

US EPA ARCHIVE DOCUMENT

**Federal Implementation Plans (FIPs) to Reduce the Regional Transport of Ozone in the Eastern United States
(Summary of Rulemaking on FIP for Regional Nox Reductions)**

On November 7, 1997, in a Federal Register notice entitled “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone” (known as the “OTAG SIP Call”), EPA proposed to find that the transport of ozone from 22 eastern States and the District of Columbia contribute significantly to nonattainment of the ozone national ambient air quality standards (NAAQS), or interfere with maintenance of the NAAQS, in downwind States. Further, EPA proposed the appropriate levels of NO_x emissions reductions that each of the affected States will be required to achieve. This proposal allows States 12 months to develop, adopt and submit revisions to their State implementation plans (SIPs) in response to the final rulemaking.

As a Federal “backstop” to this action, the Administrator is required to promulgate a Federal Implementation Plan (FIP) within 2 years of (1) finding that a State has failed to make a required SIP submittal, or (2) finding that a submittal is not complete, or (3) disapproving a SIP submittal. Although the CAA allows EPA up to 2 years after the finding to promulgate a FIP, EPA intends to expedite the FIP promulgation to help assure that the downwind States realize the air quality benefits of regional NO_x reductions as soon as practicable. Therefore, EPA intends to propose a FIP at the same time as final action is taken on the November 7, 1997 OTAG Sip Call proposal. Furthermore, EPA intends to make a finding and promulgate a FIP immediately after the SIP submittal due date for each upwind State that fails to submit a SIP. The FIP rulemaking proposal will be entitled “Federal Implementation Plans to Reduce the Regional Transport of Ozone in the Eastern United States.” Proposal is scheduled for September of 1998.

Preliminary EPA analysis shows that this proposal might have a significant impact on a substantial number of small entities. If further analysis and outreach confirms this, EPA will convene a small-entity review panel under SBREFA. To prepare for that possibility, EPA intends to begin a process of outreach to representatives of potentially affected small entities. A proposed list of small-entity representatives is attached. EPA hopes to begin outreach in April 1998. Should a SBREFA panel prove to be required, we would hope to convene it in early summer of 1998.