

**Atlanta, Georgia Determination of Nonattainment and Reclassification of the
Atlanta, Georgia, 8-hour ozone Nonattainment Area**
Effective Date: 04/07/08 (73 FR 12013)

Background of the Plan: On July 18, 1997, EPA promulgated a revised 8-hour ozone standard of 0.08 parts per million (ppm). The new standard was more stringent than the previous 1-hour ozone standard. Under EPA regulations at 40 CFR part 50, the 1997 8-hour ozone standard is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.08 ppm (i.e., 0.084 ppm when rounding is considered). (See, 69 FR 23857 (April 30, 2004) for further information.) The Clean Air Act (CAA) required EPA to designate as nonattainment any area that was violating the 8-hour ozone national ambient air quality standards (NAAQS) based on the three most recent years of ambient air quality data. The Atlanta area was initially designated nonattainment for the 8-hour ozone standard on April 30, 2004, and classified “marginal” based on a design value of .091 ppm, with an attainment date of June 15, 2007. The Atlanta 8-hour ozone nonattainment area is located in Northern Georgia and consists of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spaulding, and Walton Counties. For areas subject to Subpart 2 of the CAA, such as the Atlanta nonattainment area, the maximum period for attainment runs from the effective date of designations and classifications for the 8-hour ozone NAAQS and will be the same period as provided in Table 1 of CAA Section 181(a): Marginal-3 years; Moderate-6 years; Severe-15 or 17 years; and Extreme-20 years. Section 181(b)(2) prescribes the process for making determinations upon failure of an ozone nonattainment area to attain by its attainment date, and for reclassification of an ozone nonattainment area. Section 181(b)(2)(A) of the CAA requires that EPA determine, based on the area’s design value (as of the attainment date), whether an ozone nonattainment area attained the ozone standard by that date. For marginal, moderate, and serious areas, if EPA finds that the nonattainment area has failed to attain the ozone standard by the applicable attainment date, the area must be reclassified by operation of law to the higher of (1) the next higher classification for the area, or (2) the classification applicable to the area’s design value as determined at the time of the required Federal Register notice. Section 181(b)(2)(B) requires EPA to publish in the Federal Register a notice identifying any area that has failed to attain by its attainment date and the resulting reclassification. Within the Atlanta area, ground-level ozone is measured at various monitors. In recent years, the Confederate Avenue monitor has measured some of the highest 8-hour average ozone concentrations in the Atlanta area. The fourth-highest daily maximum readings for 2004, 2005, and 2006 in Atlanta are .092, .092, and .099 ppm, respectively. The 2004 fourth-highest daily maximum reading was from the Gwinnett Tech monitor, the 2005 fourth-highest daily maximum reading was from the Confederate Avenue monitor in Fulton County and the 2006 fourth-highest daily maximum reading was from the Conyers Monastery monitor in Rockdale County. For the Atlanta ozone nonattainment area, the attainment determination is based on 2004-2006 air quality data. The classification that was applicable to the Atlanta area’s ozone design value at the time of the notice was “marginal” because the area’s 2006 calculated design value, based on quality-assured ozone monitoring data from 2004-2006,

is 0.091 ppm. By contrast, the next higher classification for the Atlanta area is “moderate.” Because “moderate” is a higher nonattainment classification than “marginal” under the CAA statutory scheme, upon the effective date of a final rulemaking, the Atlanta area was reclassified by operation of law as “moderate,” for failing to attain the standard by the marginal area applicable attainment date of June 15, 2007.

Summary of the Plan: Pursuant to Section 181(b)(2)(B) EPA finalized a finding that the Atlanta area has failed to attain the 8-hour ozone NAAQS by the June 15, 2007, attainment deadline as prescribed under the CAA for marginal ozone nonattainment areas. Atlanta, Georgia, is now classified by operation of law, as a moderate 8-hour ozone nonattainment area.

Control Measures: When an area is reclassified, EPA has the authority under section 182(i) of the Act to adjust the Act’s submittal deadlines for any new SIP revisions that are required as a result of the reclassification. Pursuant to 40 CFR 51.908(d), for each nonattainment area, the state must provide for implementation of all control measures needed for attainment no later than the beginning of the attainment year ozone season. The attainment year ozone season is the ozone season immediately preceding a nonattainment area’s attainment date, in this case, 2009 (40 CFR 51.900(g)). The ozone season is the ozone monitoring season as defined in 40 CFR part 58, Appendix D, section 4.1, Table D-3 (October 17, 2006, 71 FR 61236). For the purposes of the reclassification for the Atlanta, Georgia area, March 1st is the beginning of the ozone monitoring season. As a result, EPA determined that the required SIP revision be submitted as expeditiously as practicable, but not later than December 31, 2008.

A revised SIP must include the following moderate area requirements: (1) an attainment demonstration (40 CFR 51.908); (2) provisions for reasonably available control technology and reasonably available control measures (40 CFR 51.912); (3) reasonable further progress reductions in volatile organic compound (VOC) emissions (40 CFR 51.910); (4) contingency measures to be implemented in the event of failure to meet a milestone or attain the standard (CAA 172(c)(9)); (5) a vehicle inspection and maintenance program (40 CFR 51.350); and (6) nitrogen oxide and VOC emission offsets of 1.15 to 1 for major source permits (40 CFR 51.165(a)). (See also, the requirements for moderate ozone nonattainment areas set forth in CAA section 182(b).)

Federal Register: (73 FR 12013, 04/07/08); Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-hour ozone Nonattainment Area

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