

Tribal Consultation: San Diego Ozone

EPA REGION 9

DECEMBER 2015

Agenda

Welcome – Amy Zimpfer, EPA Region 9 Associate Air Division Director

Introductions – All

Questions or comments on agenda – Tribal Representatives

Briefing – Laura Lawrence, EPA Region 9 Air Planning Office

- Background on 2008 National Ambient Air Quality Standard for Ozone
- Proposed Action to Reclassify San Diego to Moderate Nonattainment
- Next steps and timing

Questions, comments, discussion – All

Ozone

- Created in the atmosphere when oxides of nitrogen (NO_x) and volatile organic compounds (VOC) react in the presence of sunlight.
- Major sources of NO_x and VOC in San Diego include automobiles, trucks, construction equipment, boats, and consumer products like paint and personal care products
- Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation. It can worsen bronchitis, emphysema, and asthma.
- Children, the elderly, and people with respiratory diseases are especially sensitive to ozone exposure.

National Ambient Air Quality Standards (NAAQS)

- The Clean Air Act (CAA) requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants that are harmful to public health and the environment.
- The NAAQS are science-based standards designed to protect public health.
- The CAA requires periodic review of the science upon which the standards are based
- The CAA requires that EPA review the level of the standards every five years to ensure they are set at levels that are sufficiently protective of human health.

2008 Ozone NAAQS

- In 2008, as part of the regular review cycle, EPA revised the ozone standard to a level of 75ppb.
- In 2012, EPA designated all areas across the country as:
 - **Nonattainment**—an area has monitors that are violating a standard or pollution sources that are contributing to violations in a nearby area; OR
 - **Attainment/Unclassifiable**—an area has clean monitoring data or there is no nearby monitoring data and no pollution sources that could cause a violation in a nearby area.
- The CAA and federal trust responsibility require EPA to designate areas of Indian country with poor air quality as nonattainment to protect public health and the environment.

NAAQS and Tribes

- A nonattainment designation does NOT require a tribe to take any action.
 - EPA protects human health and the environment on reservations, but a tribe *can* become as involved as they want to.
 - A tribe *can*, but does not have to, work with the state as the state develops a State Implementation Plan (SIP) to improve air quality in the area.
 - A tribe *can*, but does not have to, develop their own Tribal Implementation Plan (TIP) to improve air quality on the reservation.
- Sources of air pollution on tribal lands designated as attainment/unclassifiable or nonattainment may need to obtain permits from EPA before they construct or make modifications to their facilities or operations.

Nonattainment Area Boundaries & Classifications

- Areas must be sufficiently large to include all locations with elevated ozone levels, even if they do not have many pollution sources.
- Areas designated nonattainment for the 2008 ozone NAAQS were classified according to the severity of the ozone problem.
 - Marginal, Moderate, Serious, Severe, Extreme.
 - Areas with higher classifications have stricter requirements.
 - Areas with higher classifications have more time to attain the standard.

Proposed Action: Reclassification to Moderate

- San Diego was initially classified Marginal Nonattainment for the 2008 Ozone NAAQS.
 - Deadline to attain the standard was July 20, 2015.
 - San Diego did not meet the deadline.
- EPA is considering changing San Diego's classification for the 2008 ozone NAAQS from Marginal Nonattainment to Moderate Nonattainment.
 - Sometimes called a "bump-up."
 - Moderate areas will have an additional three years to attain the standard.
 - Moderate areas are subject to additional requirements.

Moderate Area Requirements

- New requirements do not affect tribes at this time.
- Possible future impact: new offset requirements for permitted sources.
 - If new sources of air pollution wish to obtain permits to construct and operate in San Diego County, including on tribal lands, they must offset their emissions with emission reduction credits.
 - Moderate areas have higher offset requirements for new permitted sources.
 - EPA issues permits for sources operating on tribal land

2015 Ozone NAAQS

- In a separate action, EPA recently determined that the 2008 ozone standard of 75ppb was not sufficiently stringent to protect public health.
- In October 2015, EPA lowered the standard to 70ppb.
- States and tribes may make recommendations for nonattainment area boundary designations for the 2015 ozone standard by October 1, 2016.
- There will be additional opportunities to consult on boundary designations for the 2015 ozone NAAQS.

Timeline and Next Steps

2008 Ozone NAAQS

Action	Expected Date	Tribal Action
Reclassify San Diego to Moderate	January 2016	None required

Timeline and Next Steps

2015 Ozone NAAQS

Action	Expected Date	Tribal Action
Tribal consultation on new nonattainment areas	TBD	Tribes may participate in consultation, but are not required to do so
Recommendations for nonattainment area boundaries	October 2016	Tribes may submit recommendations, but are not required to do so

Tribal Consultation on Ozone

- Tribal Consultation on the ozone standards is being conducted in accordance with the “*EPA Policy on Consultation and Coordination with Indian Tribes*,” and the “*Policy for Establishing Air Quality Designations for Distinct Areas of Indian Country and Recognizing Tribal Jurisdiction*.”
- These policies direct EPA to treat tribes similarly to states for the purposes of designations and encourage education, outreach, and consultation.
- EPA considers today’s meeting/call to be consultation.

Questions or Comments?

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