



AIR QUALITY PLANNING AND STANDARDS

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (USEPA) to set “national ambient air quality standards” (NAAQS) that define acceptable levels for six pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter (PM), and lead (<http://www.epa.gov/oar/urbanair/6poll.html>). States are required to monitor for each of these pollutants and submit data that are used to determine whether geographic areas are in “attainment” for each of the standards. If USEPA designates an area as in “nonattainment,” the state where the area is located must develop a state implementation plan (SIP) that demonstrates the steps that will be taken to reduce pollution and achieve compliance with air quality standards. As part of the SIP, states may enact and enforce requirements that affect the business of construction.

USEPA continues to tighten its NAAQS for PM and ozone. Right now, many states are struggling to figure out how they will meet these tighter federal standards. States that fail to develop suitable SIPs could be subject to numerous federal sanctions, including emissions caps limiting economic development and the loss of federal highway transportation funds.

As federal air standards become more stringent, states are looking for ways to reduce emissions. Because diesel engines contribute to PM and ozone levels, construction equipment is likely to be targeted. Potential SIP strategies could include: idling limits; equipment use restrictions; early fleet retirement or replacement mandates; fuel standards; or engine retrofit requirements.

ADDITIONAL INFORMATION

Do you have a shop/garage space heater fueled with used oil? If so, you may be subject to air permitting requirements depending on the rating of the heater. Contact your local air quality agency for additional information.

The authority to implement certain environmental regulatory programs may be delegated to the states. A state may have requirements that are more stringent than the federal requirements. Therefore, be sure to check with your state and local agencies before starting a construction project.