

Proposed Determinations of Attainment by the Attainment Date, Extension of the Attainment Date, and Reclassification of Several Areas Classified as Serious for the 2008 Ozone National Ambient Air Quality Standards

FACT SHEET

SUMMARY OF PROPOSED ACTION

- On March 28, 2022, the U.S. Environmental Protection Agency (EPA) proposed determinations as to whether seven areas have achieved levels of harmful ground-level ozone pollution (or “smog”) that meet the 2008 health-based air quality standards for ozone (National Ambient Air Quality Standards or NAAQS). This rulemaking, which is required by the Clean Air Act, is necessary to ensure that smog-affected communities achieve healthy air and implement the measures that the Clean Air Act requires to protect public health in these areas.
- The areas addressed in this proposal are currently classified as in “Serious” nonattainment, and were required to attain the standards by July 20, 2021. Within six months after this attainment date, Clean Air Act (CAA) section 181(b)(2) requires EPA to determine whether these areas attained the standard by the attainment date, and if not, take specified actions to ensure these areas achieve attainment expeditiously. EPA based these determinations on the most recent publicly available and certified ozone monitoring data, from the years 2018-2020.
- EPA is proposing to determine that the Greater Connecticut, CT, area attained the 2008 ozone NAAQS by July 20, 2021.
- EPA is also proposing to determine that five areas failed to attain the 2008 ozone NAAQS by July 20, 2021. If this proposed action is finalized, these five areas will be reclassified as Severe and will have a new attainment date of July 20, 2027:
 1. Chicago-Naperville, IL-IN-WI
 2. Dallas-Fort Worth, TX
 3. Denver-Boulder-Greeley-Ft. Collins-Loveland, CO
 4. Morongo Band of Mission Indians
 5. New York-N. New Jersey-Long Island, NY-NJ-CT
- EPA is proposing to deny Texas’s request for a 1-year attainment date extension for the Houston-Galveston-Brazoria, Texas, nonattainment area due to air quality concerns and associated environmental justice impacts, and is therefore proposing to determine that the area failed to attain the standards by the attainment date. If EPA denies the state’s request for an attainment date extension and determines in its final action that the area failed to attain by the attainment date of July 20, 2021, the area will be reclassified as Severe by operation of law. EPA is also seeking comment on granting Texas’s attainment date

extension request. EPA will consider comments received on this action before making a final decision on Texas's request.

- Areas reclassified to Severe face more protective CAA requirements designed to achieve attainment of the NAAQS by no later than July 20, 2027. These requirements include expanding the set of major stationary sources that must adopt reasonably available emission controls and that must obtain pre-construction permits for new construction and modifications; additional mobile source controls; and the submission of a new plan demonstrating how the area will attain as quickly as possible. Additionally, the CAA requires that reformulated gasoline be sold in areas reclassified as Severe no later than one year after the effective date of the reclassification.
- In order to provide adequate time both for states to submit new plans and to achieve pollution reductions before the July 20, 2027 attainment deadline, EPA is proposing in this action that states submit SIP revisions addressing all Severe area requirements no later than 18 months after the effective date of the final reclassification action. EPA is also proposing in this action that any controls that air agencies determine are needed for meeting CAA requirements must be implemented as soon as possible but no later than 18 months from the proposed SIP submission deadline.
- For the Morongo Band of Mission Indians nonattainment area, the Morongo Tribe may, but is not required to, submit implementation plans to EPA for approval.
- The Clean Air Act requires these proposed actions to be based on air quality monitoring data from the 2018-2020 time period – the three-year period immediately preceding the July 2021 attainment date. Some areas may be attaining the 2008 ozone NAAQS based on more recent 2019-2021 data, however, and may be eligible for a redesignation to attainment that could relieve such areas of certain planning and control requirements. EPA will continue to work with individual states that have developed or are developing redesignation requests and maintenance plans.
- EPA will accept comment on this proposal for 60 days after publication in the *Federal Register*. The Agency also plans to hold a virtual public hearing 25 days after publication in the *Federal Register*.

BACKGROUND

- On March 27, 2008, EPA strengthened the NAAQS for ozone from an 8-hour average concentration of 0.08 parts per million (ppm) to a more protective 0.075 ppm.

- Effective on July 20, 2012, EPA designated 46 areas throughout the country as nonattainment for the 2008 ozone NAAQS, and the areas were classified as either Marginal, Moderate, Severe or Extreme depending on the severity of each area's ozone problems. Serious nonattainment areas were required to attain the standard by July 20, 2021.
- As of July 20, 2021, nine areas were classified as Serious nonattainment for the 2008 ozone NAAQS. Two of these areas were classified as Serious at the time of initial designations (July 20, 2012) and six of these areas were reclassified to Serious nonattainment after failing to meet the July 20, 2018, Moderate area attainment date.
- As required by section 181(b)(2) of the Clean Air Act, EPA is proposing next steps for seven of these nine areas in the proposed rule. EPA will be addressing the remaining two areas in separate actions.

FOR MORE INFORMATION

- To download a copy of the proposed action, go to EPA's Web site at: <https://www.epa.gov/ground-level-ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naags-nonattainment>.
- The proposed action and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system.
- To review EPA's environmental justice policies and mandates, please visit: <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>.
- For further technical information about the rule, please contact Robert Lingard with EPA's Office of Air Quality Planning and Standards, at (919) 541-5272 or lingard.robert@epa.gov.