

**Determinations of Attainment by the Attainment Date, Attainment Date Extensions
and Nonattainment Area Reclassifications for the 2008 and 2015 Ozone NAAQS
Update for SBO/SBEAP NSC Technical Subcommittee
Bob Lingard, EPA Office of Air Quality Planning & Standards (OAQPS)
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- Under CAA section 181(b)(2)(A), EPA must determine whether an area attained the ozone NAAQS by the applicable attainment date; EPA generally accomplishes these actions through Determination of Attainment by the Attainment Date (“DAAD”) rulemakings.
 - 2008 ozone NAAQS Serious areas have an attainment date of July 20, 2021.
 - 2015 ozone NAAQS Marginal areas have an attainment date of August 3, 2021 (September 24, 2021 for the San Antonio, TX area).

- Ozone DAAD rules serve four primary functions:
 1. Determine those areas that timely attained the ozone NAAQS;
 2. Act on any state requests for 1-year attainment date extensions for eligible areas;
 3. Determine those areas that failed to timely attain and are not eligible for an extension, and would be reclassified to the next higher classification; and
 4. Establish submittal and implementation deadlines for state implementation plan (SIP) revisions for newly-reclassified areas.

- Determinations are based on an area’s design value (DV) as of the attainment date, which is the 3-year average annual fourth-highest daily maximum 8-hour average ozone concentration for the period preceding the year in which the attainment date falls (2018-2020); ozone DVs are available at <https://www.epa.gov/air-trends/air-quality-design-values>.

- Under CAA section 181(b)(5), states can request and EPA may issue a 1-year attainment date extension if, for the attainment year, the area’s fourth highest daily maximum 8-hour average is at or below the level of the NAAQS (the attainment year precedes the year of the attainment date, *e.g.*, 2020), and the state is in compliance with its applicable SIP.

- Areas determined not to have timely attained and that are not eligible for (and specifically request) a 1-year attainment date extension are reclassified (“bumped up”) by operation of law to the next highest classification.

- Determinations for some areas may be informed by exceptional events (EE) or international transport (CAA section 179B) demonstrations, and/or 1-year attainment date extension requests.

- The DAAD rules will also establish submittal and implementation due dates for the various required SIP revisions corresponding to the bump-up classification, and also discuss newly applicable requirements under other CAA sections based on the bump-up classification.

- Per the President’s executive orders (EOs 13985 and 14008) and the EPA Administrator’s direction, we are also considering potential environmental justice concerns for underserved communities in developing our proposed and final DAAD rules.
- EPA must publish *Federal Register* notices within 6 months of the applicable attainment date with final determinations of areas that failed to attain, *i.e.*, by January 20, 2022 for 2008 Serious areas and February 3, 2022 for 2015 Marginal areas (March 24, 2022 for San Antonio).
- Resources:
 - Ozone nonattainment area details in the EPA Green Book at <https://www.epa.gov/green-book>
 - Ozone DVs at <https://www.epa.gov/air-trends/air-quality-design-values>
 - Prior ozone DAAD rulemakings (e.g., 2008 ozone NAAQS Marginal areas) at <https://www.epa.gov/ground-level-ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-nonattainment>
 - Environmental justice at the EPA – <https://www.epa.gov/environmentaljustice>
- Program contact: Bob Lingard, EPA OAQPS; email lingard.robert@epa.gov; tel. 919.541.5272