

SUBJECT: Extension of Attainment Dates for Downwind Transport Areas

FROM: Richard D. Wilson
Acting Assistant Administrator
for Air and Radiation

TO: Regional Air Division Director, Regions I-X

The purpose of this memorandum is to provide guidance on extending attainment dates for ozone nonattainment areas that have been classified as moderate or serious for the one-hour standard, which are downwind of areas that have interfered with their ability to demonstrate attainment by dates prescribed in the Clean Air Act. Consequently, many of these areas find themselves facing the prospect of being reclassified or “bumped up” to a higher nonattainment classification in spite of the fact that pollution beyond their control contributes to the levels of ozone they experience. In the attached policy, EPA is addressing the problem by providing an avenue which will extend the attainment dates for areas that are affected by transport from either an upwind area with a later attainment date or an upwind area in another State that significantly contributes to downwind nonattainment, if certain criteria are met. Upon approval of an area’s attainment demonstration and attainment date extension request, the area will no longer be subject to bump up for failure to attain by their original attainment date.

The EPA intends to publish soon in the Federal Register an advance notice of proposed rulemaking discussing the policy set forth in the attachment. In addition, the EPA Regional Offices should work with EPA Headquarters and the States to apply the policy in area-specific rulemakings. Any general questions about this approach may be addressed to Denise Gerth at 919/541-5550.

Attachment

cc: Rob Brenner
Alan Eckert
William Hunt
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