

# Clean Data Findings...Redesignations

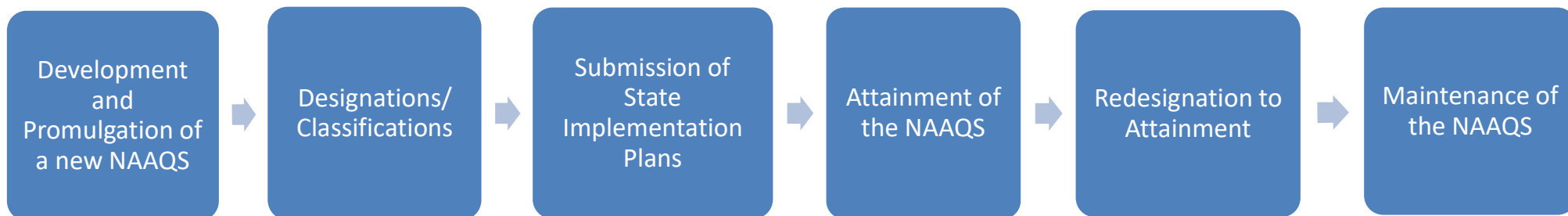
## 2023 Region 5 SIP Training

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# NAAQS Process

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## As a Reminder – Nonattainment Classifications

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- EPA Classifies nonattainment areas according to the severity of the air quality problem. The classification dictates the time allotted to attain the standard. The classification categories are:
  - Marginal (attainment in 3 years )
  - Moderate (attainment in 6 years )
  - Serious (attainment in 9 years )
  - Severe-15 (attainment in 15 years )
  - Severe-17 (attainment in 17 years )
  - Extreme (attainment in 20 years)



# Clean Data Findings

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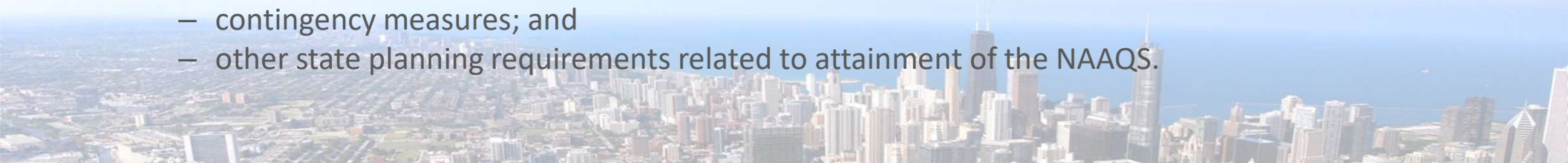
- Clean Data Determination
  - When a NAA comes into NAAQS attainment prior to the due date of the NAA SIP or the attainment date
  - Determination made by EPA
  - Requirement: 3 years of violation-free monitor data
- Relieves a State from SIP provisions related to attainment of the NAAQS
- Area still designated nonattainment
  - Not a redesignation, only relief of some SIP requirements
- By State request or initiated by EPA



# Main Requirements of the Clean Data Policy

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- In designated nonattainment areas where monitored data demonstrate that the National Ambient Air Quality Standards (NAAQS) have been achieved, EPA interprets certain requirements of the Clean Air Act as no longer applicable for so long as air quality continues to meet the standard. This interpretation of the Clean Air Act is known as the Clean Data Policy (CDP).
- Under the Clean Data Policy, EPA may issue a determination of attainment (known informally as a Clean Data Determination) after notice and comment rulemaking determining that a specific area is attaining the relevant standard.
- For such areas the requirement to submit to EPA those SIP elements related to attaining the NAAQS is suspended for so long as the area continues to attain the standard.
- These planning elements that are suspended include:
  - reasonable further progress (RFP) requirements;
  - attainment demonstrations;
  - Reasonably Available Control Measures (RACM);
  - contingency measures; and
  - other state planning requirements related to attainment of the NAAQS.



# Section 181(b)(2) Reclassification upon failure to attain

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- (A) Within 6 months following the applicable attainment date (including any extension thereof) for an ozone nonattainment area, the Administrator shall determine, based on the area's design value (as of the attainment date), whether the area attained the standard by that date. Except for any Severe or Extreme area, any area that the Administrator finds has not attained the standard by that date shall be reclassified by operation of law in accordance with table 1 of subsection (a) of this section to the higher of—
  - (i) the next higher classification for the area, or
  - (ii) the classification applicable to the area's design value as determined at the time of the notice required under subparagraph (B).
- No area shall be reclassified as Extreme under clause (ii).
- (B) The Administrator shall publish a notice in the Federal Register, no later than 6 months following the attainment date, identifying each area that the Administrator has determined under subparagraph (A) as having failed to attain and identifying the reclassification, if any, described under subparagraph (A).

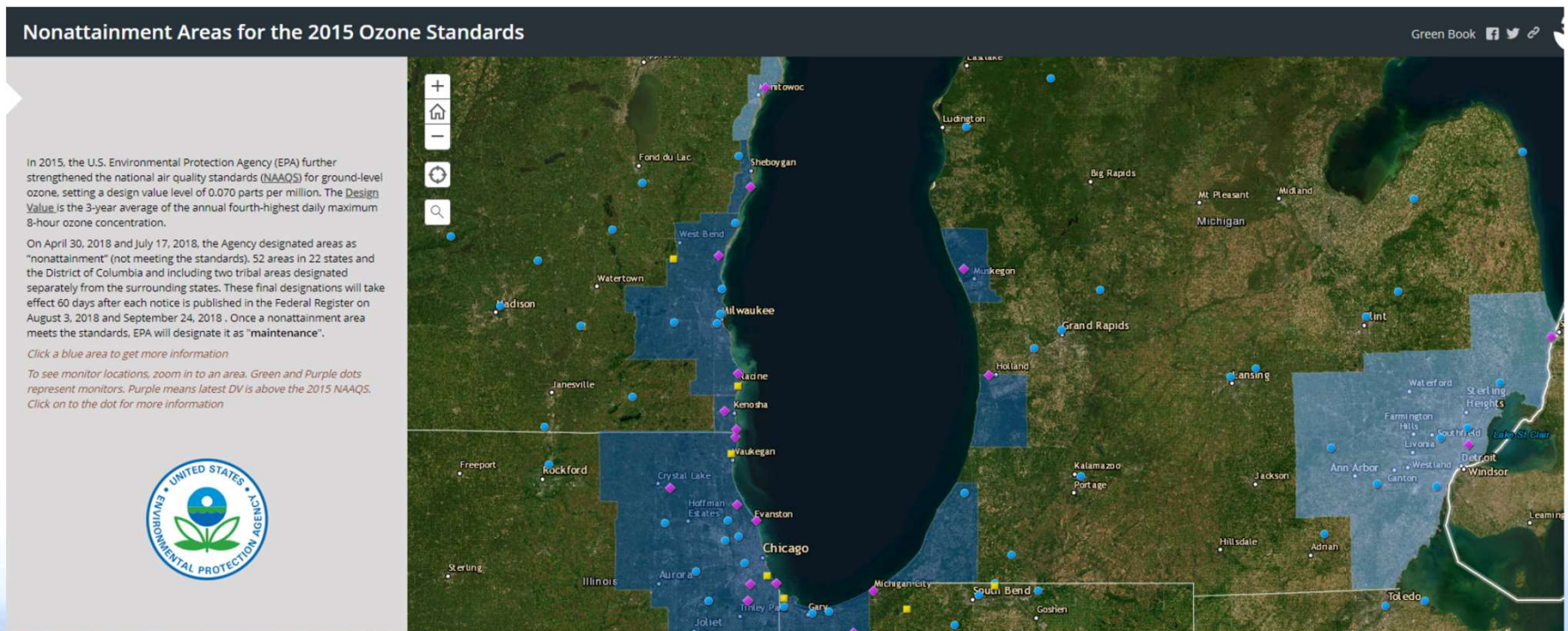


# Differences Between a Clean Data Determination and a Redesignation to Attainment

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- The determination of attainment (Clean Data Determination) is not equivalent to a redesignation, and the state must still meet the statutory requirements for redesignation in order to be redesignated to attainment.
- A determination of attainment for purposes of the Clean Data Policy/regulations is also not linked to any particular attainment deadline, and is not necessarily equivalent to a determination that an area has attained the standard by its applicable attainment deadline, e.g., under section 181(b).

# 2015 Ozone Snapshot





# So you've cleaned up your air...

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Everything is all set now, right

- Not Quite
- Monitoring Data and SIP Planning Intersect
- Clean Data Findings....Redesignations

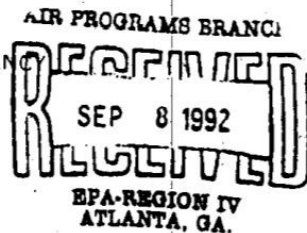


# Resignations – Where the Policy Began



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air-Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

4 SEP 1992



MEMORANDUM

SUBJECT: Procedures for Processing Requests to Redesignate Areas to Attainment

FROM: John Calcagni, Director, Air Quality Management Division (MD-15)

TO: Director, Air, Pesticides and Toxics Management Division, Regions I and IV  
Director, Air and Waste Management Division, Region II  
Director, Air, Radiation and Toxics Division, Region III  
Director, Air and Radiation Division, Region V  
Director, Air, Pesticides and Toxics Division, Region VI  
Director, Air and Toxics Division, Region VII

# Redesignation Requests

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- You have “clean” Air Quality Data
  - What’s next....

The main requirements of redesignation:

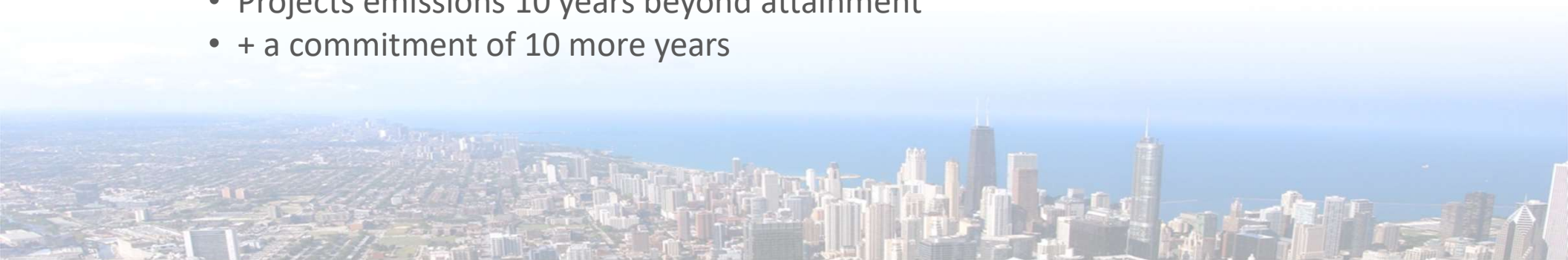
- a state must meet the applicable requirements of section 110 and Part D that become due prior to the state's submittal of a complete redesignation request to EPA (SIP obligations);
- EPA will not need to consider the required SIP elements that became due after submittal of the redesignation request;
- planning requirements remain due until EPA completes final action approving a redesignation request.



# Redesignations Requests con't

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- Time to pull together all the parts (Section 107(d)(3)(E))
  - Attainment Determination
    - see above
  - Fully Approved SIP
  - Permanent and Enforceable Reductions in Emissions
    - Inventory exercise
  - Section 110 and Part D Requirements
  - Maintenance Plan Pursuant
    - Projects emissions 10 years beyond attainment
    - + a commitment of 10 more years



# Maintenance Plans

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- Basic Requirements:
  1. Emissions inventories
  2. Maintenance Demonstration and emission control strategies
  3. Air quality monitoring analyses
  4. Contingency measures
  5. Motor vehicle emissions budget for Conformity Determination
- Schedule and approvals are part of the redesignation request process



# Redesignation

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- Final approval by EPA redesignates an area from nonattainment to attainment
  - Codified in Part 52 (SIP revision) and Part 81 (change in designation)
  - Maintenance 20 years
  - Check the “Green Book”
    - <https://www.epa.gov/green-book>



# Limited Maintenance Plans?

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- Possible for Ozone, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> areas
  - Ozone and CO
    - < 85% of NAAQS
    - Emissions considered non constraining
  - PM<sub>10</sub> and PM<sub>2.5</sub>
    - Comparison between Average Design Value and Critical Value for Area
  - Why do one?
    - One less inventory
    - Area does not run Regional Conformity (a lot of work)



# Part 81 - Example

§ 81.350

40 CFR Ch. I (7-1-19 Edition)

- <sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.
- <sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.
- <sup>4</sup> Attainment date is extended to July 20, 2016.

WISCONSIN—2015 8-HOUR OZONE NAAQS  
[Primary and Secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Chicago, IL-IN-WI .....	.....	Nonattainment .....	.....	Marginal.
Kenosha County (part): Inclusive and east of 88th Avenue.				
Door County, WI .....	.....	Nonattainment .....	.....	Marginal (Rural Transport).
Door County (part): Newport State Park Boundary.				
Manitowoc County, WI .....	.....	Nonattainment .....	.....	Marginal.
Manitowoc County (part): Inclusive and east of the following roadways going from the northern county boundary to the southern county boundary: Saxonburg Road, Zander Road, Saxonburg Road, Tapawingo Road, Tannery Road, E County Road V, Tannery Road, E Hillcrest Road, Sunset Drive, County Road VV, Manitou Drive, County Road B, Goodwin Road, N Rapids Road, S Rapids Road, Calumet Avenue, Hecker Road, Silver Creek Road, Gass Lake Road, Clover Road, Center Road, County Road F, Westview Road, Coun-				



# Clean Data Determination vs. Redesignation

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- Clean Data Finding
  - 3-years of violation-free data
- Redesignation (5 components)
  1. 3-years of violation-free data (attainment)
  2. Fully approved Infrastructure SIP (CAA Section 110)
  3. Approved NAA SIP (CAA Part D) components that were due up to the redesignation request date
  4. Improvements in air quality due to permanent and enforceable emissions reductions (not due to weather or economic downturn)
  5. Approved 10-year maintenance plan, including contingency measures and mobile budgets



Questions?

