

Clean Air Act 2015 Ozone National Ambient Air Quality Standard: U.S. Environmental Protection Agency Deadline Extension



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The United States Environmental Protection Agency (“EPA”) issued a June 6th news release stating that it was extending the deadline for promulgating the initial area designations for the 2015 Ozone Clean Air Act National Ambient Air Quality Standards (“NAAQS”) by one year.

EPA states that Administrator Scott Pruitt has provided state governors a letter informing them of the decision.

The Clean Air Act uses a two-prong approach to air pollution control.

First, ambient air quality standards are set for a limited number of air pollutants. But the states are then required to develop plans to ensure that its air quality meets the various NAAQS established by EPA. Second, emission limits are applied to new and/or existing stationary sources to either achieve the NAAQS or address other emissions.

Two sections of the Clean Air Act govern the establishment, review and revision of NAAQS. Section 108 of the Clean Air Act requires that EPA identify air pollutants “which may reasonably be anticipated to endanger the public health and welfare” and to issue air quality criteria for them.

Section 109 subsequently requires that EPA promulgate primary and secondary NAAQS for the pollutants identified under Section 108. Section 109(b)(1) defines a primary standard as one “the attainment and maintenance which, in the judgment of the Administrator, based on the criteria allowing an adequate margin of safety, or requisite to protect the public health.”

The states are primarily responsible for ensuring the attainment and maintenance of NAAQS once the EPA has established them. Each state is required to formulate, subject to EPA approval, an implementation plan designed to achieve each NAAQS (including revisions).

EPA states that in regards to the 2015 Ozone NAAQS it is giving the states more time to develop air quality plans and “looking at providing greater flexibility to states as they develop their plans.”

The agency states that it is also establishing an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with the ozone standard. The issues it states are being examined include:

- Fully understanding the role of background ozone levels
- Appropriately accounting for international transport

- Timely consideration of exceptional events demonstrations

[A copy of the news release can be downloaded here.](#)