

Most recently EPA established the 70 ppb standard in 2015, identified attainment deadlines and requirements that must be applied in nonattainment areas in 2018, as well as making nonattainment designations in 2018.^{2,3,4} These actions set in motion attainment deadlines, planning and control requirements to be implemented that apply to designated nonattainment areas. August 3, 2024, is the next proximate attainment deadline that applies to those areas.

For reference, the following table summarizes Pikes Peak Area ozone levels in recent years.

Table 1 - 3 Year Average of 4th Maximum Daily 8 Hour Average by Monitor

| | Design Value (DV) or 3 Year Average of 4th Max Daily 8 Hr Average (ppb) | | | | |
|------|---|-----------|-----------|-----------|-----------|
| | 2017-2019 | 2018-2020 | 2019-2021 | 2020-2022 | 2021-2023 |
| USAF | 69 | 72 | 73 | 74 | TBD |
| MAN | 68 | 71 | 73 | 74 | TBD |

Source: Underlying data downloaded from EPA’s AirNow Data, run on 11/29/22 for ozone in 2022 in El Paso County, Colorado at: <https://www.epa.gov/outdoor-air-quality-data/download-daily-data> and taken from 8-Hour Ozone Summary Tables prepared by Colorado’s Air Pollution Control Division

TIMING:

The exact timing of any subsequent nonattainment designation is dependent upon EPA’s completion of public processes and promulgation of final actions - actions evaluating nonattainment areas meeting attainment deadlines, actions designating new nonattainment areas, and more. Regardless, it is anticipated that monitoring data between 2021-2025 will inform that process.

Attainment dates for nonattainment areas are based of this designation action and these nation-wide determinations of attainment by the attainment date actions cycle roughly every three years from the initial designations effective date.^{5, 6} For the 2015 Ozone National Ambient Air Quality Standard (NAAQS), EPA’s initial designations action identifying which areas are meeting (aka attainment), not meeting (aka nonattainment) or there’s not enough data to tell (unclassifiable) identified an August 3, 2021 effective date of the rule. The classification of the nonattainment area (i.e. Marginal, Moderate, Serious, etc.) is based on the severity of the DV compared to the NAAQS, and determines the timing allotted to bring the area into attainment and thus a staggered attainment schedule (i.e. 3, 6, 9, 15, etc. years from the nonattainment designation).⁷ The attainment date for all Marginal ozone nonattainment areas is August 3, 2024. Within 6 months of the attainment date, EPA must determine what nonattainment areas failed to meet the NAAQS by that date.⁸ Thus, there should be some nation-wide

² [80 Fed. Reg. 65292 \(October 26, 2015\)](#).

³ [83 Fed. Reg. 10376 \(March 9, 2018\)](#).

⁴ [83 Fed. Reg. 25776 \(June 4, 2018\)](#).

⁵ Clean Air Act § 107(d)(1)(b).

⁶ Clean Air Act § 181 (b)(1).

⁷ See Footnote 2, Table 2 at p. 10380.

⁸ Clean Air Act, §181(b)(2).

