



8-hour Ozone Nonattainment Designations and Implementation Rule Update

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U. S. EPA

June 2004

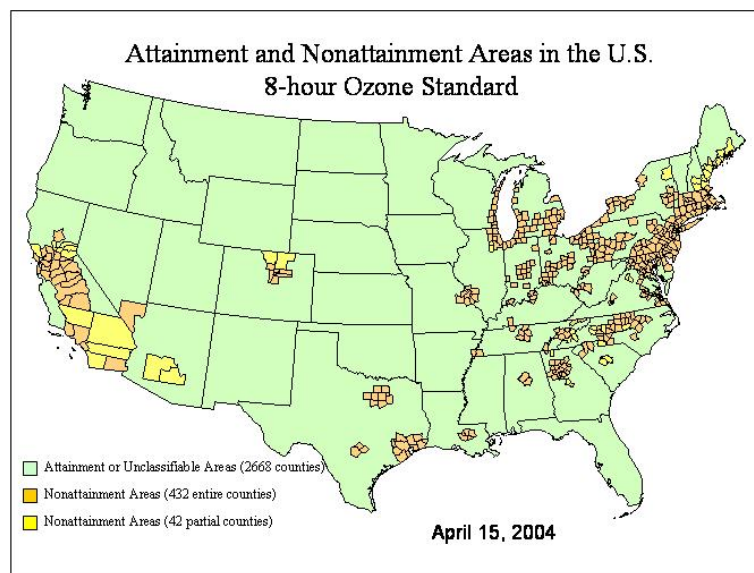
First, on April 15th Actions:

Clean Air Rules of 2004

- ✓ **8-hour ozone designations**
 - ✓ Basic (Subpart 1)
 - ✓ Classified (Subpart 2)
 - ✓ Effective June 15, 2004
- ✓ **33 Early Action Compact areas . . (30 of which have a deferred nonattainment date)**
- ✓ **8-hour Implementation Rule – Phase I**

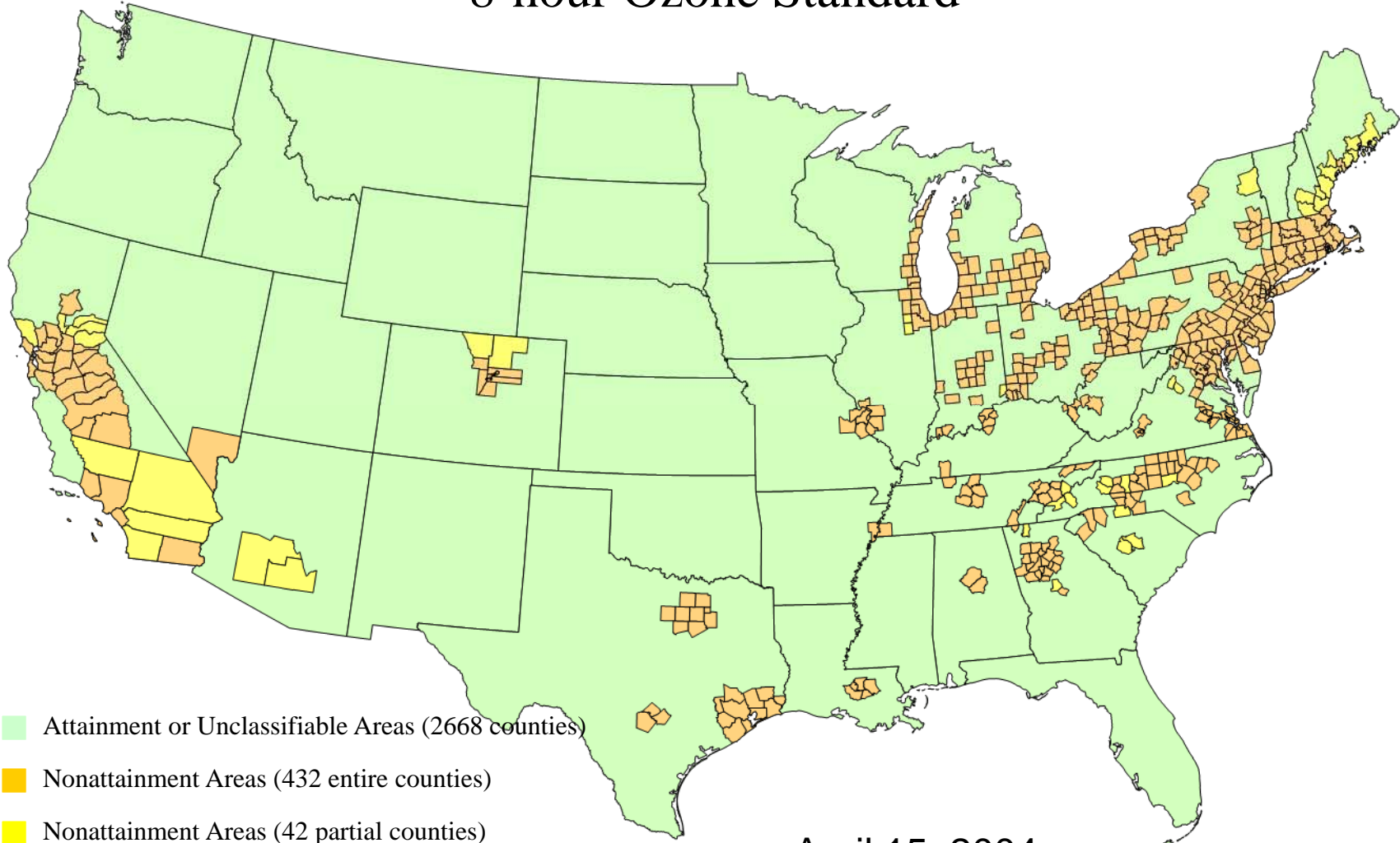
8-hour Nonattainment Areas

- **474** counties designated nonattainment
 - **432** whole counties
 - **42** partial counties
- **Approximately 159 million people live in areas designated nonattainment for the 8-hour ozone standard**



Who's "nonattainment?"

Attainment and Nonattainment Areas in the U.S. 8-hour Ozone Standard



April 15, 2004

April 15th, 2004 Nonattainment action

Category/Classification

(Attainment Date)

Category/Classification

(Attainment Date)

SEVERE 17 (June 2021)

Los Angeles South Coast Air Basin, CA

SERIOUS (June 2013)

Riverside Co, (Coachella Valley), CA

Sacramento Metro, CA [n*]

San Joaquin Valley, CA [n*]

MODERATE (June 2010)

Baltimore, MD

Boston-Lawrence-Worcester (E. MA), MA

Boston-Manchester-Portsmouth (SE),NH

Cass Co, MI

Charlotte-Gastonia-Rock Hill, NC-SC

Chicago-Gary-Lake County, IL-IN

Cleveland-Akron-Lorain, OH

Dallas-Fort Worth, TX

Detroit-Ann Arbor, MI

Fredericksburg, VA

Greater Connecticut, CT

Houston-Galveston-Brazoria, TX

Jefferson Co, NY

Kent and Queen Anne's Cos, MD

La Porte, IN

MODERATE (June 2010)... continued

Lancaster, PA

Memphis, TN-AR

Milwaukee-Racine, WI

Muskegon, MI

New York-N. New Jersey-Long Island,NY-NJ-CT

Philadelphia-Wilmin-Atlantic Ci,PA-NJ-MD-DE

Poughkeepsie, NY

Providence (All RI), RI

Richmond-Petersburg, VA

Sheboygan, WI

Springfield (Western MA), MA

St Louis, MO-IL

Ventura Co, CA

Washington, DC-MD-VA

MARGINAL (June 2007)

Atlanta, GA

Baton Rouge, LA

Beaumont-Port Arthur, TX

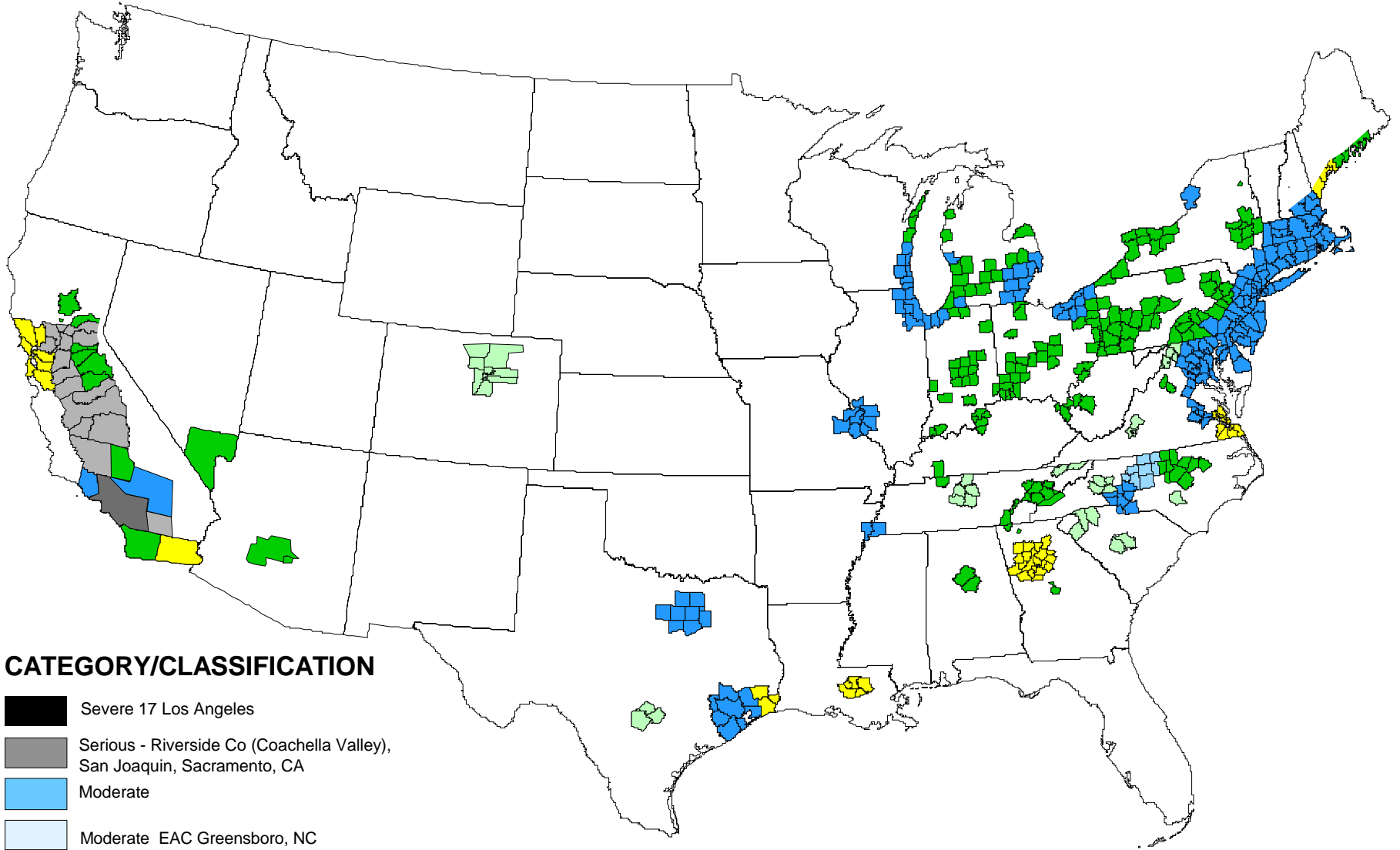
Imperial Co, CA

Norfolk-Virginia Beach-Newport News (HR),VA

Portland, ME

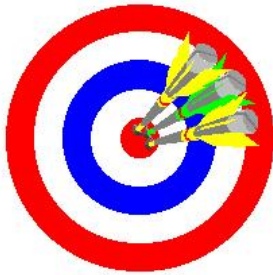
San Francisco Bay Area, CA

Classification of 8-hour Nonattainment Ozone Areas



CATEGORY/CLASSIFICATION

-  Severe 17 Los Angeles
-  Serious - Riverside Co (Coachella Valley), San Joaquin, Sacramento, CA
-  Moderate
-  Moderate EAC Greensboro, NC
-  Marginal
-  Subpart 1 (Basic)
-  Subpart 1 EAC (Basic)



Status of 8-hour O₃ Implementation Rule

Final rule to be issued in 2 phases:

■ Phase 1:

- Classifications, transition/anti-backsliding, revocation of 1-hour std., attainment dates, attainment date extensions, timing of emission reductions needed for attainment
- Signature on April 15 Publication April 30th, 2004

■ Phase 2:

- Remainder of rule elements (e.g., RACT, RFP, attainment demonstrations; 8-hr NSR)
- Planning for signature mid-summer (August?)

8-hour O₃ implementation rule --- the subpart issue

- **Subpart 1**
 - ✓ Reasonably Available Control Technology (RACT), Reasonably Available Control Measures (RACM), Transportation Conformity, New Source Review (NSR), Reasonable Further Progress (RFP), attainment demonstration
- **Subpart 2**
 - ✓ In addition to Subpart 1 requirements:
 - Inspection/Maintenance (I/M) program, specified RFP (3%/yr), reformulated gas for some areas, specific NSR size thresholds and offset ratios, RACT for VOC and NO_x sources, attainment demonstration except for marginal areas

Revocation of the 1-hr standard

When EPA will remove the 1-hour standard?

Revocation of 1-hr std will occur

- **1 year following designations for the 8-hour NAAQS.**
- **Designed to ensure continued applicability of subpart 2 requirements and ensure continued air quality improvement, while shifting focus toward implementation of the 8-hour standard.**
- **Consistent with 1-year grace period for 8-hr O₃ conformity.**

Anti-Backsliding provisions ...

Anti-Backsliding... *means ensuring areas continue to implement measures in their 1-hour plans after 1-hour std revoked*

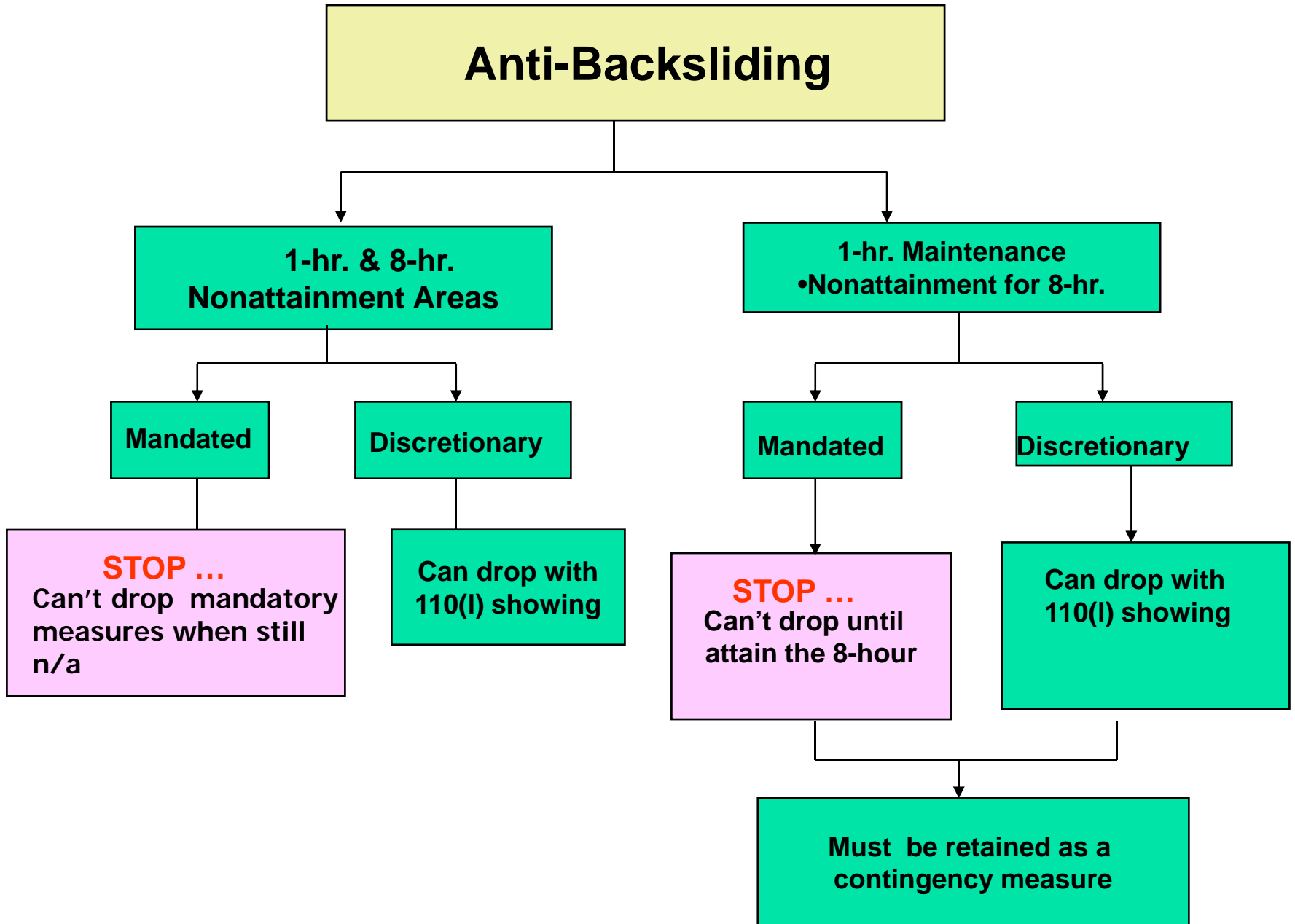
- **CAA has several provisions that support limiting States' ability to drop mandated measures (see 68 FR 32819)**
- **Mandated measures (e.g., RFP, I/M) must remain in place until an area is redesignated to attainment for the 8-hour standard.**
- **Once redesignated as a maintenance area, mandated measures can be dropped with a section 110(I) showing of noninterference, but they must remain in the SIP as contingency measures.**

Anti-Backsliding ... continued



- NOx SIP Call requirements remain
- 1-hr standard will be revoked one year after the effective date of the 8-hr. designation (June 15, 2005)
- To ensure progress toward clean air, anti-backsliding policy requires that 1-hr *mandated* controls continue to apply until the area meets the 8-hr standard

How anti-backsliding actually works in the 8-hr rule



Out by late summer???



What's next for 8-hr implementation?

- **Phase 2:**
 - ✓ Remainder of rule elements (e.g., RACT, RFP, attainment demonstrations; 8-hr NSR)
 - ✓ Planning for signature mid-summer (August?)



The End

- Questions?



Appendix

Table used for 8-hour classifications ...

Converted Table 182--- for 8-hr Classifications

TABLE 2
TABLE 1 OF SUBPART 2 1-HOUR OZONE CLASSIFICATION TABLE
TRANSLATION TO 8-HOUR DESIGN VALUES

| Area class | | CAA design value thresholds 1-hour ozone ppm | % above 1-hour ozone <u>NAAQS</u> | Translated 8-hour design value thresholds ppm ozone | Primary standard attainment date—years after enactment (1- hour std)** |
|------------|----------------------|--|---|--|---|
| Marginal | from | 0.121 | 0.833 | 0.085* | 3 years |
| | up to | 0.138 | 15.000 | 0.092 | |
| Moderate | from | 0.138 | 15.000 | 0.092 | 6 years |
| | up to | 0.160 | 33.333 | 0.107 | |
| Serious | from | 0.160 | 33.333 | 0.107 | 9 years |
| | up to | 0.180 | 50.000 | 0.120 | |
| Severe-15 | from | 0.180 | 50.000 | 0.120 | 15 years |
| | up to | 0.190 | 58.333 | 0.127 | |
| Severe-17 | from | 0.190 | 58.333 | 0.127 | 17 years |
| | up to | 0.280 | 133.333 | 0.187 | |
| Extreme | equal to or above | 0.280 | 133.333 | 0.187 | 20 years |

* The table's lowest value reflects the lowest nonattaining value, viz., 0.085 ppm.

**For 8-hr ozone standard, EPA proposing to interpret the maximum period for attainment starting from date of designation.

Subpart 2 areas classified using 8-hr design values and classification table

Rule for separating areas between subparts 1 & 2

Approach: – Separate violating (>85PPB) 8-hour nonattainment areas based on whether their 1-hr design values are less than 0.121 ppm.

- Areas with 1-hr design values **less than 0.121 ppm** would be subject to **Subpart 1** (attainment deadlines 5 or 10 years after designation)
- Areas with 1-hr design values **equal to or greater than 0.121 ppm** would be subject to **Subpart 2** (attainment dates 2007 – 2021)
- Subpart 2 areas – classified using 8-hour design values and “converted” classification table thresholds that are the same % above standard as Subpart 2’s 1-hour values

When does the CAA call for “clean air/”

8-hr O₃ Attainment Dates

“as expeditious as practicable but no later than” ...

- **Subpart 1 Areas** : no later than **5 years** after effective date of designation or **10 years** depending on severity and availability/feasibility of pollution control measures indicating more time is needed
- **Subpart 2 Areas** : *counting from June 2004*
 - marginal – 3 years **2007**
 - moderate – 6 years **2010**
 - serious – 9 years **2013**
 - severe – 15 or 17 years **2019 or 2021**
 - extreme – 20 years **2024**