

7/31/03

**8-Hour Ozone NAAQS Implementation Proposal
Cross-Referencing June 2, 2003 Notice and Regulatory Text**

June 2, 2003 Notice Reference	Page #	Draft Regulatory Text Section (40 CFR Part 51, unless otherwise noted)
I. What is the 8-hour ozone problem and EPA's strategy for addressing it?	32804	NA
II. What is the background on the 8-hour ozone standard?	32806	NA
III. How did EPA obtain stakeholder input for this effort?	32808	NA
IV. What is EPA's schedule for issuing an 8-hour ozone implementation rule?	32808	NA
V. In short, what does this proposed rulemaking contain?	32808	NA
VI. What are EPA's proposed frameworks for implementing the 8-hour ozone standard?	32810	See below for specific references
A. How will EPA reconcile subparts 1 and 2? How will EPA classify nonattainment areas for the 8-hour standard? What attainment dates would apply?	32811	
1. Statutory framework and Supreme Court decision	32811	
2. EPA's development of options	32811	
3. Options for classification	32812	51.902; 51.903(a)
4. Under classification option 2, how would EPA classify subpart 1 areas?	32813	51.904

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5. Rationale for regulating all "gap" areas under subpart 1 only	32814	
6. Proposed incentive feature	32815	51.903 (b)
7. Other options EPA considered	32816	
8. Implications for the options	32816	
9. Other considerations	32816	
B. How will EPA treat attainment dates and other dates including SIP submittal dates for the 8-hour ozone standard?	32816	51.903; 51.904; 51.906
1. Background	32816	
2. How will EPA address the provision regarding 1-year extensions?	32817	51.907
3. How do attainment dates apply to Indian country?	32818	
4. How will EPA establish attainment dates for areas classified as marginal under the "incentive" feature proposed under the classification section or areas covered under subpart 1 with a requested attainment date of 3 years or less after the designation date?	32818	51.903 (b) ; 51.904 (b) (2) ;
C. How will EPA implement the transition from the 1-hour to the 8-hour standard in a way to ensure continued momentum in States' efforts toward cleaner air?	32818	51.905
1. Background	32818	

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2. When will EPA revoke the 1-hour standard?	32819	50.9(b) (note this is in part 50, not part 51)
3. What obligations should continue to apply as an area begins to implement the 8-hour ozone NAAQS and what obligations should no longer apply?	32820	51.905(a), (b), (c), (d), (e), (f)
4. Does the requirement for continued implementation of the obligations addressed above expire at some point?	32824	51.905(b)
5. How will EPA ensure that the public knows which areas must continue provisions under the 1-hour SIPs if EPA revokes the 1-hour standard?	32825	40 CFR 81, new subpart E [reserved]
D. Should prescribed requirements of subpart 2 apply in all 8-hour nonattainment areas classified under subpart 2, or is there flexibility in application in certain narrowly defined circumstances?	32825	NA
E. What is the required timeframe for obtaining emissions reductions to ensure attainment by the attainment date?	32826	51.908(e)
F. How will EPA address long-range transport of ground-level ozone and its precursors when implementing the 8-hour ozone standard?	32827	NA

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G. How will EPA address transport of ground-level ozone and its precursors for rural nonattainment areas, multi-State nonattainment areas, areas affected by intrastate transport, and international transport?	32828	NA
H. How will EPA address requirements for modeling and attainment demonstration SIPs when implementing the 8-hour ozone standard?	32830	51.908
I. What requirements for RFP should apply under the 8-hour ozone standard?	32832	51.910
1. Background	32832	
2. Proposed features in general	32833	
3. For subpart 2 areas, should the initial 15 percent RFP requirement be limited to VOC emissions?	32833	51.910(a)(1)(ii)
4. What baseline year should be required for the emission inventory for the RFP requirement?	32833	51.909
5. Should moderate areas be subject to prescribed additional RFP requirements prior to their attainment date?	32834	51.908(e)
6. What is the timing of the submission of the ROP plan?	32834	51.910(a), (b)

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7. How should CAA restrictions on creditable measures be interpreted? Which national measures should count as generating emissions reductions credit toward RFP requirements?	32834	51.910 (a) (4)
8. For areas covered by subpart 1 instead of subpart 2, how should the RFP requirement be structured?	32834	51.910 (b)
9. How should the RFP requirements be implemented for areas designated for the 8-hour ozone standard that entirely or in part encompass an area that was designated nonattainment for the 1-hour ozone standard?	32835	51.910
10. Will EPA's "Clean Data Policy" continue to apply under the 8-hour standard for RFP?	32835	
11. How will RFP be addressed in Tribal areas?	32835	
12. How will RFP targets be calculated?	32836	51.910 (c)
J. Are contingency measures required in the event of failure to meet a milestone or attain the 8-hour ozone NAAQS?	32837	
1. Background	32837	
2. Proposal	32837	51.905 (a) (3) (iii)
K. What requirements should apply for RACM and RACT for 8-hour ozone nonattainment areas?	32837	51.912

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1. Background	32837	
2. Proposed approach for RACT in general for areas covered under subpart 2	32838	51.912 (a), (b)
3. Proposed approach for RACT in general for areas covered under subpart 1	32838	51.912 (c)
4. Proposed approach for previous source-specific major source RACT determinations	32838	51.912 (b) (2)
5. Proposed approach for NO _x RACT determinations in areas affected by the NO _x SIP Call	32839	51.912 (b) (3), (4)
6. Proposed approach for NO _x as an ozone precursor	32840	NA (because of option used in reg. text for subpart 1 areas)
7. Proposed approach for RACM	32840	51.912 (d)
8. Proposed submission date for RACT and RACM requirements	32840	51.912 (a), (c), (d)
L. How will the section 182(f) NO _x provisions be handled under the 8-hour ozone standard?	32840	51.913
M. What aspects of transportation conformity and the 8-hour ozone standard are addressed in this proposal?	32841	NA
N. What requirements for General Conformity should apply to the 8-hour ozone standard?	32842	NA
O. How should the NSR Program be implemented under the 8-hour ozone NAAQS?	32844	NA [51.914 reserved for NSR]

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P. How will EPA ensure that the 8-hour ozone standard will be implemented in a way which allows an optimal mix of controls for ozone, PM _{2.5} , and regional haze?	32852	NA
Q. What emission inventory requirements should apply under the 8-hour ozone NAAQS?	32853	51.915
R. What guidance should be provided that is specific to Tribes?	32854	NA
S. What are the requirements for Ozone Transport Regions (OTRs) under the 8-hour ozone standard?	32855	51.916
T. Are there any additional requirements related to enforcement and compliance?	32855	NA
U. What requirements should apply to emergency episodes?	32856	NA
V. What ambient monitoring requirements will apply under the 8-hour ozone NAAQS?	32856	NA
W. When will EPA require 8-hour attainment demonstration SIP submissions?	32856	
1. Background	32856	
2. Option being proposed	32857	51.908
VII. Proposal of integrated frameworks using various options	32857	NA
VIII. Other Considerations	32859	NA
IX. Statutory and Executive Order Reviews	32861	NA

Sections of Subpart X not addressed per se in 6/2/03 notice:
51.900, 51.901, 51.911.