



# Meeting 3

## Presentation to: Air Quality Stakeholders Group

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Air Quality

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# Ramifications of failure to attain or plan

- Sanctions
- Impacts
- Timeline



## Sanctions

- Sanction Clock starts when EPA determines there has been:
  - Failure to submit a SIP
  - A SIP was submitted and found to be incomplete
  - A SIP has been found complete but is disapproved or partially disapproved
  - A failure to implement a committed measure in an approved SIP
- Three Sanction Clocks
  - 18-months – until first sanction – likely 2:1 offsets
  - 24-months – until second sanction – likely federal highway funds
  - 24-months- until Federal Implementation Plan
- Clocks may reset or pause depending on issue and remedy
- These sanctions are in the Clean Air Act



# Impacts

- 2:1 offsets
  - Automatically goes into effect 18 months after the effective date of EPA finding.
  - Affects any air quality permitting action within the nonattainment area.
  - Any new emissions would have to remove twice the amount of existing emissions. This is very difficult to achieve and likely stymie any new growth or make upgrades more difficult and expensive.



## Impacts (continued)

- Federal Highway funds
  - Over the past 4 years, the average annual investment of federal highway funds into road projects within the Non-attainment Area boundary has been \$37 million. This number includes both DOT and FMATS projects, and excludes projects funded with CMAQ and HSIP funds.



## Impacts (continued)

- Potential Military impacts
  - If solution is not found for attainment, difficult to impossible to add new grown to base.
  - Ft. Wainwright is entering into a “zero growth posture” which could have implications for the future.



## Impacts (continued)

- **Federal Implementation Plan (FIP)**
  - EPA promulgates FIPs to help a states or tribes attain NAAQS.
  - FIPs correct all or a portion of any deficiencies in a SIP.
  - FIPs consists of enforceable control measures or emission limitations.
  - The control measures or techniques could include economic incentives such as auctions, emission allowances or marketable permits (EPA, 2017).
  - FIP likely to be less flexible than a SIP.



# Impacts (continued)

States with Current FIPs	Pollutants
1. Arkansas Subpart E (Caney Creek & Upper Buffalo)	Regional Haze (RH)
2. Hawaii (Mauri & Big Island)	RH
3. North Dakota (Fort Berthold Indian Reservation)	Volatile Organic Compound (VOC)
4. Montana (Three Folks Montana)	RH, NO <sub>x</sub>
5. Arizona (Navajo Nation Near Page)	RH, NO <sub>x</sub>
6. Louisiana Subpart T (Electric Generating Units)	2008-Ozone NAAQS, NO <sub>x</sub>
7. Oklahoma Subpart LL (Electric Generating Units)	2008-Ozone NAAQS, NO <sub>x</sub>





# Impacts (continued)

<b>States with Current FIPs</b>	<b>Pollutants</b>
9. Texas Subpart SS(Electric Generating Units)	SO <sub>2</sub> , NO <sub>x</sub> , 1997 8-hour Ozone NAAQS, 2008 8-hour Ozone NAAQS, 2010 1-hour NO <sub>2</sub> , 2010 1-hour SO <sub>2</sub> NAAQS
10. Wyoming (Electric Generating Units)	RH, NO <sub>x</sub>
11. North Dakota (Electric Generating Units)	RH



# Timeline Scenarios – Worst Case Estimates for first Sanction

Sanction Start Reason	Start Date	Effective Date	Remedy
Failure to Submit	Jan/Feb 2019	June 2020	Submit SIP
SIP Incomplete	July 2019	December 2020	Submit Deficiencies
SIP Un-approvable (assuming SIP submitted complete)	January 2021 (assumes 6 months + 18 months review)	July 2022	Submit Deficiencies

- Timing dependent on actual submittal dates, potential legal actions, EPA work load.



# EPA is starting sanction clocks

- April 6, 2018 – Federal Register Notice
  - Failure to Submit State Implementation Plans for PM2.5
    - Allegheny County, PA
    - Delaware County, PA
    - Lebanon County, PA
    - Imperial County, CA
    - West Silver Valley, ID



# Questions?