

California Air Officials Float Plan To Ease Ozone NAAQS Implementation

By Stuart Parker

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Officials with California's San Joaquin Valley air district are floating a draft legislative proposal for Congress that they say would ease implementation of a potentially stricter EPA ozone national ambient air quality standard (NAAQS) by giving certain areas out of attainment with the standard more time to cut pollution and meet it.

California has severe ozone pollution problems and EPA has acknowledged this in its proposal to tighten the 2008 ozone standard of 75 parts per billion (ppb) to between 65 and 70 ppb. EPA in a fact sheet on the rule predicts health benefits of a 70 ppb standard at \$6.4 to \$13 billion compared to costs of \$3.9 billion, and predicts national costs of \$19 to \$38 billion for a 65 ppb limit compared to \$15 billion in costs of meeting that standard.

However, several areas in California are not required to meet the existing NAAQS by the 2025 deadline that other areas must meet, and may not be required to meet a stricter limit until sometime between 2032 and 2037, EPA says. As a result, the agency has estimated the costs and benefits of its proposal separate from other states.

In California, a 70 ppb standard would by 2025 yield annual health benefits of \$1.1 billion to \$2 billion compared to \$800 million in costs, and \$2.2 billion to \$4.1 billion costs for a 65 ppb limit compared to \$1.6 billion in costs.

But state officials are concerned about having to meet a stricter standard that moves closer to naturally occurring and foreign-sourced background levels of ozone that they cannot regulate. Fears over the difficulty in meeting a tighter limit, combined with air law deadlines for compliance, are prompting calls for changes to the Clean Air Act.

Regulators with the San Joaquin Valley air district, representing a large portion of California that experiences high ozone levels, are now pitching their draft legislative proposal that would leave the NAAQS-setting process unchanged, but give areas in nonattainment with the standard such as San Joaquin more time to cut emissions and comply.

Background ozone levels, resulting from foreign emissions and naturally occurring ozone, combined with the area's topography, make for stubbornly high ozone levels in San Joaquin, which is classed in "extreme" nonattainment for the current ozone NAAQS of 75 ppb. Although this gives the area longer to attain the standard than elsewhere, until 2037, there is little prospect the area will attain, said Seyed Sadredin, chief of the air district, at a recent Texas Commission on Environmental Quality workshop that heard from various critics of a stricter NAAQS.

"At this point, technology does not exist to meet the standards," said Sadredin, warning "it may be sheerly impossible" to meet them. The primary goal of the air district's proposal is to buy time for compliance by removing air law time limits for extreme areas to attain, and instead require that such areas "shall attain the standard as expeditiously as possible with the most effective measures that take into account technological and economic feasibility."

The air district proposes that the timing of various other air law implementation plan submissions be consolidated and that states be allowed to choose which ozone precursors to regulate, among other suggestions.

Sources with the air district say that they expect their proposal to be included in a new bill in Congress to be proposed by one or more lawmakers from California and elsewhere in the near future.

They also say that EPA has indicated some willingness to consider consolidating state air plan submission deadlines and allowing states to choose which ozone precursors to regulate.

However, an EPA spokeswoman would confirm only the agency has received the state's proposal and is studying it.