
OAR Box 1960

Prepped by Ollie Stewart

Document Number:

19) I-G-5

Docket Number:

A-2001-31

A 2001-31
I-6-05

STATUS OF IMPLEMENTATION OF 8-HOUR O3 NAAQS

Introduction

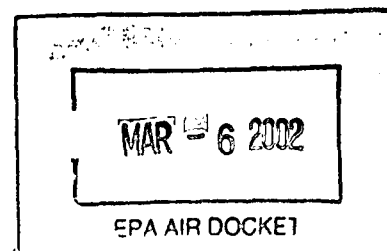
- In July 1997, EPA revised the ozone NAAQS
- EPA initially indicated it would implement under more flexible requirements ("subpart 1") rather than more prescriptive requirements ("subpart 2") and issued a public review draft guidance document (November 1998)
- EPA was sued in U.S. Court of Appeals for the DC Circuit over the standard itself and its implementation approach
- May 1999—Appeals Court ruled on unconstitutional delegation of authority and improper implementation approach
- EPA appealed to Supreme Court
- February 2001—Supreme Court upheld constitutionality of air quality standard setting but held that EPA could not ignore subpart 2 when implementing the 8-hour standard

Status of Planning

- EPA considering optional approaches for resolving both transition from 1-hr ozone NAAQS and inconsistency between subparts 1 and 2
- EPA working closely with STAPPA/ALAPCO to develop approaches
- EPA wanting to reach out to stakeholders to obtain input and concerns

Key issues

- Subpart 1 or 2 preference
- Relevance/desirability of mandatory subpart 2 requirements
- Classification method for Table 1 of subpart 2
- Timing (SIP submission, attainment dates)
- Geographic coverage differences



8-HOUR OZONE NAAQS IMPLEMENTATION OVERALL APPROACHES FOR TRANSITION FROM 1-HR TO 8-HR STANDARD

2-Standard Approach

Basic approach: First attain the 1-hour standard, then prepare new plan to attain the 8-hour standard

Issues

1. For 8-hour areas isolated from 1-hour areas, should 8-hour implementation begin immediately upon designation?
2. Should current 1-hour nonattainment areas continue to implement the 1-hour standard until: (a) air quality meets the standard; (b) their (original? extended/bumped-up?) 1-hour attainment date; or (c) until they attain?
 - EPA would need to explore mechanisms to achieve this sequential implementation; options that could be discussed include deferring the effective date of 8-hour designations for 1-hour nonattainment areas; deferring the SIP submission requirements for the 8-hour standard; deferring SIP implementation requirements for the 8-hour standard
3. Should areas violating the 1-hour standard but designated attainment be required to immediately begin implementing the 8-hour standard or should they first be required to plan for attainment of the 1-hour standard?
4. How do we address counties that do not meet the 8-hour standard but are near/adjacent to 1-hr areas?

1-Standard Approach

Basic approach: Implement the 8-hour standard only; revoke 1-hour standard in the near term. No backsliding from 1-hour implementation; maintain measures from existing (1-hour) SIPs. No currently designated nonattainment area would be designated attainment without an approved maintenance plan.

Issues

1. Should the 1-hour standard for an area be revoked once its 8-hour ozone SIP is approved, at designation, or upon SIP submittal?

- 2. Should areas that are classified for the 1-hour standard: (a) retain their current classification; (b) shift to another classification in subpart 2; or (c) shift to a lower classification in either subpart 1 or 2?