

US EPA ARCHIVE DOCUMENT

FACT SHEET

Proposed Rule - Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach and Attainment Deadlines

Action

- On February 7, 2012, the U.S. Environmental Protection Agency (EPA) proposed a rule that would take a necessary step to implement the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. EPA set those standards at 0.075 parts per million (ppm) on March 12, 2008.
- Implementation of the ozone standards is the shared responsibility of the EPA and the governments of states, tribes, and communities. This proposal would establish an approach for classifying ozone nonattainment areas – those areas not meeting the 2008 ozone standards. The EPA also seeks comment on options for schedules for each nonattainment area to meet the standards.
- This proposal is the first of two rules that will guide implementation of the 2008 ozone standards. An upcoming proposed rule will address other implementation issues such as anti-backsliding, State Implementation Plan deadlines, and policies on required control measures..
- The EPA classifies nonattainment areas based on the severity of their ozone problem. Under this graduated system, nonattainment areas with the worst air quality will have both the longest time to meet the standard and the largest set of mandatory planning and emissions control requirements. Classified areas fall into five categories: Marginal, Moderate, Serious, Severe, or Extreme.
 - The EPA is proposing to use a "percent-above-the-standard" approach to calculate the thresholds for these classifications. Under this approach, the EPA would apply the percentages that Congress laid out in the Clean Air Act for the 1-hour ozone standard to develop classification levels for the 2008 ozone standard.
 - The proposed rule also would set the deadlines for attainment for each classification. The EPA is taking comment on the date in a future year that a nonattainment area should be expected to attain by: either on the effective date of designations, or at the end of the calendar year.
 - The table below summarizes EPA's proposed ozone air quality ranges for classifying nonattainment areas for the 2008 ozone standards. It also provides the proposed length of time each type of area would be expected to attain by.

Classification	Ozone Concentration Range (Parts Per Billion)	Attainment Date
Marginal	76 up to 86	3 years
Moderate	86 up to 100	6 years
Serious	100 up to 113	9 years

Severe-15	113 up to 119	15 years
Severe-17	119 up to 175	17 years
Extreme	Equal to or greater than 175	20 years

- The EPA also is proposing to:
 - Revoke the 1997 ozone standards one year after designations for the 2008 standards are effective. This revocation would be for purposes of transportation conformity only. Transportation conformity requires local transportation and air quality officials to coordinate planning to ensure that transportation related emissions from projects, such as road construction, do not interfere with an area’s ability to reach its clean air goals.
 - Allow voluntary area reclassifications under the 1997 ozone standards to be the same as the areas’ classification for the 2008 standards unless otherwise requested. This would apply to areas in California only.
- The EPA will work closely with states to provide assistance in implementing the 2008 ozone standards. For more information about the 2008 ozone standards, go to <http://www.epa.gov/air/ozonepollution/actions.html>

Background

- On March 12, 2008, the EPA revised its National Ambient Air Quality Standards for ozone by strengthening both the primary standard, designed to protect public health, and the secondary standard, set to protect the environment, to a level of 0.075 parts per million (ppm). These standards are in effect and EPA is moving forward with implementing the standards as required by the Clean Air Act. The 2008 ozone standards will provide additional public health benefits while the agency continues to work on the next regular review of the ozone standards.
- Breathing air containing ozone can reduce lung function and increase respiratory symptoms, aggravating asthma or other respiratory conditions. Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.
- History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the 2008 ozone standards using a common sense approach that improves air quality and minimizes burden on state and local governments. As part of this routine process, EPA is working closely with the states to identify areas in the country that meet the standards and those that need to take steps to reduce air pollution.
- After EPA sets a new NAAQS or revises an existing standard, the Agency works with the states and some tribes to formally identify or “designate” areas as “unclassifiable/attainment” (meeting

the standard or expected to be meeting the standard despite a lack of monitoring data), “nonattainment” (not meeting the standard), or “unclassifiable” (insufficient data).

- The designation process begins with state governors evaluating air quality monitoring data across their state along with other factors such as sources of pollutants that form ozone, and weather patterns, then making recommendations to EPA for how all areas in the state should be designated. Tribal leaders may also make area recommendations but they are not required to do so.
- States and tribes provided their initial designation recommendations for the 2008 ozone standards in 2009 based on the most recent three years of air quality monitoring data – generally 2006 to 2008. Many states and tribes recently provided EPA with updates to these original recommendations. EPA plans to make final designations in Spring 2012 using air quality monitoring data from 2008, 2009 and 2010. The Agency will consider data through 2011 if a state certifies it as complete and submits it for consideration by February 29, 2012.
- Once designations take effect, they govern what subsequent regulatory actions states, tribes, and EPA must take in order to improve or preserve air quality in each area. EPA is working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce smog-forming pollution and will protect public health in communities across the country.

How to Comment:

- EPA will accept comment on this proposal for 30 days following publication in the Federal Register.
- Comments should be identified by Docket ID No. EPA-HQ-OAR-2010-0885 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, Mail code 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).

For Further Information:

- To download a copy of the notice, go to EPA’s Worldwide Web site at: <http://www.epa.gov/air/ozonepollution/actions.html#impl>.
- 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 at EPA Headquarters, room number 3334 in the EPA West Building, 1301 Constitution Avenue, 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-2010-0885.
- For more information on the proposed rule, contact either Dr. Karl Pepple at (919)-541-2683 or e-mail at pepple.karl@epa.gov or Mr. Butch Stackhouse at (919)-541-5208 or e-mail at stackhouse.butch@epa.gov.