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Environmental Update

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Implementation of the 2008 Ozone National Ambient Air Quality Standard

Contact: Paula L. Cobb

As reported in the previous HGS Environmental Update, EPA withdrew its 2010 proposal to reconsider the 2008 ozone NAAQS. Instead, EPA plans to move forward with implementing the standard established in 2008 at 75 ppb. In a September 22, 2011 memorandum, EPA presented the results of the agency's preliminary review of ozone air quality data from 2008-2010, which shows all counties in Florida currently meeting the 2008 standard, and also outlined the agency's next steps in implementing the standard.

EPA plans to proceed with initial area designations by reviewing states' designation recommendations submitted in 2009, based on 2006-2008 data. EPA expects to propose changes to those recommendations, and plans to do so later this fall, because EPA's preliminary review of the 2008-2010 ozone air quality data indicates that fewer areas are failing to meet the 2008 standard.

EPA also indicated in the memorandum that the agency, under the normal five-year NAAQS review process under the Clean Air Act, plans to propose revisions to the ozone NAAQS, if any, by October 2013 and finalize any such revisions by July 2014.

EPA Proposes General Amendments to Reporting of GHG Rule

Contact: Joseph Brown

On September 9, 2011, the U.S. Environmental Protection Agency (EPA) published proposed amendments to its Mandatory Reporting of Greenhouse Gases Rule (GHG Reporting Rule). 76 Fed. Reg. 56010. The amendments include changes to the electronics manufacturing and the petroleum and natural gas systems source categories of the GHG Reporting Rule. The proposed amendments include a range of changes, including clarifications to existing requirements and definitions, amendments to data reporting requirements and corrections to certain technical matters. Comments regarding these proposed amendments must be received on or before October 11, 2011, unless a public hearing is held, in which case the comment deadline is October 24, 2011.

EPA Finalizes Amendments to GHG Reporting Rule for Petroleum and NG Systems

Contact: Paula L. Cobb

On September 27, 2011, EPA finalized amendments to the Mandatory Greenhouse Gas Reporting Rule related to the use of best available monitoring methods (BAMM) for the Petroleum and Natural Gas Systems source category (40 CFR part 98, Subpart W). See 76 Fed. Reg. 59533. In certain circumstances for specified emissions sources, Subpart W currently allows owners and operators to use BAMM (e.g., supplier data, engineering calculations, and company records) for determining GHG emissions in lieu of specified data input requirements. The amendments to Subpart W: (1) extend the time period during which owners and operators of certain facilities are permitted to use BAMM; (2) expand the list of types of emissions sources for which owners and operators do not have to submit a request to EPA to use BAMM during 2011; and (3) extend the deadline for requesting use of BAMM methods beyond 2011. The final rule becomes effective September 30, 2011.

EPA Announces Extension of Comment Period for NO_x and SO_x Secondary NAAQS

Contact: Joseph Brown

On September 27, 2011, the U.S. Environmental Protection Agency (EPA) extended the public comment period on its proposed rule for Secondary National Ambient Air Quality Standards (NAAQS) for oxides of nitrogen and sulfur (NO_x and SO_x, respectively) until October 10, 2011. The proposed Secondary NO_x and SO_x NAAQS rule was published on August 1, 2011. 76 Fed. Reg. 46084. The original deadline for comments was September 30, 2011. As described in the

July 20th edition of the HGS Environmental Update, EPA's rule proposes to retain existing secondary NAAQS standards for NO_x and SO_x and add an additional set of secondary standards identical to new health-based primary standards EPA set in 2012: NO₂ at 100 ppb and SO₂ at 75 ppb (both averaged over one hour). EPA's proposed rule also includes plans to aid in developing a multi-pollutant standard. By court order, EPA must publish a final rule by March 20, 2012.

EPA Issues Correction To CO₂ Streams Hazardous Waste Exclusion Proposal

Contact: Joseph Brown

As described in the August 18th edition of the HGS Environmental Update, on August 8, 2011, the U.S. Environmental Protection Agency (EPA) published proposed revisions to regulations under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude carbon dioxide (CO₂) streams from the definition of hazardous waste so long as those CO₂ streams are managed under certain conditions. EPA has now published a correction to that proposed rule to address erroneous burden estimates included in the preamble of the proposed rule. 76 Fed. Reg. 55846 (September 9, 2011). EPA notes that the correct burden estimates were included in the Information Collection Request document prepared by EPA and submitted to the Office of Management and Budget.

EPA Announces Implementation of Class VI Program for CO₂ Injection Wells

Contact: Joseph Brown

On September 15, 2011, the U.S. Environmental Protection Agency (EPA) announced the establishment of a Federal Underground Injection Control Class IV Program for Carbon Dioxide (CO₂) Geologic Sequestration Wells. EPA will implement the Class VI Program nationally as of September 7, 2011. States and potential owners of CO₂ geologic sequestration wells are required to submit permit application for issuance of a Class VI permit under the Class VI rule finalized by EPA on December 10, 2010. 75 Fed. Reg. 77230. EPA will implement the Class VI program until a state-submitted primary enforcement responsibility application is approved by EPA.

EPA Announces GHG Standards for Medium and Heavy Duty Engines and Vehicles

Contact: Joseph Brown

On September 15, 2011, the U.S. Environmental Protection Agency (EPA) finalized rules to establish greenhouse gas (GHG) and fuel efficiency standards for Medium and Heavy Duty Engines and Vehicles. 76 Fed. Reg. 57106. Final GHG emission standards will begin with model year 2014. Final fuel efficiency standards will be voluntary in 2014 and 2015 and mandatory in 2016 for most regulated categories. Commercial trailers are not regulated in this phase of the heavy duty national program.