

Lindy Bauer

From: Colleen McKaughan [McKaughan.Colleen@epamail.epa.gov]
Sent: Wednesday, July 20, 2011 4:13 PM
To: ecm@azdeq.gov; Lindy Bauer; WilliamWiley@mail.maricopa.gov
Cc: Lisa Hanf; Gregory Nudd; MichaelA Flagg; Kara Christenson; Doris Lo
Subject: Questions about the replacement 189(d) plan for Maricopa County

Hi, Everyone,

ADEQ and MAG have raised a couple of questions about the replacement 189(d) plan that the state will submit for the Maricopa County PM-10 nonattainment area:

1. What should be the base year for the 5% demonstration?
2. Can excess emission reductions be carried forward from year to year?

EPA has had internal discussions regarding your questions. Although we cannot direct the state to make specific choices or take specific actions, we are happy to provide input regarding the CAA and EPA regulations and guidance during the SIP development process. Here are our thoughts based on our current understanding of Maricopa County's circumstances.

Base Year:

EPA believes that it is reasonable for a state to submit the most recent inventory prepared for the area before it was first required to submit a 189(d) plan due to the failure to attain by the date set in its serious area plan. EPA believes that 2007 would be an appropriate year for the "most recent inventory" for the resubmitted Maricopa County plan. The 2007 emissions inventory in the resubmitted plan should address the issues with the previous 2007 emissions inventory that were raised in EPA's proposed disapproval of original 189(d) plan for the Maricopa County nonattainment area. EPA therefore believes that the 2008 Periodic Emissions Inventory, which reflects changes from EPA comments, would be an appropriate basis for the revised 2007 inventory, adjusted for the economic and population changes between 2007 and 2008.

Carry forward of excess emission reductions:

The EPA-approved San Joaquin 5% demonstration allowed early reductions (that were in excess of the needed 5% reductions for an earlier year) to count towards the 5% calculation for later years. This approach encourages reductions to be made as early as possible in order to attain the NAAQS as soon as possible. This approach was upheld by the 9th Circuit Court of Appeals. A similar approach in Maricopa County would be consistent with this precedent.

For your reference, here is the text of CAA 189(d):

"In the case of a Serious PM-10 nonattainment area in which the PM-10 standard is not attained by the applicable attainment date, the State in which such area is located shall, after notice and opportunity for public comment, submit within 12 months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area."

We hope that these responses are helpful to you. We look forward to future discussions regarding the 189(d) planning process and continuing to work with you to fulfill this requirement.

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