

## U.S. EPA FACT SHEET

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### **Sacramento Metro 1-Hour Ozone Nonattainment Area (Sacramento Metro Area) Proposed Determination of Termination of Section 185 Fee Program and Interim Final Determination to Defer Imposition of Sanctions**

*May 9, 2011*

#### **Summary**

- EPA is proposing to determine that California is no longer required to submit or implement a Clean Air Act (CAA) Section 185 fee program for 1-hour ozone as a revision to the State Implementation Plan (SIP) for the Sacramento Metro 1-hour ozone nonattainment area (Sacramento Metro Area).
- This proposal is based on monitoring data which shows that the Sacramento Metro Area is attaining the 1-hour ozone National Ambient Air Quality Standard (NAAQS) due to permanent and enforceable emission reductions.
- EPA is simultaneously issuing an Interim Final Determination to defer imposing offset and highway sanctions.

#### **Background**

- CAA Section 185 requires states to assess fees on certain major stationary sources in severe and extreme ozone non-attainment areas that fail to attain by their attainment date.
- Although the 1-hour ozone standard was revoked in 2004, the requirements of Section 185 with respect to that standard continue to apply to satisfy anti-backsliding requirements associated with the transition from the 1-hour ozone standard to the 1997 8-hour ozone standard.
- The Sacramento Metro Area did not attain the 1-hour ozone standard in 2005 and is required to have an approved Section 185 program.
- On January 5, 2010, EPA determined that California failed to submit SIP revisions to address Section 185 for three areas including the Sacramento Metro Area. EPA's determination applied to four local air districts in the Sacramento Metro Area: Yolo-Solano Air Quality Management District, Feather River Air Quality Management District, Placer County Air Pollution Control District, and El Dorado County Air Quality Management District. Unless deferred, offset sanctions would have become effective on July 5, 2011 and highway sanctions would have become effective on January 5, 2012.

- The Sacramento Metropolitan Air Quality Management District is not subject to the finding of failure to submit nor sanctions because it has an approved Section 185 program.
- In January 2010, EPA also issued guidance that provided flexibility for Section 185 programs. EPA's guidance addressed, among other matters, alternative methods of satisfying the Section 185 1-hour anti-backsliding requirement, and the circumstances under which EPA would determine that the obligation was terminated.
- Today's proposal is based on EPA's preliminary finding that the Sacramento Metro Area has attained the 1-hour ozone standard due to permanent and enforceable emission reductions contained in the SIP.
- EPA's proposed attainment finding relies on our April 13, 2011 concurrence with the California Air Resources Board's (CARB) request to flag exceedances of the standard on three days in 2008 because the exceedances were due to wildfire exceptional events. EPA's concurrence is consistent with our exceptional event rule. Therefore, EPA is proposing to exclude from use in determining attainment exceedances of the 1-hour ozone NAAQS that occurred on three days in 2008, because the exceedances are due to exceptional events (wildfires).

### **Next Steps**

- EPA is providing a 30-day public comment period on the proposals.
- While the Interim Final Determination to defer sanctions is effective upon publication, EPA is also providing a 30-day public comment period on this action. If comments submitted change our assessment, we intend to take a subsequent final action to reimpose the sanctions clocks. If no comments are submitted that change our current assessment, all sanctions and sanction clocks will be permanently terminated on the effective date of the final action determining that the area has attained with permanent and enforceable measures and thus is no longer obligated to submit or implement a 185 fee program.

### **For More Information:**

<http://www.epa.gov/region9/air/actions/ca.html>