

U.S. EPA Region 4 Regulatory Update

***Carolinas Air Pollution Control Association Meeting
Myrtle Beach, SC***

October 23-25, 2019

**Beverly Banister
U.S. Environmental Protection Agency, Region 4
Atlanta, GA**

Today's Topics

Administrative Updates

EPA Strategic Plan Priority Goals

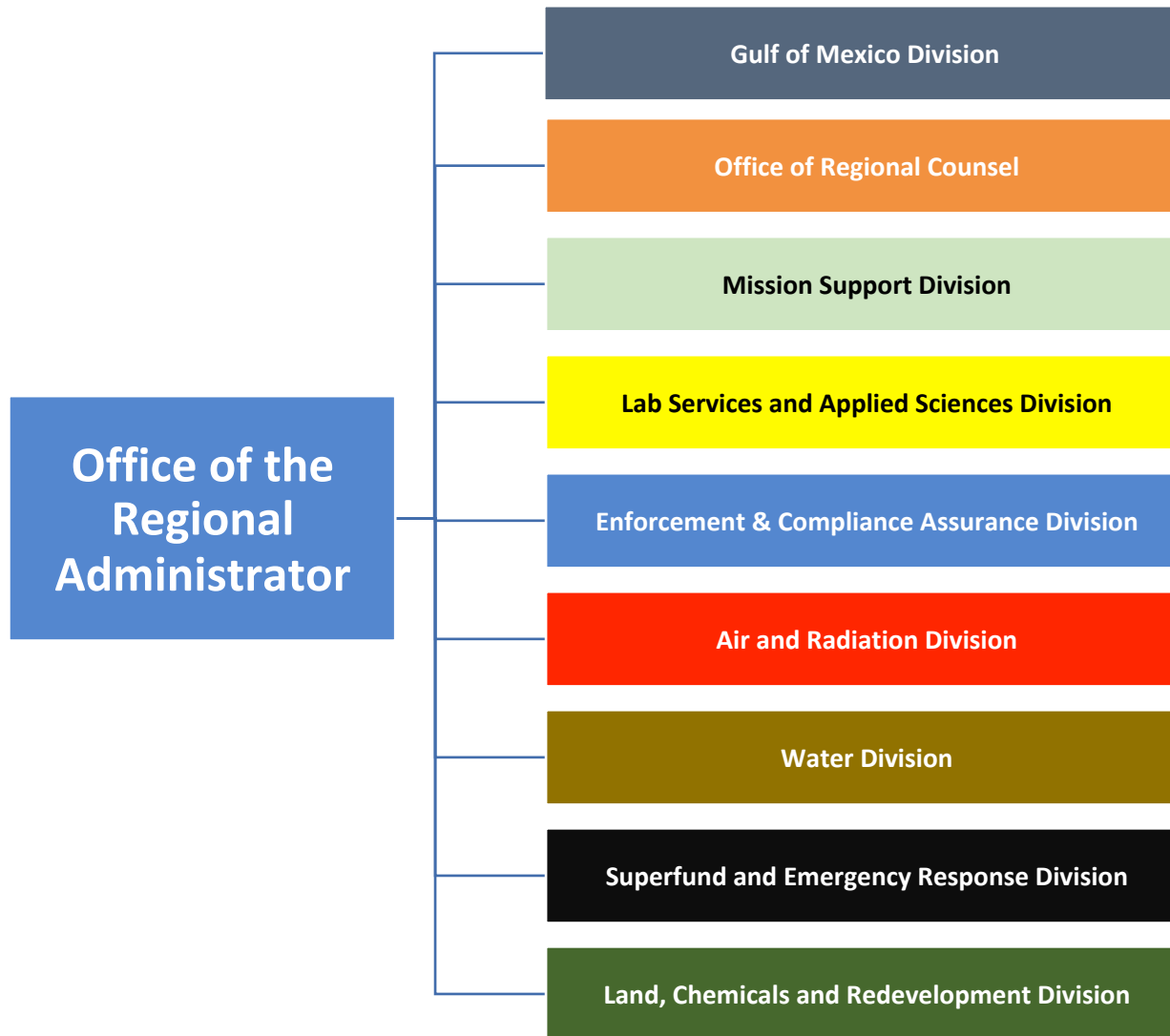
Air Program Update

- NAAQS Updates and Regional Haze Implementation
- Clean Air Act Regulatory and Policy Activity
- Voluntary Program Partnerships

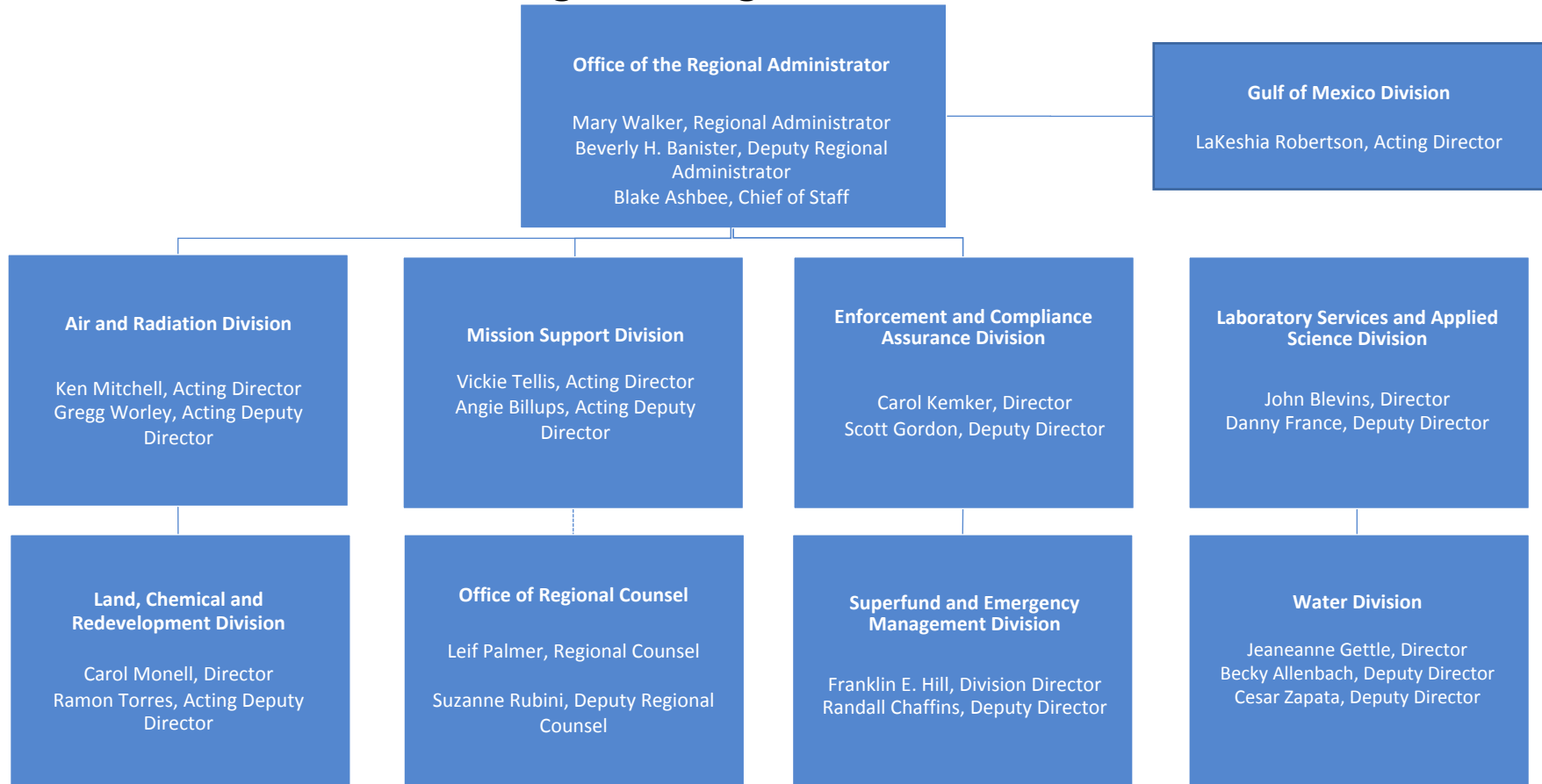
EPA Lean Management System



EPA Regional Office Reorganization



EPA Region 4 Organization Structure



Air and Radiation Division

Air and Radiation Division
Ken Mitchell, Acting Director
Gregg Worley, Acting Deputy Director
Immediate Office Staff
Stuart Perry, Chief, Grants & Strategic Planning Office
404-562-9077

Air Planning & Implementation Branch
Scott Davis
(*Todd Rinck, Acting*)

Air Permits Section
Heather Ceron
(*Kelly Fortin, Acting*)

Air Regulatory Management Section
Lynorae Benjamin

Air Analysis & Support Branch
Gregg Worley
(*Amber Davis, Acting*)

Air Data & Analysis Section
Todd Rinck
(*Rick Gillam, Acting*)

Communities & Air Toxics Section
Amber Davis
(*Katy Lusky, Acting*)

New Organization

Updated 10/2019



EPA Strategic Plan Foundation



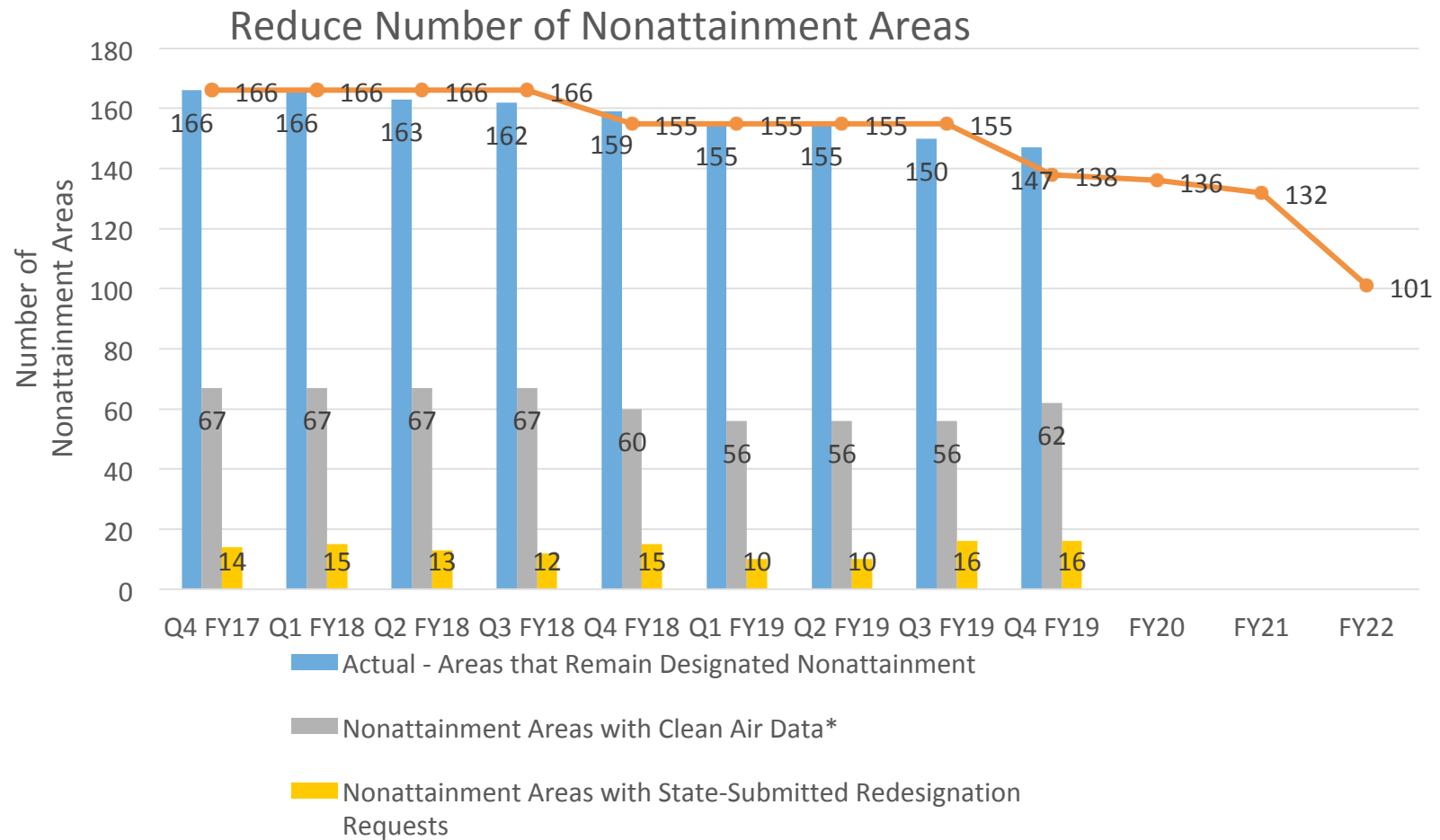
Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Agency Priority Goal: *By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.*



Clean air data is a key step to redesignation to attainment, which can occur once an area's air quality attains the federal standard.



Progress on Ozone and PM_{2.5} Attainment in Region 4

OZONE	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)	2015 NAAQS (2018 Designations)
Initial Nonattainment Areas	14	5	3
Areas Redesignated to Attainment	14	5	0
Current Nonattainment Areas	0	0	3

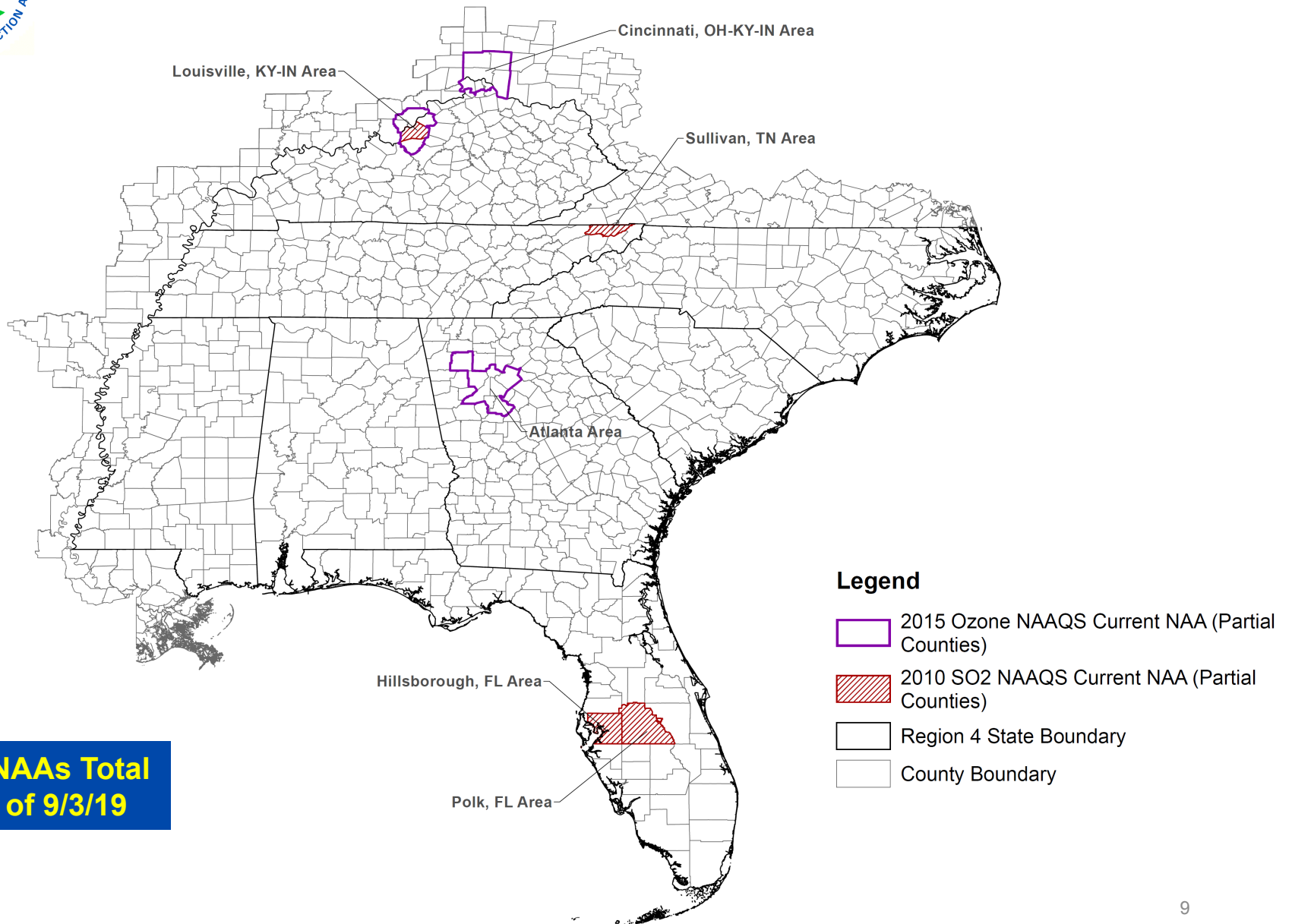
PM _{2.5}	1997 PM _{2.5} NAAQS (2005 Designations)	2006 PM _{2.5} NAAQS (2009 Designations)	2012 PM _{2.5} NAAQS (2015 Designations)
Initial Nonattainment Areas	11	2	0
Areas Redesignated to Attainment	11	2	0
Current Nonattainment Areas	0	0	0

<https://www.epa.gov/green-book>





Current R4 Nonattainment Areas (all NAAQS Pollutants)



**7 NAAs Total
as of 9/3/19**

Improving State Implementation Plan Reviews

NAAQS Reviews

(August 2019)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Fall 2019</u> Draft ISA and Draft PA ³ <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD ⁴	TBD	TBD	<u>Timing of next steps is TBD</u> Final ISA; draft REA/PA	<u>September 2019</u> Draft PA <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD

Additional information regarding current and previous NAAQS reviews is available at: <https://www.epa.gov/naaqs>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



SO₂ Implementation Updates

2010 SO₂ Designations Process

Round 1: Completed August 2013 – EPA Region 4 designated 5 areas nonattainment based on existing monitors violating the standard*

Round 2: Completed June 30 and November 29, 2016 – EPA designated 65 areas in 24 states based on air dispersion modeling and 2013-2015 violating monitors (6 areas designated in Region 4)

Round 3: Completed December 21, 2017 and March 28, 2018 – EPA completed an additional round of designations for all remaining undesignated areas except where states have deployed new monitoring networks by January 1, 2017 if executed under the SO₂ Data Requirements Rule (DRR); one new area was designated nonattainment

Round 4: By December 31, 2020 – EPA must complete designations for all remaining areas (based on 2017-2019 monitoring data)

Rounds 1-3

EPA currently has four areas designated as nonattainment in three States in Region 4

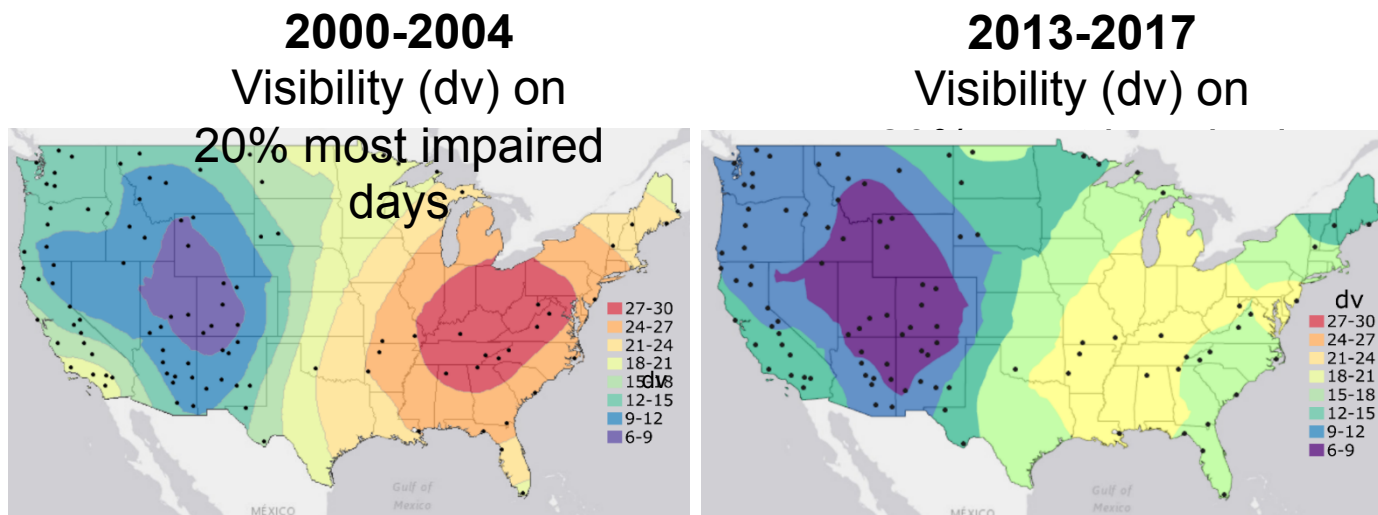
Round 4: R4 Areas for Designations

- By December 31, 2020 – EPA must complete designations for all remaining areas (based on 2017-2019 monitoring data)

State	Facility Name	County
Alabama	Lhoist North America of Alabama - Montevallo Plant	Shelby
Georgia	International Paper – Rome	Floyd
Kentucky	Robert A. Reid Station/Henderson Municipal Power and Light (HMP&L) Station 2/ Green Station Landfill - Big Rivers Electric Corporation	Webster
	Century Aluminum Sebree LLC	Henderson
North Carolina	Asheville Steam Electric Plant - Duke Energy Progress, Inc.	Buncombe
	Canton Mill - Blue Ridge Paper Products	Haywood
	Roxboro Plant - Duke Energy Progress, LLC	Person



First Planning Period: Visibility is Improving



- The National Park Service estimates that as of mid-2014, emission controls established under the first planning period led to approximately 500,000 tons/year of SO₂ and 300,000 tons/year of NO_x reductions
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas

Regional Haze Updates

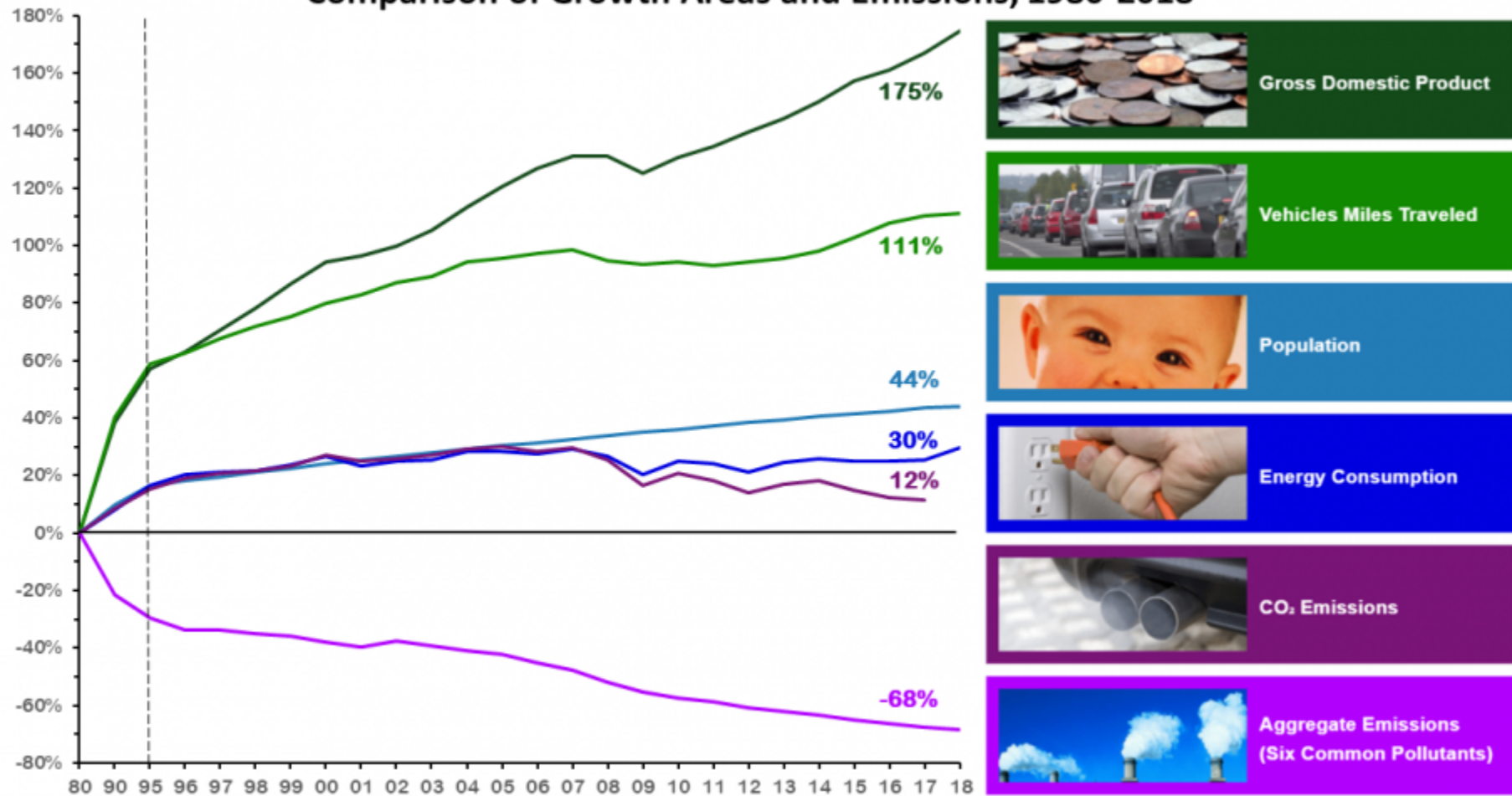
- **9/11/18:** EPA Releases Regional Haze Reform Roadmap to Continue Improving Visibility and Reduce Regulatory Burdens
- **12/20/18:** Regional Haze Technical Guidance was issued
- **8/20/19:** Guidance on Regional Haze SIPs for the Second Implementation Period issued
- **9/19/19:** EPA released updated 2028 Visibility Modeling and associated Technical Support Document (TSD)
 - EPA webinar presentation 10/15/19 re Regional Haze modeling
- **10/28 – 10/30/19:** EPA hosting Regional Haze Workshop in St. Louis, MO
- **7/31/2021:** Second Planning Period SIPs due

<https://www.epa.gov/visibility>



Comparison of Growth vs Emissions

Comparison of Growth Areas and Emissions, 1980-2018



www.epa.gov/airtrends

Affordable Clean Energy Rule (ACE)

- Final ACE Package includes three distinct, separate, and independent actions:
 - Repeal of the Clean Power Plan (CPP)
 - ACE (Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units)
 - Revisions to Clean Air Act section 111(d) Emission Guidelines Implementing Regulations
- ACE published in the *Federal Register* 7/8/19
- New Source Review (NSR) reform not promulgated with ACE
 - EPA intends to take action at a later date
- State plans due 7/8/22 (three years from publication of final rule)

<https://www.epa.gov/stationary-sources-air-pollution/affordable-clean-energy-rule>



Oil and Gas NSPS

8/28/19: EPA signed proposed amendments to the 2016 NSPS for the Oil and Natural Gas industry

- Removes regulatory duplication, while maintaining health and environmental protection from regulated oil and gas sources
- Estimated to save the oil and gas industry up to \$19M/y; total of \$97-\$123M from 2019 through 2025
- EPA continues to consider broad policy issues in the 2016 rule, including regulation of GHGs in the oil and natural gas sector

<https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-improvements-2016-new-source>



Landfills

- **08/26/19:** EPA issued two actions related to timing and implementation of the 2016 emission guidelines for existing MSW landfills
 - Final rule aligned state plan timing requirements with the updated CAA Section 111(d) implementing regulations that were finalized with the ACE rule on 7/8/19
 - Proposed federal plan in response to a court order for EPA to finalize a federal plan by 11/6/19

<https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>



Ethylene Oxide (EtO)

- **How did EtO come to be an issue?**
 - The 2014 NATA (released in August 2018) estimated cancer risks greater 100 in 1 million - mostly from EtO
 - This number refers to the upper end of what EPA generally has considered to be acceptable risk in its rulemaking process
 - The 2016 health science information for ethylene oxide changed what we knew about the toxicity of ethylene oxide (it is more toxic).
 - This tells us we need to look more closely to see if there is an issue
- **What EPA is doing to address EtO?**
 - We are reviewing Clean Air Act regulations for facilities that emit EtO.
 - EPA updated the information that we use to estimate the risk of developing cancer if we are exposed to ethylene oxide for 24-hours a day, 365 days a year, for 70 years.
 - Working with state air agencies to get additional information on EtO emissions
 - Focusing first on facilities in areas where NATA told us we needed to take a closer look



EPA's PFAS Action Plan – February 14, 2019

- The action plan provides EPA's first multi-media, multi-program, national research, management, and risk communication plan to address a challenge like PFAS.
- EPA is pursuing concurrent actions related to drinking water, cleanup, monitoring, research, toxics, enforcement, and risk communications.
- EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, industry and the public.
- Updates are available at www.epa.gov/pfas



Permitting Related Updates

Title V & NSR Permitting

- **Rulemakings & Guidance in Progress**

- Final Title V Petitions Process Rulemaking – Fall 2019
- “Reclassification of Major Sources as Area Sources Under Section 112” proposed rulemaking. *See* 84 FR 52419, 10/2/19
 - Public comment period closes 11/1/19
- Multi-media EPA Permit Oversight Guidance – Fall 2019

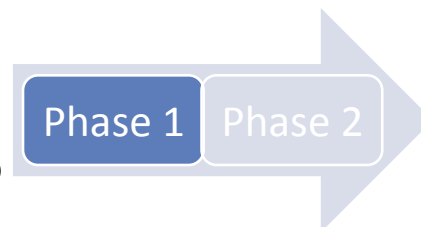
- **Process Improvements (LEAN/Kaizen process)**

- Electronic Permits System (EPS)
- Central Data Exchange (CDX) for receipt of Title V petitions
- Developing common resources such as templates, training, and resource sharing for EPA permit issuance



Phase 1 NSR Actions

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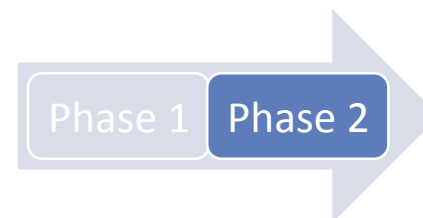
- Actual-to-Projected-Actual Applicability Test Memo
- Project Emissions Accounting (Guidance, Rule)
- Source Aggregation Guidance (Common Control, Adjacency)
- PM_{2.5} and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Ambient Air Guidance
- Affordable Clean Energy Rule NSR Applicability Test
- Treatment of Biogenic CO₂ from Biomass Combustion



Phase 2 NSR Actions

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- Tribal NSR Oil & Gas FIP
- NSR Error Corrections Rule
- Plantwide Applicability Limit Guidance
- NSR Actual-to-Projected-Actual Applicability Test Guidance
- Begin Actual Construction Guidance
- NSR Rule Reconsiderations



Voluntary Programs and Successes

- Advance Program
- Southeast Diesel Collaborative (SEDC)



Advance Program

The Advance Program promotes local actions in attainment areas to reduce ozone and/or fine particle pollution (PM_{2.5}) to help these areas continue to maintain the National Ambient Air Quality Standards (NAAQS).

Program Goals:

- Help attainment areas ensure continued health protection
- Better position areas to remain in attainment
- Efficiently direct available resources toward actions to address ozone and PM_{2.5} problems quickly

**Upcoming 5th Annual Forum:
November 5-7, 2019 in Atlanta, GA**

Participants in Region 4

SC – entire state
Catawba Tribe, SC
Middle GA (including Robins Air Force Base)
Louisville, KY
Cumberland County, NC (including Fort Bragg)
Charlotte, NC
NC – Entire State

ADVANCE
A U.S. Environmental Protection Agency Program

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<https://www.epa.gov/advance>**



Southeast Diesel Collaborative (SEDC)

- Voluntary public/private partnership formed in 2006 (part of the National Clean Diesel Campaign), focused on clean diesel opportunities that incorporate Energy, the Environment and Economics
- Diverse Partners from government, industry, state/local groups with the goal of improving air quality and public health by reducing emissions from existing diesel engines
- Annual funding under the Diesel Emissions Reduction Act (DERA)
- The 14th Annual Partners Meeting was held on 9/24 – 26/19 in Chattanooga, TN

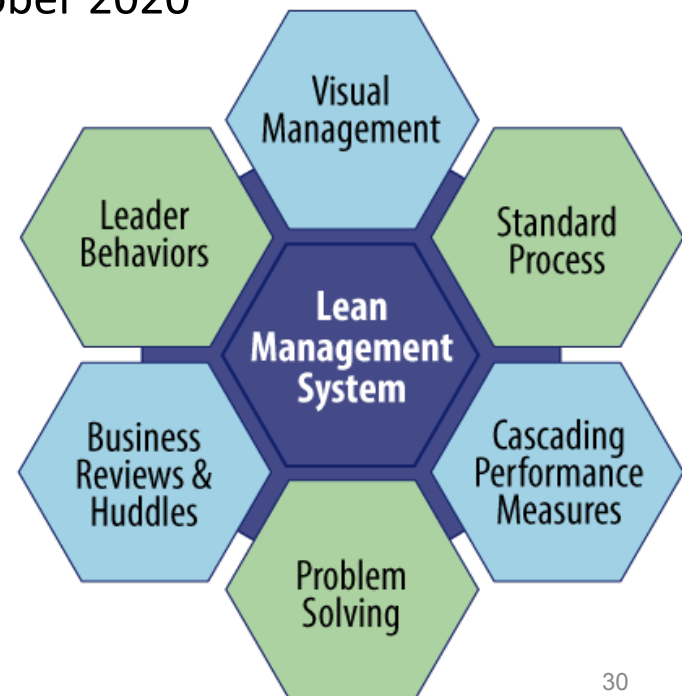


www.southeastdiesel.org



Goal 3: Greater Certainty, Compliance, and Effectiveness

- EPA Lean Management System
- What is it?
 - Strategic focus
 - Holistic infrastructure for continuous improvement
 - Enhances existing lean efforts
 - Integrates monitoring, measurement, problem solving, and standard work
- Goal to deploy ELMS to 80% of EPA by October 2020
- Goal to improve 250 processes by 2022
- Examples
 - Permitting
 - State Plan Approvals
 - FOIA
 - TV Petitions





Questions?

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