

# Agricultural Air Quality Task Force

April 22, 2015

Office of Air and Radiation  
Office of Air Quality Planning and Standards

# Overview

---

- ▶ National Ambient Air Quality Standards (NAAQS)
  - ▶ Schedules Reviews and Implementation
  - ▶ Ozone
  - ▶ Particulate Matter
- ▶ Animal Production
  - ▶ Petitions/Litigation
  - ▶ NAEMS
- ▶ Biomass
- ▶ EPA's Farm, Ranch and Rural Community Committee
- ▶ The Farm Bill SAB Agriculture Committee
- ▶ Regional Activities
- ▶ Additional Agency Activities

# NAAQS Reviews: Status Update

## (as of March 31, 2015)

	Ozone	Lead	Primary NO <sub>2</sub>	Primary SO <sub>2</sub>	Secondary NO <sub>2</sub> and SO <sub>2</sub>	PM	CO
<b>Last Review Completed</b> (final rule signed)	Mar 2008	Oct 2008	Jan 2010	Jun 2010	Mar 2012	Dec 2012	Aug 2011
<b>Recent or Upcoming Major Milestone(s)<sup>1</sup></b>	<u>August 2014</u> Final REAs Final PA  <u>Nov 25, 2014</u> Proposed rule  <u>Oct 1, 2015</u> <sup>2</sup> Final rule	<u>May 2014</u> Final PA  <u>Dec 2014</u> Proposed decision	<u>June 2014</u> Final IRP  <u>January 2015</u> 2 <sup>nd</sup> Draft ISA  <u>Spring 2015</u> REA Planning Document	<u>October 2014</u> Final IRP  <u>Summer 2015</u> 1 <sup>st</sup> Draft ISA  <u>Fall 2015</u> REA Planning Document	<u>Summer 2015</u> Draft IRP	<u>Winter 2015/2016</u> 6 Draft IRP	TBD <sup>3</sup>

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

<sup>1</sup> IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

<sup>2</sup> Bold and underlined dates indicate court-ordered or settlement agreement deadlines

<sup>3</sup> TBD = to be determined

# Anticipated NAAQS Implementation Milestones

(updated March 31, 2015)

Pollutant	Final NAAQS Date	Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM <sub>2.5</sub> (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2016
NO <sub>2</sub> (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO <sub>2</sub> (2010) (primary)	June 2010	Oct 2013 (+3 rounds)	June 2013	April 2015 (2018, 2019, 2022)	Oct 2018 (2023, 2024, 2027)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
PM <sub>2.5</sub> (2012)	Dec 2012	Early 2015	Dec 2015	Mid 2016	Dec 2021 (Mod) Dec 2025 (Ser)
Ozone (2015)	Oct 2015	Dec 2017	Oct 2018	Dec 2020-21	2020-2037

# Ozone NAAQS

---

- ▶ 2008 Revised primary 8-hour Ozone NAAQS (75 ppb)
  - ▶ Area designations (46 nonattainment and 1 unclassifiable) were effective on July 20, 2012
    - On going litigation concerning designations for several areas
- ▶ 2008 Ozone NAAQS SIP Requirements Rule and Revocation of 1997 NAAQS
  - ▶ Proposed May 29, 2013 (78 FR 34178), anticipate final rule in early 2015
  - ▶ Emission inventory and RACT SIPs were due in July 2014
  - ▶ Attainment plans and demonstrations due July 2015 (Moderate) or July 2016 (Serious and above)
- ▶ 2015 Ozone NAAQS Review
  - ▶ April 29, 2014 court issued ruling on schedule:
    - Signed November 25, 2014
    - Final October 1, 2015

# 2008 Ozone NAAQS

---

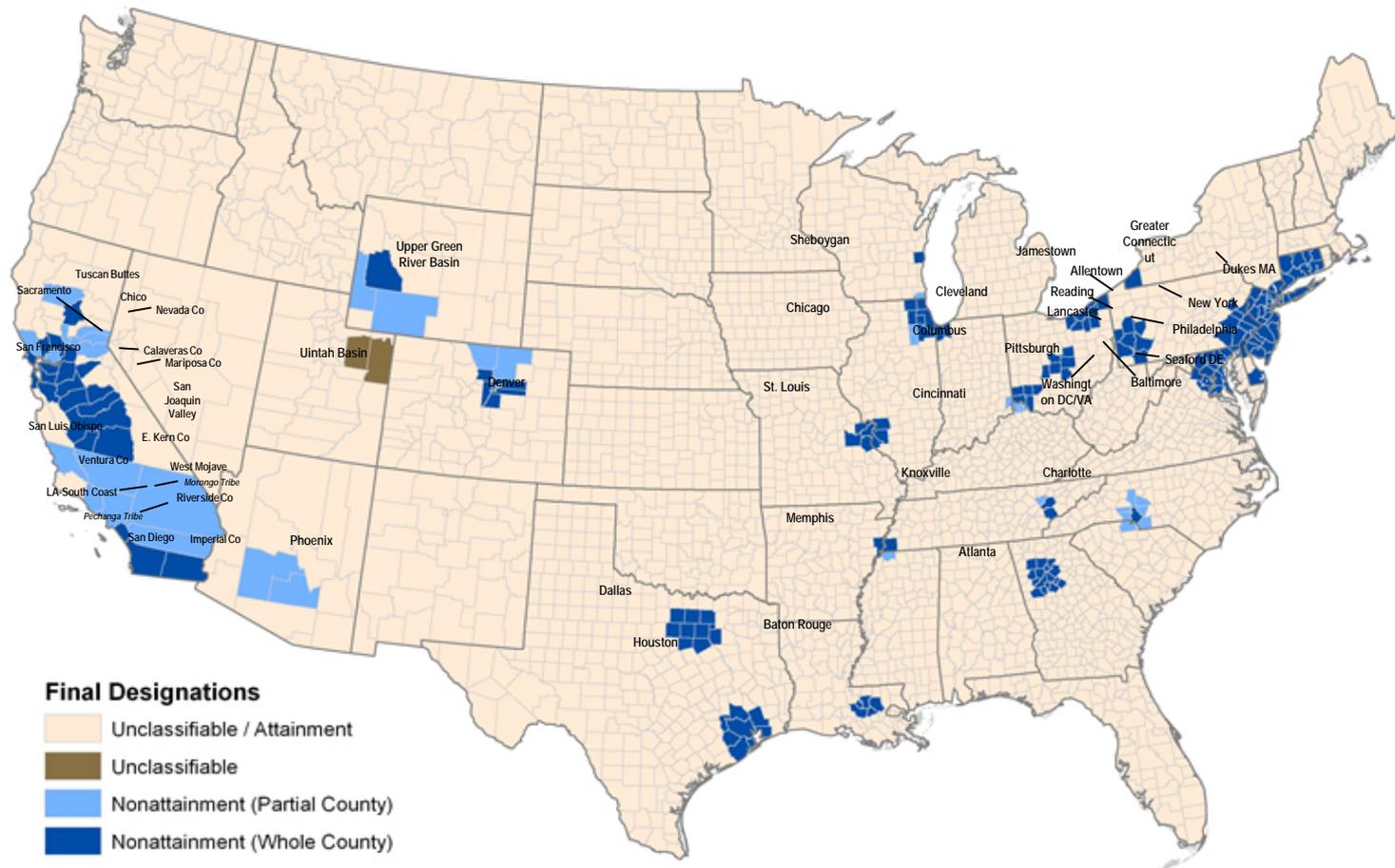
- ▶ Revised primary 8-hour Ozone NAAQS in 2008 (75 ppb)
- ▶ Final 2008 Ozone NAAQS Classifications Rule
  - ▶ Published May 21, 2012 (77 FR 30160)
  - ▶ Established air quality thresholds for each ozone nonattainment area classification, attainment deadlines and revocation of the 1997 Ozone standards for transportation conformity
  - ▶ Lawsuit filed by NRDC, challenging end of year attainment date EPA sought to establish in Classifications Rule
  - ▶ DC Circuit issued opinion on December 23, 2014 vacated portion of the Classification Rule that sought to establish attainment date periods from the end of year; held that deadlines calculated as annual periods running from date of designations more appropriate
  - ▶ EPA addressed lawsuit in final 2008 Ozone SIP requirements Rule; established the maximum attainment date as a specific number of years from effective date of designations

# 2008 Ozone NAAQS: Area Designations

---

- ▶ Area designations for 2008 Ozone NAAQS effective July 20, 2012
  - ▶ 46 nonattainment areas, 1 unclassifiable area
    - 36 Marginal; 3 Moderate; 2 Serious; 3 Severe; 2 Extreme
- ▶ Attainment Dates for 2008 Ozone NAAQS (attainment date runs from effective date of designations)
  - ▶ Marginal – 3 years
  - ▶ Moderate – 6 years
  - ▶ Serious – 9 years
  - ▶ Severe – 15 years
  - ▶ Extreme – 20 years

# 2008 Ozone NAAQS: Area Designations (Effective July 20, 2012)



**Notes:**

EPA has not designated as nonattainment any areas outside the Continental US.

# Implementation of the 2008 NAAQS for Ozone: State Implementation Requirements Rule

---

- ▶ Official title: “Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements” (*hereafter referred to as Ozone SRR*)
  - ▶ Final Ozone SRR signed on Feb. 13, 2015; published March 6, 2015  
80 FR 12264
    - effective date is April 6, 2015
  - ▶ Webinar for state, local and tribal air agencies held on Feb. 26, 2015
    - webinar slides and recording available online at [www.epa.gov/groundlevelozone/actions.html](http://www.epa.gov/groundlevelozone/actions.html)
  - ▶ Significant amount of implementation detail from the Ozone SRR addressed in webinar

# Implementation of the 2008 NAAQS for Ozone: State Implementation Requirements Rule

---

- ▶ In general, the Ozone SSR interprets applicable statutory requirements and provides flexibility (to extent possible) to states to minimize administrative burdens while developing and implementing plans to meet and maintain the NAAQS
  - ▶ Establishes due dates for attainment plans and clarifies attainment dates for each nonattainment area according to its classification (established based on air quality thresholds)
  - ▶ Revokes the 1997 ozone NAAQS as of April 6 and establishes anti-backsliding requirements for areas remaining nonattainment for the 1997 ozone NAAQS
  - ▶ Provides guidance on nearly all aspects of the attainment planning requirements for designated nonattainment areas

# Implementation of the 2008 NAAQS for Ozone: State Implementation Requirements Rule

---

- ▶ Key implementation dates:
  - ▶ Emission inventory and RACT SIPs due July 2014
  - ▶ Attainment plans and demonstrations due July 2015 (Moderate) or July 2016 (Serious and above)
  - ▶ Marginal area attainment date: July 20, 2015 (attainment to be determined by 2012-2014 air quality data)
- ▶ EPA anticipates that the Ozone SRR will serve as blueprint for the implementation provisions that would apply to any potential future ozone revisions to the Ozone NAAQS

# Update: 2015 Ozone NAAQS Proposal

---

- ▶ On November 25, 2014, EPA proposed to strengthen the national ambient air quality standards for ground-level ozone, based on extensive scientific evidence about ozone's effects on public health and welfare (*Federal Register* notice published Dec. 17, 2014 (797R75234))
  - ▶ Primary Standard Proposal: 65-70 ppb, accepted comment on lower levels including 60 ppb and on retaining the current standard of 75 ppb
  - ▶ Secondary Standard Proposal: 65-70 ppb, which we proposed would provide the requisite protection equivalent to a seasonal W126 index of 13 to 17 ppm-hours
  - ▶ Proposed to retain the form and averaging time (8-hour) for both the primary and secondary standards
- ▶ The proposed updates will improve public health protection, particularly for children, the elderly and people of all ages who have lung diseases such as asthma
- ▶ EPA also proposed to update the Air Quality Index (AQI) for ozone; and make certain updates to monitoring and permitting requirements

# 2015 Ozone NAAQS Proposal: Status

---

- ▶ On January 29<sup>th</sup> and February 2<sup>nd</sup>, three public hearings were held in Arlington, TX, Washington DC, and Sacramento, CA.
- ▶ We heard from more than 400 speakers representing a variety of positions on our proposal
- ▶ The 90 day public comment period for both the proposal and the Regulatory Impact Analysis closed March 17, 2015
- ▶ We received and are currently reviewing more than 400,000 comments
- ▶ The court-ordered deadline for signature of the final rule is October 1, 2015 and we are on track to meet that date

# 2015 Ozone NAAQS: Implementation

---

- ▶ Key implementation milestones for NAAQS (if revised)
  - ▶ Area designations promulgated by October 2017
  - ▶ Infrastructure SIPs due Oct 2018
  - ▶ Attainment plans due 2020-21
  - ▶ Attainment dates 2020-2037 (primary standard only)
- ▶ Implementation rules and guidance for 2015 Ozone NAAQS
  - ▶ 2015 ozone NAAQS proposal includes limited grandfathering of PSD permit applications, and process deadlines for ozone-related exceptional events demonstrations
  - ▶ Also seeking early input on other implementation issues that would be addressed in separate implementation requirement rulemaking
  - ▶ EPA looking to propose separate implementation rulemaking by October 2016 and finalize by end of 2017

# What if Background Ozone Constitutes Violations of NAAQS?

---

- ▶ Proposal acknowledges that background ozone contributes significantly to ozone levels on some days, especially in some areas in the western U.S. (e.g., Denver)
  - ▶ Acknowledges that prescribed fire may be used to mitigate the effects of catastrophic wildfire
- ▶ At a prospective standard of 70 ppb, background ozone is unlikely to create significant implementation challenges
- ▶ Majority of current 8-hour exceedances attributable to (local and regional) manmade emissions
  - ▶ On high ozone days, about 1/3 – 1/2 of total ozone (on average) is due to background
- ▶ Influences include stratospheric ozone intrusion, wildfires and sources outside of the U.S.
  - ▶ Where this is an issue, existing CAA mechanisms help ensure fair and reasonable control requirements (Exceptional Events and 179B)
- ▶ EPA working to ensure these mechanisms are as workable as possible for states and EPA to administer

# Intended Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	(Actual) and Planned Dates
EPA <u>proposes</u> 2015 Ozone NAAQS and Monitoring, Exceptional Event Demonstration Schedule, and PSD grandfathering as part of 2015 NAAQS proposal.		(November 25, 2014)
EPA <u>finalizes</u> 2015 Ozone NAAQS and Monitoring, Exceptional Event Demonstration Schedule, and PSD grandfathering as part of 2015 NAAQS final.	Upon promulgation	October 2015
EPA <u>proposes</u> Exceptional Events Rule revisions and issues draft Wildfire/Ozone Guidance		Fall 2015
EPA issues Designations guidance	4 months	January 2016
<i>States submit Designation recommendations</i>	<i>12 months</i>	<i>October 2016</i>
As needed, EPA issues revised i-SIP guidance	Up to 12 months	Up to October 2016
EPA <u>finalizes</u> Exceptional Events Rule revisions and issues Wildfire/Ozone Guidance		Summer 2016

# Intended Schedule for 2015 Ozone NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	(Actual) and Planned Dates
<b>EPA <u>proposes</u> Nonattainment Area SIP rules/guidance (including classification, conformity, emission inventory, modeling [e.g., Appendix W], and nonattainment NSR provisions)</b>	12 months	October 2016
<b>EPA <u>finalizes</u> Designations, Classifications, and Attainment Dates*</b>	24 months	October 2017
<b>EPA <u>finalizes</u> Nonattainment Area SIP rules/guidance</b>	24 months	October 2017
<b>EPA issues <u>final</u> SIP templates, toolkits, etc. to assist states with development of nonattainment area plans</b>	24 months	October 2017
<i>States submit Infrastructure and Transport SIPs</i>	<i>36 months</i>	<i>October 2018</i>
<i>States submit Attainment plans</i>	<i>3-4 years</i>	<i>December 2020-2021</i>
<i>Nonattainment Area Attainment Dates (Marginal – Extreme)</i>	<i>3-20 years</i>	<i>December 2020-2037</i>

\* Designations can be finalized in 3 years under certain circumstances.

# Progress on Ozone NAAQS Attainment (as of March 31, 2015)

	1997 8-hr Ozone (2004 Designations)	2008 Ozone (2012 Designations)
Initial Nonattainment Areas	115	46
Areas Redesignated to Attainment	80 (prior to revocation)	0
Current Nonattainment Areas	35	46
Clean Data Determinations	24	1
Proposed Redesignations/ Redesignation Substitutes	0	0

# PM<sub>2.5</sub> NAAQS and SIP Actions

---

- ▶ Effect of the January 2013 court decision on implementation of the 1997 and 2006 PM<sub>2.5</sub> nonattainment areas
  - ▶ States are updating SIPs to address all precursors (including ammonia and VOC), as appropriate
  - ▶ For some current nonattainment areas, EPA action on attainment plans and/or nonattainment NSR SIPs will be required prior to issuance of the final PM<sub>2.5</sub> implementation rule
- ▶ For areas designated nonattainment for the 2012 PM<sub>2.5</sub> NAAQS, Moderate area plans will be due 18 months after the effective date of designation (Fall 2016)
  - ▶ Final PM<sub>2.5</sub> NAAQS implementation rule is expected to be finalized before these plans come due

# 2012 PM<sub>2.5</sub> NAAQS

---

- ▶ Final PM<sub>2.5</sub> NAAQS rule signed December 14, 2012
  - ▶ Revised the primary annual PM<sub>2.5</sub> standard to 12 µg/m<sup>3</sup>
  - ▶ Retained secondary annual PM<sub>2.5</sub> standard of 15 µg/m<sup>3</sup> and 24-hr PM<sub>2.5</sub> standards of 35 µg/m<sup>3</sup>
  - ▶ EPA also made updates and improvements to monitoring network that include relocating a small number of monitors to measure PM<sub>2.5</sub> near heavily traveled roads in areas with populations ≥ 1 million
    - These relocations will be phased in over two years (2015-2017) and will not require additional monitors
- ▶ U.S. Court of Appeals, D.C. Circuit issued its decision on May 9, 2014 regarding lawsuit challenging the final PM<sub>2.5</sub> NAAQS
  - ▶ Court denied petitions for review on all accounts

# 2012 PM<sub>2.5</sub> NAAQS Implementation

---

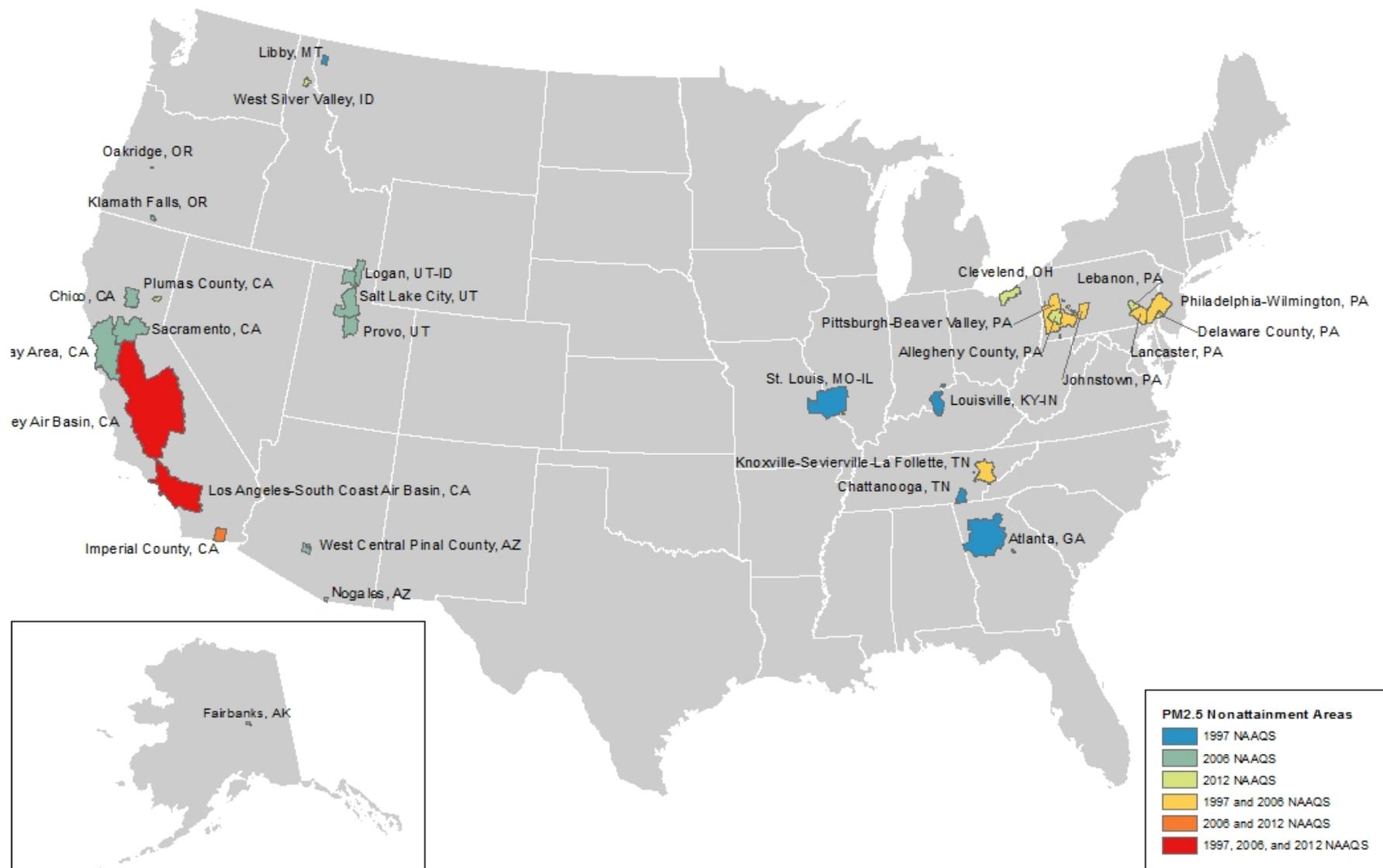
- ▶ January 2013 DC Circuit decision regarding litigation on 2007 PM<sub>2.5</sub> implementation rule and 2008 NSR rule for PM<sub>2.5</sub>
  - ▶ Court held that EPA must implement PM<sub>2.5</sub> NAAQS under subpart 4
- ▶ EPA issued final deadline and classifications rule issued on June 2, 2014 (79 FR 31566). The rule:
  - ▶ Classified areas designated nonattainment for the 1997 and/or 2006 PM<sub>2.5</sub> standards as “Moderate”
  - ▶ Set new deadline of December 31, 2014, for states to submit attainment–related and nonattainment NSR SIP submissions required under subpart 4 as needed
  - ▶ Directed states to existing EPA guidance (1992 General Preamble and 1994 Addendum) to better understand subpart 4 requirements
- ▶ Petition for review filed July 31, 2014, by WildEarth Guardians in D.C. Circuit Court of Appeals on deadline/classifications rule
  - ▶ Petitioners filed opening brief on January 16, 2015
  - ▶ EPA’s response is due in early April 2015

# 2012 Annual PM<sub>2.5</sub> NAAQS: Designations

---

- ▶ December 18, 2014 – Administrator signed final area designations for most areas of the country (based on 2011-2013 data)
  - ▶ Final designations published in *Federal Register* on January 15, 2015 (80 FR 2206)
  - ▶ Effective date for designations is April 15, 2015 (90 days)
  - ▶ Supplemental final signed March 31, 2015 changed designation of several areas to attainment based on early-certified 2014 data showing attainment
- ▶ Final designation decisions include 9 nonattainment areas involving 4 states, plus several unclassifiable areas
  - ▶ 1 tribal area designated separate unclassifiable/attainment
  - ▶ 3 Unclassifiable areas: IL (+2 IN + 4 MO counties/1 city in MO), PR, USVI

# PM2.5 Nonattainment Areas for 1997, 2006, and 2012 NAAQS (as of April 13, 2015)



# 2012 Annual PM<sub>2.5</sub> NAAQS: Designations

---

- ▶ States with nonattainment areas must submit attainment plan within 18 months of the effective date of designation (by October 15, 2016)
  - ▶ Attainment deadline is no later than 6 years from the effective date of designation (by April 15, 2021, using 2018-2020 data)
- ▶ EPA deferred final decisions for up to 1 year for several areas
  - ▶ 5 Deferred areas: FL, TN (-3 counties), 3 GA areas
- ▶ Remainder of 2015 – review certified 2014 data and preliminary 2015 data in deferred areas and take action as appropriate

# PM<sub>2.5</sub> NAAQS Implementation: SIP Requirements NPRM

---

- ▶ On March 10, 2015, EPA issued its proposed rule for SIP requirements that would apply to current and future PM<sub>2.5</sub> nonattainment areas
  - ▶ Published on March 23, 2015 (80 FR 15340)
  - ▶ Public hearing scheduled for April 29, 2015 in Washington, DC
  - ▶ Public comment period closes on May 29, 2015
  - ▶ Finalize in late 2015/early 2016
- ▶ Webinar for state, local and tribal air agencies held on March 18, 2015
  - ▶ Webinar slides and recording available online at [www.epa.gov/pm/actions.html](http://www.epa.gov/pm/actions.html)
  - ▶ Significant amount of implementation detail from the proposal addressed in webinar

# PM<sub>2.5</sub> NAAQS Implementation: SIP Requirements NPRM

---

- ▶ The proposal:
  - ▶ Takes comment on approaches to clarify nonattainment implementation requirements according to subpart 4 of part D of Title I of the CAA, consistent with January 2013 D.C. Circuit Court decision
  - ▶ Would apply to all 2012 PM<sub>2.5</sub> NAAQS nonattainment areas, areas designated for the 1997 and 2006 PM<sub>2.5</sub> NAAQS, and any additional areas designated nonattainment for these or future revised PM<sub>2.5</sub> NAAQS
  - ▶ Addresses how subpart 4 court decision affects nonattainment NSR permitting requirements (e.g., with respect to major source threshold, precursors, etc.)

# PM<sub>2.5</sub> NAAQS Implementation: SIP Requirements NPRM

---

- ▶ Proposal addresses a number of requirements including:
  - ▶ Attainment plan due dates, attainment dates and attainment date extension criteria for Moderate and Serious nonattainment areas
  - ▶ Determination criteria for Reasonably Available Control Measures (RACM) for Moderate areas and Best Available Control Measures (BACM) for Serious areas
  - ▶ Plans for demonstrating reasonable further progress and for meeting periodic quantitative milestones
  - ▶ Criteria for reclassifying a Moderate nonattainment area to Serious
- ▶ EPA is also proposing:
  - ▶ Options for air agencies to demonstrate that one or more PM<sub>2.5</sub> precursors do not contribute significantly to PM<sub>2.5</sub> levels in a particular nonattainment area
  - ▶ Options for revoking the 1997 primary annual PM<sub>2.5</sub> standard of 15 micrograms per cubic meter (µg/m<sup>3</sup>)

# Schedule for 2012 PM<sub>2.5</sub> NAAQS Implementation Rules/Guidance/Tools

Action	After NAAQS Promulgation	(Actual) and Planned Dates
EPA promulgates 2012 PM <sub>2.5</sub> NAAQS rule and Monitoring, Exceptional Event Demonstration Schedule, and PSD guidance or rule as part of NAAQS rule	N/A	(Dec 2012)
EPA issues Designations guidance	4 months	(April 13)
<i>States submit Designation recommendations as needed</i>	12 months	(Oct 2013 – March 2014)
EPA finalizes PM <sub>2.5</sub> area designations	24 months	(Dec 2014)
EPA proposed nonattainment area SIP rules or guidance (e.g., modeling, emission inventory and permit modeling guidances)	12 months	(March 2015)
Effective date of EPA designations	27 months*	April 2015
EPA issues final nonattainment area SIP rules or guidance (e.g., modeling, emission inventory and permit modeling guidances)	27 months*	Early 2016
EPA and/or air agencies issue final SIP templates, toolkits, etc. to assist states with development of nonattainment area plans	27 months*	Sept 2016
<i>States submit Attainment plans</i>	45 months	Sept 2016

\* Designations can be finalized in 3 years under certain circumstances.

# Progress on PM<sub>2.5</sub> NAAQS Attainment (as of March 31, 2015)

	<b>1997 PM<sub>2.5</sub> (2005 Designations)</b>	<b>2006 PM<sub>2.5</sub> (2009 Designations)</b>
Initial Nonattainment Areas	39	32
Areas Redesignated to Attainment	26	8
Current Nonattainment Areas	13	24
Clean Data Determinations	11	13
Proposed Redesignations	2	6

# Animal Production: Petitions/Litigation

---

## ▶ Ammonia and Hydrogen Sulfide

- ▶ April 2011 petition to regulate  $\text{NH}_3$  as a criteria pollutant under CAA sections 108 and 109
  - Major Petitioners: EIP, Assoc. of Irritated Residents, Food & Water Watch, HSUS, Johns Hopkins Center for a Livable Future, Sierra Club, Waterkeeper Alliance
- ▶ Court case seeking to compel EPA to (1) list ammonia and hydrogen sulfide as criteria pollutants under CAA 108 and (2) list CAFOs as a source category under CAA 111. (Zook v. McCarthy (D.C. Cir.))

## ▶ CAFOs

- ▶ September 2009 petition to list CAFOs under CAA section 111(B)
  - Pollutants of concern: GHGs ( $\text{CH}_4$ ,  $\text{N}_2\text{O}$ ),  $\text{H}_2\text{S}$ ,  $\text{NH}_3$ , PM, VOCs
  - Major Petitioners: HSUS, Assoc. of Irritated Residents, CRPE, EIP, Sierra Club, Waterkeeper Alliance
- ▶ December 8, 2014 Notice of Intent to Sue from EIP under CAA section 130
  - Unreasonable delay of a non-discretionary duty to establish emission factors under section 130 of the CAA for VOC emissions from AFOs
- ▶ In February 2015, EPA's Office of Civil Rights accepted for investigation a complaint filed by Earthjustice on behalf of local community groups that alleges racial and national origin discrimination related to the impacts of swine feeding operations in North Carolina in violation of Title VI of the Civil Rights Act of 1964.

# Animal Production: NAEMS

---

- ▶ The SAB recommended that the EPA “analyze the NAEMS data at different levels of completeness criteria” and to “use as much data as possible when developing the EEMs”
- ▶ The EPA worked with the NAEMS Science Adviser to reanalyze the raw data at different completeness criteria levels.
- ▶ The EPA has received analysis, but has not investigated the impacts of the different completeness criteria on the EEMs

# Biomass

---

- ▶ On November 19, 2014 EPA released a 2<sup>nd</sup> draft of the *Framework for Assessing Biogenic Carbon Dioxide (CO<sub>2</sub>) from Stationary Sources*, for further review.
  - ▶ Revised report takes into account the latest information from the scientific community and other stakeholders.
  - ▶ EPA will continue to refine its accounting work by initiating a second round of targeted peer review with the Science Advisory Board
- ▶ EPA also released a memorandum that describes our current thinking pertaining to biogenic CO<sub>2</sub> emissions in the context of the Clean Power Plan (CPP) and the Prevention of Significant Deterioration (PSD) program.
  - ▶ EPA expects that state reliance on waste-derived feedstocks and agricultural- and forest-derived feedstocks from sustainable practices may also be approvable elements of state compliance plans under the CPP
  - ▶ EPA will evaluate the biogenic feedstock components of proposed state plans as part of the compliance plan and review process, and will provide clarification as needed on the basis on which it will make such biomass-related evaluations.
  - ▶ EPA plans to propose revising the PSD regulations to include an exemption from application of the Best Available Control Technology (BACT) requirements for GHGs from waste-derived feedstocks and from non-waste biogenic feedstocks derived from sustainable forest or agricultural practices.
  - ▶ EPA anticipates providing additional guidance to sources undergoing BACT analysis involving biogenic feedstocks.
- ▶ The memo and revised Framework can be found at:  
<http://epa.gov/climatechange/ghgemissions/biogenic-emissions.html>

# Farm, Ranch & Rural Communities Committee

---

- ▶ The Farm, Ranch, and Rural Communities Committee (FRRCC) was established in 2008 to “provide independent policy advice, information and recommendations to the Administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities”
- ▶ Committee members include representatives from academia, industry (e.g., agriculture and allied industries), non-governmental organizations, and state, local and tribal governments
- ▶ The current Committee charge is still under review; the next Committee meeting is tentatively scheduled for October 2015 in Denver, Colorado
- ▶ In January 2015 NACD and USDA gave presentations to the Committee on the importance of soil health and the advantages that it can have on air and water quality

# The Farm Bill SAB Agriculture Committee

---

- ▶ Farm Bill Charge: “Provide scientific and technical advice to the Board relating to matters referred to the Board that the Administrator and the Board determines, in consultation with the Secretary of Agriculture, to have a significant direct impact on enterprises that are engaged in the business of the production of food and fiber, ranching and raising livestock, aquaculture and all other farming and agriculture related industries”
- ▶ Members appointed by the Administrator and the Board, in consultation with the Secretary of Agriculture
- ▶ Status: EPA’s Office of the SAB, OGC and Agriculture Counselor are working on establishing this committee. Nomination process closed recently.

# Regional Activities

---

- ▶ EPA finalized approval of the SJV SIP credit for incentives rule
  - ▶ The aggregate data agreement last year between NRCS, CARB, the SJV Air District and EPA was crucial to bridge the confidentiality required by the Farm Bill and the transparency required by the CAA without divulging specific growers names and locations
- ▶ Last week, the SJV Air District Governing Board adopted a plan for attaining the 1997 PM 2.5 standards under Subpart 4 and requesting an attainment date extension until 2020
  - ▶ Current attainment date is December 31, 2015
  - ▶ If EPA is unable to approve the extension request to 2020, then a process to require a 5% plan would be initiated
  - ▶ However, we have been working hard with the District and CARB to address issues
  - ▶ CARB and the district believe that ammonia is insignificant, but are providing an analysis that they believe district rules meet CAA requirements for ammonia as a legal redundancy
  - ▶ EPA and CARB have committed to work together on what a significance demonstration for ammonia would need to include in light of the proposed PM 2.5 implementation rule and before the next round of PM 2.5 planning in 2016

# Additional Agency Activities

---

- ▶ Grain Elevators New Source Performance Standard (NSPS)
  - ▶ Proposed amendments on July 9, 2014
  - ▶ Comment period extended and now closes on December 22, 2014
  - ▶ Docket - <http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OAR-2010-0706>
- ▶ Phosphoric Acid and Phosphate Fertilizer RTR
  - ▶ Proposal published in FR on November 7, 2014
  - ▶ Comment period ended on January 21, 2015
  - ▶ Final rule is due for signature on July 21, 2015
  - ▶ Docket- <http://www.regulations.gov/#!docketDetail;D=EPA-HQ-OAR-2012-0522>
- ▶ Carbon Pollutions Standards for New, Modified and Reconstructed Power Plants and Clean Power Plan for Existing Power Plants
  - ▶ On January 8, 2013, EPA published a proposal *in the Federal Register* for carbon pollution from new power plants
  - ▶ On June 2, 2014, the EPA issued the proposed Clean Power Plan for existing power plants and the Carbon Pollution Standard for Modified and Reconstructed Sources; the proposals were published in the *Federal Register* on June 18, 2014
  - ▶ The EPA published a notice of data availability (NODA) in the *Federal Register* on October 30, 2014
  - ▶ On November 6, 2014, the EPA issued a technical support document (TSD) that provides two examples of how states, U.S. territories, and Indian country can translate rate-based goals into total metric tonnes of CO<sub>2</sub> (or “mass-based equivalent”)
  - ▶ The EPA published the Clean Power Plan supplemental proposal in the *Federal Register* on November 4, 2014
  - ▶ EPA will issue final rulemakings for new, existing and modified and reconstructed power plants in mid-summer 2015
  - ▶ For more information please visit: <http://www2.epa.gov/carbon-pollution-standards/clean-power-plan-proposed-rule>

# Additional Agency Activities (cont.)

---

## ▶ Renewable Standard Fuel

- ▶ Proposed consent decree in litigation brought against EPA by, the American Petroleum Institute (API) and the American Fuel and Petrochemical Manufacturers (AFPM), would establish the following schedule for issuing Renewable Fuel Standards for 2014 and 2015:
  - By June 1, the agency will propose volume requirements for 2015. By November 30, EPA will finalize volume requirements for 2014 and 2015 and resolve a pending waiver petition for 2014.
- ▶ While not part of the consent decree terms, the agency also plans to:
  - By June 1, re-propose volume requirements for 2014, that reflect the volumes of renewable fuel that were actually used in 2014, and
  - propose and finalize the 2016 standards on the same time schedule, which would get the agency back on schedule for establishing these standards
- ▶ More information is available at: <http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>

## ▶ Rice NESHAP Reconsideration

- ▶ EPA sent letters to the petitioners on August 1, 2014, indicating that, after consideration of the public comments received on the September 5, 2013, notice of reconsideration, the EPA is not proposing any changes to the regulation
- ▶ A *Federal Register* was published on August 15, 2014 to announce our decision on the reconsideration
- ▶ RICE outreach to agriculture community

## For more information

---

- ▶ Please contact Robin Dunkins, Group Leader, Sector Policies and Programs Division within the Office of Air Quality Planning and Standards at: 919-541-5335 or at [dunkins.rob@epa.gov](mailto:dunkins.rob@epa.gov)
- ▶ More information can also be found at: <http://www.epa.gov/airquality/agriculture/>