

## FACT SHEET

### Implications of the June 15, 2005 Revocation of the Federal 1-hour Ozone Standard on the San Joaquin Valley Air Basin

Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked in full the federal 1-hour ozone ambient air quality standard, including associated designations and classifications, in all areas except 14 early action compact areas that do not include the San Joaquin Valley Air Basin (SJVAB).

#### What is gone?

- 1-hr ozone transportation conformity no longer applies
- 1-hr ozone de minimus thresholds for general conformity no longer apply
- Section 185 fees will not be triggered by failure to attain and states will not be required to adopt fee provisions for the 1-hr standard.<sup>1</sup>
- Contingency measures [Section 172(c)(9) and 182(c)(9)] that are triggered by failure to attain or failure to meet rate of progress milestones are no longer needed for 1-hr ozone State Implementation Plans (SIPs).
- EPA will not make findings of failure to attain the federal 1-hr ozone standard.
- A state is no longer required to retain a nonattainment New Source Review (NSR) program in its SIP based on the requirements that applied by virtue of the area's previous classification under the 1-hour standard.<sup>2</sup> States may request removal of the 1-hr NSR provisions from the SIP.

#### What stays?

- Applicable requirements in effect as of June 15, 2004 continue to apply under the anti-backsliding provisions of the Phase I rule implementing the federal 8-hr ozone standard. The Phase I 8-hr ozone final rule defines "applicable requirements" as those control measures that applied to an area by virtue of its classification for 1-hr ozone that was in effect as of June 15, 2004.<sup>3</sup> EPA had classified the SJVAB as extreme nonattainment for the federal 1-hour ozone standard by June 15, 2004; consequently, the following applicable requirements continue to apply to the SJVAB after revocation of the 1-hr ozone standard:

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<sup>1</sup> The District adopted its rule for Section 185 fees on May 16, 2002 and sent it to ARB for transmittal to EPA. EPA has not yet acted on it. EarthJustice and other environmental groups filed suit on July 21, 2005 to overturn several provisions of EPA's rule governing transition from the 1-hr to the 8-hr ozone standards; affected provisions include New Source Review, Section 185 nonattainment fees, and contingency measures.

<sup>2</sup> As required by EPA in its April 16, 2004 *Federal Register* notice approving the reclassification of the SJVAB to extreme nonattainment for 1-hour ozone, the District adopted its revised NSR (Rule 2201) and Title V programs (Rule 2530) on April 21, 2005 to reflect extreme classification, and sent the revised rules to ARB for transmittal to EPA. States may request EPA to remove the 1-hr NSR provisions from the SIP; however, EPA has not yet approved into the SIP the SJVAB's extreme NSR provisions, so this request would be premature to make. Further revisions to the NSR provisions of the Phase I 8-hr rule and NSR in general will also affect this request. See Footnote 1.

<sup>3</sup> EPA finalized this requirement on May 26, 2005, effective June 27, 2005 (70 *FR* 30592). Prior to this recent change, the SJVAB would have been held to severe area requirements.

**What stays (cont.)?**

- Reasonably Available Control Technology (RACT)
  - Motor vehicle inspection and maintenance (I/M)
  - Major source applicability cutoffs for RACT (10 tons/year)
  - Rate of Progress (ROP) reductions
  - Stage II vapor recovery
  - Clean Fuels Fleet Program [Section 183(c)(4)]
  - Clean fuels for boilers [Section 182(e)(3)]
  - Traffic Control Measures during heavy traffic hours [Section 182(e)(4)]<sup>4</sup>
  - Enhanced ambient monitoring [Section 182(c)(1)]
  - Transportation controls [Section 182(c)(5)]
  - Vehicle miles traveled provisions [Section 182(d)(1)]
  - NOx requirements [Section 182(f)]
  - Attainment demonstration per three options given in 40 CFR 51.905
- On April 15, 2004, EPA designated the SJVAB nonattainment and classified it as serious nonattainment for the federal 8-hr ozone standard, effective June 15, 2004. The attainment date is June 15, 2013. All of the federal Clean Air Act mandatory requirements applicable to serious nonattainment areas apply to the SJVAB for 8-hr ozone.
  - The SJVAB must submit an 8-hr ozone attainment demonstration to EPA by June 15, 2007.
  - If a state has met a mandatory SIP obligation under the federal CAA that is included as part of the approved SIP, it may not modify or remove that measure from the SIP except to the extent that it may have modified or removed the measure for the purposes of the 1-hr ozone standard. (69 *FR* 23972)
  - States may revise or remove discretionary control measures (including enforceable commitments) contained in its SIP for the 1-hour ozone standard so long as the state demonstrates, consistent with Section 110(l) of the federal CAA, that such removal or modification will not interfere with attainment of or progress toward the 8-hr ozone standard or any other applicable requirement of the federal CAA. (69 *FR* 23973)
  - Emissions limitations and other requirements in NSR permits issued under the federal 1-hr ozone standard continue to be in force after revocation.
  - Contingency measure provisions in Section 182(e)(5) [black box] continue to apply to areas classified as extreme nonattainment for the 1-hr ozone standard. The SJVAB must adopt and submit contingency measures to cover the magnitude of the reductions in the “black box” by spring of 2007.
  - Emission reductions commitments in the “black box” for extreme nonattainment areas must still be achieved by spring 2010.

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<sup>4</sup> This “requirement” is actually an option.