OUTLINE—DISCUSSION OF DRAFT PROPOSED RULE TO IMPLEMENT 2008 8-HOUR OZONE NAAQS

CAVEATS

• This is my current thinking of what EPA will propose.
• It has not been through EPA management review.
• The new administration will be reviewing all pending rulemaking and may very well ask for revisions of any or all parts of this.

BIG PICTURE ISSUES

A. How will EPA implement the transition from the 1997 8-hour standard to the 2008 8-hour standard in a way to ensure continued momentum in states’ efforts toward cleaner air?

• Should EPA revoke the 1997 8-hour ozone standard?

• What obligations under the 0.08 ppm 8-hour ozone NAAQS should continue to apply as an area begins to implement the 0.075 ppm 8-hour ozone NAAQS and what obligations should no longer apply?

• Does the requirement for continued implementation of the obligations for the 1997 8-hour ozone standard expire at some point?

B. How will EPA classify nonattainment areas for the 2008 8-hour standard?  What attainment dates would apply?

• For the 0.075 ppm 8-hour ozone standard, should EPA classify any areas under subpart 1 of part D, title I of the Clean Air Act?

• Should EPA consider adjusting the classification table for subpart 2 areas under the 0.075 ppm standard in a manner different from the adjustment made for the 1997 0.08 ppm 8-hour ozone standard?
OTHER ISSUES

C. How will EPA address requirements for modeling and attainment demonstration SIPs when implementing the 8-hour ozone standard?

D. What requirements for RFP should apply under the 2008 8-hour ozone standard?

E. What requirements should apply for RACM and RACT for 0.075 ppm 8-hour ozone nonattainment areas?

F. What Aspects of Transportation Conformity and the 2008 Ozone Standard Are Addressed in this Proposal?

G. What requirements for General Conformity should apply to the 2008 8-hour ozone standard?

H. How Should the NSR Program be Implemented Under the 0.075 ppm 8-Hour Ozone NAAQS?

I. What emission inventory and emission statement requirements should apply under the 2008 8-hour ozone NAAQS?

J. What ambient monitoring requirements will apply under the 2008 8-hour ozone NAAQS?

K. How will EPA treat attainment dates for the 2008 8-hour ozone standard?

L. What is the required timeframe for obtaining emissions reductions to ensure attainment by the attainment date?

M. How will EPA address long-range transport of ground-level ozone and its precursors when implementing the 8-hour ozone standard?
N. How will EPA address transport of ground-level ozone and its precursors for rural nonattainment areas, multi-state nonattainment areas, areas affected by intrastate transport, and international transport?

1. Rural transport nonattainment areas

2. Multi-state nonattainment areas

3. International transport

O. Are contingency measures required in the event of failure to meet a milestone or attain the 2008 8-hour ozone NAAQS?

P. How will the section 182(f) NOx provisions be handled under the 0.075 ppm 8-hour ozone standard?

Q. Will states be allowed to take a multipollutant approach when developing their .075 ppm 8-hour State Implementation Plans?

R. What guidance should be provided that is specific to Tribes?

S. What are the requirements for Ozone Transport Regions (OTRs) under the 2008 8-hour ozone standard?

T. Is EPA proposing any additional requirements related to enforcement and compliance?

U. What requirements should apply to emergency episodes?

V. Will EPA’s “Clean Data Policy” continue to apply under the 0.075 ppm 8-hour standard?

W. Will EPA encourage flexible programs?

WHAT DOES THIS RULEMAKING NOT ADDRESS?