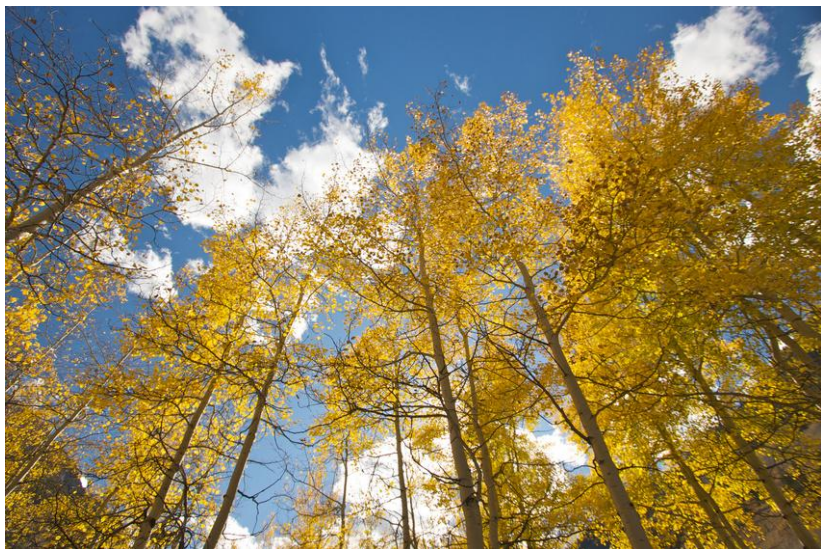


EPA Regulatory Update

Carolinas Air Pollution Control Association

2009 Fall Conference



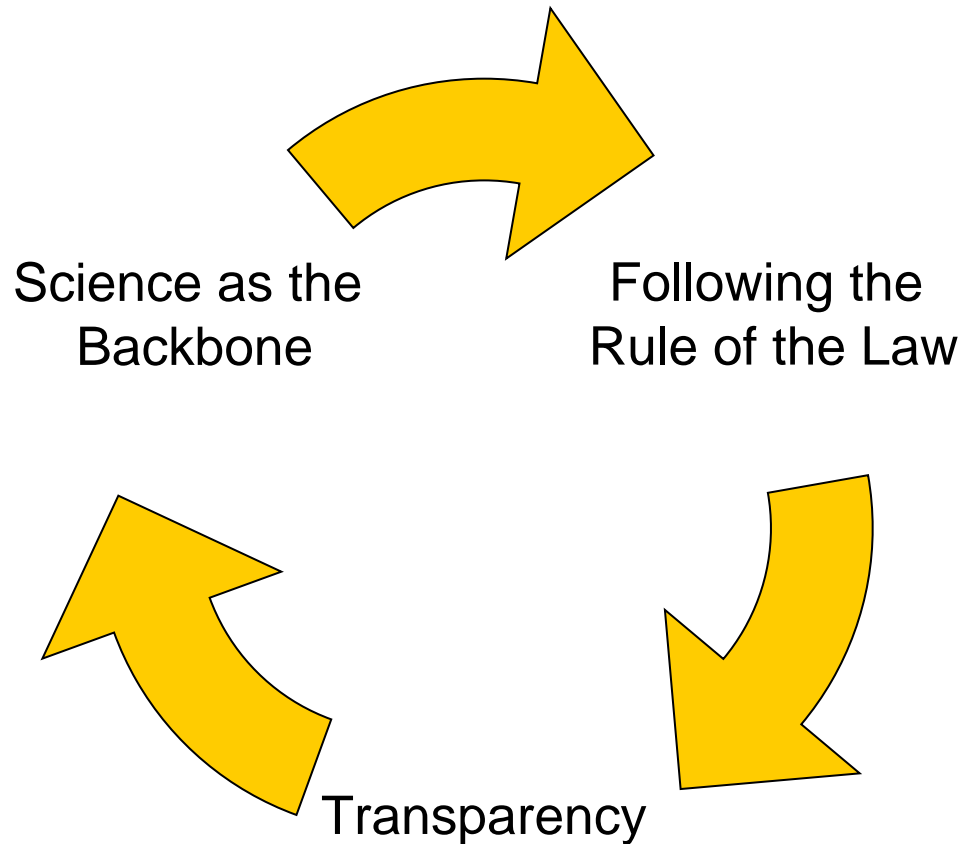
Carol L. Kemker, Deputy Director
Air, Pesticides, and Toxics Management Division
EPA, Region 4

Administrator Lisa P. Jackson

"Success is plotting a course of actions that move us affirmatively in the direction of dealing with public health and environmental issues that are affecting communities across America."



Priorities “...guided by an ambitious vision of public health protection and environmental preservation.”





National and Regional Priorities

National:

- ❑ American Recovery & Reinvestment Act of 2009
- ❑ Reducing greenhouse gas emissions
- ❑ Improving air quality
- ❑ Managing chemical risks
- ❑ Cleaning up hazardous-waste sites
- ❑ Protecting America's water
- ❑ Protecting Vulnerable Communities

Regional/Divisional:

- ❑ Grants Management
- ❑ Implementing and Managing ARRA of 2009
- ❑ Energy Permitting
- ❑ Reducing greenhouse gas emissions
- ❑ NAAQS Implementation
- ❑ Children's Health
- ❑ Environmental Justice
- ❑ Schools Air Toxics Monitoring Initiative



ARRA of 2009

- Received approximately 100 applications
- Awarded 25 grants with ARRA funds;
 - Approximately \$19M awarded for competitive grants
 - Approximately \$32M awarded for state Diesel Emission Reduction Act (DERA) grants
- Projects will impact 4,532 engines and reduce emissions by 133 tons of PM, 760 tons of NO_x, and 4,319 tons of HC
- Implementation and monitoring efforts will continue into FY 2010.

School Air Toxics Monitoring Initiative

- Region 4 had 13 schools to be monitored
 - 1 school in South Carolina – Chicora Elementary
 - 2 Region 4 schools have completed monitoring and reported results
 - No problems were identified
 - One TN school was top rated by USA Today
 - Monitoring activities in Region 4 almost completed
 - To date, general concerns exist with Acrolein and Acrylonitrile values being obtained.



Air Toxics Activity

- Sublead for Air Toxics
- Area Source MACT
 - North and South Carolina planning to accept delegation of all area source MACTs



2005 NATA Review

- ❑ USA Today Articles have increased awareness of air toxics issues.
- ❑ EPA is looking to improve NATA review process.
 - Will work with state and local partners to ensure thorough review.
- ❑ Data review process expected to kick-off in late October 2009.
- ❑ Webinar scheduled for November 10, 2009 @ 2:00pm.



Regulatory Update and Key Policy Decisions



NAAQS Review Schedule

MILESTONE	POLLUTANT						
	Ozone ¹	Lead	NO ₂ Primary	SO ₂ Primary	NO ₂ /SO ₂ Secondary	CO	PM
NPR	December 21, 2009		Jun 26, 2009	Nov 16, 2009	<u>Feb 12, 2010</u>	<u>Oct 28, 2010</u>	Jan 2011
NFR	August 31, 2010	<u>Oct 15, 2008</u>	<u>Jan 22, 2010</u>	<u>Jun 2, 2010</u>	<u>Oct 19, 2010</u>	<u>May 13, 2011</u>	Oct 2011

Note: Underlined dates indicate court-ordered or settlement agreement deadlines – for NO₂ and SO₂ Primary NAAQS reviews, the final dates listed above have been agreed to by the plaintiffs but have not yet been officially entered by the court.

¹ On September 16, 2009, EPA announced reconsideration of the 2008 8-hour Ozone standard. The reconsideration calls for an accelerated designation schedule for a new standard.



Pb NAAQS Implementation

Timing



Milestone	Date	
Signature—Final Rule	October 15, 2008	
State Monitoring Network Plans to EPA	July 1, 2009	
State Designation Recommendations to EPA	No later than October 2009	
Monitoring Network Implementation	All source-oriented monitors operational by January 1, 2010; All nonsource-oriented monitors operational by Jan. 1, 2011.	
Final Designations	<i>For areas with existing monitoring networks and sufficient data:</i>	For areas without existing monitoring networks / without sufficient data:
	<i>No later than October 2010 (effective date Jan 1, 2011)</i>	No later than October 2011 (effective date Jan 1, 2012)
Infrastructure SIPs	<i>No later than October 2011 (3 yrs max after rulemaking)</i>	No later than October 2011 (3 yrs max after rulemaking)
Attainment Demonstration SIPs (including part D)	<i>No later than July 1, 2012 (18 month max after designations)</i>	No later than July 1, 2013 (18 month max after designations)
Attainment Date	<i>No later than January 2016 (5 year max after designations)</i>	No later than January 2017 (5 year max after designations)



Ozone Implementation

Milestone	Date
Proposed Reconsidered NAAQS	December 21, 2009
Final Reconsidered NAAQS	August 31, 2010
Final Designations	August 2011
SIPs due	December 2013

Avenues of Communication for Designation Processes

- ❑ Work closely with State and Local air agencies to discuss specific issues and to share updated information.
- ❑ Share same publicly available data for 9 factor analyses (e.g., population, air quality data, etc.)
- ❑ Committed to sharing any emerging tools that may be used to help inform our decisions regarding designations.



Ozone Outreach

- ❑ EPA Region 4 is working in coordination with FHWA to provide outreach for the revised 8-hour ozone standard.

- ❑ Focus of the outreach is two parts:
 - Proactive measures that can be done now to reduce emissions.
 - Preparing for transportation conformity requirements should areas be designated nonattainment.

- ❑ Sessions can be customized for individual area's need.

- ❑ Feedback has been very positive!



Criteria Pollutant Activity



- ❑ Sulfur Dioxide
 - January 5, 2010, public meeting in Atlanta to discuss the review of the SO₂ standard
- ❑ Regional Haze
 - Sublead for Regional Haze
 - 6 Region 4 states have submitted final SIPs
- ❑ Initial CAIR SIP Approval Status
 - Working with affected states on actions to allow trading for non-EGUs for the 2009 season
- ❑ Nitrogen Dioxide
 - Based on 2005-2007, there are no states in Region 4 that appear to be violating the proposed 1-hour NO₂ standard of either 80 or 100 parts per billion.
 - Region 4 is expected to be impacted by new monitoring requirements for NO₂, which will be required near roads in urban areas

Mandatory Greenhouse Gas Reporting Rule

- ❑ Rule effective September 22, 2009
- ❑ The final rule applies to fossil fuel suppliers and industrial gas suppliers, direct greenhouse gas emitters and manufacturers of vehicles and engines outside of the light-duty sector
- ❑ The rule does not require control of GHGs, only monitoring and reporting requirements for sources emitting above 25,000 metric tons of mtCO₂e/year.
- ❑ EPA is hosting a number of webinar and regional training sessions.



Permitting

Title V

- Recent National Activity
 - Flexible Air Permitting Rule
 - Effective November 5, 2009
 - Promotes greater operational flexibility
 - Title V petition responses (more on that later)
- Region 4 Activity
 - Program evaluations for NC and Mecklenburg County scheduled for 2010
 - Focus on fee adequacy and compliance assurance monitoring (CAM)



Permitting

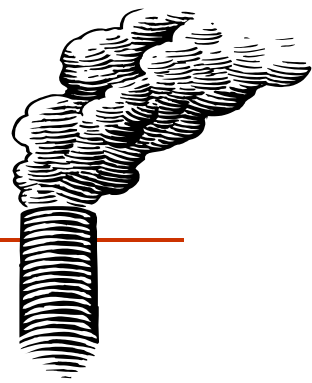
Title V Petitions

- ❑ In FY09, four petitions for sources in Region 4 were resolved which had precedent setting positions on national issues:
 - ❑ Greenhouse gases
 - ❑ PSD violations
 - ❑ MACT/112(g)
 - ❑ Various BACT issues
 - ❑ Public Participation
 - ❑ PM10 surrogacy for PM2.5



Permitting

New Source Review



□ National Activities

- Implementation of NSR Program for PM_{2.5}
- Rulemakings expected to be finalized
 - Tribal NSR Rule
 - PM_{2.5} Increments, Significant Impact Levels, Significant Monitoring Concentration Rule
- Proposed PSD and Title V Greenhouse Gas (GHG) Tailoring Rule – September 30, 2009
 - For facilities emitting over 25,000 tons of GHGs/year
- Request for Comments on GHG Permitting Guidance under Reconsideration – September 30, 2009
 - Comments requested as the Agency reconsiders December 18, 2008 Johnson Interpretive Memo on Pollutants Covered by the PSD Permit Program

□ Region 4 Activities

- Sub-lead Region for NSR
- Issuing Agency for Outer Continental Shelf (OCS) permits and LNG Deepwater Port permits

Monitoring Updates

□ Network Reviews

- All plans have been reviewed by the region
- To date, five states received letters addressing Network Plans
- Lead Network Plans
 - All Lead emission and modeling for source-oriented monitors have been reviewed
 - To date, five states received letters addressing Lead Network Plans

□ National Core Site Plans

- Region 4 State's plans have been forwarded to OAQPS for approval



Air Enforcement

State Review Framework

□ **Upcoming Changes**

- Round 2 of the SRF will include a more standardized approach than Round 1:
 - 4 vs 3 year cycle beginning in FY09
 - Clarification on EPA's Oversight Responsibilities
 - Enhanced communication and Consistency

□ **What's New**

- OECA will release SRF data, reports, and recommendations through ECHO

□ **Upcoming Schedule**

- Expect final South Carolina report in 1st quarter FY10
- Initiate North Carolina review in November 2010



Energy and Climate Change Activities

- Region 4 has developed a Strategy to address climate change and promote clean energy alternatives:
 - Reduce Energy Use
 - Mitigation
 - Adaptation
 - Education



Proposed Light-Duty Vehicle GHG Reductions and Corporate Average Fuel Economy (CAFE) Standards

- Joint proposal between EPA and the Department of Transportation
- Standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles
- Beginning model year 2016, vehicles required to meet an estimated emissions level of 250 grams of CO₂



Proactive Partnerships



***Continuing to protect the
environment through voluntary
efforts***



ENERGY STAR



- ❑ To date, over 50 EMC partners.
- ❑ **Goal:** To continue outreach efforts to promote ENERGY STAR to the 187 electric utility cooperatives and more than a dozen independent utilities in the Southeast.
- ❑ Recently, EPA and DOE signed an agreement that strengthens and restructures ENERGY STAR.
 - Formation of a Governing Council between EPA and DOE
 - EPA is the sole brand manager for ENERGY STAR

Southeast Diesel Collaborative

- To date, over 800 partners
- DERA Request for Proposals
 - Open from October 6, 2009 – December 8, 2009
 - RfP identifies six priorities:
 - Green Corridors
 - Clean Construction
 - Clean Ports
 - Alternative Fuels
 - Regional Focus
 - Collaborations or Partnerships



Resources

- ❑ American Recovery and Reinvestment Act of 2009
 - <http://www.recovery.gov/Pages/home.aspx>
- ❑ School Air Toxics
 - <http://www.epa.gov/schoolair/>
- ❑ NAAQS Implementation
 - <http://www.epa.gov/ttn/naaqs/>
- ❑ Climate Change Regulatory Initiatives
 - <http://www.epa.gov/climatechange/initiatives/index.html>
- ❑ ENERGY STAR
 - <http://www.energystar.gov/>
- ❑ Southeast Diesel Collaborative
 - <http://www.southeastdiesel.org/>



Contact Information

Carol L. Kemker (404)562-9700 or
kemker.carol@epa.gov

Questions?

