

National Ambient Air Quality Standards & Title 129 Updates

2012 Overview

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What are NAAQS?

- ◉ NAAQS = National Ambient Air Quality Standards
- ◉ AKA “Criteria Pollutants”
 - Carbon Monoxide (CO)
 - Lead (Pb)
 - Nitrogen Dioxide (NO₂)
 - Particulate Matter (PM₁₀ & PM_{2.5})
 - Ozone (O₃)
 - Sulfur Dioxide (SO₂)

What are NAAQS?

- ◉ In 40 CFR Part 50
 - <http://www.epa.gov/air/criteria.html>
- ◉ “Primary” & “secondary” standard
 - Primary = Protect public health
 - Secondary = Protect public welfare
- ◉ Review every 5 years
 - Ensure they are still effective
 - Clean Air Scientific Advisory Committee (CASAC)

Particulate Matter

- ◎ Proposed revision: June 2012
 - Retain existing PM₁₀ standard
 - Lower annual PM_{2.5} standard
 - 12-13 µg/m³
- ◎ Visibility protection secondary standard
- ◎ PSD grandfathering
- ◎ Comments: August 31, 2012
 - Final: December 14, 2012

SO₂ Attainment Designations

- ◎ SO₂: 1-hour standard revised June 2010
 - Modeling/monitoring data for attainment demonstration
 - Stakeholder discussions May/June 2012
 - State/local/tribal, industry, & environmental organization feedback
 - Final guidance available...?

NO₂/SO₂ Secondary NAAQS

- ◎ Combined NO₂/SO₂ secondary standard
 - Based upon "aquatic acidification index (AAI)"
 - Acid deposition in lakes
- ◎ Final Rule = April, 2012
 - No AAI
 - Retained current NO₂ & SO₂ secondary standards
- ◎ Continuing AAI research
 - Possible future rulemaking

Cross-State Air Pollution Rule

- ◎ Cross-State Air Pollution Rule (CSAPR)
 - Assist downwind states to attain O₃ & PM_{2.5} NAAQS
 - CSAPR = 28 eastern states, including NE
 - Power plants
 - Reduce SO₂ & NO_x emissions
 - Cap-and-trade program
 - Implementation date delayed
 - Final decision on legality coming...?

Regional Haze Program

- ◎ Improve visibility in National Parks
 - Sources affecting visibility
 - Control SO₂ & NO_x
 - Utilize Best Available Retrofit Technology (BART)
- ◎ Nebraska SO₂ BART determination
 - Gerald Gentlemen Station denied
 - Implemented Federal Implementation Plan (FIP)
 - FIP utilizes CSAPR>BART

Ozone in Omaha MSA

- ◎ In attainment, but design value (DV) rising
- ◎ Pisgah, IA
 - 2010 level/DV: 67/63 ppb
 - 2012* level/DV: 75/69 ppb
- ◎ 30th & Fort, Omaha, NE
 - 2010 level/DV: 64/61 ppb
 - 2012* level/DV: 77/66 ppb

*Data through July 30, 2012 and not quality checked

PM Nonattainment Concerns

- ◎ **PM₁₀ compliance: <3 exceedances in 3 years**
 - Weeping Water: 5 exceedances since October, 2010
 - 46th & Farnham, Omaha: 4 PM₁₀ exceedances since September, 2011
 - Discussions with sources & EPA on-going
- ◎ **PM_{2.5} in Omaha**
 - In compliance but upward trend
 - Proposed annual standard revision

Lead in Fremont

- ◎ **2 source-oriented monitors in Nebraska**
 - Magnus Farley in Fremont
- ◎ **NAAQS exceedance**
 - September – November, 2011
- ◎ **Issue resolved**
 - Monitor malfunction
 - Source implemented further controls
- ◎ **Current NAAQS compliance**
 - Significant drop in values

Title 129



What Is "Title 129"?

- Title 129 = Nebraska Air Quality Regulations
- Contained in Nebraska Administrative Code
 - All codified regulations of Nebraska
- Regulations enabled by state statutes
 - Nebraska Environmental Protection Act

Clean Air Act

- Clean Air Act (CAA) United States Code (USC)
 - Title 42, Chapter 85 of USC
 - EPA → carry out CAA
- CAA of 1970
 - Federal & state regulations
 - NAAQS, SIPS, NSPS, & NESHAPS
 - 1977 Amendments = NSR
- CAA Amendments of 1990
 - Acid rain, operating permits, expanded NESHAP & NAAQS programs

State Implementation Plans

- Title 40 of the CFR
 - "Protection of Environment"
 - Codified regulations of EPA
- "State Implementation Plan" (SIP)
 - CAA Section 109 & 40 CFR 50.4-50.12
 - Attain & maintain NAAQS
 - Title 129 = Nebraska's SIP
 - Must be > or = federal regulations
 - May contain state-specific regulations

**Environmental Quality Council
(EQC)**

- ◎ EQC = 17 members
 - Governor-appointed
 - Represent different sectors
- ◎ Adopts amendments to Title 129
- ◎ 3-4 meetings per year

Title 129 Amendment Process

- ◎ NDEQ proposes revisions
 - New/revised 40 CFR regulations; or
 - Correct outdated/ineffective Title 129 regulations
- ◎ Proposed revisions public noticed
 - >30 days
 - "Public Notices" on NDEQ website
 - <http://www.deq.state.ne.us/Proposed.nsf/Pages/Proposed>
 - Nebraska Secretary of State website

**Amending Title 129
Continued**

- ◎ Testimony at EQC meeting
 - Provided by NDEQ
 - Public participation
 - Oral/written testimony
- ◎ EQC votes on amendments
 - If adopted → Attorney General & Governor
- ◎ If approved → Secretary of State
 - Amends Title 129
 - Effective = 5 days after filing

June 2011 Hearing

- ◉ “Condensable” gaseous emissions
 - Withdrawn
- ◉ PM_{2.5} implementation
 - Regulated New Source Review (NSR) pollutant
 - “Significant” for PSD
- ◉ Attorney General rejected package
 - Amendments at hearing = substantive changes

December 2011 Hearing

- ◉ Reproposed PM_{2.5} package:
 - Permitting thresholds for:
 - Direct PM_{2.5} emissions
 - Precursor pollutants of PM_{2.5}
 - Allowable increment increases
 - Modeling & monitoring screening levels
- ◉ Amendments effective: April 1, 2012

2012 EQC Hearings

- ◉ March 2012
 - NO_x = precursor to O₃
 - Updated Pb NAAQS
 - Approved by AG
 - Pending Governor approval
- ◉ June 2012
 - Incorporated 6 NESHAPs
 - Chapter 28 effective date = July 1, 2011
 - Pending AG & Governor approval

Upcoming Proposals

- ◎ September 2012
 - Emission inventory hierarchy
 - VOC definition
 - Appendix II & III
- ◎ 2013
 - Condensable gaseous emissions
 - EPA-amended regulations
- ◎ Ongoing
 - Title 129 reformatting & clean-up

Contact Information

◎ NAAQS & Title 129 Questions:

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Questions?


