

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

To: Chairperson DeSaulnier and Members of the Regional Agency
Coordinating Committee

From: Peter Hess
Deputy Air Pollution Control Officer

Date: May 13, 2004

Re: U. S. EPA Designations for the National 8-hour Ozone Standard

RECOMMENDED ACTION:

None. Information only..

BACKGROUND

The U. S. Environmental Protection Agency (EPA) recently designated attainment and nonattainment areas for the national 8-hour ozone standard and promulgated an implementation rule for the standard. This report provides information about how EPA's action affects the San Francisco Bay Area.

DISCUSSION

On April 15, 2004, EPA announced attainment and nonattainment designations for the national 8-hour ozone standard. These designations become effective June 15, 2004. EPA designated the San Francisco Bay Area as a nonattainment area due to a violation of the 8-hour standard at the San Martin monitoring station in the South Bay. The Livermore and Concord stations have 8-hour ozone levels approaching the standard. A violation at any station results in a nonattainment designation for the entire region because ozone is a regional pollutant.

EPA classified the Bay Area as a "marginal" nonattainment area. The 8-hour ozone standard is 85 parts per billion. Compliance with the standard is determined station-by-station using an average of the 4th high ozone reading for three years. Monitoring data for the San Martin station for the years 2001, 2002, and 2003 show an average of the 4th high ozone values of 86 parts per billion (one part per billion above the standard). The Bay Area's monitoring station with the highest 8-hour ozone levels thus barely violates the standard, hence the "marginal" classification. Areas with worse ozone air quality are classified as moderate, serious, severe, or extreme.

The deadline for marginal areas to attain the 8-hour standard is June 15, 2007. Compliance with the standard will be based on summertime monitoring data from 2004, 2005, and 2006. EPA has established provisions for extension of the attainment deadline under certain circumstances. If a region does not attain the standard by the deadline, the region will be "bumped up" to the next classification (e.g. from marginal to moderate).

AGENDA 4

EPA's recent action also outlines the transition from the national 1-hour ozone standard to the more stringent 8-hour ozone standard. The national 1-hour ozone standard will be revoked 1 year after the 8-hour designations become effective. Consequently, the national 1-hour ozone standard will no longer exist as of June 15, 2005. To ensure that air quality improvement continues as regions develop plans to attain the 8-hour standard, EPA has established anti-backsliding provisions. Essentially, the anti-backsliding provisions require that we continue to implement the regulations we have in place.

Marginal nonattainment areas are required to implement the following planning and control elements:

- Emission inventory, including periodic updates
- Reasonably available control technology regulations
- Inspection and maintenance program
- Permit program for major stationary sources
- Offset requirements of at least 1.1 to 1.

The Bay Area Air District already complies with each of these elements; however, EPA may require State Implementation Plan (SIP) submissions specifically focused on the 8-hour ozone standard (e.g. motor vehicle emission budgets based on the emission inventory). Staff will work with EPA and ARB to clarify what additional SIP submissions are necessary. The federal Clean Air Act does not require attainment demonstrations or contingency measures for marginal areas.

EPA's initial promulgation of the national 8-hour ozone standard in 1997 was subject to a lawsuit that was eventually decided by the Supreme Court. The lawsuit delayed implementation of the standard. EPA's recent actions may also be subject to lawsuits which could further delay implementation of the 8-hour standard and transition from the 1-hour standard to the 8-hour standard. Staff will continue to develop a redesignation request and maintenance plan for the national 1-hour ozone standard.