

Air Quality Updates



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Cross State Air Pollution Rule (CSAPR)



- **Intended to control ozone & PM emissions in downwind states**
 - Required power plant emission reductions of NO_x & SO_2
- **Final Rule issued July 6, 2011**
 - August 21, 2012: US Court of Appeals vacated rule
 - January 24, 2013: US Court of Appeals denied EPA rehearing petition
 - March 29, 2013: US Solicitor General petitioned Supreme Court review
- **Clean Air Interstate Rule (CAIR) still in effect**
 - Nebraska not included in CAIR
- **EPA implementing Court of Appeals Ruling**
 - EPA must identify each state's contribution independently
 - April, 2013: Began discussion with states on implementation

Regional Haze Rule

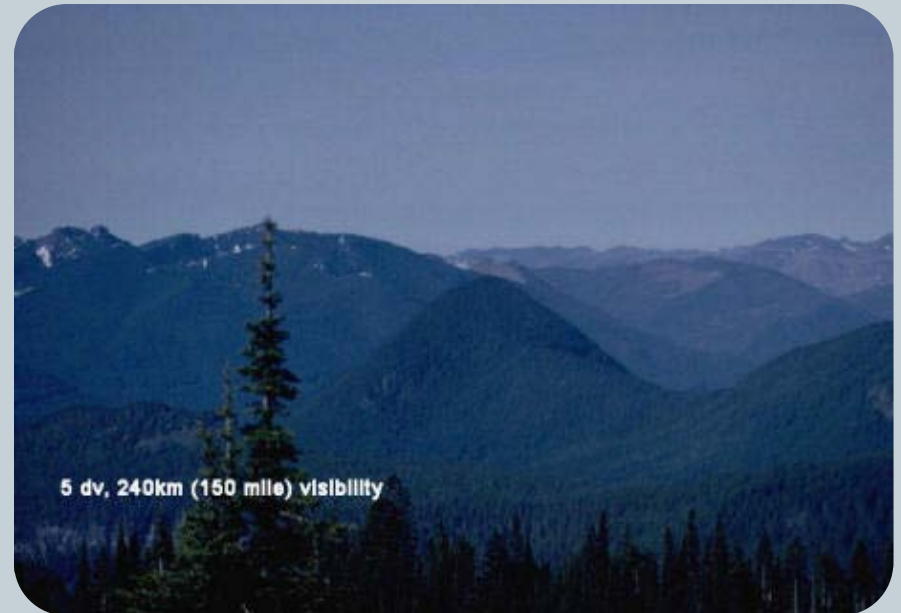


- Improve visibility in 156 National Parks & Wilderness Areas

Mt. Rainier, Washington



21 Deciviews



5 Deciviews

Regional Haze Rule



- **Reduce SO₂ & NO_x at nearby large emission sources**
 - Requires Best Available Retrofit Technology (BART)
 - Nebraska BART determination for Gerald Gentlemen Station (GGS) denied by EPA
 - ✦ Federal Implementation Plan (FIP) issued by EPA to require additional controls
- **May 30, 2012: EPA issued “Better than BART” Rule**
 - If source subject to CSAPR, then meets BART requirements
 - GGS FIP utilizes “Better than BART” Rule
 - ✦ CSAPR vacated...now what?
- **Nebraska RH Progress Report due June, 2016**

National Ambient Air Quality Standards



Pollutant		Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide		primary	8-hour	9 ppm	Not to be exceeded more than once per year
			1-hour	35 ppm	
Lead		primary and secondary	Rolling 3 month average	0.15 µg/m ³	Not to be exceeded
Nitrogen Dioxide		primary	1-hour	100 ppb	98th percentile, averaged over 3 years
		primary and secondary	Annual	53 ppb	Annual Mean
Ozone		primary and secondary	8-hour	0.075 ppm	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years
Particle Pollution	PM _{2.5}	primary	Annual	12 µg/m ³	annual mean, averaged over 3 years
		secondary	Annual	15 µg/m ³	annual mean, averaged over 3 years
		primary and secondary	24-hour	35 µg/m ³	98th percentile, averaged over 3 years
	PM ₁₀	primary and secondary	24-hour	150 µg/m ³	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide		primary	1-hour	75 ppb	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year

Particulate Matter



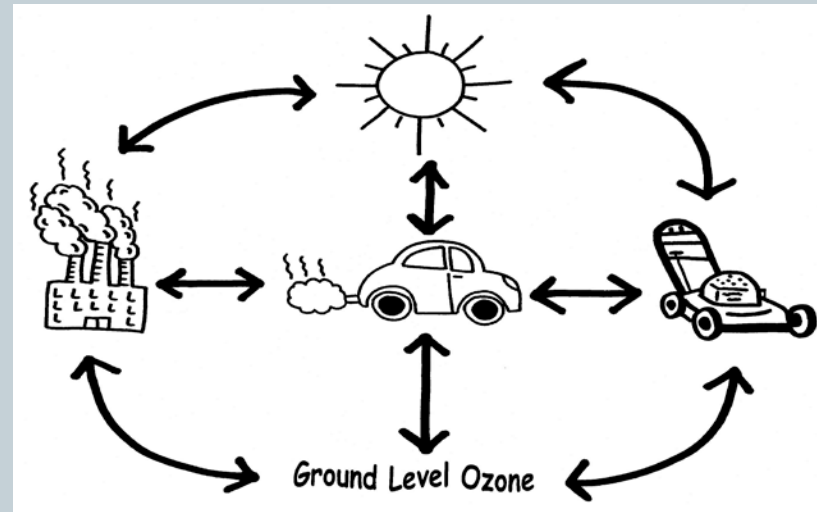
- **PM_{2.5} Primary Standard**
 - Lowered from 15 $\mu\text{g}/\text{m}^3$ to 12 $\mu\text{g}/\text{m}^3$ in December, 2012
 - Parts of Omaha & Bellevue approaching 12 $\mu\text{g}/\text{m}^3$



2014 Ozone Standard



- **New proposed ozone standard expected December, 2013**
 - Final standard expected September, 2014
- **CASAC recommends 60-70 ppb**
 - Current Omaha MSA 3-year DV > 65 ppb
 - ✦ 2012 level = 76 ppb



2010 Sulfur Dioxide Standard



- **New 1-hour standard issued in 2010**
 - Set at 75 ppb
 - Replaced the annual and 24-hour standards
- **NDEQ submitted a designation recommendation of “attainment”**
 - Based upon current monitored data
- **EPA may require that attainment demonstration use monitoring & modeling data**
 - Expecting further EPA guidance & rulemaking in 2013

What is “Nonattainment”?



- **Nonattainment = Criteria Pollutant concentration in a geographic area exceeds the NAAQS threshold**
- **NDEQ must develop a Nonattainment SIP**
 - Plan to reduce pollutant and precursor levels in the area
- **What are Nonattainment SIP options?**
 - **Nonattainment NSR**
 - ✦ Install Lowest Achievable Emission Rate (LAER) controls
 - ✦ Emission offsets
 - Transportation Conformity
 - Federal General Conformity
 - Voluntary Measures

RICE NESHAP



- **Rule issued on March 3, 2010**
 - Revised January 30, 2013
 - ✦ Emergency engine operation limits
- **Applies to new & existing stationary CI & SI engines**
- **Emergency Engine Limits**
 - Unlimited for emergencies
 - 100 hr/yr for maintenance/testing & emergency demand*
- **Compliance date = May 3, 2013 unless extension granted**
 - Performance test completed w/in 180 days of compliance date

Proposed Title 129 Changes



- **Chapter 1: Definitions**
 - Remove list of exempt organic compounds not classified as VOCs in section 160
 - ✦ Replace with reference to CFR with listing of exempt organic compounds
 - Correct minor formatting and typographical errors
- **Chapter 22: Incinerators; Emission Standards**
 - Correct minor formatting and typographical errors

Chapter 4: Ambient Air Quality Standards



- Reformat to make each standard match the federal standards
- Amend gaseous standards to “ppm” or “ppb” nomenclature
 - CO, NO₂, O₃, & SO₂ are in “μg/m³” in Title 129
- Update SO₂ to current 1-hour standard
 - Remove revoked annual arithmetic mean & 24-hour standard
- Remove the “secondary standard” for CO
- Add the 2008 8-hour O₃ standard
 - Remove the revoked 1-hour O₃ standard
- Update lead standard to 0.15 μg/m³
 - Update averaging time & form
- Update CFR attainment method references

Chapter 19: PSD



- **Remove PM_{2.5} air quality analysis threshold in section 016.07A3**
- **Remove SIL for PM_{2.5} in section 018.02**
 - Due to January 22, 2013 Court of Appeals decision
 - Will bring Title 129 into compliance with current EPA regulations
 - If not adopted, Title 129 is less stringent than the federal rules
 - ✦ SIP submittals with these provisions likely deficient and not approvable
- **Remove the word “not” before “incomplete” in sections 23.01 and 23.02**
 - Correct the intent of the regulations
- **Minor formatting the typographical corrections**

Chapter 28



- Update the effective date of the CFR in section 001
 - Incorporates all amendments to NESHAPs through July 1, 2012 into Title 129
- Add missing language to sections 001.87 and 001.88

Title 129 Changes Not Proposed



- **January 4, 2013 Court of Appeals ruled on 2007 PM_{2.5} NAAQS Implementation Rule and 2008 NSR/PSD rule for the 1997 PM_{2.5} NAAQS**
 - EPA should have used PM₁₀ nonattainment requirements (Subpart 4) not general nonattainment requirements (Subpart 1)
 - Doesn't affect status of current PM_{2.5} standard
 - ✦ Affects the implementation of the PM_{2.5} standard
 - ✦ Could affect attainment areas as well as nonattainment areas
 - Specifically for addressing precursors in permitting program
- **Amendments to Chapters 1, 20, and 22**
 - Finalize the implementation of program for PM_{2.5} in CP
 - Unknown how rules will change
 - Not proposing revisions until rulemaking completed by EPA or further guidance provided

Questions?

