

Notice of Proposed Rulemaking for Reformulated Gasoline (RFG) Requirements

The U.S. Environmental Protection Agency (EPA) is requesting comment on options to revise the reasonable date on which we determine the applicability of RFG to make them relevant for areas that EPA redesignated to attainment for the 1-hr ozone standard prior to its revocation.

Summary of the Notice of Proposed Rulemaking

EPA is seeking comment on two options to address whether a specific type of ozone nonattainment area would remain a federal RFG covered area after it is no longer classified as a severe area based upon redesignation to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS) prior to revocation of the 1-hour NAAQS. This area is also designated as an ozone nonattainment area for the 8-hour NAAQS. Atlanta is the only area that would fall within the scope of this proposal.

Key Elements

- Under the first option, Atlanta would be required to use RFG at least until it is redesignated to attainment for the 8-hour NAAQS.
- Under the second option, the determining factor for Atlanta would be the date of revocation of the 1-hour NAAQS. The use of this effective date would mean that if RFG was a mandatory obligation on that date, then the obligation would continue on after revocation of the 1-hour NAAQS. If RFG was not a mandatory obligation on that date then it would not continue after the date of revocation. EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan.

- Under the first option, Atlanta would need to adopt RFG, and under the second option, Atlanta would not need to adopt RFG subject to the required demonstration.

Background

The proposed rule follows previous EPA action to replace the 1-hour ozone standard with a more protective 8-hour standard. To date, EPA has issued two rules that clarify the extent to which Clean Air Act obligations that existed under the 1-hour ozone standard continue in effect under the 8-hour standard. These rules are the Phase 1 implementation rule, and the Phase 2 implementation rule.

In the Phase 1 rule, EPA addressed two interrelated key issues regarding the transition from the 1-hour ozone NAAQS to the 8-hour ozone NAAQS. First, at what time the 1-hour NAAQS would be revoked (i.e., no longer apply). Second, what protections would remain in place to ensure that, once the 1-hour NAAQS was revoked, air quality would not degrade and that progress toward attainment would continue as areas transition from implementing the 1-hour NAAQS to implementing the 8-hour NAAQS.

In the proposed Implementation rule, EPA identified federal RFG as an applicable requirement. In the final rule, however, EPA did not include RFG in the list of applicable requirements. EPA instead clarified that RFG is required under a Federal program, and thus differs significantly from the programs on the final list of applicable requirements, which are developed and adopted by States for inclusion in the state implementation plan (SIP). EPA recognized that various issues exist regarding the scope and applicability of the RFG program during and after implementation of the 8-hour ozone NAAQS that need further clarification. EPA stated that we were still considering how to treat RFG and that we would address these issues in an action separate from the Phase 1 rule. Thus, EPA did not include RFG in the list of applicable requirements in the Phase 1 Rule, and EPA made no decision at that time concerning RFG treatment in the transition to the 8-hour NAAQS.

In the Phase 2 Implementation Rule, EPA specified that the nine original mandatory RFG covered areas, as well as mandatory “bump-up” areas that will no longer be classified as severe based solely on the revocation of the 1-hour NAAQS, will remain covered areas at least until they are redesignated to attainment for the 8-hour NAAQS. EPA relied on an approach, similar to that in the Phase 1 rule, of no loss of emission reductions relied upon in the State attainment plan. However, EPA did not address in that Phase 2 final rule whether RFG would continue to be required in bump-up areas that are designated nonattainment for the 8-hour NAAQS, but are no longer classified as severe based on a redesignation to attainment for the 1-hour NAAQS before revocation of the 1-hour NAAQS. EPA redesignated Atlanta as a marginal nonattainment area under the 8-hour ozone standard, and also to attainment for the 1-hour NAAQS, prior to revocation of the 1-hour NAAQS. Atlanta is the only covered area that falls within the scope of this proposal.

For More Information

You can access this proposed rule on EPA's Office of Transportation and Air Quality Web site at:

www.epa.gov/otaq/rfg_regs.htm

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