

NO_x SIP Call Phase II
Final Rule to Remove Georgia from the NO_x SIP Call Requirements

ACTION

- On April 16, 2008, the Environmental Protection Agency rescinded the requirements of a 2004 rule to control certain emissions of nitrogen oxides (NO_x) from the State of Georgia.
- The rule known as the Phase II “NO_x State Implementation Plan (SIP) Call” rule, resulted from a finding by EPA that NO_x emissions from Georgia impact the ability of downwind states to attain national air quality standards for ground-level ozone.
- NO_x contributes to the formation of ground-level ozone. When inhaled – even at very low levels – ground-level ozone can cause acute respiratory problems, aggravate asthma, reduce lung capacity, inflame lung tissue, and impair the body’s immune system.
- In the “NO_x SIP Call” rule, EPA found that NO_x emissions from Georgia impact the ability of downwind states to attain national air quality standards for ground-level ozone.
- In Phase II of the NO_x SIP Call, EPA required Georgia and certain other States to submit revised SIPs for only certain portions of each state by April 1, 2005.
- The Georgia Coalition for Sound Environmental Policy (GCSEP) asked EPA to reconsider subjecting the state of Georgia to the NO_x SIP Call rule. According to GCSEP, EPA’s redesignation of the Birmingham, Alabama and Memphis, Tennessee nonattainment areas means that the state of Georgia can no longer be said to be significantly contributing to the 1-hour ozone nonattainment problems in these areas.
- On August 31, 2005, EPA issued a stay for the requirements pending a rulemaking action on GCSEP’s petition for reconsideration. This rulemaking is intended to complete the rulemaking process on this petition. On June 7, 2007, EPA proposed to accept GCSEP’s recommendation to remove Georgia from the Phase II SIP call requirements. In this notice, we finalize the rule as proposed.

BACKGROUND

- EPA issued the NO_x SIP Call rule in September 1998 as part of its efforts to reduce unhealthy air in the eastern half of the country. The original rule required 22 states and the District of Columbia to reduce NO_x emissions that cross state boundaries, forming ground-level ozone in downwind states.
- In this 1998 rule, EPA found that Georgia was significantly contributing to the problems that Birmingham, Alabama and Memphis, Tennessee had in meeting the national

standard for ground-level ozone, measured over 1-hour.

- On March 3, 2000, the D.C. Circuit upheld the rule for 19 states and D.C., but vacated it for Wisconsin, Georgia and Missouri, sending the portions of the rule focusing on those states back to EPA for further rulemaking. The Court also found the record supported the inclusion of only a portion of the states of Georgia and Missouri.
- As a result of the Court's decision, EPA divided the emissions reductions of the NO_x SIP Call into two phases (Phase I and Phase II). Phase I addresses those portions of the rule that the Court had upheld.
- Phase II, which is the final phase of the NO_x SIP Call, was published in the *Federal Register* in April 2004.

FOR MORE INFORMATION

- To download a copy of the final rule, visit <http://www.epa.gov/ttn/oarpg/t1pfpr.html> .
- To download a copy of the original NO_x SIP Call Rule, the NO_x SIP Call Technical Amendments, go to <http://www.epa.gov/ttn/naaqs/ozone/rto/sip/index.html>