

1/7/02

STATUS OF IMPLEMENTATION OF 8-HOUR O₃ NAAQS

Introduction

- **In July 1997, EPA revised the ozone NAAQS**
- **EPA initially indicated implementation under more flexible requirements ("subpart 1") rather than more prescriptive requirements ("subpart 2") and issued a public review draft guidance document (November 1998)**
- **EPA sued in U.S. Court of Appeals for the DC Circuit over the standard itself and its implementation approach**
- **May 1999–Appeals Court ruled on unconstitutional delegation of authority and improper implementation approach**
- **EPA appealed to Supreme Court**
- **February 2001–Supreme Court upheld constitutionality of air quality standard setting but held that EPA could not ignore subpart 2 when implementing the 8-hour standard**

Status of Planning

- **EPA considering optional approaches for resolving both transition from 1-hr ozone NAAQS and inconsistency between subparts 1 and 2**
- **EPA working closely with STAPPA/ALAPCO to develop approaches**
- **EPA reaching out to stakeholders to obtain input and concerns (industry, environmental organizations, governmental organizations)**
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Key issues

- **Subpart 1 or 2 preference**
- **Relevance/desirability of mandatory subpart 2 requirements**
- **Classification method for Table 1 of subpart 2**
- **Timing (SIP submission, attainment dates)**
- **Geographic coverage differences**

