

**IN THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN LUNG ASSOCIATION,)
ENVIRONMENTAL DEFENSE FUND,)
NATURAL RESOURCES DEFENSE)
COUNCIL, and APPALACHIAN)
MOUNTAIN CLUB,)

Petitioners,)

v.)

No.)

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and LISA P.)
JACKSON, ADMINISTRATOR, UNITED)
STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondents.)

PETITION FOR REVIEW

American Lung Association, Environmental Defense Fund, Natural Resources Defense Council, and Appalachian Mountain Club hereby petition this Court for review of the nationally applicable final action of the Administrator of the United States Environmental Protection Agency (EPA), announced in the attached communication dated September 2, 2011 (Attachment ‘A’), and discussed in the attached posting on EPA’s website (www.epa.gov/air/ozonepollution/actions.html) (Attachment ‘B’) that *inter alia* rejected and withdrew the proposal published at 75 Fed. Reg. 2938 (Jan.

19, 2010) to revise and strengthen the national ambient air quality standards for ozone promulgated by EPA in March 2008 (at 73 Fed. Reg. 16436), and terminated reconsideration of those March 2008 standards.

DATED this 11th day of October, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David S. Baron", is written over a horizontal line.

David S. Baron

Seth L. Johnson

Earthjustice

1625 Massachusetts Ave., N.W.,

Suite 702

Washington, D.C. 20036-2212

(202) 667-4500

dbaron@earthjustice.org

sjohnson@earthjustice.org

*Counsel for American Lung
Association, Environmental Defense
Fund, Natural Resources Defense
Council, and Appalachian Mountain
Club*

Attachment A

From: Larmett.John@epamail.epa.gov [mailto:Larmett.John@epamail.epa.gov]
Sent: Friday, September 02, 2011 12:33 PM
To: larmett@aol.com
Subject: EPA Office of Public Engagement Notice: Statements by President Obama & Administrator Jackson on the Withdrawal of the Draft Ozone National Ambient Air Quality Standards

Dear Stakeholder:

Today, President Obama asked EPA Administrator Lisa P. Jackson to withdraw the proposal of the Ozone National Ambient Air Quality Standards (NAAQS). Administrator Jackson has pledged to revisit the ozone standard, in compliance with the Clean Air Act.

Below are the respective statements of both President Obama and Administrator Jackson issued today by the White House and EPA.

Office of Public Engagement
Office of External Affairs & Environmental Education
Office of the Administrator

THE WHITE HOUSE
Office of the Press Secretary
FOR IMMEDIATE RELEASE
September 2, 2011

Statement by the President on the Ozone National Ambient Air Quality Standards

Over the last two and half years, my administration, under the leadership of EPA Administrator Lisa Jackson, has taken some of the strongest actions since the enactment of the Clean Air Act four decades ago to protect our environment and the health of our families from air pollution. From reducing mercury and other toxic air pollution from outdated power plants to doubling the fuel efficiency of our cars and trucks, the historic steps we've taken will save tens of thousands of lives each year, remove over a billion tons of pollution from our air, and produce hundreds of billions of dollars in benefits for the American people.

At the same time, I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover. With that in mind, and after careful consideration, I have requested that Administrator Jackson withdraw the draft Ozone National Ambient Air Quality Standards at this time. Work is

already underway to update a 2006 review of the science that will result in the reconsideration of the ozone standard in 2013. Ultimately, I did not support asking state and local governments to begin implementing a new standard that will soon be reconsidered.

I want to be clear: my commitment and the commitment of my administration to protecting public health and the environment is unwavering. I will continue to stand with the hardworking men and women at the EPA as they strive every day to hold polluters accountable and protect our families from harmful pollution. And my administration will continue to vigorously oppose efforts to weaken EPA's authority under the Clean Air Act or dismantle the progress we have made.

-30-

FOR IMMEDIATE RELEASE
September 2, 2011

Statement by EPA Administrator Lisa P. Jackson on the Ozone National Ambient Air Quality Standards

Since day one, under President Obama's leadership, EPA has worked to ensure health protections for the American people, and has made tremendous progress to ensure that Clean Air Act standards protect all Americans by reducing our exposures to harmful air pollution like mercury, arsenic and carbon dioxide. This Administration has put in place some of the most important standards and safeguards for clean air in U.S. history: the most significant reduction of sulfur dioxide and nitrogen oxide air pollution across state borders; a long-overdue proposal to finally cut mercury pollution from power plants; and the first-ever carbon pollution standards for cars and trucks. We will revisit the ozone standard, in compliance with the Clean Air Act.

R278

Attachment B



Ground-level Ozone

You are here: [EPA Home](#) [Air & Radiation](#) [Six Common Pollutants](#) [Ground-level Ozone](#) [Regulatory Actions](#)

Regulatory Actions

You will need Adobe Acrobat Reader to view the Adobe PDF files on this page. See [EPA's PDF page](#) for more information about getting and using the free Acrobat Reader.

This page contains a listing of all regulatory actions related to ground-level ozone.

[Ozone Standards](#)
[Ozone Designations and Classifications](#)
[Ozone Implementation](#)
[Early Action Compacts](#)

Ozone Standards

EPA releases documents on the National Ambient Air Quality Standard for ozone

In the interests of transparency, the Administration has released the EPA's recommendation on the National Ambient Air Quality Standard for ozone. You can find that recommendation in the documents on this page. The Agency will implement the standards set during the previous Administration while we continue the on-going 5-year review of the updated science, which is scheduled to be completed in 2013.

[Draft Regulatory Impact Analysis Final National Ambient Air Quality Standard for Ozone \(PDF\)](#) (87pp, 3.24mb)
[Draft National Ambient Air Quality Standards Preamble for Ozone \(PDF\)](#) (381pp, 1.05mb)

Statement by EPA Administrator Lisa P. Jackson on the Ozone National Ambient Air Quality Standards

September 2, 2011 - Since day one, under President Obama's leadership, EPA has worked to ensure health protections for the American people, and has made tremendous progress to ensure that Clean Air Act standards protect all Americans by reducing our exposures to harmful air pollution like mercury, arsenic and carbon dioxide. This Administration has put in place some of the most important standards and safeguards for clean air in U.S. history: the most significant reduction of sulfur dioxide and nitrogen oxide air pollution across state borders; a long-overdue proposal to finally cut mercury pollution from power plants; and the first-ever carbon pollution standards for cars and trucks. We will revisit the ozone standard, in compliance with the Clean Air Act.

Other Regulatory Actions related to Ground-level Ozone

Clean Air Interstate Rule (CAIR)

Clean Air Visibility Rule

Clean Air Non-road Diesel Rule

Section 126 Petitions

Tier 2 Vehicle and Gasoline Sulfur Program

Transport FIPs

Transportation Conformity

[Letter from Cass Sunstein, Administrator, Office of Information and Regulatory Affairs \(PDF\)](#) (2pp, 125k)
[Statement by the President on the Ozone National Ambient Air Quality Standards](#)

EPA Updates Status of the Ozone Reconsideration

July 26, 2011 - Administrator Jackson is fully committed to finalizing EPA's reconsideration of the Clean Air Act health standard for ground level ozone. That reconsideration is currently going through interagency review led by OMB. Following completion of this final step, EPA will finalize its reconsideration, but will not issue the final rule on July 29th, the date the agency had intended. We look forward to finalizing this standard shortly. A new ozone standard will be based on the best science and meet the obligation established under the Clean Air Act to protect the health of the American people. In implementing this new standard, EPA will use the long-standing flexibility in the Clean Air Act to consider costs, jobs and the economy.

EPA Administrator Requests More Input from Agency's Science Advisors

December 8, 2010 - In January 2010 EPA proposed stricter standards for smog. As part of EPA's extensive review of the science, Administrator Jackson will ask the Clean Air Scientific Advisory Committee (CASAC) for further interpretation of the epidemiological and clinical studies they used to make their recommendation. To ensure EPA's decision is grounded in the best science, EPA will review the input CASAC provides before the new standard is selected. Given this ongoing scientific review, EPA intends to set a final standard in the range recommended by the CASAC by the end of July, 2011.

[Motion filed with Court \(PDF\)](#) (22pp, 54k)
[Declaration \(PDF\)](#) (3pp, 902k)

Proposed Revisions to National Standards for Ground-Level Ozone

January 6, 2010 - The Environmental Protection Agency has proposed to strengthen the national ambient air quality standards for ground-level ozone. Ground-level ozone is a primary component of smog. The proposed revisions are based on scientific evidence about ozone and its effects on people and sensitive trees and plants. EPA will accept comments for 60 days following publication of the proposal in the Federal Register.

[Proposed Rule \(PDF\)](#) (115pp, 713k) - Federal Register - Jan 19, 2010
[Fact Sheet - Revisions to Ozone Standards \(PDF\)](#) (6pp, 39k)
[Instructions on submitting comments](#)

Presentation

[Text slides \(PDF\)](#) (17pp, 406k)

[Maps \(PDF\)](#) (5pp, 1.2 MB)

Public Hearings - EPA will hold three public hearings on the proposal in Arlington, Virginia and Houston, Texas on February 2, 2010 and in Sacramento, California on February 4, 2010.

[Announcement of Public Hearings \(PDF\)](#) (2pp, 50k) - Federal Register - Jan 12, 2010

[Houston list of speakers \(PDF\)](#) (3pp, 50k)

[Audio - Houston Morning Session 1 \(mp3\)](#) (1 hour, 13.8 MB)

[Audio - Houston Morning Session 2 \(mp3\)](#) (2 hours, 28.6 MB)

[Audio - Houston Evening Session 1 \(mp3\)](#) (1.3 hours, 18.4 MB)

[Audio - Houston Evening Session 2 \(mp3\)](#) (2 hours, 25.4 MB) - note: due to technical difficulties, this session was recorded at lower quality

[Audio - Houston Final Session \(mp3\)](#) (1 hour, 13.3 MB)

[Arlington list of speakers \(PDF\)](#) (2pp, 34k)

[Sacramento list of speakers \(PDF\)](#) (2pp, 36k)

Supplement to the March 2008 Regulatory Impact Analysis (RIA)

[Fact Sheet - Supplement to the RIA \(PDF\)](#) (2pp, 23k)

[Full Document \(PDF\)](#) (89pp, 1,492k)

[Summary of the updated RIA \(PDF\)](#) (12pp, 162k)

[Alternative Standards 0.055 and 0.060 ppm \(PDF\)](#) (26pp, 481k)
[Re-analysis of the Benefits of Attaining Alternative Ozone Standards to Incorporate Current Methods \(PDF\)](#) (21pp, 341k)
[Secondary Ozone NAAQS Evaluation \(PDF\)](#) (20pp, 550k)
[Appendix: Examples of cost of attaining standard alternatives for selected nonattainment areas \(PDF\)](#) (10pp, 295k)

Additional Documents

[Counties Violating Primary Ground-level Ozone Standard, 2006-2008 \(PDF\)](#) (14pp, 32k)
[Counties Violating Secondary Seasonal Ground-level Ozone Standard, 2006-2008 \(PDF\)](#) (13pp, 29k)
[Counties Projected to Violate Primary 8-hour Ground-level Ozone Standard in 2020 \(PDF\)](#) (14pp, 29k)
[Counties Projected to Violate Secondary Seasonal Ground-level Ozone Standard in 2020 \(PDF\)](#) (15pp, 27k)
[EPA 2006 Criteria Document](#) (completed for 2008 ozone standards review)
[EPA 2007 Staff Paper](#) (completed for 2008 ozone standards review)
[EPA 2008 Regulatory Impact Analysis \(PDF\)](#) (558pp, 12.6 MB) (completed for 2008 ozone standards review)

EPA to Reconsider National Standards for Ground-Level Ozone

September 16, 2009 - The Environmental Protection Agency announced it would reconsider its 2008 decision setting national standards for ground-level ozone. EPA is reconsidering the standards to ensure they are clearly grounded in science, protect public health with an adequate margin of safety, and are sufficient to protect the environment.

[Fact Sheet \(PDF\)](#) (2pp, 14k)

Revisions to Ozone Monitoring Network Design Requirements

July 8, 2009 - The Environmental Protection Agency has proposed revisions to ground-level ozone air quality monitoring network design requirements. The proposed revisions would support changes to the primary and secondary national air quality standards for ozone that EPA issued in March 2008.

[Fact Sheet \(PDF\)](#) (3pp, 25k)

[Proposed Rule \(PDF\)](#) (15pp, 123k) - Federal Register - July 16, 2009

Strengthened National Standards for Ground-Level Ozone

March 12, 2008 - The Environmental Protection Agency significantly strengthened its national ambient air quality standards (NAAQS) for ground-level ozone, the primary component of smog. These changes will improve both public health protection and the protection of sensitive trees and plants.

[Final Rule \(PDF\)](#) (80pp, 1.2 MB) - Federal Register - March 27, 2008

[Fact Sheet \(updated 3/18/08\) \(PDF\)](#) (6pp, 49k)

[Regulatory Impact Analysis \(RIA\) \(PDF\)](#) (558pp, 12.6 MB)

[Changes to the Air Quality Index \(PDF\)](#) (2pp, 25k)

Presentation: Revise National Ambient Air Quality Standards for Ground-level Ozone

[Text Slides \(3/18/08\) \(PDF\)](#) (17pp, 385k)

[Maps and Graphics \(3/12/08\)](#)

[Counties with Monitors Violating the 1997 8-Hour Ozone Standard of 0.08 parts per million \(based on 2004-2006 Air Quality Data\) \(PDF\)](#) (1pg, 189k)

[Counties with Monitors Violating the Revised 8-Hour Ozone Standard of 0.075 parts per million \(based on 2004-2006 Air Quality Data\) \(PDF\)](#) (1pg, 222k)

[Counties with Monitors Projected to Violate the 2008 8-Hour Ozone Standard of 0.075 parts per million in 2020 \(based on air quality model projections\) \(PDF\)](#) (1pg, 169k)

Additional Documents

[2004 - 2006 Ozone Levels - Monitored Counties \(PDF\)](#) (18pp, 89k)
[Counties Projected to Violate the 2008 Ozone Standard in 2020 Using Air Quality Model Projections \(PDF\)](#) (18pp, 62k)

EPA Extends Deadline for Faxed Comments on the Proposed Ozone Standards

The public comment period for EPA's proposed rule addressing the ozone standards closed on October 9, 2007. However the Agency will accept comments *by fax only* through Monday October 15, 2007. Please use the following number to submit comments by fax: 202-566-9744.

[EPA Extends Deadline for Faxed Comments on the Proposed Ozone Standards \(PDF\)](#)
(2pp, 82k) - Federal Register - October 12, 2007

Ozone Proposal Fax Number Change

October 5, 2007 - For those wishing to submit comments *by fax* on EPA's proposed rule addressing the ozone standards, the fax number listed in the June 21, 2007 Federal Register notice announcing the Agency's proposed rule is incorrect. Please use the following number to submit comments by fax: 202-566-9744.

Current Speaker Lists for September 5, 2007 Hearings Available

August 31, 2007 - EPA will hold hearings on the recently proposed ozone standards on Wednesday, September 5, 2007. Click on the location below to view the list of speakers, current as on August 31, 2007.

[Atlanta \(PDF\)](#) (3pp, 55k)
[Chicago \(PDF\)](#) (3pp, 55k)
[Houston \(PDF\)](#) (3pp, 58k)

Current Speaker Lists for August 30, 2007 Hearings Available

August 27, 2007 - EPA will hold the first hearings on the recently proposed ozone standards on Thursday, August 30, 2007. Click on the location below to view the list of speakers, current as on August 27, 2007.

[Los Angeles \(PDF\)](#) (5pp, 54k)
[Philadelphia \(PDF\)](#) (5pp, 54k)

EPA Announces Availability of Regulatory Impact Analysis for Proposed Ozone Standards

August 2, 2007 - EPA completes benefits and costs analysis on the proposal to strengthen the National Ambient Air Quality Standards for ground-level ozone.

[Fact Sheet](#)

EPA Announces Five Public Hearings for Proposed Ground-level Ozone Standards

July 27, 2007 - EPA will hold public hearings in Los Angeles, California and Philadelphia, Pennsylvania on August 30, 2007. The next week on September 5, 2007, EPA will hold public hearings in Atlanta, Georgia; Chicago, Illinois; and Houston, Texas.

[Federal Register Notice](#) (Federal Register - July 11, 2007)

Proposed Revisions to Ozone National Standards

June 20, 2007 - The Environmental Protection Agency has proposed revisions to the National Ambient Air Quality Standards for ground-level ozone. The proposed revisions would

strengthen the ground-level ozone standards that are associated with public health concerns. EPA will accept comments for 90 days after the publication of the proposal in the Federal Register.

[Proposed Rule \(PDF\)](#) (103pp, 772k) Federal Register - July 11, 2007

[Fact Sheet \(PDF\)](#) (5pp, 41k)

[Regulatory Impact Analysis \(PDF\)](#) (364pp, 4.1 MB)

Presentation: Proposal to Revise National Ambient Air Quality Standards for Ground-level Ozone

[Text Slides \(6/27/07\) \(PDF\)](#) (16pp, 411k)

[Maps \(6/21/07 11 AM EST\) \(PDF\)](#) (6pp, 509k)

Additional Documents

[2003 - 2005 Ozone Levels - Monitored Counties \(PDF\)](#) (14pp, 27k)

[EPA Criteria Document](#)

[EPA Staff Paper](#)

Ozone Designations and Classifications

Extension of Deadline for Area Designations for the 2008 Ozone Standards

January 6, 2010 - The Environmental Protection Agency is extending the deadline for designating areas for the March 2008 national ambient air quality standards (NAAQS) for ground-level ozone. Ground-level ozone is a primary component of smog.

[Fact Sheet \(PDF\)](#) (2pp, 14k)

[Federal Register Notice \(PDF\)](#) (2pp, 44k) - January 19, 2010

Learn more about ozone designations and classifications:

[Ozone Designations home](#)

[Regulatory Actions - 2008 Standards](#)

[Regulatory Actions - 1997 Standards](#)

Ozone Implementation

EPA proposes criteria for waiving federal requirements for vapor recovery systems at gas stations in areas with high ground-level ozone.

July 8, 2011 - EPA is proposing criteria for determining that there is widespread use of onboard refueling vapor recovery (ORVR) for capturing gasoline vapor emissions when gasoline-powered vehicles are refueled.

[Fact Sheet \(PDF\)](#) (2pp, 75k)

[Proposed Rule \(PDF\)](#) (44pp, 269k)

EPA proposes revisions to the reasonable further progress requirements for the 1997 8-hour ozone national ambient air quality standard.

December 15, 2010 - EPA is proposing to revise an earlier interpretation of its rule regarding requirements for Reasonable Further Progress (RFP) State Implementation Plans, and is also seeking comment on retaining the existing RFP approach.

[Fact Sheet \(PDF\)](#) (2pp, 27k)

[Proposed Rule \(PDF\)](#) (26pp, 65k)

EPA Issues Guidance for Fee Collection Programs - 1979 1-hour Ozone Standard

January 5, 2010 - EPA issued a guidance memorandum to help states develop fee collection programs for the 1-hour ozone standard.

[Guidance Memorandum \(PDF\)](#) (17pp, 833k)

EPA Makes Findings of Failure to Submit State Implementation Plans (SIPs) -- 1979 1-hour Ozone Standard

January 5, 2010 - EPA issued a finding that California missed a Clean Air Act deadline for submitting an element of its State Implementation Plan for implementing EPA's national air quality standards for ozone.

[Fact Sheet](#)

[Federal Register Notice \(PDF\)](#) (4pp, 57k)

EPA Completes Revisions to 1997 8-Hour Ozone Implementation Phase 2 Rule to Address Vacatur and Remand of Reasonable Further Progress Credits

August 5, 2008 - This final rule will allow states to take credit for reductions of Volatile Organic Compound and nitrogen oxides emissions outside of a nonattainment area if the state can demonstrate that those reductions would help the nonattainment area meet its reasonable further progress goals.

[Fact Sheet](#)

[Final Rule \(PDF\)](#) (35pp, 92k)

EPA Sets Schedule for Flagging Exceptional Ozone Air Quality Monitoring Data

May 13, 2009 - EPA established schedule for states to submit exceptional events claims that may affect the status of an area under the 2008 ozone standards.

[Fact Sheet](#)

[Final Rule \(PDF\)](#) (30pp, 52k)

EPA proposes to disapprove seven ozone attainment demonstrations and makes one finding of failure to submit ozone attainment demonstrations. -- 1997 Ozone Standard

April 29, 2009 - EPA proposed disapprovals for the ozone attainment demonstration element of the State Implementation Plans (SIPs) for five states and is also making a finding that two states missed the June 15, 2007 Clean Air Act deadline for submitting ozone attainment demonstrations.

[Fact Sheet](#)

Federal Register Notices - May 8, 2009

[Disapproval of Air Quality Implementation Plans; Connecticut; Attainment Demonstration for the Connecticut Portion of the New York-N. New Jersey-Long Island, NY-NJ-CT 8-Hour Ozone Nonattainment Area | PDF Version](#) (11pp, 98K)

[Approval and Promulgation of Implementation Plans; New Jersey Ozone Attainment Demonstration | PDF Version](#) (11pp, 98K)

[Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Demonstration for the Philadelphia-Wilmington- Atlantic City Moderate 8-Hour Ozone Nonattainment Area | PDF Version](#) (7pp, 77K)

[Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Philadelphia-Wilmington- Atlantic City Moderate 8-Hour Ozone Nonattainment Area | PDF Version](#) (7pp, 121K)

[Approval and Promulgation of Air Quality Implementation Plans; Delaware; Attainment Demonstration for the Philadelphia-Wilmington- Atlantic City Moderate 8-Hour Ozone Nonattainment Area | PDF Version](#) (6pp, 113K)

[Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Baltimore 8-Hour Ozone Moderate Nonattainment Area | PDF Version](#) (6pp, 111K)
[Finding of Failure To Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina | PDF Version](#) (5pp, 93K)

EPA proposes rule to implement the subpart 1 area reclassification and provisions under former 1997 1-hour ozone standard.

January 9, 2009 - EPA proposes a response to the DC Circuit Court's vacatur of an April 2004 rule known as the Phase 1 Ozone Implementation Rule.

[Fact Sheet \(PDF\)](#) (4pp, 36k)
[Proposed Rule \(PDF\)](#) (35pp, 149k)

EPA Proposes to Revise 1997 8-Hour Ozone Implementation Phase 2 Rule to Address Vacatur and Remand of Reasonable Further Progress Credits

July 14, 2008 - EPA proposes to revise a provision of the Phase 2 Ozone Implementation Rule for the 1997 ozone air quality standard. The provision allows 8-hour ozone nonattainment areas to take credit for emissions reductions outside the nonattainment area for purposes of the Reasonable Further Progress (RFP) requirement.

[Fact Sheet](#)
[Proposed Rule \(PDF\)](#) (23pp, 91k)

EPA Makes Findings of Failure to Submit State Implementation Plans (SIPs) -- 1997 Ozone Standard

March 17, 2008 - EPA issued findings that 11 states missed Clean Air Act deadlines for submitting plans, or elements of plans, for implementing EPA's national air quality standards for ozone.

[Fact Sheet](#)
[SIP Requirement Timeline \(PDF\)](#) (1pg, 11k)
[Federal Register Notice \(PDF\)](#) (6pp, 131k) Federal Register - March 24, 2008

Findings on Meeting Basic Program Requirements for State Implementation Plans -- 1997 Ozone Standard

March 17, 2008 - EPA signed a Federal Register notice making "completeness" findings for all states and territories. These findings pertain to the "infrastructure" requirements that all states must have in their regulatory plans to attain, maintain, and enforce the 1997 National Ambient Air Quality Standards for ground-level ozone.

[Fact Sheet](#)
[Federal Register Notice \(PDF\)](#) (7pp, 129k) Federal Register - March 27, 2008

Final Notice of Reconsideration - Aspects of Phase 2 Implementation Rule

May 31, 2007 - EPA completed reconsideration on several issues associated the ozone implementation rule requirements and their interaction with the Clean Air Interstate Rule and the New Source Review permitting program.

[Notice of Reconsideration \(PDF\)](#) (90pp, 267k)
[Fact Sheet \(PDF\)](#) (3pp, 25k)

Proposed Notice of Reconsideration - Aspects of Phase 2 Implementation Rule

December 11, 2006 - EPA is requesting public comment on several issues associated the

ozone implementation rule requirements and their interaction with the Clean Air Interstate Rule and the New Source Review permitting program.

[Notice of Reconsideration \(PDF\)](#) (55pp, 140k)
[Fact Sheet \(PDF\)](#) (2pp, 22k)

Proposed Notice of Reconsideration - Overwhelming Transport Classification

EPA is requesting public comment on several issues associated with the overwhelming transport classification available to certain areas designated "nonattainment" because they do not meet EPA's 8-hour ozone national ambient air quality standard.

[Notice of Reconsideration \(PDF\)](#) (46pp, 167k)
[Fact Sheet \(PDF\)](#) (4pp, 126k)

EPA's Final Implementation Rule - Phase 2

November 9, 2005 - EPA issued a final rule that will take the next steps to protect the American public from ground-level ozone pollution. This rule, often called the Phase 2 Ozone Rule, outlines the remaining elements of the program to implement the 8-hour ground-level ozone National Ambient Air Quality Standard that EPA established in July 1997. State, tribal and local government will rely upon these requirements as they develop their plans showing how they will attain or maintain the 8-hour ozone standard.

[Final rule \(PDF\)](#) (95pp, 561k) Federal Register - November 29, 2005
[Fact sheet](#)

Ozone Clean Air Progress Will Continue

July 26, 2005 - EPA identified the boundaries, designations, and classifications for areas under the 1-hour ozone standard that were in place as of June 15, 2004.

[Final rule \(PDF\)](#) (9pp, 84k) Federal Register - August 3, 2005
[Fact sheet](#)

EPA's Final Implementation Rule-Phase I

On June 15, 2004, EPA issued the final rule to implement the 8-hour Ozone National Ambient Air Quality Standard-Phase I. The phase I final rule sets forth the classification scheme for nonattainment areas and requires States' continued obligations with respect to existing 1-hour ozone requirements.

[Final implementation rule \(PDF\)](#) (50pp, 234k) Federal Register - April 30, 2004

NOx SIP Call

In October, 1998, EPA finalized the "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone." (Commonly called the NOx SIP Call.)

[Notice of Proposed Rulemaking](#)
[Supplemental Notice of Proposed Rulemaking](#)
[Final Rule](#)
[Related Documents and Data](#)
[NOx Budget Trading Program, 2005 Program Compliance and Environmental Results \(PDF\)](#) (40pp, 5.63 MB)

[Learn more about ozone implementation](#)

Early Action Compacts

EPA releases a study of the Early Action Compact program

June 24, 2009 - EPA studied the EAC program to learn what worked well and what did not. The report is not a formal evaluation but rather makes observations about the program. The study concluded that the EAC Program was useful in bringing together people in communities and educating them about air quality, health problems associated with air pollution, and opportunities to collaborate toward a common environmental goal.

[Report and Appendices \(PDF\)](#) (204pp, 1.7 MB)

EPA designates 13 areas as attaining the 1997 8-hour ozone standard.

March 27, 2008 - Each of these areas - known as Early Action Compacts - demonstrated that they attained the 1997 8-hour ozone National Ambient Air Quality Standards by December 31, 2007.

[Final rule \(PDF\)](#) (37pp, 140k)
[Fact sheet](#)

EPA proposes to designate 13 areas as attaining the 1997 8-hour ozone standard.

January 31, 2008 - The Environmental Protection Agency (EPA) is proposing to designate 13 areas as attaining the 1997 8-hour ozone standard. EPA is proposing this action because each of these areas has demonstrated that they attained the 1997 8-hour ozone National Ambient Air Quality Standards by December 31, 2007.

[Proposed rule \(PDF\)](#) (22pp, 82k)
[Fact sheet](#)

EPA extends deferral of Clean Air Act requirements for 8-hour ozone for the Denver area

September 12, 2007 - EPA has deferred Clean Air Act requirements to reduce ozone pollution for the Denver Early Action Compact area from September 14, 2007 to November 20, 2007.

[Final rule \(PDF\)](#) (20pp, 53k)
[Fact sheet](#)

Extension of Deferred Clean Air Act Requirements for 8-Hour Ozone National Ambient Air Quality Standards for Denver

June 25, 2007 - This action defers Clean Air Act requirements to reduce ozone pollution for the Denver Early Action Compact area from July 1, 2007 to September 14, 2007. Communities with Early Action Compacts are reducing smog one to two years sooner than required by the Clean Air Act.

[Final rule \(PDF\)](#) (39pp, 1.2 MB)
[Fact sheet](#)

Denver plan will reduce smog ahead of schedule

February 26, 2007 - Denver, Colorado is ahead of schedule in the effort to reduce ground-level ozone, or smog. Because of the progress the Denver area has made and will continue to make under EPA's Early Action Compacts program, the agency is proposing to continue deferring certain ozone pollution requirements for Denver from July 1, 2007, until April 15, 2008. As part of EPA's voluntary Early Action Compacts program, Denver committed to meeting EPA's more stringent 8-hour ozone standard by Dec. 31, 2007, earlier than required

by the Clean Air Act. This is the third deferral for Denver. If they meet the 8-hour standard by Dec. 31, 2007, EPA will designate them as in attainment.

<http://www.epa.gov/air/ozonepollution/actions.html>

Last updated on Monday, October 03, 2011

[Final rule \(PDF\)](#) (1pg, 45k) Federal Register - March 1, 2007

[Fact sheet \(PDF\)](#) (3pp, 38k)

Extension of Deferred Clean Air Act Requirements for 8-Hour Ozone National Ambient Air Quality Standards

August 16, 2005 - Fourteen communities across the United States are ahead of schedule in the effort to reduce ground-level ozone, or smog. Because of the progress these areas have made under EPA's Early Action Compacts program, the Agency is taking final action to defer certain ozone pollution requirements until Dec. 31, 2006.

[Final rule \(PDF\)](#) (31pp, 59k)

[Fact sheet](#)

Proposed Extension of Deferred Clean Air Act Requirements for the 8-Hour Ozone NAAQS for Early Action Compact Areas (June 1, 2005)

[Proposal \(PDF\)](#) (26pp, 133k)

[Fact Sheet](#)

[Learn more about early action compacts](#)