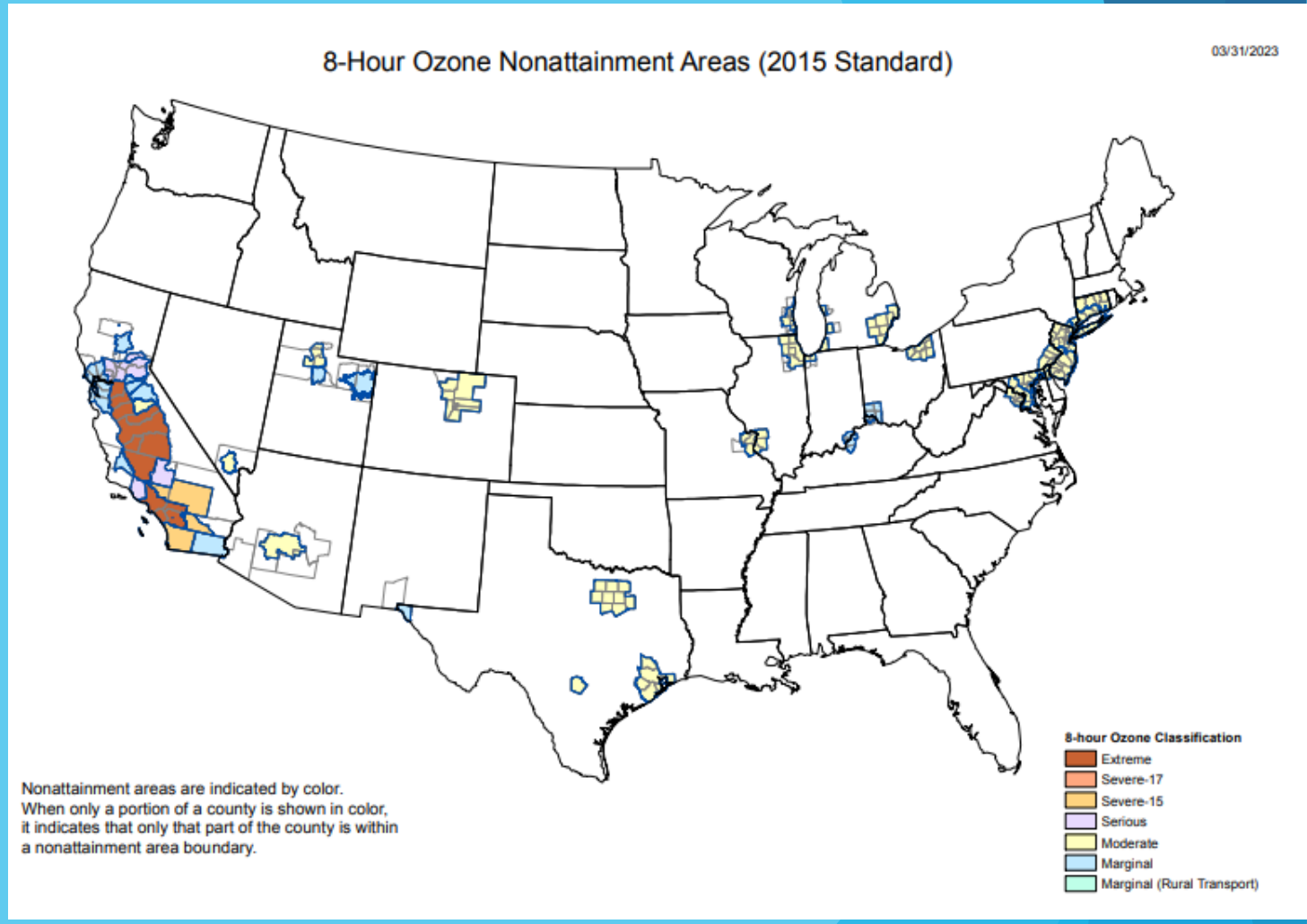
What Happens on Attainment Deadline?

Sharon Davis, NJDEP, May 23, 2023

Save the Date!!

It's finally here, now what?



Pollutant	Final NAAQS Date (or Projection)	Infrastructure SIP Due	Designations Effective	Attainment Date
Ozone (2008)	Mar 2008	Mar 2011	Jul 2012	2015/2032 Jul 2018 (Mod) Jul 2021 (Ser) Jul 2027 (Sev) July 2032 (Ext)
PM2.5 (2012)	Dec 2012	Dec 2015	Apr 2015	Dec 2021 (Mod) Dec 2025 (Ser)
Ozone (2015)	Oct 2015	Oct 2018	Apr 2018	Aug 2021 (Mar) Aug 2024 (Mod) Aug 2027 (Ser) Aug 2033 (Sev) Aug 2038 (Ext)
PM2.5 (202?)	???	???	???	???

Current NAAQS Timeline

Recent and Upcoming Attainment Deadlines

Attainment Date- Now what?

Per Clean Air Act, EPA takes several actions:

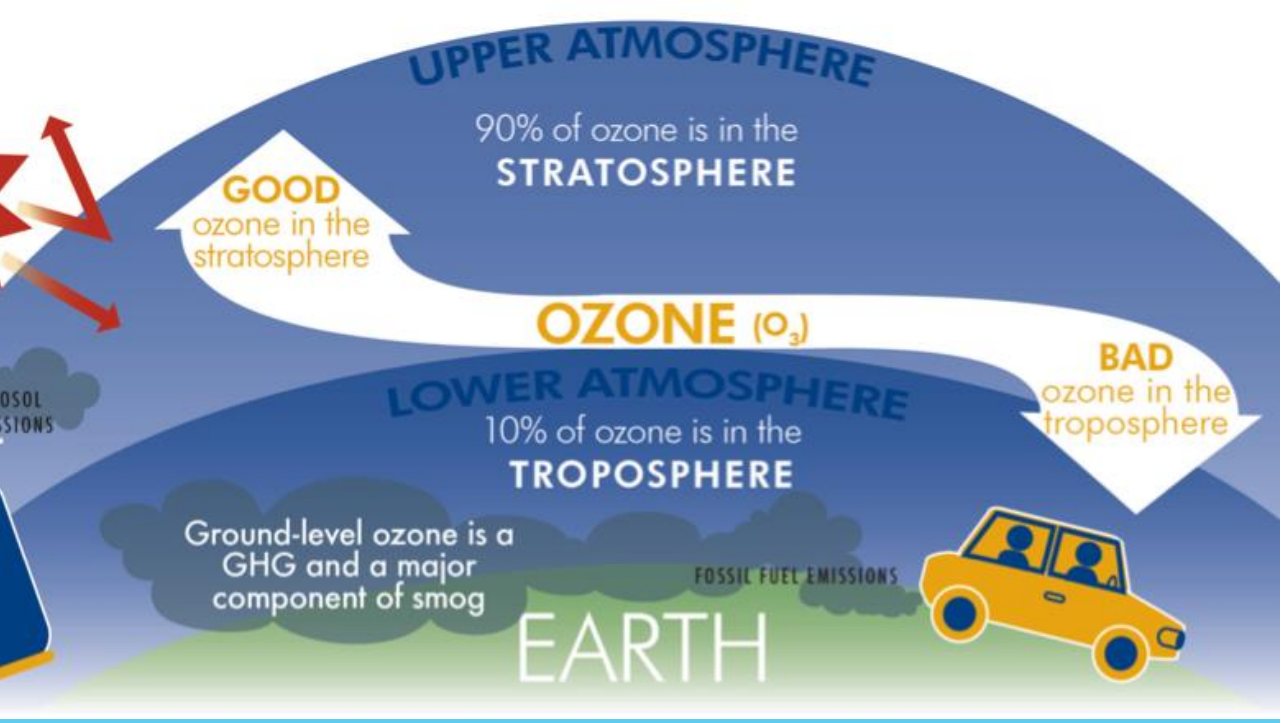
- Determine area attained
- Determine area did not attain
- Grant extension requests

Determining Attainment vs. Nonattainment

Pollutant by Pollutant

- Use ambient air concentration data collected from monitoring stations
- Calculate Design Value (DV) based on the Form of the NAAQS at each monitor
- DV ≤ the NAAQS = attain
  - All monitors
  - All states in Multi-State Nonattainment Area (NAA)
- DV > NAAQS = did not attain
  - Any monitor in Multi-State NAA
  - Reclassification: Ozone, CO, and PM
  - Potential for Extension of Attainment Deadline

Pollutant [links to historical tables of NAAQS reviews]		Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide (CO)		primary	8 hours	9 ppm	Not to be exceeded more than once per year
			1 hour	35 ppm	
Lead (Pb)		primary and secondary	Rolling 3 month average	0.15 µg/m^3 (1)	Not to be exceeded
Nitrogen Dioxide (NO_2)		primary	1 hour	100 ppb	98th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		primary and secondary	1 year	53 ppb (2)	Annual Mean
Ozone (O_3)		primary and secondary	8 hours	0.070 ppm (3)	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years
Particle Pollution (PM)	$PM_{2.5}$	primary	1 year	12.0 µg/m^3	annual mean, averaged over 3 years
		secondary	1 year	15.0 µg/m^3	annual mean, averaged over 3 years
		primary and secondary	24 hours	35 µg/m^3	98th percentile, averaged over 3 years
	PM_{10}	primary and secondary	24 hours	150 µg/m^3	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide (SO_2)		primary	1 hour	75 ppb (4)	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		secondary	3 hours	0.5 ppm	Not to be exceeded more than once per year



Reclassification upon failure to attain: Ozone

Clean Air Act (CAA) Section 181(b)(2)

Within 6 months of attainment date (including any extension thereof):

- EPA determines if area's design values have:
  - Attained the standard by the date.
  - Did not attain the standard by that date and should be reclassified to the higher of—
    - the next higher classification for the area, or
    - the classification applicable to the area's design value

Extension of Attainment Date: Ozone

Clean Air Act Section 181(a)(5)

- Requested by the State
- EPA may extend attainment date for 1 additional year if:
  - the State has complied with all requirements and commitments in the SIP, and
  - no more than 1 exceedance of the ozone NAAQS occurred in the area in the year preceding the Extension Year.
- No more than 2 one-year extensions may be issued for a single nonattainment area.

Bristol Monitor – 2023 Scenario for Extension of Attainment Date

AQS ID	State	Site	4th Maximum			Design Value
			2021	2022	*Pretend 2023*	*Pretend 2023*
420170012	PA	Bucks (BRIS)	***77***	**70**	***70***	***72***

Design Value Calculation with Extension of Attainment Date: Potential to Comply with NAAQS

AQS ID	State	Site	4th Maximum			Design Value	
			2022	*Pretend 2023*	*2024*	*Pretend 2023*	*Future 2024*
420170012	PA	Bucks (BRIS)	**70**	***70***	***??***	***72***	**???**

Example Extension of 2015 Ozone Moderate Attainment Date

Bristol, Pennsylvania Monitor

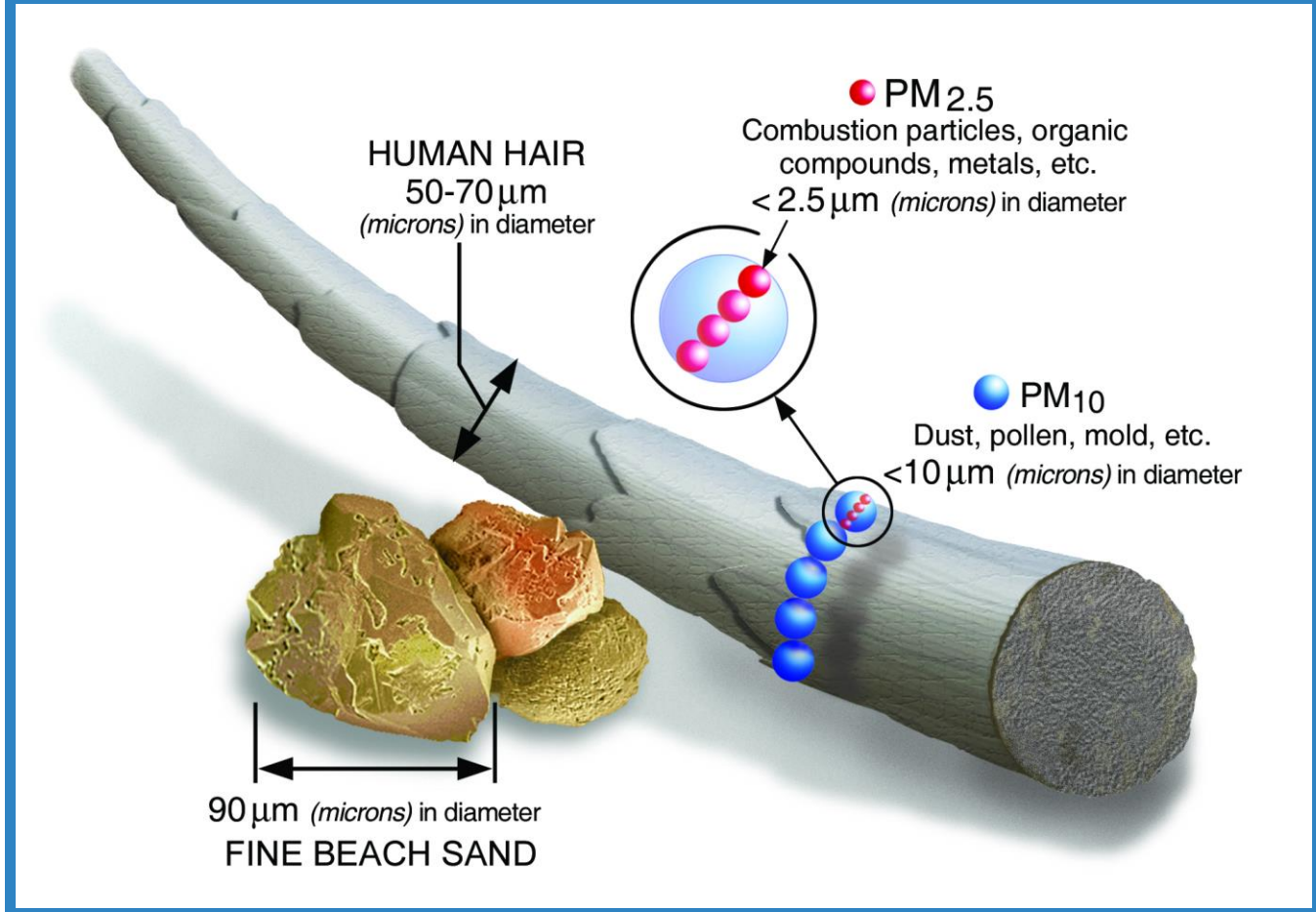
Reclassification for Particulate Matter (PM) NAAQS

Clean Air Act (CAA) Section 188

- Initial classifications as Moderate
- A Moderate nonattainment area shall be reclassified to Serious if:

  (1) Before the attainment date: EPA determines area cannot attain the PM2.5 NAAQS by the applicable Moderate area attainment date.

  (2) Upon failure to attain: the area failed to attain the PM2.5 NAAQS by the applicable Moderate area attainment date.



Extension of Attainment Date: PM2.5- Moderate

Clean Air Act Section 188(d)

Moderate Areas

- Requested by State to extend for 1 additional year
- May be approved by EPA if:

  (1) the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan; and

  (2) Area shows “clean” air quality data in attainment year.
- No more than 2 one-year extensions may be issued under the subsection for a single nonattainment area.

Extension of Attainment Date: PM2.5- Serious

Clean Air Act Section 188(e)

Serious Areas

- A state may apply to the EPA for a single extension of the Serious area attainment date of up to five additional years,
- State must satisfy certain statutory conditions:

  (1) Apply for an extension of the attainment date beyond the statutory attainment date;

  (2) Demonstrate that attainment by the statutory attainment date is impracticable;

  (3) Demonstrate that it has complied with all requirements and commitments in the SIP;

  (4) Demonstrate that the SIP includes the most stringent measures that are included in the SIP of any state or are achieved in practice in any state, and can feasibly be implemented in the area; and

  (5) Submit a demonstration of attainment by the most expeditious alternative date practicable.

EPA Action

By Rule: Propose and Final

- Usually within 6 months of attainment date
  - Areas that attained by the Attainment Date
  - Extensions of the Attainment Date
  - Nonattainment areas and new classifications with new SIP requirements
- Set SIP submittal deadlines (often within 1 year)
- Open for Public Comment
- May include specific deadlines for other SIP requirements

Work with your EPA Regional Office

Contact

Sharon Davis

Bureau of Evaluation and Planning

NJDEP

Sharon.Davis@dep.nj.gov

https://dep.nj.gov/airplanning/

609-292-6722

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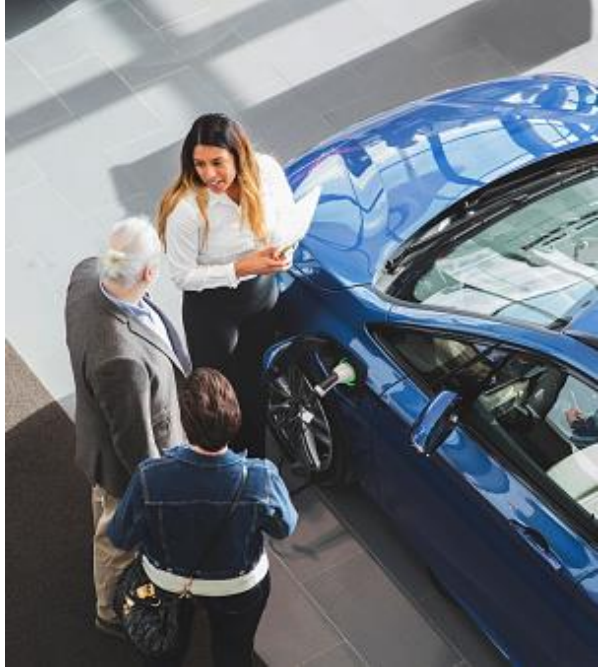

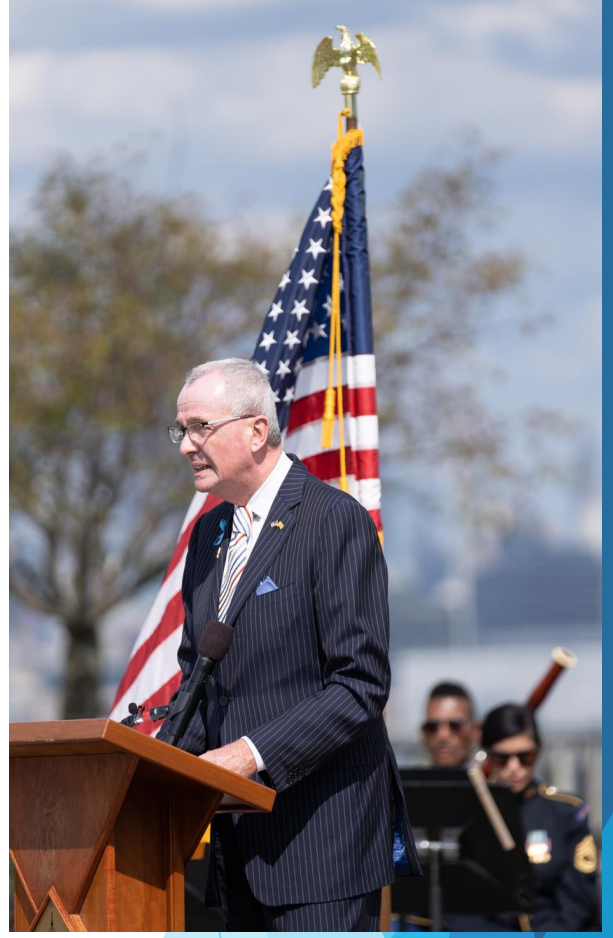

Thank you!

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