

Ozone/National Ambient Air Quality Standards: U.S. Environmental Protection Agency Public Notice of One-Year Extension Withdrawal



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

08/04/2017

The United States Environmental Protection Agency (“EPA”) announced August 2nd that it was withdrawing a one-year extension of the deadline for promulgating initial area designations for the Ozone National Ambient Air Quality Standards (“NAAQS”).

EPA Administrator Scott Pruitt had notified the states on June 6th that he was using his authority under Section 107(d)(B)(i) of the Clean Air Act to extend to October 1, 2018, the deadline for promulgating initial area designations for the 2015 Ozone NAAQS.

In withdrawing the extension, EPA stated on August 2nd that:

At that time (i.e., in early June), it was not clear that the agency would be in the position to complete designations for all areas for the 2015 ozone NAAQS in accordance with the 2-year statutory deadline of October 1, 2017. For a variety of other NAAQS in the past, previous EPA Administrators have used the authority under section 107(d)(1)(B)(i) to take additional time to complete designations. The Administrator decided to similarly invoke the extension with regard to designations for the 2015 ozone NAAQS.

EPA states that it “now understands that the information gaps that form the basis of the extension may not be as expansive as we previously believed.” It further notes:

The EPA now intends to reassess whether there are areas with underlying technical issues, whether there are state designation recommendations that the EPA intends to modify, and whether for any area there is insufficient information to promulgate the designation. The EPA believes this reevaluation will help ensure that more Americans are living and working in areas that meet national air quality standards. The agency believes that there may be areas of the United States for which designations could be promulgated in the next few months.

As a result, EPA decided to withdraw the previously announced one-year extension.

[A copy of the EPA notice can be downloaded here.](#)