

FACT SHEET

March 12, 2001



St. Louis Ozone Update

EPA WORKS WITH STATES ON ST. LOUIS CLEAN AIR PLAN

TODAY'S ACTION

- In compliance with an Order issued by the U.S. District Court for the District of Columbia, EPA issued a formal determination regarding whether St. Louis attained the national air quality standard for ozone (smog) by its Clean Air Act deadline.
- Based on air quality data, EPA has determined that St. Louis did not attain the ozone standard by its deadline. However, this determination will not become effective for at least 60 days from the date that the determination is printed in the Federal Register.
- We are pleased that on Friday, March 9, 2001, the Court issued an additional ruling that will allow EPA to continue working cooperatively with Missouri and Illinois to achieve clean air in St. Louis.
- In its ruling, the Court stated that its previous Order, requiring EPA to make an air quality determination for St. Louis, does not bar EPA from postponing the effective date of the determination.
- Accordingly, EPA is proposing to postpone the effective date of the determination to June 29, 2001. This would enable us to continue to consider pollution from upwind areas in determining whether St. Louis must adopt local control measures beyond those already planned. This and other reasons are discussed in detail in the notice set to be published in the Federal Register.
- Missouri and Illinois have been making good progress toward putting the needed measures in place for St. Louis to attain the national air quality standard for ozone. Both states have implemented a host of local pollution control measures which will help to reduce smog levels in the area.
- In addition, EPA regulations are addressing transported pollution and will improve air quality over the next few years. Specifically, the regional strategy to reduce smog-forming nitrogen oxides – known as the NO_x SIP Call – will help reduce smog levels in St. Louis.

- Between now and June 29, St. Louis has an opportunity to qualify for an extension of its 1996 attainment date based on a showing that reductions in both transported pollution from upwind areas and local pollution will result in attainment of the air quality standard for ozone.
 - To qualify, Missouri and Illinois need to show that they have adopted all local pollution control measures required by the Clean Air Act for St. Louis and submit plans for attaining the ozone standard as expeditiously as practicable.
 - On March 5, 2001, Missouri submitted its final plan. Illinois has submitted a draft plan and expects to submit the final plan in the coming weeks. EPA intends to complete its decision-making process with regard to these plans by June 29, 2001.
- An attainment date extension would mean that Clean Air Act provisions for additional local control measures beyond those currently planned in St. Louis would not be triggered at this time.
- Our attainment date extension policy makes good sense because it provides for an area to implement all local controls needed to meet the ozone standard -- while recognizing that upwind sources should be responsible for their contribution to an area's problem.
- The St. Louis nonattainment area includes Madison, Monroe, and St. Clair counties in Illinois; and the city of St. Louis and Franklin, Jefferson, St. Charles and St. Louis counties in Missouri.

FOR MORE INFORMATION

Additional information regarding EPA's actions (summaries attached) can be found at <http://www.epa.gov/region07/new.htm> or <http://www.epa.gov/ttn/oarpg> or by contacting Jay Bortzer, EPA Region 5 - Chicago, IL at (312) 886-1430; or Wayne Leidwanger, EPA Region 7 - Kansas City, KS at (913) 551-7607.

St. Louis Ozone - Air Quality Determination

March 12, 2001

EPA is finalizing its finding that the St. Louis ozone nonattainment area (hereinafter referred to as the St. Louis area) failed to attain the 1-hour ozone national ambient air quality standard (NAAQS or standard) by November 15, 1996, the attainment date for moderate nonattainment areas set forth in the Clean Air Act (CAA or Act). By operation of law, the St. Louis area is to be reclassified from a moderate to a serious nonattainment area on the effective date of this rule. In addition, EPA is requiring Missouri and Illinois to submit State Implementation Plan (SIP) revisions addressing the CAA's pollution control requirements for serious ozone nonattainment areas within 12 months of the effective date of this rule and establishing November 15, 2004, as the date by which the St. Louis area must attain the ozone NAAQS. In a separate document entitled "Proposed Effective Date Modification for Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois," published elsewhere in today's Federal Register, EPA is proposing to delay the effective date of this rule until June 29, 2001. In that document, EPA also sets forth its intent to propose to withdraw this final determination and reclassification, if EPA grants the states an attainment date extension before the effective date of the reclassification rule.

Missouri and Illinois are in the concluding stage of a process that could culminate in EPA final action on an attainment date extension. This extension, if granted, would allow the area to remain classified as a moderate nonattainment area. EPA is continuing to work to complete action on the extension request by June 29, 2001. If EPA takes final action to extend the attainment date during the pre-effective period of this rule, EPA intends to withdraw this determination and reclassification prior to the time that they become effective.

In an Order issued January 29, 2001, and amended on February 14, 2001, the United States District Court for the District of Columbia directed EPA to determine, by March 12, 2001, whether the St. Louis area had attained the applicable ozone standard under the CAA, and ordered EPA to publish the required notice, if any, that results from its determination by March 20, 2001. Sierra Club v. Whitman, No. 98-2733. The rulemaking issued today is intended to comply with the Court's Order. EPA informed the Court, in a Motion filed on March 8, 2001, of its proposed course of action to comply with the Order, including EPA's proposal to postpone the effective date of the determination until June 29, 2001, and EPA's intent to withdraw the determination if it approves an attainment date extension within the pre-effective period. The Court, in a limited review to determine whether EPA's planned course of action would contravene the Court's Order, indicated that EPA, by signing its determination by March 12, and publishing notice by March 20, would comply with the Court's Order. The Court observed that it was without jurisdiction to assess the propriety of the remainder of EPA's planned course of action.

Proposal To Delay the Effective Date of EPA Air Quality Determination March 12, 2001

EPA is proposing to delay the effective date of its final rule entitled “Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois,” published elsewhere in today’s Federal Register, until June 29, 2001. As promulgated, the rule states that it is effective 60 days after publication in the Federal Register. EPA believes that the proposed additional extension of the effective date until June 29, 2001 is necessary, in part, to allow regulated entities in the St. Louis area to prepare for compliance with the new requirements that would become applicable in the area upon the effective date of the nonattainment determination and reclassification.

During the pre-effective date period, EPA would also continue to work on completing a separate rulemaking on the issue of whether St. Louis should be granted an extension of its attainment date pursuant to EPA’s Guidance on “Extension of Air Quality Attainment Dates for Downwind Transport Areas,” published March 25, 1999, and continue to retain a moderate classification. In this action, EPA is also stating its intent to propose to withdraw its final March 12 determination of nonattainment and notice of reclassification, if EPA approves an attainment date extension before the effective date of that final action.

In an order issued January 29, 2001, and amended on February 14, 2001, the United States District Court for the District of Columbia directed EPA to determine, by March 12, 2001, whether the St. Louis area had attained the applicable ozone standard under the Clean Air Act (CAA), and ordered EPA to publish any required notice resulting from its determination by March 20, 2001. *Sierra Club v. Whitman*, No. 98-2733. On March 8, 2001, in its Motion Re: Alternative Planned Response to Comply with the Court’s Order of January 29, 2001, EPA informed the Court of its planned course of action to comply with the Court’s Order, should the Court deny a request for a stay filed by Intervenor. EPA’s plans included issuing today’s “Determination of Nonattainment as of November 15, 1996, and Reclassification.” EPA also advised the Court that it intended to propose to postpone the effective date of that determination and reclassification until June 29, 2001, and of EPA’s intent to withdraw the determination and reclassification if EPA approves an attainment date extension for the St. Louis area before the determination becomes effective.

The Court, in a limited review to determine whether EPA’s planned course of action would contravene the Court’s order, indicated that EPA, by signing a determination by March 12 and publishing Notice by March 20, would comply with the Court’s Order. The Court noted that it lacked jurisdiction to assess the propriety of the remainder of EPA’s planned course of action.