

FACT SHEET

PROPOSED RULE: IMPLEMENTATION OF THE 2015 NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE: NONATTAINMENT AREA CLASSIFICATIONS AND STATE IMPLEMENTATION PLAN REQUIREMENTS

ACTION

- On November 2, 2016, the U.S. Environmental Protection Agency proposed requirements that would apply to state, local, and tribal air agencies for implementing the 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. The EPA revised both the health-based and welfare-based standards for ozone on October 1, 2015.
- Implementation of the NAAQS is a shared responsibility of the EPA, states and tribes. This proposed rule interprets the requirements of the Clean Air Act (CAA) and seeks public comment on proposed requirements that ensure public health protection is achieved by meeting the 2015 ozone standards, while giving the EPA's partners flexibility to reduce administrative burdens, where possible.
 - These requirements would apply to states with nonattainment areas, and states in an ozone transport region (OTR).
 - The EPA will work closely with states, tribes and communities to provide assistance in achieving the 2015 ozone standards.
- This proposed action largely retains and updates the implementing regulations that apply for the 2008 ozone NAAQS, for purposes of the 2015 ozone standards, which creates stability in the planning process. This action is seeking public comment on a number of issues, including:
 - nonattainment area classification thresholds and deadlines for areas to attain the 2015 ozone standards;
 - milestone compliance demonstrations to address reasonable further progress requirements;
 - planning and implementation deadlines for reasonably available control technology;
 - consideration of pollution sources within a state but outside of a nonattainment area for purposes of attainment planning;
 - reconsideration of the optional ozone NAAQS trading provisions for pollutants that react to form ozone, which would allow either volatile organic compounds (VOC) or oxides of nitrogen (NO_x) emissions reductions to satisfy nonattainment New Source Review permitting emissions offset requirements for VOC or NO_x emissions increases; and
 - requirements for emissions inventories and emissions statements.
- This action also proposes two options for revoking the 2008 ozone NAAQS.
 - Consistent with the EPA's approach for revoking the 1997 ozone standards, Option 1 would revoke the 2008 NAAQS in all areas effective 1 year after the effective date of designations for the 2015 ozone NAAQS. This option would establish a set of protective anti-backsliding requirements for all nonattainment areas that have not yet attained the 2008 NAAQS at the time of its revocation.
 - Option 2 proposes to revoke the 2008 ozone NAAQS in areas designated attainment for that NAAQS 1 year after the effective date of the designations for each area for the 2015 ozone NAAQS. Under Option 2, the 2008 ozone NAAQS would continue to apply in any

area designated nonattainment for the 2008 standards until that area is redesignated to attainment. Option 2 would follow the approach established most recently for the PM_{2.5} NAAQS.

- The EPA is also seeking comment on a number of additional topics, including: (1) managing emissions from wildfires and wildland prescribed fires; (2) transportation conformity and general conformity; (3) contingency measures; (4) international transport and background ozone; and (5) additional policies for achieving emissions reductions.

BACKGROUND

- Ozone is formed from NO_x and VOC in the presence of sunlight. Cars, trucks, buses, engines, industries, power plants and products, such as solvents and paints are among the major manmade sources of ozone-forming emissions. Exposure to ground-level ozone pollution is linked to a variety of significant health problems.
- Ozone levels are most commonly elevated in the warm summer months, when hot sunny days make it more likely that ozone will form. But this isn't always the case. In parts of the western United States with high levels of local VOC and NO_x emissions and unique meteorological conditions, ozone levels have been high when snow is on the ground.
- The CAA directs the EPA to set and review air quality standards for common pollutants known as "criteria pollutants," which the agency has identified based on their likelihood of harming public health and welfare. The EPA established air quality standards for ozone in 1979. The EPA subsequently revised the ozone standards in 1997, 2008 and 2015 based on the most recently available scientific studies at the time.
 - In October 2015, the EPA strengthened the ozone NAAQS from 75 parts per billion (ppb) to 70 ppb to ensure the protection of public health and welfare
- After the EPA establishes or revises an air quality standard, the agency follows a process by which states recommend area designations (*i.e.*, as nonattainment, attainment, or unclassifiable) to the EPA. The EPA then evaluates their recommendations and air quality data and other factors prior to making its proposed and final determinations regarding area designations. Ozone nonattainment areas are classified by the severity of their air quality problem based on air quality monitoring data, with classifications ranging from "Marginal" to "Extreme." The EPA anticipates finalizing area designations and classifications for the 2015 ozone NAAQS in late 2017.
- States, and in some cases local agencies or tribes, are the primary implementers of the NAAQS. They are responsible for developing and submitting to the EPA, implementation plans that meet the nonattainment planning requirements of the CAA. The EPA promulgates implementation rules to clarify its interpretation of applicable statutory provisions.

HOW TO COMMENT

- The EPA will accept comments for 60 days beginning when this proposal is published in the *Federal Register*. All comments should be identified by Docket ID No. EPA-HQ-OAR-2016-0202 and submitted to the Federal e-rulemaking portal (www.regulations.gov). Follow the online instructions for submitting comments. If anyone requests a public hearing within 15 days of the proposal publication date, we will publish a subsequent *Federal Register* document announcing details of the hearing.
- For additional information about other ways to submit comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR MORE INFORMATION

- To download a copy of the proposed rule from the EPA website, go to “Regulatory Actions” at the following address: <https://www.epa.gov/ozone-pollution/implementation-2015-national-ambient-air-quality-standards-naaqs-ozone-state>
- This proposed rule and other background information are also available either electronically at <http://www.regulations.gov>, the 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 in the EPA Headquarters, Room Number 3334 in the EPA William Jefferson Clinton West Building, located at 1301 Constitution Ave., NW, Washington, D.C. 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 action can be accessed using Docket ID EPA-HQ-OAR-2016-0202.
- Additional information on the ozone nonattainment areas is available on the EPA Green Book at <https://www.epa.gov/green-book/green-book-8-hour-ozone-2008-area-information>.
- For more information on the proposed rule, contact Robert Lingard at (919) 541-5272 or lingard.robert@epa.gov.