

**NOTICE OF RECONSIDERATION OF THE
FINAL RULE TO IMPLEMENT PHASE 2 OF THE 8-HOUR OZONE
NATIONAL AMBIENT AIR QUALITY STANDARD**

FACT SHEET

ACTION

- On December 11, 2006 the U.S. Environmental Protection Agency (EPA) announced its decision to reconsider and take additional comment on three provisions in the final Phase 2 8-hour ozone implementation rule.
- EPA will reconsider:
 - The determination that certain electric generating units (EGUs) meet the 8-hour ozone state implementation plan (SIP) requirement for applying reasonably available control technology (RACT) for nitrogen oxide (NO_x) emissions, if they:
 1. comply with rules implementing the Clean Air Interstate Rule (CAIR); and
 2. are located in states where all required CAIR emissions reductions are achieved from EGUs.
 - EPA also is taking comment on extending the submission date from September 15, 2006 to June 15, 2007 for the RACT SIPs for the sources affected by this determination.
 - A new source review (NSR) requirement allowing sources to use emission reductions from source shutdowns and curtailments as offsets.
 - An NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission offsets may be waived.
- EPA is making available a technical analysis supporting its determination that EGUs subject to CAIR NO_x limits will meet RACT requirements for state implementation plans.
- EPA is seeking comment only on the three issues specifically identified in this notice.
- EPA will accept public comment for 30 days after the proposal is published in the Federal Register. The EPA will hold a public hearing if requested within 10 days after the proposal is published in the Federal Register.

BACKGROUND

- On November 29, 2005, EPA published Phase 2 of the final rule to implement the 8-hour ozone national ambient air quality standard (NAAQS).

- Subsequently, EPA received a petition from the Natural Resources Defense Council (NRDC) under section 307(d) of the Clean Air Act to reconsider the three specific aspects of this final rule identified above.

FOR MORE INFORMATION

- To download a copy of this notice, go to EPA's website at <http://www.epa.gov/ozonedesignations/regs.htm>
- Today's proposed action and other background information are also available electronically at www.regulations.gov, EPA's electronic public docket and comment system.
- Today's proposed action is also available at the EPA Docket Center (EPA/DC) Public Reading Room. Please call (202) 566-1744 between the hours of 8:30 A.M. and 4:30 P.M. Eastern Standard Time for more information.
- **HOW TO COMMENT:** Comments will be accepted for 30 days beginning when this proposal is published in the Federal Register. All comments should be identified by Docket ID No. EPA-HQ-OAR-2003-0079 and submitted by one of the following methods:
 - www.regulations.gov;
 - E-mail (a-and-r-docket@epa.gov);
 - Facsimile (202) 566-1741
 - Mail (Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); or
 - Hand delivery (Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).