

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

EXXONMOBIL OIL CORPORATION)	
)	
Petitioner,)	
)	
v.)	PCB 11-86
)	PCB 12-46
ILLINOIS ENVIRONMENTAL)	(cons.)
PROTECTION AGENCY,)	(Variance – Air)
)	
Respondent.)	

NOTICE OF FILING

TO: Mr. John T. Therriault	Bradley P. Halloran, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
James R. Thompson Center	100 West Randolph Street
100 West Randolph, Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA FIRST CLASS MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **EXXONMOBIL OIL CORPORATION'S POST-HEARING BRIEF**, a copy of which is herewith served upon you.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,
Petitioner,

Dated: October 6, 2011

By: /s/ Monica T. Rios
One of Its Attorneys

Katherine D. Hodge
Monica T. Rios
HODGE DWYER & DRIVER
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CERTIFICATE OF SERVICE

I, Monica T. Rios, the undersigned, hereby certify that I have served the attached

EXXONMOBIL OIL CORPORATION'S POST-HEARING BRIEF upon:

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on October 6, 2011; and upon:

Gina Roccaforte, Esq.
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
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Chicago, Illinois 60601

Ellen Rundulich
Citizens Against Ruining the Environment
P.O. Box 536
Lockport, Illinois 60441

by depositing said documents in the United States Mail, postage prepaid, in Springfield,

Illinois on October 6, 2011.

By: /s/ Monica T. Rios
Monica T. Rios

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EXXONMOBIL OIL CORPORATION'S POST-HEARING BRIEF

NOW COMES ExxonMobil Oil Corporation ("ExxonMobil"), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to the Hearing Report filed on September 29, 2011, ExxonMobil hereby submits this Post-Hearing Brief.

I. BACKGROUND

On May 18, 2011, ExxonMobil filed a Petition for Variance ("Petition") requesting a four-year and four-month variance to May 1, 2019 from the NOx RACT Rule's December 31, 2014 compliance deadline for Appendix H emission units at the ExxonMobil Joliet Refinery ("Refinery"). Petition for Review, *ExxonMobil Oil Corporation v. Illinois EPA*, PCB No. 11-86 (Ill.Pol.Control.Bd. May 18, 2011) (hereafter cited as "PCB No. 11-86"). Due to the uniqueness of the Refinery operations, ExxonMobil's four-year and four-month variance request is specifically tailored to be consistent with the turnaround scheduled for Spring 2019, at which time required controls could be installed during a planned outage rather than disrupting Refinery operations and causing an unplanned shut down should the controls have to be installed prior to the Spring 2019 turnaround.

On August 18, 2011, the Illinois Pollution Control Board (“Board”) adopted a final rule amending the NO_x RACT Rule’s compliance date (for Appendix H emission units) from December 31, 2014 to January 1, 2015. Board Order, *In the Matter of: Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code 217*, R11-24 (Ill.Pol.Control.Bd. Aug. 18, 2011) (hereafter cited as “the Rule” or “R11-24”). The Rule became effective on August 22, 2011. Thereafter, on September 2, 2011, ExxonMobil filed an Amended Petition, or in the Alternative, New Petition for Variance (“September 2nd Petition”), requesting the same four-year and four-month variance from the newly adopted January 1, 2015 compliance date. On September 8, 2011, the Board issued an order accepting the September 2nd Petition as a new Petition (PCB No. 12-46), consolidated the variance proceedings, and ruled that the hearing scheduled on September 19, 2011 would address both Petitions. Board Order, PCB Nos. 11-86 and 12-46 (consol.) (Ill.Pol.Control.Bd. Sept. 8, 2011).

On September 19, 2011, the Board held a hearing in this consolidated proceeding. Hearing Transcript, PCB Nos. 11-86 and 12-46 (consol.) (Ill.Pol.Control.Bd. Sept. 19, 2011) (hereafter cited as “Tr.”). On behalf of ExxonMobil, Mr. Bob Elvert, Mr. Dan Stockl, Mr. Doug Deason, and Mr. Bradford Kohlmeyer presented testimony and answered questions from the Board and, on behalf of the Illinois Environmental Protection Agency (“Illinois EPA”), Mr. Rob Kaleel answered questions from the Board. Also note that at hearing, testimony provided by ExxonMobil in the R11-24 rulemaking proceeding was entered into the record as if read. Tr. at 8-9; Hearing Report, PCB Nos. 11-86 and 12-46 (Ill.Pol.Control.Bd. Sept. 29, 2011) (hereafter cited as “Hearing Report”). Several citizens also offered public comments into record. On September 21,

2011, ExxonMobil filed a Motion to Incorporate Hearing Transcripts from R11-24 Rulemaking, which was granted, and the R11-24 hearing transcripts have been marked as Petitioner's Exhibit 8. Hearing Report at 1.

Throughout both the R11-24 rulemaking proceeding and this consolidated variance proceeding, ExxonMobil has stated that its request for a variance from the NOx RACT Rule's compliance deadline until May 1, 2019 is not only reasonable, but also justified given the current circumstances. Illinois EPA has testified that the NOx RACT Rule is currently not required by the Clean Air Act ("CAA"), and further, it is not approvable as RACT. In addition, there is uncertainty as to how the Chicago area will be designated and classified under the 2008 ozone standard, and neither Illinois EPA nor ExxonMobil know what the future ozone standard will be, whether RACT will be required under that standard, and if so, when it will be required to be implemented at sources. The fact is that ExxonMobil continues to spend significant resources in order to comply with a rule that is not required. It is an inefficient use of resources to incur approximately \$28 million in costs for a compliance project that is not federally mandated and is not needed to attain the 1997 8-hour ozone standard for which it was promulgated. Because NOx RACT is not currently required by federal statute and due to the uncertainty surrounding the implementation of the 2008 ozone standard and issuance and implementation of the future ozone standard, compliance with the NOx RACT Rule by January 1, 2015 poses an arbitrary and unreasonable hardship on ExxonMobil. Further, Illinois EPA has filed a neutral Recommendation, neither objecting to nor supporting the granting of this variance request. Recommendation, PCB Nos. 11-86 and 12-46 (Ill.Pol.Control.Bd. Aug. 18, 2011) (hereafter cited as "Recommendation"). In

addition, the testimony ExxonMobil provided at hearing in this proceeding went unquestioned and uncontroverted by Illinois EPA. Thus, the Board should grant ExxonMobil's request for a variance from the Rule's January 1, 2015 compliance date to May 1, 2019, which is consistent with the Joliet Refinery's turnaround schedule.

The following discussion provides a summary of the testimony at hearing, an update to the Board on recent activities regarding the federal ozone standards, summarizes the basis for the variance request, discusses the time period for the variance, responds to public comments, and describes ExxonMobil's discussions with Illinois EPA.

II. TESTIMONY AT HEARING

On September 19, 2011, the Board held a hearing in this consolidated proceeding in Bolingbrook. As noted above, ExxonMobil presented several witnesses that provided testimony and answered questions from the Board. In addition, Illinois EPA presented Mr. Rob Kaleel, who answered questions from the Board. Finally, three members of a citizens group offered public comments.

Mr. Bob Elvert, on behalf of ExxonMobil, testified briefly on the issues that ExxonMobil raised in the R11-24 rulemaking and the variance proceeding – namely, that 1) the NOx RACT Rule is not currently required or approvable as RACT, 2) ExxonMobil has been discussing these issues with Illinois EPA since the NOx RACT waiver was proposed, and 3) the Refinery is spending substantial resources on a compliance project for a non-required rule. Tr. at 9-16. Next, Mr. Dan Stockl updated the Board on the costs associated with the NOx RACT compliance project at the Refinery. Mr. Stockl explained that ExxonMobil has already spent approximately \$1.3 million towards

compliance with the initial December 31, 2014 compliance deadline, and ExxonMobil's total cost for this second phase of the project is approximately \$28.2 million. *Id.* at 22-23. In addition, Mr. Stockl clarified that if the Rule is revised to incorporate USEPA's comments or if a new ozone standard requires additional reductions, the scope of the Refinery's compliance project will change and costs will likely increase. *Id.* at 23-24.

Mr. Doug Deason, ExxonMobil's third witness at hearing, updated the Board on recent federal activities regarding the ozone standard and the impact of those activities on NOx RACT requirements and implementation schedule. Mr. Deason explained that the pending ozone standard would be withdrawn, as directed by President Obama, leaving the 2008 ozone standard (75 ppb) in effect. *Tr.* at 28. Mr. Deason further explained that under the 2008 standard, the Chicago area would be in attainment; however, recent recorded exceedances of the 2008 standard could result in the Chicago area being classified as marginal nonattainment. *Id.* at 30-32.

Mr. Deason also addressed issues regarding implementation of the 2008 standard. He explained the uncertainty regarding the timing of area designations under the 2008 standard since the deadlines for issuing designations have passed. *Id.* at 33. Mr. Deason concluded that given the uncertainty regarding implementation of the ozone standards, postponement of the NOx RACT requirements for the Refinery is warranted at this time. *Id.* at 36.

Finally, Mr. Bradford Kohlmeyer offered testimony regarding the recent NOx reductions at the Refinery and the possible impact of the United States Environmental Protection Agency's ("USEPA") comments on the scope of the Refinery's NOx RACT

compliance project. Specifically, Mr. Kohlmeyer testified that the NO_x reductions resulting from the recent installation of a selective catalytic reduction (“SCR”) unit is well beyond the estimated 370 tpy reduction from boilers and heaters that would result from compliance with the Rule. *Id.* at 42-43. Further, the emission reductions from the SCR were included as part of the alternate control strategy for the NO_x RACT Rule that ExxonMobil sought approval for from Illinois EPA, as allowed pursuant to Section 217.152(c) of the Rule. *Id.* Mr. Kohlmeyer also explained that USEPA’s comments on the emissions averaging provisions of the Rule could potentially change the scope of the Refinery’s NO_x RACT compliance project. *Id.* at 44-46.

After testimony from ExxonMobil, Mr. Rob Kaleel, on behalf of Illinois EPA, answered questions from the Board. He explained that there is data (from 2011) showing exceedances of the 75 ppb standard, and he would expect that if that data was used, rather than the 2010 ozone data, the Chicago area would be classified as marginal nonattainment. *Tr.* at 50-51. He noted, however, that there are monitors in Wisconsin recording higher ozone values that may result in a design value that, “might ultimately trigger a moderate classification, but that value wouldn’t necessarily dictate the classification value for Chicago.” *Id.* at 51. Mr. Kaleel further stated:

We [Illinois EPA] are acknowledging the uncertainties, and I think that’s – those have been stated pretty well by Exxon’s witnesses. There’s just a lot of questions as to schedules, and even the level of the air quality standard, the amount of reductions that we might ultimately seek. So I think we have the concerns, but we acknowledge the uncertainties.

Id. at 53.

Finally, three members of the public, who are all members of a local environmental group, offered comments. They commented on the location of the air

monitors and generally opposed ExxonMobil's variance request. *Id.* at 54-61. After the public comments were offered, the Hearing Officer set a briefing schedule and closed the hearing. *Id.* at 63-65.

III. OZONE STANDARD UPDATE

A. 1997 8-hour Ozone Standard

The NO_x RACT Rule was promulgated to aid in the attainment of the 1997 ozone standard. Statement of Reasons, *In the Matter of: Nitrogen Oxides Emissions from Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217*, R8-09 at 5 (Ill.Pol.Control.Bd. Mar. 23, 2009). However, as discussed in the Petition, USEPA approved a waiver of the NO_x RACT requirements because monitoring data showed that the Chicago area had attained the 1997 standard, meaning that the 1997 ozone standard was attained without implementation of the NO_x RACT Rule. 76 Fed. Reg. 9655 (Feb. 22, 2011). On September 16, 2011, Illinois EPA submitted a redesignation request to USEPA requesting that the Chicago area be redesignated as in attainment of the 1997 ozone standard. *See* Letter from L. Kroack, Illinois EPA to C. Newton, USEPA (Sept. 16, 2011), attached hereto as Exhibit 1. USEPA is expected to approve Illinois EPA's redesignation request.

B. 2008 Ozone Standard and Future Standard

As discussed in the Ozone Standard Update filed with the Board on September 6, 2011, President Obama directed USEPA to withdraw the draft ozone standard rule that was expected to be issued in July 2011. Update on Status of the Ozone Standard, PCB Nos. 11-86 and 12-46 (Ill.Pol.Control.Bd. Sept. 6, 2011). Since the hearing on

September 19, 2011, USEPA has issued a memo providing information to the States regarding the status of the ozone standard and USEPA's next steps. See Memorandum on the Implementation of the Ozone National Ambient Air Quality Standard (USEPA Sept. 22, 2011) ("Memo"), attached hereto as Exhibit 2. The Memo states:

With the recent decision on the reconsideration of the ozone NAAQS, the current ozone NAAQS is 0.075 ppm. . . .

. . . EPA is moving ahead with certain required actions to implement the 2008 standard, but will do so mindful of the President's and Administrator's direction that in these challenging economic times EPA should reduce uncertainty and minimize the regulatory burdens on state and local governments. . . .

Memo at 1. In terms of area designations under the 2008 ozone standard, USEPA states that it intends to move forward with designations using the States' 2009 recommendations and updated certified air quality data. *Id.* USEPA also explains that "[b]ecause we have states' 2009 recommendations and quality assured ozone data for 2008-2010, there is nothing that state or local agencies need to do until we issue the 120-day letter later this year, though of course, states are welcome to contact us to discuss specific issues at any time." *Id.* at 2. In addition, USEPA plans on initiating a rulemaking to establish nonattainment area classification thresholds. *Id.* USEPA expects to finalize area designations in mid-2012. *Id.*

USEPA also issued two guidance tables (attached hereto as Exhibit 3) – one showing an anticipated timeline for a 2014 ozone standard and the other listing USEPA's "initial estimate of areas exceeding the 2008 ozone standard of 0.075 ppm" based on 2008-2010 data. The Chicago area is not included on the table listing areas exceeding the 2008 standard, and thus, based on USEPA's initial review, the Chicago area would be designated in attainment of the 2008 ozone standard based on 2008-2010 data. As

testified to at hearing, however, monitors in the Chicago area have recorded exceedances in 2011 of the 2008 standard. Tr. at 30-32. Mr. Deason testified that the recent exceedances in 2011 could result in the Chicago area being designated as marginal nonattainment, and RACT is not required for marginal areas. *Id.* Mr. Rob Kaleel testified regarding the same, and acknowledged the uncertainty regarding designation and classification of the area. *Id.* at 49-53. Thus, based on USEPA's initial evaluation, it is possible that the Chicago area will be designated in attainment of the 2008 standard or as a marginal nonattainment area. In either scenario, RACT is not required.

The second USEPA table provides an estimated timeline for issuance of a 2014 ozone standard. As mentioned above, President Obama directed USEPA to withdraw the pending 2011 ozone standard proposal and stated that the ozone standard would be evaluated in 2013 in accordance with CAA requirements. USEPA anticipates that a 2014 ozone standard would be proposed in October 2013 and final in July 2014. If the future ozone standard is proposed and final as described in the table, the parties will not know until July 2014 what the final standard will be and whether the Chicago area will be designated as nonattainment of the new ozone standard. Given that air quality continues to improve in the Chicago area, it is possible, depending on the stringency of a future ozone standard, that the area could be designated as attainment or as marginal nonattainment, and NO_x RACT would not be required for either of those designations. Should, however, the Chicago area be designated as moderate nonattainment under a future ozone standard, it is entirely likely that RACT would not be required to be implemented at affected sources until after the May 2019 compliance date requested by

ExxonMobil based on the historical timeline, as well as the CAA schedule, for implementation of a federal ozone standard.

Thus, as the Board can glean from the recent activity on the federal level, uncertainty as to the implementation of the 2008 ozone standard and issuance of a future ozone standard continues to exist. However, the federal action does provide some guidance in that now, parties know that the 2008 ozone standard is in effect, and it is a very real possibility that the Chicago area will be designated either in attainment or as a marginal nonattainment area, depending on the data utilized by USEPA. In either scenario, RACT will not be required. This new information from USEPA further supports ExxonMobil's variance request to postpone compliance with a non-federally required Rule until a later date, May 1, 2019.

IV. SUMMARY OF EXXONMOBIL'S BASIS FOR THIS VARIANCE

When USEPA proposed approval of Illinois EPA's NOx RACT waiver request, ExxonMobil began discussions with Illinois EPA regarding the impact of the waiver, which was ultimately approved by USEPA. *See* Hearing Exhibit 1 (Pre-Filed Testimony of Robert Elvert), PCB Nos. 11-86 and 12-46 at 5-7 (Ill.Pol.Control.Bd. Sept. 19, 2011) (outlining discussions with Illinois EPA on NOx RACT issues). As part of its activities to determine how to address the waiver of the NOx RACT requirements at the Refinery, ExxonMobil testified at hearing in the R11-24 rulemaking, filed the Petitions, and submitted an application for a construction permit for an alternate NOx control strategy, as allowed pursuant to Section 217.152(c) of the Rule. As a result of these actions, ExxonMobil has established the following facts:

- The NOx RACT Rule is not currently required by the CAA.
- The NOx RACT Rule is not approvable by USEPA as RACT.
- The NOx RACT Rule was not necessary to attain the 1997 ozone standard. Further, Illinois EPA has requested that USEPA redesignate the Chicago area as in attainment of the 1997 8-hour ozone standard.
- Illinois EPA and ExxonMobil agree that there is uncertainty as to the area designations and classifications under the 2008 standard, as well as uncertainty regarding a future ozone standard in terms of what the standard will be, its implementation schedule, and whether RACT will be required for the Chicago area.
- ExxonMobil has spent substantial resources on its compliance project at the Refinery, and it will continue to do so until such time that there is certainty regarding the Refinery's compliance date for the Rule.
- Illinois EPA has acknowledged the uniqueness of petroleum refinery operations and accommodated turnaround schedules when it adopted the initial NOx RACT Rule.
- A future ozone standard is not expected to be proposed earlier than October 2013 in accordance with the CAA schedule for review of air quality standards.

Based on these facts, it is an arbitrary and unreasonable hardship on the Refinery to move forward with the NOx RACT compliance project at this time. As discussed above, the NOx RACT Rule was not necessary to attain the 1997 8-hour ozone standard, and thus, currently, it is not federally required. Illinois EPA has testified that another rulemaking will be necessary to revise the Rule to address USEPA's comments on the Rule's deficiencies, which will undoubtedly impact the scope of the compliance project for the Refinery. A \$28 million investment is an inefficient use of resources in these circumstances, where the controls are not federally mandated and the compliance project itself may not be able to meet the requirements of a revised Rule incorporating USEPA's

comments. Given these facts and circumstances, the Board should grant ExxonMobil's variance request.

V. TERM OF VARIANCE PERIOD

At hearing, the Board inquired as to the term of the variance period. As discussed in its Petitions, ExxonMobil is requesting a four-year and four-month variance from the January 1, 2015 compliance date of the NOx RACT Rule. The Board rules allow a variance of up to five years from any "rule, regulation, requirement or order of the Board." 35 Ill. Admin. Code §104.200. The Board typically grants variances starting on the date of the Board's final action in the matter, but, has granted variance periods that begin on dates other than the Board order granting the variance. *See Dynegy Midwest Generation, Inc. v. Illinois EPA*, PCB 09-48 at 18 (Ill.Pol.Control.Bd. May 7, 2009) (where the Board granted a variance beginning on July 1, 2009, after the date of the Board Order); *see also PPG Industries, Inc. v. Illinois EPA*, PCB No. 78-210 (Ill.Pol.Control.Bd. Mar. 15, 1979) (where the Board granted variance for five years beginning on the date of startup of Petitioner's plant). In fact, the Board rules allow for such variance periods. Section 104.204(k) states that the petition for variance must include:

- k) A proposed beginning and ending date for the variance. If the petitioner requests that the term of the variance begin on any date other than the date on which the Board takes final action on the petition, a detailed explanation and justification for the alternative beginning date;

35 Ill. Admin. Code § 104.204(k).

ExxonMobil explained in its Petition:

ExxonMobil proposes that the four-year and four-month variance period begin on December 31, 2014 and end on May 1, 2019. As explained

above, the NOx RACT Rule is not federally required, and furthermore, it is not currently approvable by USEPA as NOx RACT. Therefore, requiring compliance with the Rule is not only arbitrary, but it is also unreasonable considering that ExxonMobil will spend approximately \$28 million to implement the controls required by the Rule, which may not even be necessary or sufficient depending on the 2011 standard. In this case, beginning the variance period on December 31, 2014 rather than on the date that the Board takes final action on this Petition is justified because of the long lead times needed to implement the NOx RACT controls, and because of the uncertainty as to whether the Rule will be considered RACT for the 2011 standard or whether RACT will be needed at all.

A four-year and four-month variance is also necessary for practical purposes in order to postpone compliance with the Rule until a time when the Refinery is scheduled to be temporarily shut down for a maintenance turnaround. ExxonMobil typically completes maintenance turnarounds for the Refinery on a five- to six-year cycle. Early or unscheduled turnarounds to install controls on the Refinery's process heaters could disrupt the fuel supply throughout the Midwest, potentially causing significantly higher gasoline and diesel fuel costs, as acknowledged by Illinois EPA in the NOx RACT rulemaking, where Illinois EPA revised its proposal to include extended compliance dates for petroleum refineries. The next Refinery turnaround beyond December 31, 2014, is scheduled for Winter 2018/Spring 2019, and accordingly, ExxonMobil is requesting a four-year and four-month variance from the December 31, 2014 deadline until May 1, 2019, which would allow for the installation of required NOx controls during the scheduled Winter 2018/Spring 2019 turnaround.

Petition at 34-35. (Citations omitted.) (Emphasis added.) Since the Petition was filed in May 2011, President Obama has ordered that the 2011 ozone standard referenced above be withdrawn. In addition, a future ozone standard is not expected to be proposed earlier than October 2013, which supports postponing installation of required controls until Spring 2019 when all parties will likely have a better sense of what is considered RACT, should it be required under a future ozone standard.

Rather than requesting a variance from the Rule's requirements starting on the date of the Board's final action in this matter, ExxonMobil requested a variance from the compliance date requirement of the Rule because of the planning and lengthy project

timeline that is necessary in order to properly design and install the controls, while simultaneously causing the least amount of disruption to operations at the Refinery. A variance term beginning on the date when the Board takes final action in this matter will not provide sufficient relief. The statutory decision deadline is December 1, 2011, and the full five year term of the variance from that date would require compliance with the Rule by December 1, 2016, which is unreasonable given that 1) NO_x RACT is currently not required by the CAA, 2) the current Rule is not even approvable as RACT, 3) by 2016, the regulated community could be in the midst of working with Illinois EPA to develop any potential NO_x RACT rules to implement requirements under a new ozone standard (which may or may not require RACT), and 4) there is no turnaround scheduled in 2016, meaning that the Refinery would be required to take an unplanned shut down.

As noted above, the Board, in the past, has granted variances beginning on dates other than the Board's final action in the proceeding. In this case, the only variance period that serves the purpose of truly postponing installation of controls (and terminating the expenditure of resources on this compliance project) is from January 1, 2015 to May 1, 2019. Accordingly, ExxonMobil requests that the variance period begin on January 1, 2015, the compliance date of the Rule, and end on May 1, 2019, after the Refinery's scheduled turnaround.

VI. RESPONSE TO PUBLIC COMMENTS PROVIDED AT HEARING

At hearing, several members of the public offered comments, all of which referenced the location of air monitors. Tr. at 55, 59-60. Generally, the commenters stated that they did not understand why the monitors referenced during the testimony at hearing are located in Chicago and/or near the Wisconsin border – so “far away from the

plant.” *Id.* In addition, the commenters mention their recent attendance in Lemont Township for Illinois EPA’s public meeting on monitors. *Id.* at 59-60.

ExxonMobil understands that the commenters are concerned with the location of air monitors. However, it seems from the comments provided at hearing that the commenters had not reviewed recent data from the ozone monitors located near the Refinery. In fact, the monitor located closest to the Refinery is in Will County and has a 2008-2010 design value of 62 ppb, which is well below the 75 ppb 2008 ozone standard. Furthermore, the commenters should note that the 2008-2010 design values of all counties within the Chicago nonattainment area, with the exception of Lake County, are all at 70 ppb or less, but all counties continue to be considered part of the Chicago nonattainment area.

Currently, the monitor in Illinois that results in all counties being designated as part of the Chicago nonattainment area is located in Lake County. There is also a monitor in Wisconsin that has impact on the designation and classification of the Chicago area as an attainment or nonattainment area. Depending upon any future ozone standard, it is possible that Illinois EPA could consider redefining the Chicago nonattainment area as a smaller region (as compared to the size of the current area), which would, again, introduce uncertainty as to whether RACT would be required for sources within Will County (currently the lowest design value of all Chicago nonattainment area counties).

In addition, at hearing, one of the commenters stated that ExxonMobil needs to “get some pollution controls on.” Tr. at 60. ExxonMobil has consistently installed required controls and will continue to comply with federal and state regulations, resulting in decreased emissions from the Refinery. Further, ExxonMobil, over the last several

years, has invested substantial resources in control technologies at the Refinery. These projects have already resulted in or will result in approximately 1,300 tons of NO_x emissions reductions, 20,800 tons of SO₂ emission reductions, 1,650 tons of CO emission reductions, and 250 tons of particulate matter emission reductions, contributing to improved air quality in Will County and the Chicago area as a whole.

VII. DISCUSSIONS WITH ILLINOIS EPA

As outlined in the Petitions, testimony, and filings in this proceeding, ExxonMobil has engaged in several discussions via conference call and in person with Illinois EPA representatives, including Interim Director Lisa Bonnett, Bureau Chief Laurel Kroack, and the Manager of the Air Quality Planning Section, Rob Kaleel. ExxonMobil greatly appreciates these opportunities and the time and effort Illinois EPA has expended in an effort to evaluate and consider ExxonMobil's request for a variance from the NO_x RACT Rule's compliance deadline.

ExxonMobil also submitted a construction permit application for approval of an alternate NO_x control strategy, as allowed pursuant to Section 217.152(c) of the Rule. ExxonMobil waived the application review period until December 1, 2011, and will continue to work with Illinois EPA on this issue. As testified to at hearing, the approval of the construction permit application would have rendered this proceeding moot since, pursuant to the permit, ExxonMobil's alternate NO_x control strategy would have been deemed compliance with the Rule. Tr. at 43-44.

Illinois EPA has neither recommended granting or denying ExxonMobil's variance request. Recommendation at 1 and 20. Instead, Illinois EPA filed a neutral Recommendation, and at hearing in this matter, Illinois EPA neither questioned

ExxonMobil's witnesses nor contradicted or refuted ExxonMobil's sworn testimony. In fact, ExxonMobil's testimony presented at hearing remains uncontroverted. Accordingly, the Board should grant the variance as requested by ExxonMobil in its Petitions.

VIII. CONCLUSION

For nearly ten months, ExxonMobil has been in discussions with Illinois EPA regarding the impact of the NO_x RACT waiver on the Refinery. ExxonMobil pursued multiple avenues of relief from the Rule because compliance with the Rule at this time is an arbitrary and unreasonable hardship on the Refinery, as demonstrated by the ExxonMobil's testimony in the R11-24 rulemaking and in this consolidated variance proceeding. A review of the basic facts here shows that installation of NO_x RACT controls, at this time, is unnecessary. The Chicago area has attained the 1997 ozone standard. RACT will likely not be required for the Chicago area under the 2008 ozone standard, and even if the Rule was approvable as RACT, there is additional uncertainty whether it will be required under a future ozone standard. Postponing compliance with the Rule until May 1, 2019, which is consistent with the Refinery's turnaround schedule, is completely justified under these circumstances.

All of the testimony and filings in this matter can be summarized as simply as this: NO_x RACT is not currently required by the CAA and may not be required for the Chicago area under the current or future ozone standard. Therefore, the Board should grant the variance request from the Rule's January 1, 2015 compliance deadline to May 1, 2019.

WHEREFORE, EXXONMOBIL OIL CORPORATION respectfully requests that the Illinois Pollution Control Board grant its request for variance from the NOx RACT Rule's January 1, 2015 compliance deadline until May 1, 2019, as described in its Petitions.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,
Petitioner,

DATE: October 6, 2011

By: /s/ Monica T. Rios
One of Its Attorneys

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MOBO:027/Filings/11-86 and 12-46/Post-Hearing Brief



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506 -- (217) 782-2113

PAT QUINN, GOVERNOR

217/ 785-4140
217/ 782-9143 (TDD)

September 16, 2011

Ms. Cheryl A. Newton, Director
Office of the Air and Radiation Division
U.S. Environmental Protection Agency, Region V (R18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

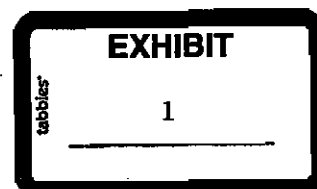
Re: Control Techniques Guidelines SIP Submittal and Redesignation Requests for 8-Hour
Ozone and PM_{2.5}

Dear Ms. Newton,

The Illinois Environmental Protection Agency (Illinois EPA), on behalf of the State of Illinois, is making three requests regarding State Implementation Plan (SIP) requirements related to the 1997 8-hour ozone and fine particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS).

First, the Illinois EPA hereby requests that the Illinois portion of the Chicago ozone nonattainment area be redesignated to attainment of the 8-hour ozone standard promulgated in 1997. The Chicago ozone nonattainment area consists of Cook, Lake, DuPage, McHenry, Kane, Will, and portions of Grundy and Kendall counties in Illinois, as well as Lake and Porter counties in northwest Indiana. The Illinois EPA understands that the State of Indiana has already submitted a similar redesignation request. Ambient air monitoring data collected by the Illinois EPA in the Chicago nonattainment area, as well as data collected in northwest Indiana and southeast Wisconsin, demonstrates that the area is currently meeting the 1997 8-hour ozone NAAQS, and has been meeting the NAAQS since the 2006-2008 period. Note that U.S. EPA published a Clean Data Determination for the Chicago ozone nonattainment area on April 12, 2010.

Second, the Illinois EPA requests that the Illinois portion of the St. Louis ozone nonattainment area, known as the Metro-East area, be redesignated to attainment of the 8-hour ozone standard promulgated in 1997. The Metro-East portion of the ozone nonattainment area consists of Madison, Monroe, St. Clair, and Jersey counties in Illinois. The Illinois EPA understands that the State of Missouri is making a similar redesignation request. Ambient air monitoring data collected by the Illinois EPA in the Metro-East area, as well as data collected in Missouri, demonstrates that the entire St. Louis nonattainment area is currently meeting the 1997 8-hour ozone NAAQS, and has been meeting the NAAQS since the 2007-2009 period. Note that U.S. EPA published a Clean Data Determination for the St. Louis ozone nonattainment area on July 11, 2011.



Third, the Illinois EPA hereby requests that the Illinois portion of the Chicago PM_{2.5} nonattainment area be redesignated to attainment of the fine particle standard promulgated in 1997. The Chicago PM_{2.5} nonattainment area consists of Cook, Lake, DuPage, McHenry, Kane, Will, and portions of Grundy and Kendall counties in Illinois, as well as Lake and Porter counties in northwest Indiana. The Illinois EPA understands that the State of Indiana has already submitted a similar redesignation request. Ambient air monitoring data collected by the Illinois EPA in the Chicago nonattainment area, as well as data collected in northwest Indiana, demonstrates that the area is currently meeting the 1997 PM_{2.5} NAAQS, and has been meeting the NAAQS since the 2007-2009 period. Note that U.S. EPA published a Clean Data Determination for the Chicago PM_{2.5} nonattainment area on November 27, 2009.

In support of these redesignation requests, the Illinois EPA submits the following amendments to Illinois' SIP for ozone and PM_{2.5}:

- Reasonably Available Control Technology (RACT) for Volatile Organic Material (VOM) Emissions from Group II and Group IV Consumer and Commercial Products; Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219;
- Final Maintenance Plan for the Illinois Portion of the Chicago Ozone Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard;
- Final Maintenance Plan for the Metro-East Ozone Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard;
- Final Maintenance Plan for the Chicago Nonattainment Area for the 1997 PM_{2.5} National Ambient Air Quality Standards.

The VOM RACT submittal is intended to meet the obligation of the State of Illinois under the Clean Air Act (CAA) to submit a revision to the SIP to address requirements under Sections 172 and 182 for sources of VOM emissions in areas designated as nonattainment with respect to the ozone NAAQS. This submittal addresses deficiencies identified by your staff in Illinois EPA's previous submittal dated July 29, 2010. We have worked closely with your staff in this regard and we believe this submittal is fully approvable. As you know, U.S. EPA did not identify deficiencies in Illinois EPA's July 29, 2010 submittal with regards to the Group III Consumer and Commercial Product Categories, so these rules have not been amended and are not included in this submittal.

The Illinois EPA is also submitting Maintenance Plans for the Chicago and Metro-East 8-hour ozone nonattainment areas, and the Chicago PM_{2.5} nonattainment area pursuant to Sections 107(d)(3)(E), 110(a)(2), and 175A of the CAA. Included with these plans are revised year 2025 motor vehicle emissions budgets developed using the MOVES model. The Maintenance Plans, including the motor vehicle emissions budgets, are required as part of the Illinois EPA's redesignation request. The Maintenance Plans provide the supporting information for this request, consistent with the criteria for redesignation set forth in Section 175A of the CAA.


The Maintenance Plans constitute revisions of Illinois' SIP for ozone and PM_{2.5}. Accordingly, the Illinois EPA held a public comment period and offered an opportunity for a public hearing. The Public Notice was published in local newspapers on July 8, 2011, and also posted on the Illinois EPA's web site. Due to receiving no requests for a hearing a hearing was not held. However, the Illinois EPA did receive comments during the 30 day comment period. The enclosed Responsiveness Summary summarizes the comments received and the Illinois EPA's revisions to the Final Maintenance Plan to address these comments.

In order to assist with your review of these SIP submittals, two paper copies and an electronic disk of all documents are enclosed. A list of the enclosed documents is also attached.

The Illinois EPA believes that these submittals, in conjunction with other submittals made previously to the U.S. EPA, will allow the U.S. EPA to expeditiously take the necessary actions to redesignate both the Chicago and Metro-East areas to attainment for the 1997 8-hour ozone standard and to redesignate the Chicago area to attainment for the 1997 PM_{2.5} standards.

If further information is required or should you have any questions, please feel free to contact Rob Kaleel, Air Quality Planning Section, at (217) 524-4387.

Sincerely,



Laurel L. Kroack
Chief, Bureau of Air

Attachments

Illinois State Implementation Plan

List of Enclosed Documents

RACT for VOM Emissions from Group II and Group IV Consumer and Commercial Products; Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219

1. Illinois EPA regulatory proposal, March 7, 2011 (certain documents omitted)
2. Letter from Acting Chairman Girard to Director Ribley of the Department of Commerce and Economic Opportunity ("DCEO") regarding request for economic impact study, March 17, 2011
3. Order of the Board by A.S. Moore, accepting the Illinois EPA's regulatory proposal for hearing, granting the Illinois EPA's request for waiver of copy requirements, and ordering the clerk to file the proposal for first notice publication in the *Illinois Register*, March 17, 2011 (full text of rule omitted)
4. Hearing Officer Order, Notice of Hearings, March 17, 2011
5. *Illinois Register* Notice of Proposed Amendments, 35 Ill. Reg. 4887, April 1, 2011 (full text of rule omitted)
6. Prefiled Testimony of David Bloomberg and Prefiled Testimony of Yoginder Mahajan of Illinois EPA, April 14, 2011
7. Comments of Specialty Graphic Imaging Association, April 15, 2011
8. Illinois EPA's Motion to Amend Rulemaking Proposal, April 25, 2011
9. Record of Hearing, April 27, 2011 (full transcript omitted)
10. Prefiled Testimony of James Sell, American Coatings Association, May 6, 2011
11. Post-Hearing Comments of the Illinois EPA, May 16, 2011
12. Comments of The Boeing Company, filed May 17, 2011
13. Record of Hearing, May 18, 2011 (full transcript omitted)
14. Illinois EPA's Request to Cancel [Third] Hearing and Motion to Correct Transcript, May 19, 2011
15. Hearing Officer Order cancelling third hearing, May 20, 2011

16. Post-Hearing Comments of the Illinois EPA, June 1, 2011
17. Order of the Board by A.S. Moore, adopting the rule for second notice review by JCAR, June 16, 2011 (full text of rule omitted)
18. Letter from JCAR to Acting Chairman Girard and Certification of No Objection to Rulemaking Proposal, July 12, 2011
19. Final Order of the Board by A.S. Moore, adopting the rule and ordering the clerk to file final rule for publication in *Illinois Register*, July 21, 2011 (full text of rule omitted)
20. *Illinois Register* Notice of Adopted Amendments, 35 Ill. Reg. 13451, August 12, 2011

Maintenance Plans for the Chicago and Metro-East Ozone Nonattainment Areas for the 1997 8-Hour Ozone NAAQS, and the Chicago PM_{2.5} Nonattainment Area for the 1997 PM_{2.5} NAAQS

1. Final Maintenance Plan for the Illinois Portion of the Chicago Ozone Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard (Revised), AQPSTR 11-06, Illinois EPA, September 15, 2011.
2. Final Maintenance Plan for the Metro-East Ozone Nonattainment Area for the 1997 8-Hour Ozone National Ambient Air Quality Standard (Revised), AQPSTR 11-05, Illinois EPA, August 18, 2011.
3. Final Maintenance Plan for the Chicago Nonattainment Area for the 1997 PM_{2.5} National Ambient Air Quality Standards (Revised), AQPSTR 11-07, Illinois EPA, August 17, 2011.
4. Notice of Public Hearing and Comment Period, July 8, 2011.
5. Notice of Cancellation of Public Hearing. August 12, 2011.
6. Comments of the Sierra Club, filed August 8, 2011.
7. Responsiveness Summary, Illinois EPA, September 13, 2011.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 22, 2011

OFFICE OF
AIR AND RADIATION

MEMORANDUM

TO: Air Division Directors, Regions 1 - 10

FROM: Gina McCarthy
Assistant Administrator

SUBJECT: Implementation of the Ozone National Ambient Air Quality Standard

The purpose of this memorandum is to clarify for state and local air agencies the status of the ozone National Ambient Air Quality Standard (NAAQS) and to outline implementation steps moving forward. With the recent decision on the reconsideration of the ozone NAAQS, the current ozone NAAQS is 0.075 ppm. This standard will provide additional public health and welfare protection until the next regular review is completed, and EPA fully intends to implement this current standard as required under the Clean Air Act.¹

As I will describe below in more detail, EPA is moving ahead with certain required actions to implement the 2008 standard, but will do so mindful of the President's and Administrator's direction that in these challenging economic times EPA should reduce uncertainty and minimize the regulatory burdens on state and local governments. EPA is also continuing to implement and develop federal rules and other programmatic actions to reduce emissions that contribute to smog and improve air quality and public health across the nation.

Area Designations

EPA is proceeding with initial area designations under the 2008 standard, starting with the recommendations states made in 2009 and updating them with the most current, certified air quality data. We expect to issue our proposed changes to the states' recommendations (the "120-day letters") later this fall. We will quickly initiate and complete a rulemaking to establish nonattainment area classification thresholds so that we can finalize the designations. While we intend to take into consideration all comments we receive on the proposed rule, we note that we used a "percent above the standard" approach for classification under the 1997 ozone standard and believe that remains a reasonable approach.

¹ Note that the 2008 standard is under legal challenge. EPA has recently indicated to the Court that it does not object to the establishment of a briefing schedule in that litigation and has provided a schedule for the Court to consider.

Based on our initial review of ozone air quality data from 2008-2010, 52 areas monitor air quality that exceeds the 0.075 ppm standard. This preliminary review shows considerably fewer areas not meeting the 2008 standard than the number identified in 2009 when states made their recommendations. Using the "percent above the standard" classification approach, 43 of the 52 areas would fall into the Marginal category. As you know, many of the mandatory measures under the Clean Air Act are not required for Marginal areas since they are expected to achieve attainment within 3 years. In addition, EPA's modeling indicates that approximately half of the 52 areas would attain the 0.075 ppm standard by 2015 (the expected attainment deadline for Marginal areas) as a result of the emission-reducing rules already in place.

Because we have states' 2009 recommendations and quality assured ozone data for 2008-2010, there is nothing that state or local agencies need to do until we issue the 120-day letters later this year, though of course, states are welcome to contact us to discuss specific issues at any time. We expect to finalize initial area designations for the 2008 ozone NAAQS by mid-2012. However, we note that EPA currently faces litigation with respect to the timing of the designations and expects that the resolution of the litigation may well affect the precise timing of the schedule for designations.

Planning Requirements and Other Required Submissions

We will begin an expedited rulemaking to outline the implementation requirements for the 2008 standard in the very near future. The rule will be as straightforward and simple as we can make it. As you know, the Clean Air Act provides several years for states to develop their State Implementation Plans (SIPs) and to implement any mandatory measures. However, several deadlines for some state submissions have already passed, including the infrastructure SIPs and interstate transport SIPs. There are few requirements for Marginal areas beyond those SIPs.

EPA does not intend to penalize states for the passage of time, but we may also face litigation on these issues. In negotiating schedules for expeditious completion of required elements, we will seek to minimize any administrative burden on states associated with these requirements. To the extent that states are already engaged or would like to get started with clean air programs to address the standard, we will provide assistance with guidance and model language on rules or other programs, such as energy efficiency.

Federal Actions to Reduce Emissions

EPA will continue to move forward with implementation and development of federal rules that reduce emissions of pollutants that contribute to smog and threaten public health. These actions include recently promulgated rules that lower NO_x and VOC emissions such as the Cross-State Air Pollution Rule (CSAPR), the Portland Cement Rule, and Light and Heavy Duty Vehicle standards. They also include rules under development such as the Maximum Achievable Control Technology (MACT) standards for Boilers, the Mercury and Air Toxics Standards (MATS) for power plants, the New Source Performance Standards (NSPS) for Commercial Incinerators/Solid Waste Incinerators (CISWI) and the Oil/Gas sector, and the Tier 3 vehicle and fuel standards. These federal actions will ensure steady forward progress to clean up the nation's air and protect the health of American families, while minimizing and in many cases eliminating the need for states to use their scarce resources on local actions.

The Next Ozone Review

The next regular review of the health and welfare science is well underway. EPA will propose any appropriate revisions in the fall of 2013 and finalize any revisions to the standard in 2014. Attached to this memorandum is a schedule that lays out the upcoming steps in that review.

I hope this memorandum has answered some of the most immediate questions. Please distribute this memo to state and local air agencies in your Region. We will be providing opportunities for further discussion and questions with state and local officials in the coming weeks.

Attachment

September 22, 2011

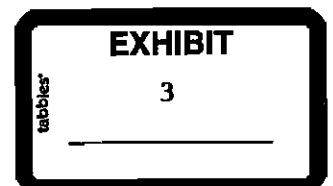
Ozone NAAQS Review Schedule

Stage of review	Major milestones	Schedule
Integrated Science Assessment (ISA)	1 st Draft ISA CASAC and public review 1 st Draft ISA 2 nd Draft ISA CASAC and public review of 2 nd Draft ISA Final ISA	Mar 2011 May 19-20, 2011 Sept 2011 Dec 15-16, 2011 Feb/Mar 2012
Risk/Exposure Assessments (REAs)	Scope and Methods Plans CASAC consultation and public review of Scope and Methods Plans 1 st Draft REAs CASAC and public review 1 st Draft REAs 2 nd Draft REAs CASAC and public review 2 nd Draft REAs Final REAs	Apr 2011 May 19-20, 2011 Feb/Mar 2012 May 2012 Nov 2012 Jan/Feb 2013 Apr 2013
Policy Assessment (PA) and Rulemaking	1 st Draft PA CASAC and public review 1 st Draft PA 2 nd Draft PA CASAC and public review 2 nd Draft PA Final PA Proposed Rule Final Rule	Apr 2012 May 2012 Dec 2012 Jan/Feb 2013 May 2013 Oct 2013 July 2014

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EPA has done a preliminary review of ozone air quality data from 2008-2010. Below is EPA's initial estimate of areas exceeding the 2008 ozone standard of 0.075 ppm, based on those data. The actual nonattainment areas will be determined through the designations process, which will include extensive input and review by the states and an opportunity for public comment.

Area*	Design Value 2008-2010 (ppm)	Potential Classification under 0.075 ppm ozone standard**	Current Designation Status for 1997 ozone NAAQS
Los Angeles South Coast Air Basin, CA	0.112	Serious	Nonattainment
San Joaquin Valley, CA	0.104	Serious	Nonattainment
Sacramento Metro, CA	0.102	Serious	Nonattainment
Los Angeles-San Bernardino Cos (W Mojave), CA	0.099	Moderate	Nonattainment
Riverside Co, (Coachella Valley), CA	0.095	Moderate	Nonattainment
Baltimore, MD	0.089	Moderate	Nonattainment
San Diego, CA	0.088	Moderate	Nonattainment
Dallas-Fort Worth, TX	0.086	Moderate	Nonattainment
Ventura Co, CA	0.086	Moderate	Nonattainment
San Luis Obispo-Paso Robles, CA	0.084	Marginal	Attainment
Houston-Galveston-Brazoria, TX	0.084	Marginal	Nonattainment
Nevada Co. (Western Part), CA	0.084	Marginal	Nonattainment
New York-N. New Jersey-Long Island,NY-NJ-CT	0.084	Marginal	Nonattainment
Amador and Calaveras Cos (Central Mtn), CA	0.083	Marginal	Nonattainment
Kern Co (Eastern Kern), CA	0.083	Marginal	Nonattainment
Mariposa and Tuolumne Cos (Southern Mtn), CA	0.083	Marginal	Nonattainment
Philadelphia-Wilmington-Atl. City, PA-NJ-MD-DE	0.083	Marginal	Nonattainment
Charlotte-Gastonia-Rock Hill, NC-SC	0.082	Marginal	Nonattainment
Pittsburgh-Beaver Valley, PA	0.081	Marginal	Nonattainment
Washington, DC-MD-VA	0.081	Marginal	Nonattainment
Red Bluff, CA	0.080	Marginal	Attainment
San Francisco Bay Area, CA	0.080	Marginal	Nonattainment
Atlanta, GA	0.080	Marginal	Nonattainment
Chico, CA	0.079	Marginal	Nonattainment
Cincinnati-Hamilton, OH-KY-IN	0.079	Marginal	Maintenance
Reading, PA	0.079	Marginal	Maintenance
Greater Connecticut, CT	0.079	Marginal	Nonattainment
Boston-Lawrence-Worcester (E. Mass), MA	0.078	Marginal	Nonattainment
Imperial Co, CA	0.078	Marginal	Nonattainment
Sublette County, WY - COUNTY	0.078	Marginal	Attainment
Baton Rouge, LA	0.078	Marginal	Nonattainment
Denver-Boulder-Greeley-Ft Collins-Love., CO	0.078	Marginal	Nonattainment
Sheboygan, WI	0.078	Marginal	Nonattainment
Columbus, OH	0.077	Marginal	Maintenance
Knoxville, TN	0.077	Marginal	Maintenance
Lancaster, PA	0.077	Marginal	Maintenance
Phoenix-Mesa, AZ	0.077	Marginal	Nonattainment
Springfield (Western MA), MA	0.077	Marginal	Nonattainment



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Area*	Design Value 2008-2010 (ppm)	Potential Classification under 0.075 ppm ozone standard**	Current Designation Status for 1997 ozone NAAQS
Cleveland-Akron-Lorain, OH	0.077	Marginal	Maintenance
Jamestown, NY	0.077	Marginal	Nonattainment
St. Louis, MO-IL	0.077	Marginal	Nonattainment
Allentown-Bethlehem-Easton, PA	0.076	Marginal	Maintenance
Greensboro--Winston-Salem--High Point, NC	0.076	Marginal	Attainment
Greenville-Spartanburg-Anderson, SC	0.076	Marginal	Attainment
Gulfport-Biloxi-Pascagoula, MS	0.076	Marginal	Attainment
Las Vegas, NV	0.076	Marginal	Nonattainment
Memphis, TN-AR	0.076	Marginal	Maintenance
Nashville-Davidson-Murfreesboro-Columbia, TN	0.076	Marginal	Attainment
Richmond-Petersburg, VA	0.076	Marginal	Maintenance
Santa Barbara-Santa Maria-Goleta, CA	0.076	Marginal	Attainment
Sutter Co (Sutter Buttes), CA	0.076	Marginal	Nonattainment
Providence (All RI), RI	0.076	Marginal	Nonattainment

*Generally, the area descriptions in this table refer to metropolitan areas. Precise area boundaries will be established through the designations process.

**EPA will establish classification thresholds through notice-and-comment rulemaking. Listed in this table are the classifications that would result from the "percent-above-standard" approach EPA used for the 1997 NAAQS. These thresholds are: Marginal 0.076 up to 0.086 ppm; Moderate 0.086 up to 0.100 ppm; Serious 0.100 up to 0.113 ppm; Severe 0.113 up to 0.175; and Extreme 0.175 ppm and up.