



EPA Update

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Presented to the Agriculture Air Quality Task Force

December 4, 2013

Discussion Topics

- ▶ Fire Policy
- ▶ Exceptional Events
- ▶ National Ambient Air Quality Standards
 - ▶ Particulate Matter
 - ▶ Ozone
- ▶ Grain Elevators New Source Performance Standard
- ▶ National Air Emissions Monitoring Study
- ▶ Reactive Nitrogen
- ▶ Reciprocating Internal Combustion Engine NESHAP
- ▶ USDA/EPA Statement of Principles
- ▶ Biofuels
- ▶ Biomass Deferral Rule
- ▶ Power Sector Carbon Pollution Standards

Fire Policy

- ▶ In 1998, EPA issued the Interim Air Quality Policy on Wildland and Prescribed Fires
 - ▶ This policy discussed actions to minimize air pollution emissions from prescribed fires
 - ▶ Did not address prescribed fires for the agriculture sector
- ▶ EPA is considering addressing practices to minimize emissions for prescribed agriculture burning
 - ▶ Will include the opportunity for public involvement, in particular for the agriculture community, prior to issuing any policy

Exceptional Events Implementation Guidance

- ▶ Since promulgation of the Exceptional Events Rule in 2007, stakeholders have encouraged EPA to clarify “reasonable control” expectations and streamline the implementation process
 - ▶ Taking this into consideration, EPA issued 2013 Interim Exceptional Events Implementation Guidance in May 2013
- ▶ EPA intends to pursue revisions to the Exceptional Events Rule and develop exceptional event implementation guidance to address wildfire-related events for ozone
- ▶ EPA held outreach listening sessions in August 2013 for public and state, local and tribal co-regulators
- ▶ For additional guidance:
<http://www.epa.gov/ttn/analysis/exevents.htm>

Current Schedule for Ongoing NAAQS Reviews

(Updated November 2013)

MILESTONE	POLLUTANT						
	Ozone	Lead	NO ₂ Primary	SO ₂ Primary	NO ₂ /SO ₂ Secondary	CO	PM
NPR	TBD	2014	2016	2017	2017	2017	Next review will begin with a kick-off workshop in 2014
NFR	TBD	TBD	2016	2017	2018	2018	

Anticipated NAAQS Implementation Milestones

(as of September 2013)

Pollutant	Final NAAQS Date (or Projection)	Infrastructure SIP Due	Designations Effective	Attainment Demonstration Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Oct 2009	Dec 2009	Dec 2012	2015 (Mod) 2019 (Ser)
Pb (2008)	Oct 2008	Oct 2011	Dec 2010/2011	June 2012/2013	Dec 2015/2016
NO ₂ (2010) (primary)	Jan 2010	Jan 2013	Feb 2012	none	none
SO ₂ (2010) (primary)	June 2010	June 2013	Oct 2013 (+2 rounds)	April 2015	Oct 2018
Ozone (2008)	Mar 2008	Mar 2011	July 2012	Mid 2015/2016	2015/2032
PM _{2.5} (2012)	Dec 2012	Dec 2015	Early 2015	Mid 2016	2021 (Mod) 2025 (Ser)
Ozone (current review)	TBD	TBD	TBD	TBD	TBD



Particulate Matter (PM) NAAQS – Summary of Review Completed in 2012

- ▶ **Dec. 14, 2012** – EPA strengthened the primary annual PM_{2.5} standard from 15.0 µg/m³ to 12.0 µg/m³ and eliminated spatial averaging from the form of the standard
 - ▶ EPA estimates meeting the standard will provide health benefits worth \$4 billion to \$9.1 billion per year in 2020 -- a return of \$12 to \$171 for every dollar invested
 - ▶ Estimated annual costs of implementing the standard are \$53 million to \$350 million
- ▶ **99% of U.S. counties with PM_{2.5} monitors are projected to meet the revised annual standard in 2020**
 - ▶ Emission reductions from existing rules will help the vast majority of U.S. counties meet the revised standards
 - ▶ These include clean diesel rules for vehicles and fuels, and rules to reduce pollution from power plants, locomotives, marine vessels and industrial processes, among others

Particulate Matter (PM) NAAQS – Summary of Review Completed in 2012 (cont.)

- ▶ Litigation challenging the final PM NAAQS is ongoing
 - ▶ NAM, UARG, PM NAAQS Coalition, and U.S. Chamber of Commerce have challenged the final PM NAAQS in the U.S. Court of Appeals, D.C. Circuit related to the primary annual PM_{2.5} standard, near-road monitoring, and implementation-related issues
 - ▶ **August 19, 2013** – Petitioners' Opening Brief received
 - ▶ **November 8, 2013** – Respondent's Brief submitted
- ▶ Areas of interest to the agricultural community
 - ▶ The PM₁₀ standard was not revised in the most recent review

PM_{2.5} NAAQS Implementation and PM_{2.5} Precursor Policies

- ▶ **January 2013** – D.C. Circuit decision remanded the 2007 PM_{2.5} implementation rule and the 2008 NSR rule for PM_{2.5}
 - ▶ Instructs EPA to implement the PM_{2.5} NAAQS according to the PM-specific provisions of the Clean Air Act
 - ▶ Due to this decision, EPA will have to reevaluate the way we address PM precursor emissions.
- ▶ EPA is considering options for demonstration of attainment in the upcoming PM_{2.5} NAAQS implementation rule proposal
- ▶ EPA is also considering how precursor policies being developed would affect the New Source Review program, and welcomes feedback

Ozone NAAQS – Update on Current Review

- ▶ EPA is in the midst of its regular review of the ozone standards
 - ▶ Last review completed in March 2008
- ▶ **February 2013** – EPA completed the *Integrated Science Assessment for Ozone (ISA)*
 - ▶ EPA is working on second drafts of the health and welfare Risk and Exposure Assessments (REA) and Policy Assessment (PA).
- ▶ **June 19, 2013** – public health and environmental groups filed a lawsuit asking the federal court to set a deadline for EPA to complete review of the Ozone NAAQS (current rule schedule is TBD)
- ▶ Areas of interest to the agricultural community
 - ▶ The secondary welfare-based Ozone NAAQS protects against national-level ozone-related impacts to sensitive vegetation and ecosystems
 - ▶ Current secondary ozone NAAQS was remanded by D.C. Circuit Court on July 23, 2013

Grain Elevators New Source Performance Standard (NSPS)

- ▶ EPA is reviewing the existing NSPS for grain elevators as part of the periodic NSPS review required by the CAA
 - ▶ Review also a response to issues raised by industry related to the treatment of temporary storage
- ▶ EPA expects to release proposed amendments to the NSPS in the near future that would:
 - ▶ Clarify certain definitions and provisions in the new source performance standards for grain elevators
 - ▶ Propose a new subpart for grain elevators, which would apply to affected facilities that commence construction, modification, or reconstruction after the date of publication of the proposed rule

National Air Emissions Monitoring Study

- ▶ EPA's Science Advisory Board (SAB) review
 - ▶ Overarching recommendations
 - ▶ Apply statistical approaches to assess emissions while developing and evaluating process-based models
 - ▶ EPA should not apply current versions of the models for estimating emissions beyond those farms covered in the data set
- ▶ EPA evaluating options for next steps, including:
 - ▶ How to address SAB's recommendations
 - ▶ Acquiring additional data sets to supplement NAEMS
 - ▶ Next animal sector for which EEMs are developed
 - ▶ Process for finalizing the broiler EEMs and related implementation implications

Reactive Nitrogen (Nr)

- ▶ Anthropogenic Nr beneficial as a food production fertilizer
 - ▶ Most Nr used in food production is lost to the environment
- ▶ Excess Nr (biologically active and chemically reactive forms) associated with many large-scale environmental concerns
- ▶ SAB initiated study to advise EPA on management of excess Nr
- ▶ SAB Reactive Nitrogen Report (August 2011)
 - ▶ The N cascade should be used as a framework to understand the environmental impacts of reactive nitrogen through multiple media
 - ▶ EPA should form an intra-Agency management task force to build on the existing breadth of Nr research and management capabilities
 - ▶ In response to these recommendations, EPA/ORD initiated a long-term research planning effort
 - ▶ “Nutrient prize challenges” explore innovative ideas to reduce nutrient pollution

Proposed Reciprocating Internal Combustion Engine (RICE) NESHAP Reconsideration

- ▶ **2010** – amendments established standards for stationary RICE installed before June 12, 2006
- ▶ **January 2013** – amendments in response to reconsideration petitions for the 2010 rule addressed two issues of particular interest for agricultural engines:
 - ▶ Coordination of NESHAP compliance deadline with state/local rules
 - ▶ Provisions for operating emergency engines in financial arrangements for emergency demand response and local reliability
- ▶ We are working on a fact sheet that should be available to the public soon; for more information visit:
www.epa.gov/airquality/agriculture

Proposed Reciprocating Internal Combustion Engine (RICE) NESHAP Reconsideration (cont.)

- ▶ **July 2013** – EPA issued a memo providing guidance on requests for an extension of the compliance date for up to one year for the purpose of installing controls
- ▶ **September 2013** – EPA was petitioned to reconsider the January 2013 amendments, and granted reconsideration of three issues
- ▶ **Today** – EPA is working on compliance assistance guidance for engine owners

USDA/EPA Statement of Principles

- ▶ The Agricultural Equipment Statement of Principles was developed at the request of agriculture industry stakeholders seeking additional support for farmers to use USDA Farm Bill provisions and programs
 - ▶ Both USDA and EPA believe that the existing memorandum of understanding (MOU) provides the flexibility to address this request
 - ▶ As a complement to the MOU, the Statement of Principles guides coordination efforts surrounding implementation
- ▶ This document is designed to be comprehensive, addressing criteria and air toxic concerns, and clarifying that it includes replacement of mobile and stationary agriculture equipment
- ▶ U.S. EPA Administrator Gina McCarthy (former AA for Air) and former USDA NRCS Chief White signed the Statement of Principles on July 12, 2012; for more information visit:
www.epa.gov/airquality/agriculture

Biofuels

- ▶ The November 2013 proposal seeks comment on setting standards for 2014 that will continue renewable fuels' important role in the United States' energy mix
- ▶ The production of renewable fuels has been increasing, but overall gasoline consumption in the United States is less than anticipated when Congress established the program in 2007
- ▶ EPA looks forward to discussion with all stakeholders during the comment period about the challenges and opportunities presented by this program; for more information visit:
<http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>

Biomass Deferral Rule

- ▶ **July 2011** – EPA deferred application of Clean Air Act permitting requirements to biogenic CO₂ emissions until July 2014
- ▶ **September 2011** – EPA released study that examines the science and presents an accounting framework for these emissions
 - ▶ EPA Science Advisory Board provided peer review in fall 2012
- ▶ **July 12, 2013** – D.C. Circuit Court vacated EPA's deferral under the prevention of significant deterioration and title V programs
- ▶ D.C. Circuit recently ordered that petitions for rehearing would be due 30 days after the U.S. Supreme Court decision in *UARG v. EPA* (expected in early summer 2014)
 - ▶ D.C. Circuit has not yet issued the mandate making the vacatur decision effective
 - ▶ EPA is reviewing the decision and will consider the scientific and technical issues, along with the legal and policy options for moving forward

Power Sector Carbon Pollution Standards

- ▶ EPA is currently working on an important part of the President's plan to fight climate change – setting carbon pollution standards for power plants
- ▶ For new power plants, EPA issued a new proposal for carbon pollution standards on September 20, 2013
 - ▶ www2.epa.gov/carbon-pollution-standards/regulatory-actions
- ▶ EPA is engaging with states and a diverse set of partners, including the power sector, environmental groups, and the public, to identify approaches to cut carbon pollution from existing power plants
 - ▶ In October & November, EPA held in-person listening sessions in all 10 EPA regions and in Washington, D.C. (more than 3,300 people attended)
- ▶ EPA developed an overview presentation to provide a basic understanding of Clean Air Act section 111 (epa.gov/carbonpollutionstandard/webinar.html)
- ▶ EPA will propose emission guidelines to reduce carbon pollution at existing power plants by no later than June 1, 2014, and issue final guidelines, as appropriate, by no later than June 1, 2015

Contact

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