/2016
NO_2 (primary)	Jan 2010	Feb 2012	Jan 2013	Aug 2013	Feb 2017
SO_2 (primary)	June 2010	July 2012	June 2013	Jan 2014	July 2017
Ozone (all dates tentative)	July 2011	2012?	2014?	2014?	Late 2017? (Moderate)
CO	Aug 2011	Sept 2013	Aug 2014	Mar 2015	Sept 2018
$PM_{2.5}$ (2011)	Oct 2011	Dec 2013	Oct 2014	Dec 2016	Dec 2018/2023
NO_2/SO_2 Secondary	Mar 2012	Apr 2014	Mar 2015	Oct 2015	N/A

Counties With Monitors Violating Proposed Primary 8-hour Ground-level Ozone Standards

0.060 - 0.070 parts per million (Based on 2007 – 2009 Air Quality Data)



420 counties violate 0.070 ppm

161 additional counties violate 0.065 ppm for a total of 581

74 additional counties violate 0.060 ppm for a total of 655

NACAA

national association of clean air agencies

Permitting of Greenhouse Gases

- Per Supreme Court, GHGs Are Air Pollutants Under the CAA
- CAA Requires Major New Sources or Existing Ones Making Major Modifications to Install BACT
- BACT is Determined on a Case-by-Case Basis, and Takes into Account Technical Feasibility, Cost, and Other Environmental and Energy Considerations
- BACT Likely To Be Defined as Improved Energy Efficiency

NACAA
national association of clean air agencies

Permitting of Greenhouse Gases (con't)

- Beginning January 2, 2011, Large Facilities That Must A*lready O*btain PSD Pre-construction Permits for Conventional Pollutants are Required to Include GHGs in These permits If They Emit More Than 75,000 tons of GHGs
- Starting July, 2011, All New Facilities That Emit More Than 100,000 tpy of GHGs, or Existing Facilities Emitting More Than 100,000 tpy and Making Modifications Resulting in GHG Increases of 75,000 tpy, Must Obtain a Pre-construction Permit (Independent of Their Other Emissions)
- Title V Operating Permits Will Be Required for Existing Sources Emitting More Than 100,000 tpy of GHGs
- Sources Emitting Less Than 50,000 tpy of GHGs Will Not Be Required to Obtain a Pre-construction Permit before 2016

NACAA
national association of clean air agencies

Permitting of Greenhouse Gases (con't)

- 49 States will Have Authority, Either Directly or Through EPA, to Issue GHG Permits Come January 2, 2011
- Unless Congress Or Courts Rescind GHG Permitting Program, States Will Move Forward Issuing Permits As Quickly As Possible
- Like Any New Program, There May Be "Bumps In The Road," But Agencies Are Working Cooperatively With EPA to Meet Their Statutory Requirements

NACAA
national association of clean air agencies

For Further Information

- Contact:
  - Bill Becker
  - 202-624-7864
  - becker@4cleanair.org

NACAA
national association of clean air agencies