Proposed Implementation of the 2015 Ozone Standard and Related Impacts to Transportation Conformity

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Blue Skies Delaware; Clean Air for Life
Some Basics Behind the Standard

- Section 109 (d) of the Clean Air Act requires the agency to review each NAAQS every five years.
- Ozone – not the result of direct emission but of VOCs and NOx reacting in presence of sunlight. “Summertime pollutant.”
- NOx Emissions: motor vehicles, fossil fuel combustion, industrial sources.
2014 NOx Emissions Profile By Sector

Data Source: 2014 Emissions Inventory, DNREC DAQ

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Review of EPA’s New 2015 Ozone NAAQS Standard

- EPA finalized revisions on October 1, 2015
- Current -75 ppb
- New -70 ppb
- EPA designating nonattainment areas for revised ozone NAAQS by October 2017.
Proposed 2015 Ozone Rule

- Rule seeks and establishes:
  - Two alternative approaches for revoking 2008 ozone NAAQs
  - Anti-backsliding requirements for areas designated Non-Attainment at the time 2008 ozone NAAQS is revoked
  - Non-Attainment area (NAA) classification thresholds and the timing of attainment dates for each NAA classification for the 2015 ozone NAAQS.
  - SIP requirements for states with nonattainment areas and states in an ozone transport region under the 2015 ozone NAAQS.
Two Options Proposed by 2015 Ozone Implementation Rule

- EPA sought comments on two options for revoking the 2008 ozone standards.
  1) Parallel the approach of revocation of 1997 8-hour ozone standard (anti-backsliding requirements for all areas designated non-attainment). 2008 ozone standard revoked for ALL AREAS.
  2) 2008 ozone standard would not be revoked in any area designated Non-Attainment for 08’ ozone NAAQS until re-designated to attainment with 10-year maintenance plan.
Impacts for Delaware

- New Castle County is monitoring nonattainment for both the current and new Ozone NAAQS, and will be designated nonattainment.
- Kent County is monitoring attainment for both the current and new standard and will likely be designated attainment.
- Sussex County is monitoring attainment for both standards and will likely be designated attainment.
- If Option 1 is selected, conformity would no longer apply in Sussex.
  - If Option 2 is selected, conformity would apply and an approved maintenance plan would be submitted for 2008 standard.
  - A request for re-designation will be submitted to EPA, after a clean data determination for Sussex. Re-designation to attainment will be approved once all applicable attainment and maintenance plan requirements are fulfilled.
September 23, 2016 DNREC submitted 2015 Ozone Standard designation recommendations to EPA which included the following:

- Determinations based on design values (relative to NAAQS) used to designate and classify Non-Attainment Areas.
- Published annually by EPA’s Office of Air Quality Planning and Standards.
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New Castle County Transportation Planning Impacts

- Conformity analysis required for the 2019 Regional Transportation Plan (RTP).
- Updated analysis and plan deemed “adequate by FHWA/FTA. Conformity determinations due October 1, 2018.
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DNREC’s Thoughts Concerning Proposed Implementation Rule

- DNREC recommended the EPA consider pursuing Option #2.
- Under Option #1 areas that were designated as Non-Attainment for the 2008 ozone NAAQS may not be required to develop and be bound by maintenance plans.
  - Anti-backsliding requirements for 2008 ozone NAAQS unnecessary.
- Option #2 parallels revocation of 1997 PM2.5 standard.
  - Negative impacts for Delaware’s air quality due to Ozone Transport.
Questions?