

US EPA ARCHIVE DOCUMENT

FACT SHEET

FINAL EXTENSION TO DEFER CLEAN AIR ACT REQUIREMENTS FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR THE DENVER EARLY ACTION COMPACT

ACTION

- On February 26, 2007, the U.S. Environmental Protection Agency proposed to defer Clean Air Act requirements to reduce ozone pollution for the Denver *Early Action Compact* (EAC) area from July 1, 2007, to April 15, 2008. Communities with *Early Action Compacts* are reducing smog one to two years sooner than required by the Clean Air Act.
- EPA proposed the deferral because Denver has met their milestone of submitting progress reports and approving legislature to reduce pollutants from the oil and gas industry. The progress reports describe actions taken to implement their State Implementation Plans to reduce smog in their area. All plans met the requirement to include all adopted control measures that demonstrate attainment of the 8-hour ozone NAAQS by December 31, 2007.
- In November 2007, EPA deferred the date that certain Clean Air Act requirements become effective for 13 *Early Action Compact* areas to April 15, 2008, and extended Denver's deferral until July 1, 2007.
- The Denver EAC had a separate deferral date from the other EAC areas. The state underestimated emissions from oil and gas exploration and is seeking additional reductions from the industry through a rulemaking. Colorado anticipates that the new rule will help ensure that air quality in the Denver EAC remains below the level of the standard.
- EPA will accept comments for 30 days after the proposed rule is published in the Federal Register.

BACKGROUND

- In April 2004, the EPA published a final rule designating areas of the country as either meeting or not meeting the ground-level ozone National Ambient Air Quality Standards (NAAQS), also called the 8-hour ozone NAAQS. If an area fails to meet health-based national air quality standards, the Clean Air Act requires an area to implement a number of efforts to improve air quality by a certain date.
- EPA is working with several areas across the country to reduce ground-level ozone, or smog, as quickly as possible. Together with EPA, 29 areas entered into agreements called *Early Action Compacts*. The Compacts give areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided they achieve clean air sooner than the Clean Air Act would otherwise require.

- Fifteen of these communities already meet the 8-hour ozone standard, but chose to join the compact to ensure that they stay in attainment and because they wish to take voluntary steps to protect the health and quality of life in their communities. By reducing pollution ahead of schedule, these communities are bringing sustainable health and environmental improvements to their residents sooner than would have been achieved without these agreements.
- *Early Action Compacts* require communities to:
 - Develop and implement air pollution control strategies,
 - Account for emissions growth, and
 - Achieve and maintain the national 8-hour ozone standard.
- *Early Action Compact* areas must attain the 8-hour ozone standard no later than December 31, 2007. Any compact area that does not meet the standard at that time will be designated as not meeting the standard by April 15, 2008, which will trigger the mandatory Clean Air Act requirements to reduce ground-level ozone.
- EPA will withdraw the deferral if an area misses any milestone set out in the *Early Action Compact*.
- In addition to working with areas that are participating in *Early Action Compacts*, EPA is also working with local governments, States and Tribes that are not participating in an *Early Action Compact* to develop an implementation strategy for the 8-hour ozone standard.
- Ground-level ozone – the primary component of smog – is formed in the atmosphere on hot, sunny days. The main ingredients of ozone come from cars, trucks, power plants, refineries and other large industrial facilities, and some natural sources.
- When inhaled, even at very low levels, ozone can:
 - cause acute respiratory problems;
 - aggravate asthma;
 - cause significant temporary decreases in lung capacity of 15 to over 20 percent in some healthy adults;
 - cause inflammation of lung tissue;
 - lead to hospital admissions and emergency room visits [10 to 20 percent of all summertime respiratory-related hospital visits in the northeastern U.S. are associated with ozone pollution]; and
 - impair the body's immune system defenses, making people more susceptible to respiratory illnesses, including bronchitis and pneumonia

FOR MORE INFORMATION

- Interested parties can download the notice of proposal from EPA's Early Action Compact website at the following address:
<http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm#RMNotices>.

- Today's proposed rule and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
- The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2003-0090.
- HOW TO COMMENT: Comments should be identified by Docket ID No. EPA-HQ-OAR-2003-0900 and submitted by one of the following methods:
 - Federal eRulemaking Portal (<http://www.regulations.gov>),
 - e-mail (a-and-r-docket@epa.gov),
 - Mail (EPA Docket Center, Environmental Protection Agency, Mailcode 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460), or
 - Hand delivery (EPA Docket Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).
 - We request that a separate copy of each comment also be sent to the contact person listed below:
 - Ms. Barbara Driscoll (919) 541-1051, or driscoll.barbara@epa.gov.
- Information on *Early Action Compacts* is available at <http://www.epa.gov/oar/eac/basic.html>