

3-18-99

## FACT SHEET

### **“TRANSPORT POLICY”-- NOTICE OF PROPOSED INTERPRETATION AND REQUEST FOR COMMENTS TO ALLOW AREAS AFFECTED BY TRANSPORT OF POLLUTANTS FROM UPWIND AREAS MORE TIME TO MEET THE ONE- HOUR GROUND-LEVEL OZONE AIR QUALITY STANDARD**

#### **Today's Action...**

- ◆ The Environmental Protection Agency (EPA) is today requesting comments on a policy (issued on 7/16/98) which would allow an area that is in violation of the ground-level ozone standard more time to meet this standard, if the area meets certain criteria. This policy is being published in the *Federal Register* as a notice of proposed interpretation.
- ◆ This policy would allow an extension of an area’s “attainment date”, which is the date by which the area is required under the Clean Air Act to meet the air quality standard for ground-level ozone.
- ◆ Specifically, this notice allows an extension of an area’s “attainment date” if the area’s ability to meet the ground-level ozone standard is affected by transport of pollutants from an upwind area. The notice also requires that areas adopt all necessary pollution control measures at the local level to reduce pollutants that contribute to ground-level ozone, and submit an approvable “attainment plan” to EPA which includes these local measures.
- ◆ This notice applies to all areas now subject to EPA’s one-hour ground-level ozone standard which are classified as “moderate” or “serious” (Note that area classification categories are defined by the Clean Air Act and are based on the severity of the ground-level ozone problem. The more severe an area’s ozone problem, the more stringent are the pollution control measures that the area is required to adopt). Currently, there are eight areas classified as “moderate” and fourteen areas classified as “serious”.
- ◆ EPA will take action on requests to extend the “attainment date” through subsequent rulemaking actions on an area by area basis, as appropriate. Areas that meet the requirements of this policy will not be reclassified or “bumped-up” (e.g., from “moderate” to “serious” categories) for failing to meet Clean Air Act specified attainment dates.

#### **Background**

- ◆ The Clean Air Act Amendments of 1990 outline a classification scheme for EPA to use to categorize areas that do not meet the ground-level ozone standard. The categories are based on the extent to which the air quality within an area exceeds the ozone standard (i.e., marginal, moderate, serious, severe, and extreme). The Act also sets specific deadlines for these designated areas to attain the ozone standard, with later deadlines for areas that are more polluted.
- ◆ The Act calls on areas classified as “moderate” to demonstrate attainment with the ozone standard by November 1996 (unless EPA grants an extension) and calls on “serious” areas to demonstrate attainment by November 1999 (unless EPA grants an extension).
- ◆ A number of areas in the country that have been classified as “moderate” or “serious” are affected by pollutants that have traveled downwind from other areas. For these downwind areas, transport of pollutants from upwind areas has interfered with their ability to meet the ozone standard by the dates prescribed by the Clean Air Act. As a result, many of these areas find themselves facing the prospect of being reclassified, or “bumped up,” to a higher classification category (e.g., from “moderate” to “serious”) for failing to meet the ozone standard by the specified date.
- ◆ EPA recognized that pollutant transport can impair an area’s ability to meet air quality standards. As a result, in March 1995, EPA called for a collaborative, federal-state process to assess the ozone transport problem. Through a two-year effort known as the Ozone Transport Assessment Group (OTAG), EPA worked in partnership with the 37 easternmost States and the District of Columbia, industry representatives, and environmental groups to develop recommended strategies to address transport of ozone-forming pollutants across State boundaries.
- ◆ In October 1997, EPA acted on OTAG’s recommendations and issued a proposal requiring 22 states and the District of Columbia to submit State Implementation Plans addressing the regional transport of ozone. These State plans will decrease the transport of ozone across State boundaries in the eastern half of the United States by reducing emissions of nitrogen oxides (a precursor to ozone formation known as NO<sub>x</sub>). EPA issued the final rule in September 1998.
- ◆ The final ozone transport rule will assist many areas in attaining the ozone standard. EPA has taken the schedule for implementation of this rule into consideration in developing the policy outlined in today’s notice.
- ◆ On July 17, 1997, following a lengthy scientific review process, EPA revised the national ambient air quality standards for ground-level ozone. Specifically, EPA is phasing out and replacing the previous one-hour ozone standard with a new eight-hour standard to protect against longer exposure periods. However, until the one-

hour standard is revoked for a particular area (which will occur if and when there are no current measured violations of the one-hour ozone standard), the area must continue to implement the requirements aimed at meeting the one-hour standard.

- ◆ On July 16, 1998, EPA issued guidance regarding what criteria an area that is in violation of the ground-level ozone standard would have to meet in order to receive more time to meet this standard. Today's action requests comments on this guidance.

### **Next Steps**

- ◆ EPA will be taking comments on this notice of interpretation for 30 days from the date it is published in the *Federal Register*. Final action on the attainment date extensions will take place in the context of the individual rulemaking actions on the one-hour attainment demonstrations.

### **For Further Information**

- ◆ Interested parties can download this notice from EPA's web site on the Internet at the following address: [www.epa.gov/airlinks](http://www.epa.gov/airlinks). For further information about the policy, contact Denise Gerth of EPA's Office of Air Quality Planning and Standards at (919) 541- 5550.
- ◆ EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the ozone and particulate matter standards, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>. The web site for general information about the new ozone and particulate matter standards is: <http://www.epa.gov/airlinks>.