



Exempt Action Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	9VAC5-30
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	Ambient Air Quality Standards (Rev. B13)
Final agency action date	March 13, 2013
Document preparation date	March 13, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 A of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

On January 15, 2013 (78 FR 3086), EPA revised the National Ambient Air Quality Standard (NAAQS) for PM_{2.5} (particles in the ambient air with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers). The primary standard has been revised several times since it was originally set at 15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in 1997. Phase-out of the PM₁₀ standard occurred July 30, 2004 (69 FR 45595), and a new 24-hour standard was added October 17, 2006 (71 FR 61224). Under this most recent revision, the annual arithmetic mean concentration has been set at 12 $\mu\text{g}/\text{m}^3$, and the standard for the 24-hour concentration is being retained at 35 $\mu\text{g}/\text{m}^3$. Chapter 30 contains the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA requirements.

Statement of final agency action

Please provide a statement of the final action taken by the agency, including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On March 13, 2013, the State Air Pollution Control Board took final action to adopt amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution," specifically, Ambient Air Quality Standards (9 VAC 5 Chapter 30). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency (EPA) regulations.

In adopting these amendments, the Board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC5-30-15		All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for the particulate matter (PM _{2.5}) standards contained in 9VAC5-30-65 and 9VAC5-30-66, and lead standards contained in 9VAC5-30-80 shall be corrected to a reference temperature of 25 degrees Centigrade and a reference pressure of 760 millimeters of mercury (1,013.2 millibars). Measurements of PM _{2.5} for purposes of comparison to the standards contained in 9VAC5-30-65 and 9VAC5-30-66 and of lead for purposes of comparison to the standards contained in 9VAC5-30-80 shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.	All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for the particulate matter (PM _{2.5}) standards contained in 9VAC5-30-65 and 9VAC5-30-66 and 9VAC5-30-67, and lead standards contained in 9VAC5-30-80 shall be corrected to a reference temperature of 25 degrees Centigrade and a reference pressure of 760 millimeters of mercury (1,013.2 millibars). Measurements of PM _{2.5} for purposes of comparison to the standards contained in 9VAC5-30-65 and 9VAC5-30-66 and 9VAC5-30-67, and of lead for purposes of comparison to the standards contained in 9VAC5-30-80 shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

			<p>Needed in order to add cross references to the new standard.</p>
	<p><u>9VAC5-30-67</u></p>		<p><u>A. The primary ambient air quality standards for particulate matter are:</u></p> <ol style="list-style-type: none"> <u>1. 12.0 micrograms per cubic meter, annual arithmetic mean concentration.</u> <u>2. 35 micrograms per cubic meter, 24-hour average concentration.</u> <p><u>B. The secondary ambient air quality standards for particulate matter are:</u></p> <ol style="list-style-type: none"> <u>1. 15.0 micrograms per cubic meter annual arithmetic mean concentration.</u> <u>2. 35 micrograms per cubic meter 24-hour average concentration.</u> <p><u>C. Particulate matter shall be measured in the ambient air as PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by the reference method based on Appendix L of 40 CFR Part 50, or other method designated as such, or by equivalent method.</u></p> <p><u>D. The annual primary PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 12.0 micrograms per cubic meter.</u></p> <p><u>E. The annual secondary PM_{2.5} standard is met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 15.0 micrograms per cubic meter.</u></p> <p><u>F. The 24-hour primary and secondary PM_{2.5} standards are met when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40</u></p>

			<p><u>CFR Part 50, is less than or equal to 35 micrograms per cubic meter.</u></p> <p><u>G. The PM_{2.5} standards set forth in this section were established by EPA on January 15, 2013 (78 FR 3086) and became effective on March 13, 2013 by adoption by the board. The PM_{2.5} standards set forth in this section shall continue to apply only for purposes of the following:</u></p> <ol style="list-style-type: none"> <u>1. Control strategy implementation plan revisions, maintenance plans, and associated emissions budgets relative to the PM_{2.5} standards in this section.</u> <u>2. Designation of nonattainment areas and maintenance areas relative to the PM_{2.5} standards in this section.</u> <u>3. Implementation of the new source review programs set forth in Part II (9VAC5-80-50 et seq.) of 9VAC5-80 (Permits for Stationary Sources).</u> <p><u>Nothing in this section shall prevent the redesignation of any nonattainment area to attainment at any time.</u></p> <p>New section added to include new federal standards for primary ambient air quality standard for PM_{2.5} .</p> <p>Language needed in order to properly implement the federal ambient air quality standards.</p>
--	--	--	--

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: (1) the establishment of less stringent compliance or reporting requirements; (2) the establishment of less

stringent schedules or deadlines for compliance or reporting requirements; (3) the consolidation or simplification of compliance or reporting requirements; (4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and (5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

An analysis of the proposal was completed for alternative regulatory methods that will minimize the adverse impact on small businesses without compromising health, safety, environmental and economic welfare.

This regulation meets the minimum requirements of the federal Clean Air Act and the minimum requirements of 40 CFR Part 50, and does not differ materially from the pertinent EPA regulations. Any less stringent compliance requirements, any delays in adopting the standards, any different compliance or reporting requirements, any substitution of performance standards, and any exemption of small businesses from these requirements will not meet the minimum federal requirements. Any such changes would compromise the effectiveness of the new requirements in protecting the health and welfare of the public, and could potentially subject the Commonwealth to federal control over the state air quality program.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

It is not anticipated that these regulation amendments will have a direct impact on families.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

EPA - U.S. Environmental Protection Agency

PM - particulate matter

PM_{2.5} - particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers

SIP - state implementation plan

TEMPLATES\EXEMPT\TH09

REG\DEV\B13-08TF