

US EPA ARCHIVE DOCUMENT

September 15, 1998

**Nonattainment Boundaries for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS)**

! **Background**

Subpart 2 of the amended Clean Air Act (Act) specifies a consolidated metropolitan statistical area (C/MSA) size presumption for the 1-hour ozone NAAQS serious and higher classified nonattainment areas. Under a more general process in the Act under Subpart 1 for the 8-hour NAAQS, neither specific boundaries, size, nor the extent to which source contributions mandate designation to nonattainment are specified. The Act does require State Governors to submit lists of all areas (or portions of areas) with their designations and authorizes the Administrator of the Environmental Protection Agency (EPA) to make such modifications deemed necessary. State Governors' requests generally would not apply to portions of nonattainment areas located within Indian Country according to the recently promulgated Tribal Authority Rule. The eligible Tribal government can request designation of the tribal portion of a nonattainment area. If a Tribe does not make such a request, EPA can make such a designation.

! **Purpose**

The purpose is to introduce preliminary nonattainment boundary options. Attachments 1-3 contain a brief history, roles and purposes, and statutory language on designations.

! **Preliminary Nonattainment Boundary Options**

EPA believes that all areas with air quality data showing violations of the 8-hour NAAQS, and nearby areas that cause or contribute to NAAQS violations, must be included in the area designated nonattainment. EPA's strong presumption favors nonattainment boundaries that reflect the Metropolitan Statistical Area (MSA) or the C/MSA for all proposed classifications under the 8-hour NAAQS due to the nature of population density, traffic and commuting patterns, commercial development, area growth, and air emissions characteristic of a C/MSA. States may request that the nonattainment area be expanded beyond the C/MSA to include additional counties when those counties contain sources, population, commuting patterns or other factors that may be contributing to the nonattainment problem.

States may also request smaller nonattainment areas where counties generally are considered to be rural due to relatively small populations or a relatively low degree of urbanization. In this case, States may request such counties or county be designated nonattainment.

States may also request nonattainment areas less than the C/MSA but minimally including counties with violating monitors where nonattainment is due solely to regional transport and expected to attain the NAAQS with regional reductions without further control, such as from the nitrogen oxide (NO<sub>x</sub>) State implementation plan (SIP) call.

In areas where the 1-hour NAAQS still applies, EPA suggests that the designated 8-hour nonattainment area boundary is presumed to be the C/MSA or, if larger, the 1-hour

**Pre-Decisional Preliminary Draft; Do Not Quote Or Cite**

**nonattainment area.**

**EPA also suggests the status quo with respect to 1-hour nonattainment area boundaries for areas subject to international transport.**

**Guidance on the timing and data needs for State Governors' recommendations for ozone designations as well as EPA's designations is contained the memorandum titled "Re-issue of the Early Planning Guidance or the Revised Ozone and Particulate Matter (PM) NAAQS" dated June 16, 1998.**

Designations Since 1970

•1970 Amendments

1970-1972 - After establishing 91 air quality control regions (AQCR), States initiated and EPA approved the final 156 AQCRs. Many States, the District of Columbia, Guam, Am. Samoa, Puerto Rico, and the United States (US) Virgin Islands requested the entirety of their territory be included. All geographic area of US and territories now designated and codified in Part 81. EPA to promulgate NAAQS; States had until 1975 to attain.

•1977 Amendments

1978 - EPA formally promulgates and codifies in part 81 the first designations to nonattainment and attainment/unclassifiable. Consultative process with States (EPA accepted all reasonable boundary designations) but could be designated without State input (county minimum boundary in this case). Subsequent designations to nonattainment could be made only at a State's request.

Boundaries could be based on the AQCRs or portions along clearly defined lines and divided into nonattainment, attainment or unclassified.

•1990 Amendments

1991 - EPA again promulgates and codifies in part 81 designations to nonattainment, attainment/unclassifiable and others via consultative process involving States'. Classifications used for the first time to denote pollution severity and to trigger prescribed controls. Subsequent designations by EPA permitted.

C/MSA boundaries were presumed for serious and higher classifications where Governor made recommendation; the larger of pre-existing or C/MSA boundaries presumed where Governor made no recommendation. Lower classified area boundaries generally matched any pre-existing boundaries or those proffered by the Governors.

Roles and Purposes of Nonattainment Designations

•Under the 1-hour standard --

- a. Informs citizens that unhealthy air quality occurs in the area.
- b. Defines the basis for planning activities--inventories and modeling for an attainment demonstration, SIP revision development and adoption, plans for reasonable further progress (RFP), maintenance plans at redesignation, public hearings, and budget and legislature-related activities.
- c. Fixes attainment date (based on its classification). Raises possibility of bump-up to higher classifications and longer attainment date.
- d. Requires States to implement measures and programs to reduce emissions in the area. Specifically named controls and programs in the area are required by the 1990 amendments.
- e. Requires application of part D new source review (NSR) with offset ratios and decreased cut points for major sources and modifications depending on its classification at designation.
- f. Requires specific mobile source budgets and conformity determinations.
- g. Defines eligibility where CMAQ funding can be spent.

•Under the 8-hour standard --

- a. Informs citizens that unhealthy air quality occurs in the area.
- b. Except for transitional classified areas predicted to attain with reductions from the NOx SIP call, designation defines the basis for the same planning activities although, presumably, the activities would have already started prior to designation.
- c. May fix attainment date EPA anticipates assigning based on its classification.
- d. Except for transitional areas where attainment is predicted as a result of reductions from the 110 NOx SIP call, designation will require States to implement measures and programs to reduce emissions to meet progress requirements and attain.
- e. Designation requires application of part D NSR. (Approach for transitional classified areas under development.)
- f. Designation requires application of transportation conformity programs. (Approach for transitional classified areas under development.)
- g. Defines eligibility where CMAQ funding can be spent.

Attachment 3

Statutory Language in Section 107 (d)(1)

“Following promulgation of new or revised standards initial designations are to be submitted by Governors no later than two years<sup>1</sup> after such promulgation as

nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the primary or secondary NAAQS, (emphasis added)

attainment, any area (other than an area identified as nonattainment) that meets the primary or secondary NAAQS, or

unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the primary or secondary NAAQS.”

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<sup>1</sup>As modified for the 8-hour ozone NAAQS by the Inhoffe amendment.