

## **Appendix A: Federal Register Notices**

*Federal Register Notice for the Air Quality Designations for the 2008  
NAAQS*

*Federal Register Notice for the redesignation of the Metrolina Region  
to attainment*

*Federal Register Notice for the the Air Plan Approval: Revision to  
Approved Motor Vehicle Emissions Budgets*



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Part III

## Environmental Protection Agency

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40 CFR Parts 50, 51 and 81

Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards; Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes; Final Rules

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[EPA-HQ-OAR-2008-0476; FRL-9668-2]

RIN 2060-AP37

**Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes initial air quality designations for most areas in the United States, including areas of Indian country, for the 2008 primary and secondary national ambient air quality standards (NAAQS) for ozone. The designations for several counties in Illinois, Indiana, and Wisconsin that the EPA is considering for inclusion in the Chicago nonattainment area will be designated in a subsequent action, no later than May 31, 2012. Areas designated as nonattainment are also being classified by operation of law according to the severity of their air quality problems. The classification categories are Marginal, Moderate, Serious, Severe, and Extreme. The EPA is establishing the air quality thresholds that define the classifications in a separate rule that the EPA is signing and publishing in the **Federal Register** on

the same schedule as these designations. In accordance with that separate rule, six nonattainment areas in California are being reclassified to a higher classification.

**DATES:** The effective date of this rule is July 20, 2012.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID NO. EPA-HQ-OAR-2008-0476. All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in the docket or in hard copy at the Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742.

In addition, the EPA has established a Web site for this rulemaking at: <http://www.epa.gov/ozonedesignations>.

The Web site includes the EPA's final state and tribal designations, as well as state initial recommendation letters, the EPA modification letters, technical support documents, responses to comments and other related technical information.

**FOR FURTHER INFORMATION CONTACT:** Carla Oldham, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, NC 27711, phone number (919) 541-3347 or by email at: [oldham.carla@epa.gov](mailto:oldham.carla@epa.gov).

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**SUPPLEMENTARY INFORMATION:** The public may inspect the rule and state-specific technical support information at the following locations:

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Dave Conroy, Chief, Air Programs Branch, EPA New England, 1 Congress Street, Suite 1100, Boston, MA 02114-2023, (617) 918-1661. Raymond Werner, Chief, Air Programs Branch, EPA Region 2, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-3706. Cristina Fernandez, Branch Chief, Air Quality Planning Branch, EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103-2187, (215) 814-2178. R. Scott Davis, Branch Chief, Air Planning Branch, EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth, Street SW., 12th Floor, Atlanta, GA 30303, (404) 562-9127. John Mooney, Chief, Air Programs Branch, EPA Region 5, 77 West Jackson Street, Chicago, IL 60604, (312) 886-6043. Guy Donaldson, Chief, Air Planning Section, EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202, (214) 665-7242. Joshua A. Tapp, Chief, Air Programs Branch, EPA Region 7, 901 North 5th Street, Kansas City, Kansas 66101-2907, (913) 551-7606. Monica Morales, Leader, Air Quality Planning Unit, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6936. Lisa Hanf, Air Planning Office, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3854. Debra Suzuki, Manager, State and Tribal Air Programs, EPA Region 10, Office of Air, Waste, and Toxics, Mail Code OAQ-107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-0985.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. New Jersey, New York, Puerto Rico, and Virgin Islands. Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Iowa, Kansas, Missouri, and Nebraska. Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. American Samoa, Arizona, California, Guam, Hawaii, Nevada, and Northern Mariana Islands. Alaska, Idaho, Oregon, and Washington.

**Table of Contents**

The following is an outline of the preamble.

- I. Preamble Glossary of Terms and Acronyms
- II. What is the purpose of this action?

- III. What is ozone and how is it formed?
- IV. What are the 2008 ozone NAAQS and the health and welfare concerns they address?
- V. What are the CAA requirements for air quality designations?

- VI. What is the chronology for this designations rule and what guidance did the EPA provide?
- VII. What air quality data has the EPA used to designate areas for the 2008 ozone NAAQS?

- VIII. What are the ozone air quality classifications?
- IX. What is the reclassification of six California nonattainment areas?
- X. Can states request that areas within 5 percent of the upper or lower limit of a classification threshold be reclassified?
- XI. How do designations affect Indian country?
- XII. Where can I find information forming the basis for this rule and exchanges between EPA, states, and tribes related to this rule?
- XIII. Statutory and Executive Order Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act
- E. Executive Order 13132: Federalism
- F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
- H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
- I. National Technology Transfer and Advancement Act (NTTAA)
- J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
- K. Congressional Review Act
- L. Judicial Review

## I. Preamble Glossary of Terms and Acronyms

The following are abbreviations of terms used in the preamble.

- APA Administrative Procedure Act
- CAA Clean Air Act
- CFR Code of Federal Regulations
- DC District of Columbia
- EPA Environmental Protection Agency
- FR **Federal Register**
- NAAQS National Ambient Air Quality Standards
- NO<sub>x</sub> Nitrogen Oxides
- NTTAA National Technology Transfer and Advancement Act
- PPM Parts per million
- RFA Regulatory Flexibility Act
- UMRA Unfunded Mandate Reform Act of 1995
- TAR Tribal Authority Rule
- U.S. United States
- U.S.C. United States Code
- VCS Voluntary Consensus Standards
- VOC Volatile Organic Compounds

## II. What is the purpose of this action?

The purpose of this action is to announce and promulgate initial area designations for most areas of the country with respect to the 2008 primary and secondary NAAQS for ozone, in accordance with the requirements of Clean Air Act (CAA) section 107(d). The EPA is designating areas as either nonattainment,

unclassifiable, or unclassifiable/attainment. In addition, the nonattainment areas are classified by operation of law according to the severity of their ozone air quality problems and six areas in California are being reclassified immediately to a higher classification. The classification categories are Marginal, Moderate, Serious, Severe, and Extreme. The EPA is establishing the air quality thresholds that define the classifications in a separate rule titled, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes" (Classifications Rule). In that separate rule, the EPA also codified the immediate reclassification of six areas in California. (See 40 CFR 51.1103(d).) The list of all areas being designated in each state and in areas of Indian country appear in the tables at the end of this final rule (amendments to 40 CFR 81.301–356). For areas designated as nonattainment, the tables include the area's classification by operation of law or the area's reclassification in accordance with 40 CFR 51.1103(d).

In this action, the EPA is designating 45 areas as nonattainment. Seven of the areas are multi-state areas. The EPA is designating one area, Uinta Basin, WY, as unclassifiable because there is existing non-regulatory monitoring in the area that detected levels of ozone that exceed the NAAQS. Regulatory monitoring has been conducted in that area since April 2011, and thus there are not yet three consecutive years of certified ozone monitoring data available that can be used to determine the area's attainment status. Consistent with previous initial area designations for ozone, the EPA is designating all the remaining state areas and Indian country as unclassifiable/attainment.

Consistent with the EPA's "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country" (December 20, 2011), the EPA is designating four areas of Indian country separately from their adjacent/surrounding state areas.<sup>1</sup> The lands of the Pechanga Tribe and the Morongo Tribe in Southern California are being designated as separate nonattainment areas, while two additional areas in Indian country are being designated as separate unclassifiable/attainment areas.

The EPA is basing the designations on the most recent certified ozone air

quality monitoring data and an evaluation of factors to assess contributions to nonattainment in nearby areas. State areas designated as nonattainment are subject to planning and emission reduction requirements as specified in the CAA. Requirements vary according to an area's classification. The EPA will be proposing shortly an implementation rule to assist states in the development of state implementation plans for attaining the ozone standards.

## III. What is ozone and how is it formed?

Ground-level ozone, O<sub>3</sub>, is a gas that is formed by the reaction of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) in the atmosphere in the presence of sunlight. These precursor emissions are emitted by many types of pollution sources, including power plants and industrial emissions sources, on-road and off-road motor vehicles and engines, and smaller sources, collectively referred to as area sources. Ozone is predominately a summertime air pollutant. However, high ozone concentrations have also been observed in cold months, where a few high elevation areas in the Western U.S. have experienced high levels of local VOC and NO<sub>x</sub> emissions that have formed ozone when snow is on the ground and temperatures are near or below freezing. Ozone and ozone precursors can be transported to an area from sources in nearby areas or from sources located hundreds of miles away. For purposes of determining ozone nonattainment area boundaries, the CAA requires the EPA to include areas that contribute to nearby violations of the NAAQS.

## IV. What are the 2008 ozone NAAQS and the health and welfare concerns they address?

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years) to provide increased protection of public health and the environment.<sup>2</sup> The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level.

Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and

<sup>1</sup> For more information, visit <http://www.epa.gov/ttncaaa1/t1/memoranda/20120117indiancountry.pdf>.

<sup>2</sup> See 73 FR 16436; March 27, 2008. For a detailed explanation of the calculation of the 3-year 8-hour average, see 40 CFR part 50, Appendix I.

hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease. The secondary ozone standard was revised to protect against adverse welfare effects including impacts to sensitive vegetation and forested ecosystems.

#### V. What are the CAA requirements for air quality designations?

When the EPA promulgates a new or revised NAAQS, the EPA is required to designate areas as nonattainment, attainment, or unclassifiable, pursuant to section 107(d)(1) of the CAA. The CAA requires the EPA to complete the initial area designation process within 2 years of promulgating the NAAQS. However, if the Administrator has insufficient information to make these designations within that time frame, the EPA has the authority to extend the deadline for designation decisions by up to 1 additional year.

By not later than 1 year after the promulgation of a new or revised NAAQS, each state governor is required to recommend air quality designations, including the appropriate boundaries for areas, to the EPA. The EPA reviews those state recommendations and is authorized to make any modifications the Administrator deems necessary. The statute does not define the term “necessary,” but the EPA interprets this to authorize the Administrator to modify designations that did not meet the statutory requirements or were otherwise inconsistent with the facts or analysis deemed appropriate by the EPA. If the EPA is considering modifications to a state’s initial recommendation, the EPA is required to notify the state of any such intended modifications to its recommendation not less than 120 days prior to the EPA’s promulgation of the final designation. These notifications are commonly known as the “120-day letters.” If the state does not agree with the EPA’s intended modification, it then has an opportunity to respond to the EPA to demonstrate why it believes the modification proposed by the EPA is inappropriate. Even if a state fails to provide any recommendation for an area, in whole or in part, the EPA still must promulgate a designation that the Administrator deems appropriate.

Section 107(d)(1)(A)(i) of the CAA defines a nonattainment area as, “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.” If an area meets either prong of this

definition, then the EPA is obligated to designate the area as “nonattainment.” Section 107(d)(1)(A)(iii) provides that any area that the EPA cannot designate on the basis of available information as meeting or not meeting the standards should be designated as “unclassifiable.” Historically for ozone, the EPA designates the remaining areas as “unclassifiable/attainment” indicating that the areas either have attaining air quality monitoring data or that air quality information is not available because the areas are not monitored, and the EPA has not determined that the areas contribute to a violation in a nearby area.

The EPA believes that section 107(d) provides the agency with discretion to determine how best to interpret the terms “contributes to” and “nearby” in the definition of a nonattainment area for a new or revised NAAQS, given considerations such as the nature of a specific pollutant, the types of sources that may contribute to violations, the form of the standards for the pollutant, and other relevant information. In particular, the EPA believes that the statute does not require the agency to establish bright line tests or thresholds for what constitutes “contribution” or “nearby” for purposes of designations.<sup>3</sup> Similarly, the EPA believes that the statute permits the EPA to evaluate the appropriate application of the term “area” as may be appropriate for a particular NAAQS.

Section 301(d) of the CAA authorizes the EPA to approve eligible Indian tribes to implement provisions of the CAA on Indian reservations and other areas within the tribes’ jurisdiction. The Tribal Authority Rule (TAR) (40 CFR Part 49), which implements section 301(d) of the CAA, sets forth the criteria and process for tribes to apply to the EPA for eligibility to administer CAA programs. The designations process contained in section 107(d) of the CAA is included among those provisions determined to be appropriate by the EPA for treatment of tribes in the same manner as states. Under the TAR, tribes generally are not subject to the same submission schedules imposed by the CAA on states. As authorized by the TAR, tribes may seek eligibility to submit designation recommendations to the EPA.

#### VI. What is the chronology for this designations rule and what guidance did the EPA provide?

Within one year after a new or revised air quality standard is established, the

CAA requires the governor of each state to submit to the EPA a list of all areas in the state, with recommendations for whether each area meets the standard. On December 4, 2008, the EPA issued guidance for states and tribal agencies to use for this purpose. (See memorandum from Robert J. Meyers, Principal Deputy Assistant Administrator, to Regional Administrators, Regions I–X, titled, “Area Designations for the 2008 Revised Ozone National Ambient Air Quality Standards.”) The guidance provided the anticipated timeline for designations and identified important factors that the EPA recommended states and tribes consider in making their recommendations. These factors include air quality data, emissions data, traffic and commuting patterns, growth rates and patterns, meteorology, geography/topography, and jurisdictional boundaries. In the guidance, the EPA asked that states and tribes submit their designation recommendations, including appropriate area boundaries, to the EPA by March 12, 2009. Later in the process, the EPA issued 2 new guidance memoranda related to designating areas of Indian country. (See December 20, 2011, memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to Regional Air Directors, Regions I–X, titled, “Policy for Establishing Separate Air Quality Designations for Areas of Indian Country,” and December 20, 2011, memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to Regional Air Directors, Regions I–X, titled, “Guidance to Regions for Working with Tribes during the National Ambient Air Quality Standards (NAAQS) Designations Process.”)

Under the initial schedule, the EPA intended to complete the initial designations for the 2008 ozone NAAQS on a 2-year schedule, by March 12, 2010. On September 16, 2009, the EPA announced that it would initiate a rulemaking to reconsider the 2008 ozone NAAQS for various reasons, including the fact that the 0.075 ppm level fell outside of the range recommended by the Clean Air Scientific Advisory Committee, the independent group that provides advice to the EPA Administrator on the technical bases for the EPA’s NAAQS. The EPA signed the proposed reconsideration on January 6, 2010. (See 75 FR 2938; January 19, 2010.) Because of the significant uncertainty the ozone NAAQS reconsideration created regarding the continued applicability of the 2008 NAAQS, the EPA determined there was insufficient information to

<sup>3</sup>This view was confirmed in *Catawba County v. EPA*, 571 F.3d 20 (D.C. Cir. 2009).

designate areas within 2 years of promulgation of the NAAQS. Therefore, the EPA used its authority under CAA section 107(d)(1)(B) to extend the deadline for designating areas by 1 year, until March 12, 2011. (See 75 FR 2936; January 19, 2010.) The EPA has not taken final action on the proposed reconsideration; thus, the current NAAQS for ozone remains at 0.075 ppm, as established in 2008.

After the March 12, 2011, designation deadline passed, WildEarth Guardians and Elizabeth Crowe (WildEarth Guardians) filed a lawsuit seeking to compel the EPA to take action to designate areas for the 2008 ozone NAAQS. *WildEarth Guardians and Elizabeth Crowe v. Jackson* (D. Ariz. 11–CV–01661). The EPA and WildEarth Guardians settled the case by entering into a consent decree that requires the EPA Administrator to sign a final rule designating areas for the 2008 ozone NAAQS by May 31, 2012.

On September 22, 2011, the EPA issued a memorandum to clarify for state and local agencies the status of the 2008 ozone NAAQS and to outline plans for moving forward to implement them. The EPA indicated that it would proceed with initial area designations for the 2008 NAAQS, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008–2010. While the EPA did not request that states submit updated designation recommendations, the EPA provided the opportunity for states to do so. Several states chose to update their recommendations, and some requested that the EPA base designations for their areas on certified air quality data from 2009–2011, and committed to certify the 2011 data earlier than the May 1 deadline for annual air monitoring certification under 40 CFR part 58.15(a)(2) so that the EPA would have sufficient time to consider the data in making decisions on designations and nonattainment area boundaries.

On or about December 9, 2011, the EPA sent letters to Governors and Tribal leaders notifying them of the EPA's preliminary response to their designation recommendations and to inform them of the EPA's approach for completing the designations for the 2008 ozone NAAQS. The EPA requested that states submit any additional information that they wanted the EPA to consider by February 29, 2011, including any certified 2011 air quality monitoring data. On January 31, 2011, the EPA sent revised 120-day letter responses to Illinois, Indiana, and Wisconsin based on updated ozone air quality data for 2009–2011, submitted

by the state of Illinois two days before the EPA sent the December 9, 2011, letters. Given the timing of Illinois' submission of certified data, EPA was not able to consider the information in the December 9, 2011, letters. After reviewing the new information, which indicated a violation of the ozone NAAQS at a monitor in the Chicago area, the EPA sent letters on January 31, 2012 notifying Illinois, Indiana, and Wisconsin that it intended to designate certain counties, identified in those letters, as nonattainment for the 2008 ozone NAAQS. The EPA cannot finalize a designation for those areas until 120 days following the letters. Therefore, the EPA will be designating the Illinois, Indiana, and Wisconsin counties identified in the January 31, 2011, letters in a separate rule that will be signed no later than May 31, 2012.

Although not required by section 107(d) of the CAA, the EPA also provided an opportunity for members of the public to comment on the EPA's 120-day response letters to states and tribes. The EPA announced a 30-day public comment period in the **Federal Register** on December 20, 2011 (76 FR 78872). The comment period was subsequently extended until February 3, 2012 (77 FR 2677; January 19, 2012). On February 14, 2012 (77 FR 8211), the EPA reopened the public comment period for the limited purpose of inviting comment on the EPA's revised responses to Illinois, Indiana, and Wisconsin. State and tribal recommendations and the EPA's preliminary responses were posted on EPA's Web site at <http://www.epa.gov/ozonedesignations> and are available in the docket for the designations action. Comments from the states, tribes and the public, and EPA's responses to significant comments, are also in the docket.

#### **VII. What air quality data has the EPA used to designate areas for the 2008 ozone NAAQS?**

The final ozone designations are based primarily on certified air quality monitoring data from calendar years 2008–2010, which was the most recent certified data available to the EPA at the time the EPA notified the states of its intended modifications to their recommendations. Under 40 CFR 58.16, states are required to report all monitored ozone air quality data and associated quality assurance data within 90 days after the end of each quarterly reporting period, and under 40 CFR part 58.15(a)(2) states are required to submit annual summary reports and a data certification letter to the EPA by May 1 for ozone air quality data collected in the previous calendar year. States

generally had not completed these requirements for calendar year 2011 ozone air quality data when the EPA notified states of our intended designations on December 9, 2011. In certain cases, states included as part of their designation recommendations a request that the EPA consider monitoring data from 2009–2011 in making final designation decisions. In these requests, they indicated to the EPA what they expected their certified ozone air quality data would show regarding whether an area was attaining the standard, and for designations purposes they committed to certifying their 2011 data no later than February 29, 2012, so that the EPA would have sufficient time to consider it. Thus, for those areas, the EPA considered the state's preliminary representation of 2011 data in sending the 120-day notification letter. We have verified these representations in making our final designations decisions.

#### **VIII. What are the ozone air quality classifications?**

In accordance with CAA section 181(a)(1), each area designated as nonattainment for the 2008 ozone NAAQS is classified by operation of law at the same time as the area is designated by the EPA. Under Subpart 2 of part D of title I of the CAA, state planning and emissions control requirements for ozone are determined, in part, by a nonattainment area's classification. The ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's "design value," which represents air quality in the area for the most recent 3 years).<sup>4</sup> The possible classifications are Marginal, Moderate, Serious, Severe, and Extreme. Nonattainment areas with a "lower" classification have ozone levels that are closer to the standard than areas with a "higher" classification. Areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. The final Classifications Rule, which is being signed at the same time as the designations rule and being published and effective at the same time or before the designations, establishes the classification thresholds for each classification category for purposes of the 2008 NAAQS and explains the EPA's methodology for calculating the thresholds. In addition, in the

<sup>4</sup> The air quality design value for the 8-hour ozone NAAQS is the 3-year average of the annual 4th highest daily maximum 8-hour average ozone concentration. See 40 CFR part 50, Appendix I.

Classifications Rule, the EPA promulgated a regulation, 40 CFR 51.1103(d), that immediately reclassifies 6 areas in California to higher classifications. The classification for each nonattainment area designated for the 2008 ozone NAAQS is shown in the 40 CFR part 81 tables at the end of this designations rule.

#### **IX. What is the reclassification of six California nonattainment areas?**

The final Classifications Rule addresses the reclassification for the 2008 ozone NAAQS of selected areas in California that had voluntarily reclassified under the 1997 ozone NAAQS. In accordance with the final Classifications Rule, the following areas are being voluntarily reclassified to a higher classification for purposes of the 2008 NAAQS pursuant to that rule: Serious—Ventura County, CA; Severe—Los Angeles-San Bernardino Counties (West Mojave Desert), Riverside County (Coachella Valley), and Sacramento Metro, CA; Extreme—Los Angeles-South Coast Air Basin, and San Joaquin Valley, CA. These classifications are reflected in the tables at the end of this final rule (amendments to 40 CFR 81.301–356).

#### **X. Can states request that areas within 5 percent of the upper or lower limit of a classification threshold be reclassified?**

Under CAA section 181(a)(4), an ozone nonattainment area may be reclassified to a higher or lower classification (also known as a classification bump up or a bump down) “if an area classified under paragraph (1) (Table 1) would have been classified in another category if the design value in the area were 5 percent greater or 5 percent less than the level on which such classification was based.” The section also states that “In making such adjustment, the Administrator may consider the number of exceedances of the national primary ambient air quality standard for ozone in the area, the level of pollution transport between the area and other affected areas, including both intrastate and interstate transport, and the mix of sources and air pollutants in the area.”

As noted in the preamble to the rule designating and classifying areas following enactment of the CAA Amendments of 1990, the section 181(a)(4) provisions grant the Administrator broad discretion in making or determining not to make, a reclassification. (See 56 FR 56698; November 6, 1991.) As part of the 1991 action, the EPA developed criteria to evaluate whether it is appropriate to reclassify a particular area. (See list

below and at 56 FR 56698.) Because section 181(b)(3) provides that the EPA must grant any state request to reclassify an area into a higher classification, the EPA focused these criteria primarily on how the EPA would assess requests for a lower classification. In 1991, EPA approved reclassifications when the area met the first requirement (a request by the state to EPA) and at least some of the other criteria, and did not violate any of the criteria (emissions reductions, trends, etc.). The EPA used the same method and criteria once again to evaluate reclassification requests under section 181(a)(4) for purposes of the 1997 ozone NAAQS. The EPA intends to continue to use this same approach for purposes of evaluating any request for a reclassification for the 2008 ozone NAAQS. For reclassifications downwards, states may only request a reclassification to the next lower classification, and air quality data from prior years cannot be used as justification to be reclassified to an even lower classification.

The criteria EPA intends to use to evaluate whether it is appropriate to reclassify a particular area include:

*Request by state:* The EPA does not intend to exercise its authority to reclassify areas on the EPA’s own initiative. Rather, the EPA intends to rely on the state to submit a request for a reclassification. A tribe may also submit such a request and, in the case of a multi-state nonattainment area, all affected states must submit the same reclassification request.

*Discontinuity:* A five percent reclassification must not result in an illogical or excessive discontinuity relative to surrounding areas. In particular, in light of the area-wide nature of ozone formation, a reclassification should not create a “donut hole” where an area of one classification is surrounded by areas of higher classification.

*Attainment:* Evidence should be available that the proposed area would be able to attain by the earlier date specified by the lower classification in the case of a reclassification downward.

*Emissions reductions:* Evidence should be available that the area would be very likely to achieve the appropriate total percent emission reduction necessary in order to attain in the shorter time period for a reclassification downward.

*Trends:* Near- and long-term trends in emissions and air quality should support a reclassification. Historical air quality data should indicate substantial air quality improvement for a reclassification downward. Growth projections and emission trends should

support a reclassification downward. In addition, we will consider whether vehicle miles traveled and other indicators of emissions are increasing at higher than normal rates.

*Years of data:* The same years of ozone air quality data used for the initial designation and classification should be used for reclassification requests.

#### *A. Five Percent Reclassifications to a Lower Classification*

For an area to be eligible to be reclassified to a lower classification under section 181(a)(4), the area’s design value must be within five percent of the upper limit for the next lower classification. For example, an area with a Moderate design value of 0.090 ppm (or less) would be eligible to request a reclassification to Marginal because 0.090 ppm is five percent more than the upper limit of 0.086 ppm for the Marginal classification. Accordingly, areas with the following design values may be eligible to request a reclassification to the next lower classification: Moderate areas with a design value of 0.090 ppm or less; Serious areas with a design value of 0.105 ppm or less; and Severe areas with a design value of 0.118 ppm or less.

#### *B. Five Percent Reclassifications to a Higher Classification*

An ozone nonattainment area may also be reclassified under section 181(a)(4) to the next higher classification. As with five percent reclassifications to a lower classification, the EPA does not intend to exercise its authority to reclassify areas to a higher classification on the EPA’s own initiative. Rather, the EPA intends to rely on the state to submit a request for such a reclassification. Areas with the following design values are eligible to request a reclassification to the next higher classification: Marginal areas with a design value of 0.082 ppm or more; Moderate areas with a design value of 0.095 ppm or more; and Serious areas with a design value of 0.108 ppm or more.

#### *C. Timing of the Five Percent Reclassifications*

A Governor or eligible Tribal governing body of any area that wishes to pursue a reclassification should submit all requests and supporting documentation to the EPA Regional Office by June 20, 2012. This relatively short time frame is necessary because section 181(a)(4) only authorizes the Administrator to make such

reclassifications within 90 days after the initial classification.

#### **XI. How do designations affect Indian country?**

All state areas listed in the tables at the end of this document are designated as indicated, and include Indian country geographically located within such areas, except as otherwise noted. In general, state recommendations for initial area designations do not apply to Indian country. Consistent with the "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country" (December 20, 2011), in instances where the EPA did not receive an initial designation recommendation from a tribe, the EPA is designating their area of Indian country along with the adjacent/surrounding state area(s). Tribes whose areas of Indian country are designated as nonattainment for the 2008 ozone NAAQS are being affected by poor air quality. Where nonattainment areas include both Indian country and state land, it is important for states and tribes to work together to coordinate planning efforts. Coordinated planning will help ensure that the planning decisions made by the states and tribes complement each other and that the nonattainment area makes reasonable progress toward attainment and ultimately attains the 2008 ozone NAAQS.

#### **XII. Where can I find information forming the basis for this rule and exchanges between the EPA, states, and tribes related to this rule?**

Information providing the basis for this action are provided in the docket for this rulemaking. The applicable EPA guidance memoranda and copies of correspondence regarding this process between the EPA and the states, tribes, and other parties are available for review at the EPA Docket Center listed above in the addresses section of this document, and on the EPA's ozone designation Web site at <http://www.epa.gov/ozonedesignations>. State-specific information is available from the EPA Regional Offices.

#### **XIII. Statutory and Executive Order Reviews**

Upon promulgation of a new or revised NAAQS, the CAA requires the EPA to designate areas as attaining or not attaining the NAAQS. The CAA then specifies requirements for areas based on whether such areas are attaining or not attaining the NAAQS. In this final rule, the EPA assigns designations to areas as required.

#### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action responds to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

#### *B. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This rule responds to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS. This requirement is prescribed in the CAA section 107. The present final rule does not establish any new information collection requirements.

#### *C. Regulatory Flexibility Act*

This final rule is not subject to the Regulatory Flexibility Act (RFA), which generally requires an agency to prepare a regulatory flexibility analysis for any rule that will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act (APA) or any other statute. This rule is not subject to notice-and-comment requirements as provided under CAA section 107(d)(2)(B).

#### *D. Unfunded Mandates Reform Act*

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. It does not create any additional requirements beyond those of the CAA and ozone NAAQS (40 CFR 50.15). The CAA establishes the process whereby states take primary responsibility in developing plans to meet the ozone NAAQS.

#### *E. Executive Order 13132: Federalism*

This final rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the process whereby states take primary responsibility in developing plans to meet the ozone NAAQS. This rule will not modify the relationship of the states and the EPA for purposes of developing programs to implement the ozone NAAQS. Thus, Executive Order 13132 does not apply to this rule.

#### *F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000) the EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or the EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

The EPA has concluded that this action may have tribal implications. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. Tribes whose areas of Indian country are being designated as "nonattainment" for the 2008 ozone NAAQS are affected by poor air quality. Although tribes are not required to submit implementation plans under the Clean Air Act, for those tribes whose areas are being designated as part of surrounding state areas, it will be imperative that states and the tribes coordinate on air quality planning efforts to ensure that ozone levels are reduced. In addition, several tribes' areas of Indian country are being designated as "nonattainment" separately from their surrounding state areas. For these tribes, internal capacity for air quality planning will be important to enable their areas of Indian country to come into attainment.

The EPA consulted with tribal officials early in the process of developing this regulation to permit them to have meaningful and timely input into its development. At the beginning of the designations process,



letters were sent to all tribes who were expected to be impacted by designations for the 2008 ozone NAAQS. These letters not only informed the tribes of the overall designations process, but also offered the tribes consultation to ensure early communication and coordination. Additionally, letters were sent to potentially affected tribes indicating the EPA's intended designations for their areas of Indian country. These letters offered an additional opportunity for consultation. All consultations were completed in late February/early April 2012. During consultation, the primary concerns raised by tribes included the following: Impact of nonattainment designation on future economic development; appropriateness of using data from monitors not on tribal land; and ensuring final decisions are consistent with the EPA's "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country." (December 20, 2011). During the consultations, the EPA's Regional Offices ensured that the tribes fully understood the reasoning for the EPA's preliminary designations decisions and how those decisions are aligned with a consideration of the most recent certified air quality data and all other relevant information, including the EPA's "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country." To the extent possible, the EPA included the tribes' input into the final decision-making process for designations of their areas of Indian country for the 2008 ozone NAAQS.

*G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA of 1995, Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through the Office of Management and Budget, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations.*

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the U.S.

The CAA requires that the EPA designate as nonattainment "any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant." By designating as nonattainment all areas where available information indicates a violation of the ozone NAAQS or a contribution to a nearby violation, this action protects all those residing, working, attending school, or otherwise present in those areas regardless of minority or economic status.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

*K. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the U.S. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the U.S. prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective July 20, 2012.

*L. Judicial Review*

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of "nationally applicable regulations promulgated, or final actions taken, by the Administrator," or (ii) when such action is locally or regionally applicable, if "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."

This rule designating areas for the 2008 ozone NAAQS is "nationally applicable" within the meaning of section 307(b)(1). This rule establishes designations for areas across the U.S. for the 2008 ozone NAAQS. At the core of this rulemaking is the EPA's interpretation of the definition of nonattainment under section 107(d)(1) of the CAA, and its application of that interpretation to areas across the country.

For the same reasons, the Administrator also is determining that the final designations are of nationwide scope and effect for the purposes of section 307(b)(1). This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of "nationwide scope or effect" would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95-294 at 323, 324, *reprinted* in 1977

U.S.C.A.N. 1402–03. Here, the scope and effect of this rulemaking extends to numerous judicial circuits since the designations apply to areas across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the rule to be of “nationwide scope or effect” and for venue to be in the D.C. Circuit.

Thus, any petitions for review of final designations must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 30, 2012.

**Lisa P. Jackson**,  
*Administrator.*

For the reasons set forth in the preamble, 40 CFR Part 81, is amended as follows:

**PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart C—Section 107 Attainment Status Designations**

■ 2. Section 81.301 is amended as follows:

■ a. By revising the table heading for “Alabama—Ozone (8-Hour Standard)” to read “Alabama—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Alabama—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Alabama—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.301 Alabama.**

\* \* \* \* \*

**ALABAMA—2008 8-HOUR OZONE NAAQS**

[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Autauga County .....		Unclassifiable/Attainment.		
Baldwin County .....		Unclassifiable/Attainment.		
Barbour County .....		Unclassifiable/Attainment.		
Bibb County .....		Unclassifiable/Attainment.		
Blount County .....		Unclassifiable/Attainment.		
Bullock County .....		Unclassifiable/Attainment.		
Butler County .....		Unclassifiable/Attainment.		
Calhoun County .....		Unclassifiable/Attainment.		
Chambers County .....		Unclassifiable/Attainment.		
Cherokee County .....		Unclassifiable/Attainment.		
Chilton County .....		Unclassifiable/Attainment.		
Choctaw County .....		Unclassifiable/Attainment.		
Clarke County .....		Unclassifiable/Attainment.		
Clay County .....		Unclassifiable/Attainment.		
Cleburne County .....		Unclassifiable/Attainment.		
Coffee County .....		Unclassifiable/Attainment.		
Colbert County .....		Unclassifiable/Attainment.		
Conecuh County .....		Unclassifiable/Attainment.		
Coosa County .....		Unclassifiable/Attainment.		
Covington County .....		Unclassifiable/Attainment.		
Crenshaw County .....		Unclassifiable/Attainment.		
Cullman County .....		Unclassifiable/Attainment.		
Dale County .....		Unclassifiable/Attainment.		
Dallas County .....		Unclassifiable/Attainment.		
De Kalb County .....		Unclassifiable/Attainment.		
Elmore County .....		Unclassifiable/Attainment.		
Escambia County .....		Unclassifiable/Attainment.		
Fayette County .....		Unclassifiable/Attainment.		
Franklin County .....		Unclassifiable/Attainment.		
Geneva County .....		Unclassifiable/Attainment.		
Greene County .....		Unclassifiable/Attainment.		
Hale County .....		Unclassifiable/Attainment.		
Henry County .....		Unclassifiable/Attainment.		
Houston County .....		Unclassifiable/Attainment.		
Jackson County .....		Unclassifiable/Attainment.		
Jefferson County .....		Unclassifiable/Attainment.		
Lamar County .....		Unclassifiable/Attainment.		
Lauderdale County .....		Unclassifiable/Attainment.		
Lawrence County .....		Unclassifiable/Attainment.		
Lee County .....		Unclassifiable/Attainment.		
Limestone County .....		Unclassifiable/Attainment.		
Lowndes County .....		Unclassifiable/Attainment.		
Macon County .....		Unclassifiable/Attainment.		
Madison County .....		Unclassifiable/Attainment.		
Marengo County .....		Unclassifiable/Attainment.		
Marion County .....		Unclassifiable/Attainment.		
Marshall County .....		Unclassifiable/Attainment.		

ALABAMA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Mobile County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Montgomery County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Perry County .....	.....	Unclassifiable/Attainment.		
Pickens County .....	.....	Unclassifiable/Attainment.		
Pike County .....	.....	Unclassifiable/Attainment.		
Randolph County .....	.....	Unclassifiable/Attainment.		
Russell County .....	.....	Unclassifiable/Attainment.		
Shelby County .....	.....	Unclassifiable/Attainment.		
St. Clair County .....	.....	Unclassifiable/Attainment.		
Sumter County .....	.....	Unclassifiable/Attainment.		
Talladega County .....	.....	Unclassifiable/Attainment.		
Tallapoosa County .....	.....	Unclassifiable/Attainment.		
Tuscaloosa County .....	.....	Unclassifiable/Attainment.		
Walker County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Wilcox County .....	.....	Unclassifiable/Attainment.		
Winston County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.  
<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 3. Section 81.302 is amended as follows:  
■ a. By revising the table heading for “Alaska—Ozone (8-Hour Standard)” to read “Alaska—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Alaska—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Alaska—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.302 Alaska.**  
\* \* \* \* \*

ALASKA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment ...		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 4. Section 81.303 is amended as follows:  
■ a. By revising the table heading for “Arizona—Ozone (8-Hour Standard)” to read “Arizona—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Arizona—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Arizona—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.303 Arizona.**  
\* \* \* \* \*

ARIZONA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Phoenix-Mesa, AZ: <sup>2</sup> ..... Maricopa County (part). T1N, R1E (except that portion in Indian Country); T1N, R2E; T1N, R3E; T1N, R4E; T1N, R5E; T1N, R6E; T1N, R7E; T1N, R1W; T1N, R2W; T1N, R3W; T1N, R4W; T1N, R5W; T1N, R6W; T1N, R7W; T1N, R8W; T2N, R1E; T2N, R2E; T2N, R3E; T2N, R4E; T2N, R5E; T2N, R6E; T2N, R7E; T2N, R8E; T2N, R9E; T2N, R10E; T2N, R11E; T2N, R12E (except that portion in Gila County); T2N, R13E (except that portion in Gila County); T2N, R1W; T2N, R2W; T2N, R3W; T2N, R4W; T2N, R5W; T2N, R6W; T2N, R7W; T2N, R8W; T3N, R1E; T3N, R2E; T3N, R3E; T3N, R4E; T3N, R5E; T3N, R6E; T3N, R7E; T3N, R8E; T3N, R9E; T3N, R10E (except that portion in Gila County); T3N, R11E (except that portion in Gila County); T3N, R12E (except that portion in Gila County); T3N, R1W; T3N, R2W; T3N, R3W; T3N, R4W; T3N, R5W; T3N, R6W; T4N, R1E; T4N, R2E; T4N, R3E; T4N, R4E; T4N, R5E; T4N, R6E; T4N, R7E; T4N, R8E; T4N, R9E; T4N, R10E (except that portion in Gila County); T4N, R11E (except that portion in Gila County); T4N, R12E (except that portion in Gila County); T4N, R1W; T4N, R2W; T4N, R3W; T4N, R4W; T4N, R5W; T4N, R6W; T5N, R1E; T5N, R2E; T5N, R3E; T5N, R4E; T5N, R5E; T5N, R6E; T5N, R8E; T5N, R9E (except that portion in Gila County); T5N, R10E (except that portion in Gila County); T5N, R1W; T5N, R2W; T5N, R3W; T5N, R4W; T5N, R5W; T6N, R1E (except that portion in Yavapai County); T6N, R2E; T6N, R3E; T6N, R4E; T6N, R5E; T6N, R6E; T6N, R7E; T6N, R8E; T6N, R9E (except that portion in Gila County); T6N, R10E (except that portion in Gila County); T6N, R1W (except that portion in Yavapai County); T6N, R2W; T6N, R3W; T6N, R4W; T6N, R5W; T7N, R1E; (except that portion in Yavapai County); T7N, R2E (except that portion in Yavapai County); T7N, R3E; T7N, R4E; T7N, R5E; T7N, R6E; T7N, R7E; T7N, R8E; T7N, R9E (except that portion in Gila County); T7N, R1W (except that portion in Yavapai County); T7N, R2W (except that portion in Yavapai County); T8N, R2E (except that portion in Yavapai County); T8N, R3E (except that portion in Yavapai County); T8N, R4E (except that portion in Yavapai County); T8N, R5E (except that portion in Yavapai County); T8N, R6E (except that portion in Yavapai County); T8N, R7E (except that portion in Yavapai County); T8N, R8E (except that portion in Yavapai and Gila Counties); T8N, R9E (except that portion in Yavapai and Gila Counties); T1S, R1E (except that portion in Indian Country); T1S, R2E (except that portion in Pinal County and in Indian Country); T1S, R3E; T1S, R4E; T1S, R5E; T1S, R6E; T1S, R7E; T1S, R1W; T1S, R2W; T1S, R3W; T1S, R4W; T1S, R5W; T1S, R6W; T2S, R1E (except that portion in Indian Country); T2S, R5E; T2S, R6E; T2S, R7E; T2S, R1W; T2S, R2W; T2S, R3W; T2S, R4W; T2S, R5W; T3S, R1E; T3S, R1W; T3S, R2W; T3S, R3W; T3S, R4W; T3S, R5W; T4S, R1E; T4S, R1W; T4S, R2W; T4S, R3W; T4S, R4W; T4S, R5W; T5S, R4W (Sections 1 through 22 and 27 through 34) Pinal County (part) Apache Junction: T1N, R8E; T1S, R8E (Sections 1 through 12). Fort McDowell Yavapai Nation <sup>3</sup> . Salt River Pima-Maricopa Indian Community of the Salt River Reservation <sup>3</sup> . Tohono O'odham Nation of Arizona <sup>3</sup> .		Nonattainment .....		Marginal.
Rest of State: <sup>4</sup> ..... Apache County Cochise County Coconino County Gila County Graham County Greenlee County La Paz County Maricopa County (part) remainder Mohave County Navajo County		Unclassifiable/Attainment.		

ARIZONA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Pima County Pinal County (part) remainder Santa Cruz County Yavapai County Yuma County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

<sup>4</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 5. Section 81.304 is amended as follows:

■ a. By revising the table heading for “Arkansas—Ozone (8-Hour Standard)” to read “Arkansas—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Arkansas—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Arkansas—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.304 Arkansas.**

\* \* \* \* \*

ARKANSAS—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Memphis, TN-MS-AR <sup>2</sup> Crittenden County .....		Nonattainment .....		Marginal.
Rest of State: <sup>3</sup>				
Ashley County .....		Unclassifiable/Attainment.		
Arkansas County .....		Unclassifiable/Attainment.		
Baxter County .....		Unclassifiable/Attainment.		
Benton County .....		Unclassifiable/Attainment.		
Boone County .....		Unclassifiable/Attainment.		
Bradley County .....		Unclassifiable/Attainment.		
Calhoun County .....		Unclassifiable/Attainment.		
Carroll County .....		Unclassifiable/Attainment.		
Chicot County .....		Unclassifiable/Attainment.		
Clark County .....		Unclassifiable/Attainment.		
Clay County .....		Unclassifiable/Attainment.		
Cleburne County .....		Unclassifiable/Attainment.		
Cleveland County .....		Unclassifiable/Attainment.		
Columbia County .....		Unclassifiable/Attainment.		
Conway County .....		Unclassifiable/Attainment.		
Craighead County .....		Unclassifiable/Attainment.		
Crawford County .....		Unclassifiable/Attainment.		
Crittenden County .....		Unclassifiable/Attainment.		
Cross County .....		Unclassifiable/Attainment.		
Dallas County .....		Unclassifiable/Attainment.		
Desha County .....		Unclassifiable/Attainment.		
Drew County .....		Unclassifiable/Attainment.		
Faulkner County .....		Unclassifiable/Attainment.		
Franklin County .....		Unclassifiable/Attainment.		
Fulton County .....		Unclassifiable/Attainment.		
Garland County .....		Unclassifiable/Attainment.		
Grant County .....		Unclassifiable/Attainment.		
Greene County .....		Unclassifiable/Attainment.		
Hempstead County .....		Unclassifiable/Attainment.		
Hot Spring County .....		Unclassifiable/Attainment.		
Howard County .....		Unclassifiable/Attainment.		
Independence County .....		Unclassifiable/Attainment.		
Izard County .....		Unclassifiable/Attainment.		
Jackson County .....		Unclassifiable/Attainment.		
Jefferson County .....		Unclassifiable/Attainment.		
Johnson County .....		Unclassifiable/Attainment.		
Lafayette County .....		Unclassifiable/Attainment.		
Lawrence County .....		Unclassifiable/Attainment.		
Lee County .....		Unclassifiable/Attainment.		

ARKANSAS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Lincoln County .....	.....	Unclassifiable/Attainment.		
Little River County .....	.....	Unclassifiable/Attainment.		
Logan County .....	.....	Unclassifiable/Attainment.		
Lonoke County .....	.....	Unclassifiable/Attainment.		
Madison County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Miller County .....	.....	Unclassifiable/Attainment.		
Mississippi County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Montgomery County .....	.....	Unclassifiable/Attainment.		
Nevada County .....	.....	Unclassifiable/Attainment.		
Newton County .....	.....	Unclassifiable/Attainment.		
Ouachita County .....	.....	Unclassifiable/Attainment.		
Perry County .....	.....	Unclassifiable/Attainment.		
Phillips County .....	.....	Unclassifiable/Attainment.		
Pike County .....	.....	Unclassifiable/Attainment.		
Poinsett County .....	.....	Unclassifiable/Attainment.		
Polk County .....	.....	Unclassifiable/Attainment.		
Pope County .....	.....	Unclassifiable/Attainment.		
Prairie County .....	.....	Unclassifiable/Attainment.		
Pulaski County .....	.....	Unclassifiable/Attainment.		
Randolph County .....	.....	Unclassifiable/Attainment.		
St. Francis County .....	.....	Unclassifiable/Attainment.		
Saline County .....	.....	Unclassifiable/Attainment.		
Scott County .....	.....	Unclassifiable/Attainment.		
Searcy County .....	.....	Unclassifiable/Attainment.		
Sebastian County .....	.....	Unclassifiable/Attainment.		
Sevier County .....	.....	Unclassifiable/Attainment.		
Sharp County .....	.....	Unclassifiable/Attainment.		
Stone County .....	.....	Unclassifiable/Attainment.		
Union County .....	.....	Unclassifiable/Attainment.		
Van Buren County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
White County .....	.....	Unclassifiable/Attainment.		
Woodruff County .....	.....	Unclassifiable/Attainment.		
Yell County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 6. Section 81.305 is amended as follows:  
 ■ a. By revising the table heading for “California—Ozone (8-Hour Standard)” to read “California—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “California—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “California—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.305 California.**  
 \* \* \* \* \*

CALIFORNIA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Calaveras County, CA: <sup>2</sup> Calaveras County .....	.....	Nonattainment .....	.....	Marginal.
Chico (Butte County), CA: <sup>2</sup>	.....	Nonattainment .....	.....	Marginal.
Butte County				
Berry Creek Rancheria of Maidu Indians of California <sup>3</sup>				
Enterprise Rancheria of Maidu Indians of California <sup>3</sup> .				
Mechoopda Indian Tribe of Chico Rancheria <sup>3</sup> .				
Mooretown Rancheria of Maidu Indians of California <sup>3</sup> .				
Imperial County, CA: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Imperial County				

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Quechan Tribe of the Fort Yuma Indian Reservation <sup>3</sup> . Torres Martinez Desert Cahuilla Indians <sup>3</sup> . Kern County (Eastern Kern), CA: <sup>2</sup> Kern County (part) That portion of Kern County (with the exception of that portion in Hydrologic Unit Number 18090205—the Indian Wells Valley) east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.	.....	Nonattainment .....	.....	Marginal.
Los Angeles-San Bernardino Counties (West Mojave Desert), CA: <sup>2</sup> Los Angeles County (part)	.....	Nonattainment .....	.....	Severe 15.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Los Angeles County which lies north and east of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.</p> <p>San Bernardino County (part)</p> <p>That portion of San Bernardino County which lies north and east of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino-Los Angeles County boundary; and that portion of San Bernardino County which lies south and west of a line described as follows: latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.</p> <p>Twenty-Nine Palms Band of Mission Indians of California<sup>3</sup>.</p>				
<p>Los Angeles-South Coast Air Basin, CA<sup>2</sup> .....                      Los Angeles County (part)</p>		Nonattainment .....		Extreme.



CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.</p> <p>Orange County                      Riverside County (part)</p>				

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Riverside County which lies to the west of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the southern boundaries of Sections 25, 26, and 27, Township 7 South, Range 4 East, then North along the west boundaries of Sections 27, 22, 15, 10, and 3 Township 7 South, Range 4 East, then East along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line.</p> <p>San Bernardino County (part)</p> <p>That portion of San Bernardino County which lies south and west of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino-Los Angeles County boundary.</p> <p>Cahuilla Band of Mission Indians of the Cahuilla Reservation<sup>3</sup>.</p> <p>Ramona Band of Cahuilla<sup>3</sup>.</p> <p>San Manuel Band of Mission Indians<sup>3</sup>.</p> <p>Soboba Band of Luiseno Indians<sup>3</sup>.</p> <p>Mariposa County, CA:<sup>2</sup> Mariposa County .....</p> <p>Nevada County (Western part), CA:<sup>2</sup> .....</p> <p>Nevada County (part)</p> <p>That portion of Nevada County, which lies west of a line, described as follows: Beginning at the Nevada-Placer County boundary and running north along the western boundaries of Sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Nevada-Sierra County boundary.</p> <p>Riverside County (Coachella Valley), CA:<sup>2</sup> .....</p> <p>Riverside County (part)</p>				
		Nonattainment .....		Marginal.
		Nonattainment .....		Marginal.
		Nonattainment .....		Severe 15.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Riverside County which lies to the east of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line. And that portion of Riverside County which lies to the west of a line described as follows: That segment of the southwestern boundary line of hydrologic Unit Number 18100100 within Riverside County.</p> <p>Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation<sup>3</sup>.</p> <p>Augustine Band of Cahuilla Indians<sup>3</sup>.</p> <p>Cabazon Band of Mission Indians<sup>3</sup>.</p> <p>Santa Rosa Band of Cahuilla Indians<sup>3</sup>.</p> <p>Torres Martinez Desert Cahuilla Indians<sup>3</sup>.</p> <p>Twenty-Nine Palms Band of Mission Indians of California<sup>3</sup>.</p>				
<p>Sacramento Metro, CA:<sup>2</sup> .....</p> <p>El Dorado County (part)</p> <p>All portions of the county except that portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.</p> <p>Placer County (part)</p>	.....	Nonattainment .....	.....	Severe 15.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>All portions of the county except that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: Commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian, and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East Mount Diablo Base and Meridian, thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.</p> <p>Sacramento County                      Solano County (part)                      That portion of Solano County which lies north and east of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34; Township 6 North, Range 2 West, Mount Diablo Base and Meridian, thence east along said ¼ section line to the east boundary of Section 36, Township 6 North, Range 2 West, thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, Township 5 North, Range 1 West, thence east along a line common to Township 5 North and Township 6 North to the northeast corner of Section 3, Township 5 North, Range 1 East, thence south along section lines to the southeast corner of Section 10, Township 3 North, Range 1 East, thence east along section lines to the south ¼ corner of Section 8, Township 3 North, Range 2 East, thence east to the boundary between Solano and Sacramento Counties.</p> <p>Sutter County (part)                      Portion south of a line connecting the northern border of Yolo County to the SW tip of Yuba County and continuing along the southern Yuba County border to Placer County.</p> <p>Yolo County                      Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract)<sup>3</sup>.                      United Auburn Indian Community of the Auburn Rancheria of California<sup>3</sup>.                      Yocha Dehe Wintun Nation<sup>3</sup>.</p> <p>San Diego County, CA:<sup>2</sup> .....                      San Diego County                      Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation<sup>3</sup>.</p>	.....	Nonattainment .....	.....	Marginal.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation <sup>3</sup> . Capitan Grande Band of Diegueno Mission Indians of California <sup>3</sup> . Ewiiapaayp Band of Kumayaay Indians <sup>3</sup> . Lipay Nation of Santa Ysabel <sup>3</sup> . Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation <sup>3</sup> . Jamul Indian Village of California <sup>3</sup> . La Jolla Band of Luiseno Indians <sup>3</sup> . La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation <sup>3</sup> . Los Coyotes Band of Cahuilla and Cupeno Indians <sup>3</sup> . Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation <sup>3</sup> . Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation <sup>3</sup> . Pala Band of Luiseno Mission Indians of the Pala Reservation <sup>3</sup> . Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation <sup>3</sup> . Rincon Band of Luiseno Mission Indians of the Rincon Reservation <sup>3</sup> . San Pasqual Band of Diegueno Mission Indians of California <sup>3</sup> . Sycuan Band of the Kumeyaay Nation <sup>3</sup> . Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians <sup>3</sup> .				
San Francisco Bay Area, CA: <sup>2</sup> ..... Alameda County Contra Costa County Marin County Napa County San Francisco County San Mateo County Santa Clara County Solano County (part) Portion of Solano County which lies south and west of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34, T6N, R2W, M.D.B. & M., thence east along said ¼ section line to the east boundary of Section 36, T6N, R2W, thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T5N, R1W, thence east along a line common to T5N and T6N to the northeast corner of Section 3, T5N, R1E, thence south along section lines to the southeast corner of Section 10, T3N, R1E, thence east along section lines to the south ¼ corner of Section 8, T3N, R2E, thence east to the boundary between Solano and Sacramento Counties. Sonoma County (part)	.....	Nonattainment .....	.....	Marginal.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Sonoma County which lies south and east of a line described as follows: Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence Running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties.</p> <p>Federated Indians of Graton Rancheria <sup>3</sup>                      Lytton Rancheria of California <sup>3</sup>.</p> <p>San Joaquin Valley, CA: <sup>2</sup> .....</p> <p>Fresno County                      Kern County (part)</p>				
		Nonattainment .....		Extreme.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.</p> <p>Kings County                      Madera County                      Merced County                      San Joaquin County                      Stanislaus County                      Tulare County                      Big Sandy Rancheria of Mono Indians of California<sup>3</sup>.                      Cold Springs Rancheria of Mono Indians of California<sup>3</sup>.                      Northfork Rancheria of Mono Indians of California<sup>3</sup>.                      Picayune Rancheria of Chukchansi Indians of California<sup>3</sup>.                      Santa Rosa Indian Community of the Santa Rosa Rancheria<sup>3</sup>.                      Table Mountain Rancheria of California<sup>3</sup>.                      Tule River Indian Tribe of the Tule River Reservation<sup>3</sup>.</p> <p>San Luis Obispo (Eastern San Luis Obispo), CA:<sup>2</sup> .....                      San Luis Obispo County (part)</p>				
		Nonattainment .....		Marginal.

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
That portion of San Luis Obispo County that lies east of a line described as follows: Beginning at the San Luis Obispo County/Santa Barbara County boundary and running north along 120 degrees 24 minutes longitude to the intersection with 35 degrees 27 minutes latitude; east along 35 degrees 27 minutes latitude to the intersection with 120 degrees 18 minutes longitude; then north along 120 degrees 18 minutes longitude to the San Luis Obispo County/Monterey County boundary.				
Tuscan Buttes, CA: <sup>2</sup> .....		Nonattainment .....		Marginal.
Tehama County (part) Those portions of the immediate Tuscan Buttes area at or above 1,800 feet in elevation.				
Ventura County, CA: <sup>2</sup> .....		Nonattainment .....		Serious.
Ventura County (part) That part of Ventura County excluding the Channel Islands of Anacapa and San Nicolas Islands.				
Morongo Band of Mission Indians <sup>3</sup> .....		Nonattainment .....		Serious.
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation <sup>3</sup> .		Nonattainment .....		Moderate.
Rest of State: <sup>4</sup>				
Alpine, Inyo, and Mono Counties: .....		Unclassifiable/Attainment.		
Alpine County				
Inyo County				
Mono County				
Amador County .....		Unclassifiable/Attainment.		
Channel Islands (Ventura County) .....		Unclassifiable/Attainment.		
Ventura County (part) remainder.				
Colusa County .....		Unclassifiable/Attainment.		
Del Norte, Humboldt, and Trinity Counties): .....		Unclassifiable/Attainment.		
Del Norte County				
Humboldt County				
Trinity County				
Nevada County (part) remainder .....		Unclassifiable/Attainment.		
Glenn County .....		Unclassifiable/Attainment.		
Kern County (part) remainder .....		Unclassifiable/Attainment.		
Lake County .....		Unclassifiable/Attainment.		
Lake Tahoe (El Dorado County Portion): .....		Unclassifiable/Attainment.		
El Dorado County (part) remainder				
Lake Tahoe (Placer County Portion): .....		Unclassifiable/Attainment.		
Placer County (part) remainder.				
Lassen County .....		Unclassifiable/Attainment.		
Mendocino County .....		Unclassifiable/Attainment.		
Modoc County .....		Unclassifiable/Attainment.		
Monterey County .....		Unclassifiable/Attainment.		
Northeastern San Bernardino County and Eastern Riverside County.		Unclassifiable/Attainment.		
San Bernardino County (part) remainder				
Riverside County (part) remainder				
Sonoma County (part) remainder .....		Unclassifiable/Attainment.		
Sutter County and Yuba County .....		Unclassifiable/Attainment.		
Sutter County (part) remainder				
Yuba County				
Plumas and Sierra Counties .....		Unclassifiable/Attainment.		
San Benito County .....		Unclassifiable/Attainment.		
Santa Barbara County .....		Unclassifiable/Attainment.		
Santa Cruz County .....		Unclassifiable/Attainment.		
Shasta County .....		Unclassifiable/Attainment.		
Siskiyou County .....		Unclassifiable/Attainment.		
Tehama County (part) remainder .....		Unclassifiable/Attainment.		
Tuolumne County .....		Unclassifiable/Attainment.		
San Luis Obispo County (part) remainder .....		Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.



<sup>2</sup>Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup>Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

<sup>4</sup>Includes any Indian country in each county or area, unless otherwise specified.

■ 7. Section 81.306 is amended as follows:  
 ■ a. By revising the table heading for “Colorado—Ozone (8-Hour Standard)” to read “Colorado—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Colorado—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Colorado—

1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.306 Colorado.**

\* \* \* \* \*

**COLORADO—2008 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO: <sup>2</sup> .... Adams County Arapahoe County Boulder County Broomfield County Denver County Douglas County Jefferson County Larimer County (part) That portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County’s eastern boundary and Weld County’s western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County’s western boundary and Grand County’s eastern boundary. Weld County (part) That portion of the county that lies south of a line described as follows: Beginning at a point on Weld County’s eastern boundary and Logan County’s western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County’s western boundary and Larimer County’s eastern boundary.	.....	Nonattainment .....	.....	Marginal.
Southern Ute Indian Tribe of the Southern Ute Reservation <sup>3</sup> .	.....	Unclassifiable/Attainment.		
Rest of State and Rest of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup>Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup>Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

■ 8. Section 81.307 is amended as follows:  
 ■ a. By revising the table heading for “Connecticut—Ozone (8-Hour Standard)” to read “Connecticut—1997

8-Hour Ozone NAAQS (Primary and Secondary)”  
 ■ b. By adding a new table entitled “Connecticut—2008 8-Hour Ozone NAAQS (Primary and Secondary)”

following the newly designated table “Connecticut—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

§ 81.307 Connecticut.

\* \* \* \* \*

CONNECTICUT—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Greater Connecticut, CT: <sup>2</sup> Hartford County Litchfield County New London County Tolland County Windham County Mashantucket Pequot Tribe of Connecticut <sup>3</sup> Mohegan Indian Tribe of Connecticut <sup>3</sup>	.....	Nonattainment .....	.....	Marginal.
New York-N. New Jersey-Long Island NY-NJ-CT: <sup>2</sup> Fairfield County Middlesex County New Haven County	.....	Nonattainment .....	.....	Marginal.

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

■ 9. Section 81.308 is amended as follows:

■ a. By revising the table heading for “Delaware—Ozone (8-Hour Standard)” to read “Delaware—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Delaware—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Delaware—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

§ 81.308 Delaware.

\* \* \* \* \*

DELAWARE—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: <sup>2</sup> New Castle County .....	.....	Nonattainment .....	.....	Marginal.
Seaford: <sup>2</sup> Sussex County .....	.....	Nonattainment .....	.....	Marginal.
Rest of State: <sup>3</sup> Southern Delaware Intrastate AQCR: (remainder) Kent County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 10. Section 81.309 is amended as follows:

■ a. By revising the table heading for “District of Columbia—Ozone (8-Hour Standard)” to read “District of

Columbia—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “District of Columbia—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly

designated table “District of Columbia—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

§ 81.309 District of Columbia.

\* \* \* \* \*

DISTRICT OF COLUMBIA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Washington, DC-MD-VA: District of Columbia <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

■ 11. Section 81.310 is amended as follows:  
 ■ a. By revising the table heading for “Florida—Ozone (8-Hour Standard)” to read “Florida—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Florida—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Florida—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.310 Florida.**

\* \* \* \* \*

FLORIDA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide: <sup>2</sup>	.....	Unclassifiable/Attainment.		
Alachua County				
Baker County				
Bay County				
Bradford County				
Brevard County				
Broward County				
Calhoun County				
Charlotte County				
Citrus County				
Clay County				
Collier County				
Columbia County				
DeSoto County				
Dixie County				
Duval County				
Escambia County				
Flagler County				
Franklin County				
Gadsden County				
Gilchrist County				
Glades County				
Gulf County				
Hamilton County				
Hardee County				
Hendry County				
Hernando County				
Highlands County				
Hillsborough County				
Holmes County				
Indian River County				
Jackson County				
Jefferson County				
Lafayette County				
Lake County				
Lee County				
Leon County				
Levy County				
Liberty County				
Madison County				
Manatee County				
Marion County				
Martin County				
Miami-Dade County				
Monroe County				
Nassau County				
Okaloosa County				
Okeechobee County				
Orange County				
Osceola County				
Palm Beach County				
Pasco County				
Pinellas County				
Polk County				
Putnam County				
St. Johns County				
St. Lucie County				
Santa Rosa County				
Sarasota County				
Seminole County				
Sumter County				
Suwannee County				

FLORIDA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Taylor County Union County Volusia County Wakulla County Walton County Washington County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Includes any Indian country located in each county or area, unless otherwise noted.

■ 12. Section 81.311 is amended as follows:

■ a. By revising the table heading for “Georgia—Ozone (8-Hour Standard)” to read “Georgia—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Georgia—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Georgia—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.311 Georgia.**

\* \* \* \* \*

GEORGIA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Atlanta, GA: <sup>2</sup>		Nonattainment		Marginal.
Bartow County				
Cherokee County				
Clayton County				
Cobb County				
Coweta County				
DeKalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
Rest of State: <sup>3</sup>				
Appling County		Unclassifiable/Attainment.		
Atkinson County		Unclassifiable/Attainment.		
Bacon County		Unclassifiable/Attainment.		
Baker County		Unclassifiable/Attainment.		
Baldwin County		Unclassifiable/Attainment.		
Banks County		Unclassifiable/Attainment.		
Barrow County		Unclassifiable/Attainment.		
Ben Hill County		Unclassifiable/Attainment.		
Berrien County		Unclassifiable/Attainment.		
Bibb County		Unclassifiable/Attainment.		
Bleckley County		Unclassifiable/Attainment.		
Brantley County		Unclassifiable/Attainment.		
Brooks County		Unclassifiable/Attainment.		
Bryan County		Unclassifiable/Attainment.		
Bulloch County		Unclassifiable/Attainment.		
Burke County		Unclassifiable/Attainment.		
Butts County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Camden County		Unclassifiable/Attainment.		
Candler County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Catoosa County		Unclassifiable/Attainment.		
Charlton County		Unclassifiable/Attainment.		
Chatham County		Unclassifiable/Attainment.		
Chattahoochee County		Unclassifiable/Attainment.		
Chattooga County		Unclassifiable/Attainment.		
Clarke County		Unclassifiable/Attainment.		

GEORGIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Clay County .....	.....	Unclassifiable/Attainment.		
Clinch County .....	.....	Unclassifiable/Attainment.		
Coffee County .....	.....	Unclassifiable/Attainment.		
Colquitt County .....	.....	Unclassifiable/Attainment.		
Columbia County .....	.....	Unclassifiable/Attainment.		
Cook County .....	.....	Unclassifiable/Attainment.		
Crawford County .....	.....	Unclassifiable/Attainment.		
Crisp County .....	.....	Unclassifiable/Attainment.		
Dade County .....	.....	Unclassifiable/Attainment.		
Dawson County .....	.....	Unclassifiable/Attainment.		
Decatur County .....	.....	Unclassifiable/Attainment.		
Dodge County .....	.....	Unclassifiable/Attainment.		
Dooley County .....	.....	Unclassifiable/Attainment.		
Dougherty County .....	.....	Unclassifiable/Attainment.		
Early County .....	.....	Unclassifiable/Attainment.		
Echols County .....	.....	Unclassifiable/Attainment.		
Effingham County .....	.....	Unclassifiable/Attainment.		
Elbert County .....	.....	Unclassifiable/Attainment.		
Emanuel County .....	.....	Unclassifiable/Attainment.		
Evans County .....	.....	Unclassifiable/Attainment.		
Fannin County .....	.....	Unclassifiable/Attainment.		
Floyd County .....	.....	Unclassifiable/Attainment.		
Franklin County .....	.....	Unclassifiable/Attainment.		
Gilmer County .....	.....	Unclassifiable/Attainment.		
Glascock County .....	.....	Unclassifiable/Attainment.		
Glynn County .....	.....	Unclassifiable/Attainment.		
Gordon County .....	.....	Unclassifiable/Attainment.		
Grady County .....	.....	Unclassifiable/Attainment.		
Greene County .....	.....	Unclassifiable/Attainment.		
Habersham County .....	.....	Unclassifiable/Attainment.		
Hall County .....	.....	Unclassifiable/Attainment.		
Hancock County .....	.....	Unclassifiable/Attainment.		
Haralson County .....	.....	Unclassifiable/Attainment.		
Harris County .....	.....	Unclassifiable/Attainment.		
Hart County .....	.....	Unclassifiable/Attainment.		
Heard County .....	.....	Unclassifiable/Attainment.		
Houston County .....	.....	Unclassifiable/Attainment.		
Irwin County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jasper County .....	.....	Unclassifiable/Attainment.		
Jeff Davis County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Jenkins County .....	.....	Unclassifiable/Attainment.		
Johnson County .....	.....	Unclassifiable/Attainment.		
Jones County .....	.....	Unclassifiable/Attainment.		
Lamar County .....	.....	Unclassifiable/Attainment.		
Lanier County .....	.....	Unclassifiable/Attainment.		
Laurens County .....	.....	Unclassifiable/Attainment.		
Lee County .....	.....	Unclassifiable/Attainment.		
Liberty County .....	.....	Unclassifiable/Attainment.		
Lincoln County .....	.....	Unclassifiable/Attainment.		
Long County .....	.....	Unclassifiable/Attainment.		
Lowndes County .....	.....	Unclassifiable/Attainment.		
Lumpkin County .....	.....	Unclassifiable/Attainment.		
McDuffie County .....	.....	Unclassifiable/Attainment.		
McIntosh County .....	.....	Unclassifiable/Attainment.		
Macon County .....	.....	Unclassifiable/Attainment.		
Madison County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Meriwether County .....	.....	Unclassifiable/Attainment.		
Miller County .....	.....	Unclassifiable/Attainment.		
Mitchell County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Montgomery County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Murray County .....	.....	Unclassifiable/Attainment.		
Muscogee County .....	.....	Unclassifiable/Attainment.		
Oconee County .....	.....	Unclassifiable/Attainment.		
Oglethorpe County .....	.....	Unclassifiable/Attainment.		

GEORGIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Peach County .....	.....	Unclassifiable/Attainment.		
Pickens County .....	.....	Unclassifiable/Attainment.		
Pierce County .....	.....	Unclassifiable/Attainment.		
Pike County .....	.....	Unclassifiable/Attainment.		
Polk County .....	.....	Unclassifiable/Attainment.		
Pulaski County .....	.....	Unclassifiable/Attainment.		
Putnam County .....	.....	Unclassifiable/Attainment.		
Quitman County .....	.....	Unclassifiable/Attainment.		
Rabun County .....	.....	Unclassifiable/Attainment.		
Randolph County .....	.....	Unclassifiable/Attainment.		
Richmond County .....	.....	Unclassifiable/Attainment.		
Schley County .....	.....	Unclassifiable/Attainment.		
Screven County .....	.....	Unclassifiable/Attainment.		
Seminole County .....	.....	Unclassifiable/Attainment.		
Spalding County .....	.....	Unclassifiable/Attainment.		
Stephens County .....	.....	Unclassifiable/Attainment.		
Stewart County .....	.....	Unclassifiable/Attainment.		
Sumter County .....	.....	Unclassifiable/Attainment.		
Talbot County .....	.....	Unclassifiable/Attainment.		
Taliaferro County .....	.....	Unclassifiable/Attainment.		
Tattnall County .....	.....	Unclassifiable/Attainment.		
Taylor County .....	.....	Unclassifiable/Attainment.		
Telfair County .....	.....	Unclassifiable/Attainment.		
Terrell County .....	.....	Unclassifiable/Attainment.		
Thomas County .....	.....	Unclassifiable/Attainment.		
Tift County .....	.....	Unclassifiable/Attainment.		
Toombs County .....	.....	Unclassifiable/Attainment.		
Towns County .....	.....	Unclassifiable/Attainment.		
Treutlen County .....	.....	Unclassifiable/Attainment.		
Troup County .....	.....	Unclassifiable/Attainment.		
Turner County .....	.....	Unclassifiable/Attainment.		
Twiggs County .....	.....	Unclassifiable/Attainment.		
Union County .....	.....	Unclassifiable/Attainment.		
Upson County .....	.....	Unclassifiable/Attainment.		
Walker County .....	.....	Unclassifiable/Attainment.		
Walton County .....	.....	Unclassifiable/Attainment.		
Ware County .....	.....	Unclassifiable/Attainment.		
Warren County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		
Webster County .....	.....	Unclassifiable/Attainment.		
Wheeler County .....	.....	Unclassifiable/Attainment.		
White County .....	.....	Unclassifiable/Attainment.		
Whitfield County .....	.....	Unclassifiable/Attainment.		
Wilcox County .....	.....	Unclassifiable/Attainment.		
Wilkes County .....	.....	Unclassifiable/Attainment.		
Wilkinson County .....	.....	Unclassifiable/Attainment.		
Worth County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 13. Section 81.312 is amended as follows:  
 ■ a. By revising the table heading for “Hawaii—Ozone (8-Hour Standard)” to read “Hawaii—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Hawaii—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Hawaii—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.312 Hawaii.**  
 \* \* \* \* \*

HAWAII—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>2</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Hawaii County .....	.....	Unclassifiable/Attainment.		
Honolulu County .....	.....	Unclassifiable/Attainment.		
Kalawao County .....	.....	Unclassifiable/Attainment.		
Kauai County .....	.....	Unclassifiable/Attainment.		
Maui County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 14. Section 81.313 is amended as follows:

■ a. By revising the table heading for “Idaho—Ozone (8-Hour Standard)” to read “Idaho—1997

8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Idaho—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the

newly designated table “Idaho—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

§ 81.313 Idaho.  
\* \* \* \* \*

IDAHO—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>2</sup>	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 15. Section 81.314 is amended as follows:

■ a. By revising the table heading for “Illinois—Ozone (8-Hour Standard)” to read “Illinois—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Illinois—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Illinois—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

§ 81.314 Illinois.  
\* \* \* \* \*

ILLINOIS—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
St. Louis-St. Charles-Farmington, MO-IL: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Madison County				
Monroe County				
St. Clair County				
Adams County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Alexander County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Bond County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Boone County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Brown County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Bureau County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Calhoun County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Carroll County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Cass County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Champaign County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Christian County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clark County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clay County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clinton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Coles County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Crawford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Cumberland County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
DeKalb County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
De Witt County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Douglas County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Edgar County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

ILLINOIS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Edwards County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Effingham County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fayette County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Franklin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fulton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Gallatin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Greene County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hamilton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hancock County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hardin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Henderson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Henry County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Iroquois County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jackson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jasper County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jefferson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jersey County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jo Daviess County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Johnson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Kankakee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Knox County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
La Salle County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Lawrence County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Lee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Livingston County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Logan County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
McDonough County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
McLean County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Macon County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Macoupin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marion County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marshall County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Mason County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Massac County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Menard County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Mercer County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Montgomery County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Morgan County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Moultrie County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ogle County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Peoria County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Perry County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Piatt County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pike County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pope County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pulaski County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Putnam County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Randolph County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Richland County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Rock Island County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Saline County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Sangamon County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Schuyler County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Scott County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Shelby County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Stark County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Stephenson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Tazewell County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Union County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vermilion County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wabash County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Warren County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Washington County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wayne County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
White County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Whiteside County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Williamson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Winnebago County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		



ILLINOIS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Woodford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 16. Section 81.315 is amended as follows:

■ a. By revising the table heading for “Indiana—Ozone (8-Hour Standard)” to read “Indiana—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Indiana—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Indiana—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.315 Indiana.**

\* \* \* \* \*

INDIANA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designation area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Cincinnati, OH-KY-IN: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Dearborn County (part)				
Lawrenceburg Township				
Adams County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Allen County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Bartholomew County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Benton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Blackford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Boone County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Brown County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Carroll County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Cass County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clark County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clay County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clinton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Crawford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Daviess County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Dearborn County (remainder) <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Decatur County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
De Kalb County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Delaware County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Dubois County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Elkhart County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fayette County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Floyd County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fountain County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Franklin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fulton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Gibson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Grant County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Greene County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hamilton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hancock County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Harrison County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Hendricks County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Henry County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Howard County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Huntington County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jackson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jay County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jefferson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jennings County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Johnson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Knox County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Kosciusko County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
LaGrange County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
La Porte County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Lawrence County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

INDIANA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designation area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Madison County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marion County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marshall County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Martin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Miami County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Monroe County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Montgomery County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Morgan County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Newton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Noble County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ohio County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Orange County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Owen County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Parke County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Perry County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pike County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Posey County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pulaski County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Putnam County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Randolph County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ripley County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Rush County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
St Joseph County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Scott County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Shelby County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Spencer County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Starke County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Steuben County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Sullivan County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Switzerland County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Tippecanoe County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Tipton County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Union County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vanderburgh County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vermillion County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vigo County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wabash County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Warren County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Warrick County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Washington County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wayne County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wells County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
White County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Whitley County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 17. Section 81.316 is amended as follows:  
 ■ a. By revising the table heading for “Iowa—Ozone (8-Hour Standard)” to read “Iowa—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Iowa—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Iowa—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.316 Iowa.**  
 \* \* \* \* \*

IOWA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country: Adair County Adams County Allamakee County	.....	Unclassifiable/Attainment.		

IOWA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Appanoose County				
Audubon County				
Benton County				
Black Hawk County				
Boone County				
Bremer County				
Buchanan County				
Buena Vista County				
Butler County				
Calhoun County				
Carroll County				
Cass County				
Cedar County				
Cerro Gordo County				
Cherokee County				
Chickasaw County				
Clarke County				
Clay County				
Clayton County				
Clinton County				
Crawford County				
Dallas County				
Davis County				
Decatur County				
Delaware County				
Des Moines County				
Dickinson County				
Dubuque County				
Emmet County				
Fayette County				
Floyd County				
Franklin County				
Fremont County				
Greene County				
Grundy County				
Guthrie County				
Hamilton County				
Hancock County				
Hardin County				
Harrison County				
Henry County				
Howard County				
Humboldt County				
Ida County				
Iowa County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Jones County				
Keokuk County				
Kossuth County				
Lee County				
Linn County				
Louisa County				
Lucas County				
Lyon County				
Madison County				
Mahaska County				
Marion County				
Marshall County				
Mills County				
Mitchell County				
Monona County				
Monroe County				
Montgomery County				
Muscatine County				
O'Brien County				
Osceola County				

IOWA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Page County				
Palo Alto County				
Plymouth County				
Pocahontas County				
Polk County				
Pottawattamie County				
Poweshiek County				
Ringgold County				
Sac County				
Scott County				
Shelby County				
Sioux County				
Story County				
Tama County				
Taylor County				
Union County				
Van Buren County				
Wapello County				
Warren County				
Washington County				
Wayne County				
Webster County				
Winnebago County				
Winneshiek County				
Woodbury County				
Worth County				
Wright County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 18. Section 81.317 is amended as follows:

■ a. By revising the table heading for “Kansas—Ozone (8-Hour Standard)” to read “Kansas—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Kansas—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Kansas—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.317 Kansas.**

\* \* \* \* \*

KANSAS—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country: .....	.....	Unclassifiable/Attainment.		
Allen County				
Anderson County				
Atchison County				
Barber County				
Barton County				
Bourbon County				
Brown County				
Butler County				
Chase County				
Chautauqua County				
Cherokee County				
Cheyenne County				
Clark County				
Clay County				
Cloud County				
Coffey County				
Comanche County				
Cowley County				
Crawford County				
Decatur County				
Dickinson County				
Doniphan County				

KANSAS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Douglas County				
Edwards County				
Elk County				
Ellis County				
Ellsworth County				
Finney County				
Ford County				
Franklin County				
Geary County				
Gove County				
Graham County				
Grant County				
Gray County				
Greeley County				
Greenwood County				
Hamilton County				
Harper County				
Harvey County				
Haskell County				
Hodgeman County				
Jackson County				
Jefferson County				
Jewell County				
Johnson County				
Kearny County				
Kingman County				
Kiowa County				
Labette County				
Lane County				
Leavenworth County				
Lincoln County				
Linn County				
Logan County				
Lyon County				
McPherson County				
Marion County				
Marshall County				
Meade County				
Miami County				
Mitchell County				
Montgomery County				
Morris County				
Morton County				
Nemaha County				
Neosho County				
Ness County				
Norton County				
Osage County				
Osborne County				
Ottawa County				
Pawnee County				
Phillips County				
Pottawatomie County				
Pratt County				
Rawlins County				
Reno County				
Republic County				
Rice County				
Riley County				
Rooks County				
Rush County				
Russell County				
Saline County				
Scott County				
Sedgwick County				
Seward County				
Shawnee County				
Sheridan County				
Sherman County				

KANSAS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Smith County Stafford County Stanton County Stevens County Sumner County Thomas County Trego County Wabaunsee County Wallace County Washington County Wichita County Wilson County Woodson County Wyandotte County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 19. Section 81.318 is amended as follows:

■ a. By revising the table heading for “Kentucky—Ozone (8-Hour Standard)” to read “Kentucky—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Kentucky—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Kentucky—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.318 Kentucky.**

\* \* \* \* \*

KENTUCKY—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Cincinnati, OH-KY-IN: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Boone County (part) 2000 Census tracts: 702, 703.01, 703.04, 703.05, 703.06, 703.07, 703.08, 703.09, 704.01, 704.02, 705.01, 705.02, 706.01, 706.03, 706.04				
Campbell County (part) 2000 Census tracts: 501, 502, 503, 504, 505, 506, 511.01, 511.02, 512, 513, 519.01, 519.03, 519.04, 520.01, 520.02, 521, 522, 523.01, 523.02, 524, 525, 526, 528, 529, 530, 531				
Kenton County (part) 2000 Census tracts: 603, 607, 609, 610, 611, 612, 613, 614, 616, 636.03, 636.04, 636.05, 636.06, 638, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.01, 655.02, 656, 657, 658, 659, 668, 669, 670, 671				
Rest of State: <sup>3</sup>				
Adair County .....	.....	Unclassifiable/Attainment.		
Allen County .....	.....	Unclassifiable/Attainment.		
Anderson County .....	.....	Unclassifiable/Attainment.		
Ballard County .....	.....	Unclassifiable/Attainment.		
Barren County .....	.....	Unclassifiable/Attainment.		
Bath County .....	.....	Unclassifiable/Attainment.		
Bell County .....	.....	Unclassifiable/Attainment.		
Boone County (part) .....	.....	Unclassifiable/Attainment.		
2000 Census tracts: 706.01 and 706.04				
Bourbon County .....	.....	Unclassifiable/Attainment.		
Boyd County .....	.....	Unclassifiable/Attainment.		
Boyle County .....	.....	Unclassifiable/Attainment.		
Bracken County .....	.....	Unclassifiable/Attainment.		
Breathitt County .....	.....	Unclassifiable/Attainment.		
Breckinridge County .....	.....	Unclassifiable/Attainment.		

KENTUCKY—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Bullitt County .....	.....	Unclassifiable/Attainment O= $\geq$ x  $\geq$ .		
Butler County .....	.....	Unclassifiable/Attainment.		
Caldwell County .....	.....	Unclassifiable/Attainment.		
Calloway County .....	.....	Unclassifiable/Attainment.		
Campbell County (part) .....	.....	Unclassifiable/Attainment.		
2000 Census tracts: 520.01 and 520.02				
Carlisle County .....	.....	Unclassifiable/Attainment.		
Carroll County .....	.....	Unclassifiable/Attainment.		
Carter County .....	.....	Unclassifiable/Attainment.		
Casey County .....	.....	Unclassifiable/Attainment.		
Christian County .....	.....	Unclassifiable/Attainment.		
Clark County .....	.....	Unclassifiable/Attainment.		
Clay County .....	.....	Unclassifiable/Attainment.		
Clinton County .....	.....	Unclassifiable/Attainment.		
Crittenden County .....	.....	Unclassifiable/Attainment.		
Cumberland County .....	.....	Unclassifiable/Attainment.		
Daviess County .....	.....	Unclassifiable/Attainment.		
Edmonson County .....	.....	Unclassifiable/Attainment.		
Elliott County .....	.....	Unclassifiable/Attainment.		
Estill County .....	.....	Unclassifiable/Attainment.		
Fayette County .....	.....	Unclassifiable/Attainment.		
Fleming County .....	.....	Unclassifiable/Attainment.		
Floyd County .....	.....	Unclassifiable/Attainment.		
Franklin County .....	.....	Unclassifiable/Attainment.		
Fulton County .....	.....	Unclassifiable/Attainment.		
Gallatin County .....	.....	Unclassifiable/Attainment.		
Garrard County .....	.....	Unclassifiable/Attainment.		
Grant County .....	.....	Unclassifiable/Attainment.		
Graves County .....	.....	Unclassifiable/Attainment.		
Grayson County .....	.....	Unclassifiable/Attainment.		
Green County .....	.....	Unclassifiable/Attainment.		
Greenup County .....	.....	Unclassifiable/Attainment.		
Hancock County .....	.....	Unclassifiable/Attainment.		
Hardin County .....	.....	Unclassifiable/Attainment.		
Harlan County .....	.....	Unclassifiable/Attainment.		
Harrison County .....	.....	Unclassifiable/Attainment.		
Hart County .....	.....	Unclassifiable/Attainment.		
Henderson County .....	.....	Unclassifiable/Attainment.		
Henry County .....	.....	Unclassifiable/Attainment.		
Hickman County .....	.....	Unclassifiable/Attainment.		
Hopkins County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Jessamine County .....	.....	Unclassifiable/Attainment.		
Johnson County .....	.....	Unclassifiable/Attainment.		
Kenton County (part) .....	.....	Unclassifiable/Attainment.		
2000 Census tracts: 637.01 and 637.04				
Knott County .....	.....	Unclassifiable/Attainment.		
Knox County .....	.....	Unclassifiable/Attainment.		
Larue County .....	.....	Unclassifiable/Attainment.		
Laurel County .....	.....	Unclassifiable/Attainment.		
Lawrence County .....	.....	Unclassifiable/Attainment.		
Lee County .....	.....	Unclassifiable/Attainment.		
Leslie County .....	.....	Unclassifiable/Attainment.		
Letcher County .....	.....	Unclassifiable/Attainment.		
Lewis County .....	.....	Unclassifiable/Attainment.		
Lincoln County .....	.....	Unclassifiable/Attainment.		
Livingston County .....	.....	Unclassifiable/Attainment.		
Logan County .....	.....	Unclassifiable/Attainment.		
Lyon County .....	.....	Unclassifiable/Attainment.		
McCracken County .....	.....	Unclassifiable/Attainment.		
McCreary County .....	.....	Unclassifiable/Attainment.		
McLean County .....	.....	Unclassifiable/Attainment.		
Madison County .....	.....	Unclassifiable/Attainment.		
Magoffin County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Marshall County .....	.....	Unclassifiable/Attainment.		
Martin County .....	.....	Unclassifiable/Attainment.		

KENTUCKY—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Mason County .....	.....	Unclassifiable/Attainment.		
Meade County .....	.....	Unclassifiable/Attainment.		
Menifee County .....	.....	Unclassifiable/Attainment.		
Mercer County .....	.....	Unclassifiable/Attainment.		
Metcalfe County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Montgomery County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Muhlenberg County .....	.....	Unclassifiable/Attainment.		
Nelson County .....	.....	Unclassifiable/Attainment.		
Nicholas County .....	.....	Unclassifiable/Attainment.		
Ohio County .....	.....	Unclassifiable/Attainment.		
Oldham County .....	.....	Unclassifiable/Attainment.		
Owen County .....	.....	Unclassifiable/Attainment.		
Owsley County .....	.....	Unclassifiable/Attainment.		
Pendleton County .....	.....	Unclassifiable/Attainment.		
Perry County .....	.....	Unclassifiable/Attainment.		
Pike County .....	.....	Unclassifiable/Attainment.		
Powell County .....	.....	Unclassifiable/Attainment.		
Pulaski County .....	.....	Unclassifiable/Attainment.		
Robertson County .....	.....	Unclassifiable/Attainment.		
Rockcastle County .....	.....	Unclassifiable/Attainment.		
Rowan County .....	.....	Unclassifiable/Attainment.		
Russell County .....	.....	Unclassifiable/Attainment.		
Scott County .....	.....	Unclassifiable/Attainment.		
Shelby County .....	.....	Unclassifiable/Attainment.		
Simpson County .....	.....	Unclassifiable/Attainment.		
Spencer County .....	.....	Unclassifiable/Attainment.		
Taylor County .....	.....	Unclassifiable/Attainment.		
Todd County .....	.....	Unclassifiable/Attainment.		
Trigg County .....	.....	Unclassifiable/Attainment.		
Trimble County .....	.....	Unclassifiable/Attainment.		
Union County .....	.....	Unclassifiable/Attainment.		
Warren County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		
Webster County .....	.....	Unclassifiable/Attainment.		
Whitley County .....	.....	Unclassifiable/Attainment.		
Wolfe County .....	.....	Unclassifiable/Attainment.		
Woodford County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 20. Section 81.319 is amended as follows:  
 ■ a. By revising the table heading for “Louisiana—Ozone (8-Hour Standard)” to read “Louisiana—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Louisiana—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Louisiana—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.319 Louisiana.**  
 \* \* \* \* \*

LOUISIANA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Baton Rouge, LA: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Ascension Parish				
East Baton Rouge Parish				
Iberville Parish				
Livingston Parish				
West Baton Rouge Parish				
AQCR 019 Monroe-El Dorado Interstate: <sup>3</sup>				
Caldwell Parish .....	.....	Unclassifiable/Attainment.		



LOUISIANA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Catahoula Parish .....	.....	Unclassifiable/Attainment.		
Concordia Parish .....	.....	Unclassifiable/Attainment.		
East Carroll Parish .....	.....	Unclassifiable/Attainment.		
Franklin Parish .....	.....	Unclassifiable/Attainment.		
La Salle Parish .....	.....	Unclassifiable/Attainment.		
Madison Parish .....	.....	Unclassifiable/Attainment.		
Morehouse Parish .....	.....	Unclassifiable/Attainment.		
Ouachita Parish .....	.....	Unclassifiable/Attainment.		
Richland Parish .....	.....	Unclassifiable/Attainment.		
Tensas Parish .....	.....	Unclassifiable/Attainment.		
Union Parish .....	.....	Unclassifiable/Attainment.		
West Carroll Parish .....	.....	Unclassifiable/Attainment.		
AQCR 022 Shreveport-Texarkana-Tyler Interstate: <sup>3</sup>				
Bienville Parish .....	.....	Unclassifiable/Attainment.		
Bossier Parish .....	.....	Unclassifiable/Attainment.		
Caddo Parish .....	.....	Unclassifiable/Attainment.		
Claiborne Parish .....	.....	Unclassifiable/Attainment.		
De Soto Parish .....	.....	Unclassifiable/Attainment.		
Jackson Parish .....	.....	Unclassifiable/Attainment.		
Lincoln Parish .....	.....	Unclassifiable/Attainment.		
Natchitoches Parish .....	.....	Unclassifiable/Attainment.		
Red River Parish .....	.....	Unclassifiable/Attainment.		
Sabine Parish .....	.....	Unclassifiable/Attainment.		
Webster Parish .....	.....	Unclassifiable/Attainment.		
Winn Parish .....	.....	Unclassifiable/Attainment.		
AQCR 106 S. Louisiana-SE. Texas Interstate: (remainder) <sup>3</sup>				
Acadia Parish .....	.....	Unclassifiable/Attainment.		
Allen Parish .....	.....	Unclassifiable/Attainment.		
Assumption Parish .....	.....	Unclassifiable/Attainment.		
Avoyelles Parish .....	.....	Unclassifiable/Attainment.		
Beauregard Parish .....	.....	Unclassifiable/Attainment.		
Calcasieu Parish .....	.....	Unclassifiable/Attainment.		
Cameron Parish .....	.....	Unclassifiable/Attainment.		
East Feliciana Parish .....	.....	Unclassifiable/Attainment.		
Evangeline Parish .....	.....	Unclassifiable/Attainment.		
Grant Parish .....	.....	Unclassifiable/Attainment.		
Iberia Parish .....	.....	Unclassifiable/Attainment.		
Jefferson Davis Parish .....	.....	Unclassifiable/Attainment.		
Jefferson Parish .....	.....	Unclassifiable/Attainment.		
Lafayette Parish .....	.....	Unclassifiable/Attainment.		
Lafourche Parish .....	.....	Unclassifiable/Attainment.		
Orleans Parish .....	.....	Unclassifiable/Attainment.		
Plaquemines Parish .....	.....	Unclassifiable/Attainment.		
Pointe Coupee Parish .....	.....	Unclassifiable/Attainment.		
Rapides Parish .....	.....	Unclassifiable/Attainment.		
St. Bernard Parish .....	.....	Unclassifiable/Attainment.		
St. Charles Parish .....	.....	Unclassifiable/Attainment.		
St. Helena Parish .....	.....	Unclassifiable/Attainment.		
St. James Parish .....	.....	Unclassifiable/Attainment.		
St. John the Baptist Parish .....	.....	Unclassifiable/Attainment.		
St. Landry Parish .....	.....	Unclassifiable/Attainment.		
St. Martin Parish .....	.....	Unclassifiable/Attainment.		
St. Mary Parish .....	.....	Unclassifiable/Attainment.		
St. Tammany Parish .....	.....	Unclassifiable/Attainment.		
Tangipahoa Parish .....	.....	Unclassifiable/Attainment.		
Terrebonne Parish .....	.....	Unclassifiable/Attainment.		
Vermilion Parish .....	.....	Unclassifiable/Attainment.		
Vernon Parish .....	.....	Unclassifiable/Attainment.		
Washington Parish .....	.....	Unclassifiable/Attainment.		
West Feliciana Parish .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 21. Section 81.320 is amended as follows:  
 ■ a. By revising the table heading for “Maine—Ozone (8-Hour Standard)” to read “Maine—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Maine—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Maine—1997 8-

Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.320 Maine.**  
 \* \* \* \* \*

**MAINE—2008 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		
Androscoggin County				
Aroostook County				
Cumberland County				
Franklin County				
Hancock County				
Kennebec County				
Knox County				
Lincoln County				
Oxford County				
Penobscot County				
Piscataquis County				
Sagadahoc County				
Somerset County				
Waldo County				
Washington County				
York County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 22. Section 81.321 is amended as follows:  
 ■ a. By revising the table heading for “Maryland—Ozone (8-Hour Standard)” to read “Maryland—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Maryland—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Maryland—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.321 Maryland.**  
 \* \* \* \* \*

**MARYLAND—2008 8-HOUR OZONE NAAQS**  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Baltimore, MD: <sup>2</sup> .....	.....	Nonattainment .....	.....	Moderate.
Anne Arundel County				
Baltimore County				
Baltimore City				
Carroll County				
Harford County				
Howard County				
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Cecil County				
Washington, DC-MD-VA: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Calvert County				
Charles County				
Frederick County				
Montgomery County				
Prince George’s County				
AQCR 113 Cumberland-Keyser Interstate <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Allegany County				
Garrett County				
Washington County				
AQCR 114 Eastern Shore Interstate: (remainder) <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Caroline County				
Dorchester County				
Kent County				
Queen Anne’s County				
Somerset County				

MARYLAND—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Talbot County Wicomico County Worcester County AQCR 116 Southern Maryland Intrastate: (remainder) <sup>3</sup> St. Mary's County	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 23. Section 81.322 is amended as follows:  
 ■ a. By revising the table heading for “Massachusetts—Ozone (8-Hour Standard)” to read “Massachusetts—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”  
 ■ b. By adding a new table entitled “Massachusetts—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Massachusetts—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:  
**§ 81.322 Massachusetts.**  
 \* \* \* \* \*

MASSACHUSETTS—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Dukes County, MA: <sup>2</sup> ..... Dukes County Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts <sup>3</sup> Rest of State: <sup>4</sup> Barnstable County ..... Berkshire County ..... Bristol County ..... Essex County ..... Franklin County ..... Hampden County ..... Hampshire County ..... Middlesex County ..... Nantucket County ..... Norfolk County ..... Plymouth County ..... Suffolk County ..... Worcester County .....	.....	Nonattainment ..... Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment. Unclassifiable/Attainment.	.....	Marginal.

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.  
<sup>4</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 24. Section 81.323 is amended as follows:  
 ■ a. By revising the table heading for “Michigan—Ozone (8-Hour Standard)” to read “Michigan—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Michigan—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Michigan—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:  
**§ 81.323 Michigan.**  
 \* \* \* \* \*

MICHIGAN—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 25. Section 81.324 is amended as follows:
- a. By revising the table heading for “Minnesota—Ozone (8-Hour Standard)” to read “Minnesota—1997 8-Hour

Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Minnesota—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Minnesota—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.324 Minnesota.**  
\* \* \* \* \*

**MINNESOTA—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 26. Section 81.325 is amended as follows:
- a. By revising the table heading for “Mississippi—Ozone (8-Hour Standard)” to read “Mississippi—1997

8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Mississippi—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the existing table

“Mississippi—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.325 Mississippi.**  
\* \* \* \* \*

**MISSISSIPPI—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Memphis, TN-MS-AR: <sup>2</sup>				
DeSoto County (part) Portion along MPO Lines ....	.....	NonAttainment .....	Marginal.	
Rest of State: <sup>3</sup>				
Adams County	.....	Unclassifiable/Attainment.		
Alcorn County	.....	Unclassifiable/Attainment.		
Amite County	.....	Unclassifiable/Attainment.		
Attala County	.....	Unclassifiable/Attainment.		
Benton County	.....	Unclassifiable/Attainment.		
Bolivar County	.....	Unclassifiable/Attainment.		
Calhoun County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Chickasaw County	.....	Unclassifiable/Attainment.		
Choctaw County	.....	Unclassifiable/Attainment.		
Claiborne County	.....	Unclassifiable/Attainment.		
Clarke County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Coahoma County	.....	Unclassifiable/Attainment.		
Copiah County	.....	Unclassifiable/Attainment.		
Covington County	.....	Unclassifiable/Attainment.		
DeSoto County (remainder)	.....	Unclassifiable/Attainment.		
Forrest County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
George County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Grenada County	.....	Unclassifiable/Attainment.		
Hancock County	.....	Unclassifiable/Attainment.		
Harrison County	.....	Unclassifiable/Attainment.		
Hinds County	.....	Unclassifiable/Attainment.		
Holmes County	.....	Unclassifiable/Attainment.		
Humphreys County	.....	Unclassifiable/Attainment.		
Issaquena County	.....	Unclassifiable/Attainment.		
Itawamba County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Jefferson Davis County	.....	Unclassifiable/Attainment.		
Jones County	.....	Unclassifiable/Attainment.		
Kemper County	.....	Unclassifiable/Attainment.		
Lafayette County	.....	Unclassifiable/Attainment.		
Lamar County	.....	Unclassifiable/Attainment.		
Lauderdale County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		

MISSISSIPPI—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Leake County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Leflore County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Lowndes County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Neshoba County	.....	Unclassifiable/Attainment.		
Newton County	.....	Unclassifiable/Attainment.		
Noxubee County	.....	Unclassifiable/Attainment.		
Oktibbeha County	.....	Unclassifiable/Attainment.		
Panola County	.....	Unclassifiable/Attainment.		
Pearl River County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Pontotoc County	.....	Unclassifiable/Attainment.		
Prentiss County	.....	Unclassifiable/Attainment.		
Quitman County	.....	Unclassifiable/Attainment.		
Rankin County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Sharkey County	.....	Unclassifiable/Attainment.		
Simpson County	.....	Unclassifiable/Attainment.		
Smith County	.....	Unclassifiable/Attainment.		
Stone County	.....	Unclassifiable/Attainment.		
Sunflower County	.....	Unclassifiable/Attainment.		
Tallahatchie County	.....	Unclassifiable/Attainment.		
Tate County.	.....	Unclassifiable/Attainment.		
Tippah County	.....	Unclassifiable/Attainment.		
Tishomingo County	.....	Unclassifiable/Attainment.		
Tunica County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Walthall County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Wilkinson County	.....	Unclassifiable/Attainment.		
Winston County	.....	Unclassifiable/Attainment.		
Yalobusha County	.....	Unclassifiable/Attainment.		
Yazoo County	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 27. Section 81.326 is amended as follows:  
 ■ a. By revising the table heading for “Missouri—Ozone (8-Hour Standard)” to read “Missouri—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Missouri—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Missouri—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.326 Missouri.**  
 \* \* \* \* \*

MISSOURI—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
St. Louis-St. Charles-Farmington, MO-IL: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Franklin County				
Jefferson County				
St. Charles County				
St. Louis County				

MISSOURI—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
St. Louis City				
Rest of State: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Adair County				
Andrew County				
Atchison County				
Audrain County				
Barry County				
Barton County				
Bates County				
Benton County				
Bollinger County				
Boone County				
Buchanan County				
Butler County				
Caldwell County				
Callaway County				
Camden County				
Cape Girardeau County				
Carter County				
Cass County				
Cedar County				
Chariton County				
Christian County				
Clark County				
Clay County				
Clinton County				
Cole County				
Cooper County				
Crawford County				
Dade County				
Dallas County				
Daviess County				
DeKalb County				
Dent County				
Douglas County				
Dunklin County				
Gasconade County				
Gentry County				
Greene County				
Grundy County				
Harrison County				
Henry County				
Hickory County				
Holt County				
Howard County				
Howell County				
Iron County				
Jackson County				
Jasper County				
Johnson County				
Knox County				
Laclede County				
Lafayette County				
Lawrence County				
Lewis County				
Lincoln County				
Linn County				
Livingston County				
McDonald County				
Macon County				
Madison County				
Maries County				
Marion County				
Mercer County				
Miller County				
Mississippi County				
Moniteau County				
Monroe County				
Montgomery County				

MISSOURI—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Morgan County				
New Madrid County				
Newton County				
Nodaway County				
Oregon County				
Osage County				
Ozark County				
Pemiscot County				
Perry County				
Pettis County				
Phelps County				
Pike County				
Platte County				
Polk County				
Pulaski County				
Putnam County				
Ralls County				
Randolph County				
Ray County				
Reynolds County				
Ripley County				
St. Clair County				
St. Genevieve County				
St. Francois County				
Saline County				
Schuyler County				
Scotland County				
Scott County				
Shannon County				
Shelby County				
Stoddard County				
Stone County				
Sullivan County				
Taney County				
Texas County				
Vernon County				
Warren County				
Washington County				
Wayne County				
Webster County				
Worth County				
Wright County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 28. Section 81.327 is amended as follows:  
 ■ a. By revising the table heading for “Montana—Ozone (8-Hour Standard)” to read “Montana—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Montana—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Montana—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.327 Montana.**  
 \* \* \* \* \*

MONTANA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 29. Section 81.328 is amended as follows:  
 ■ a. By revising the table heading for “Nebraska—Ozone (8-Hour Standard)” to read “Nebraska—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Nebraska—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Nebraska—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.328 Nebraska.**  
 \* \* \* \* \*

NEBRASKA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		
Adams County				
Antelope County				
Arthur County				
Banner County				
Blaine County				
Boone County				
Box Butte County				
Boyd County				
Brown County				
Buffalo County				
Burt County				
Butler County				
Cass County				
Cedar County				
Chase County				
Cherry County				
Cheyenne County				
Clay County				
Colfax County				
Cuming County				
Custer County				
Dakota County				
Dawes County				
Dawson County				
Deuel County				
Dixon County				
Dodge County				
Douglas County				
Dundy County				
Fillmore County				
Franklin County				
Frontier County				
Furnas County				
Gage County				
Garden County				
Garfield County				
Gosper County				
Grant County				
Greeley County				
Hall County				
Hamilton County				
Harlan County				
Hayes County				
Hitchcock County				
Holt County				
Hooker County				
Howard County				
Jefferson County				
Johnson County				
Kearney County				
Keith County				
Keya Paha County				
Kimball County				
Knox County				
Lancaster County				
Lincoln County				
Logan County				
Loup County				
McPherson County				
Madison County				
Merrick County				



NEBRASKA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Morrill County				
Nance County				
Nemaha County				
Nuckolls County				
Otoe County				
Pawnee County				
Perkins County				
Phelps County				
Pierce County				
Platte County				
Polk County				
Red Willow County				
Richardson County				
Rock County				
Saline County				
Sarpy County				
Saunders County				
Scotts Bluff County				
Seward County				
Sheridan County				
Sherman County				
Sioux County				
Stanton County				
Thayer County				
Thomas County				
Thurston County				
Valley County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
York County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 30. Section 81.329 is amended as follows:  
■ a. By revising the table heading for “Nevada—Ozone (8-Hour Standard)” to read “Nevada—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Nevada—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Nevada—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:  
**§ 81.329 Nevada.**  
\* \* \* \* \*

NEVADA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Statewide refers to hydrographic areas as shown on the State of Nevada Division of Water Resources’ map titled “Water Resources and Inter-basin Flows” (September 1971), as revised to include a division of Carson Desert (area 101) into two areas, a smaller area 101 and area 101A, and a division of Boulder Flat (area 61) into an Upper Unit 61 and a Lower Unit 61. See also 67 FR 12474 (March 19, 2002).

■ 31. Section 81.330 is amended as follows:  
■ a. By revising the table heading for “New Hampshire—Ozone (8-Hour Standard)” to read “New Hampshire—

1997 8-Hour Ozone NAAQS (Primary and Secondary)  
■ b. By adding a new table entitled “New Hampshire—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“New Hampshire—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:  
**§ 81.330 New Hampshire.**  
\* \* \* \* \*

NEW HAMPSHIRE—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		
Belknap County				
Carroll County				
Cheshire County				
Coos County				
Grafton County				
Hillsborough County				
Merrimack County				
Rockingham County				
Strafford County				
Sullivan County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 32. Section 81.331 is amended as follows:  
■ a. By revising the table heading for “New Jersey—Ozone (8-Hour Standard)” to read “New Jersey—1997

8-Hour Ozone NAAQS (Primary and Secondary)”  
■ b. By adding a new table entitled “New Jersey—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“New Jersey—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.331 New Jersey.**  
\* \* \* \* \*

NEW JERSEY—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
New York-N. New Jersey-Long Island, NY-NJ-CT: <sup>2</sup> ....	.....	Nonattainment .....	.....	Marginal.
Bergen County				
Essex County				
Hudson County				
Hunterdon County				
Middlesex County				
Monmouth County				
Morris County				
Passaic County				
Somerset County				
Sussex County				
Union County				
Warren County				
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Atlantic County				
Burlington County				
Camden County				
Cape May County				
Cumberland County				
Gloucester County				
Mercer County				
Ocean County				
Salem County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

■ 33. Section 81.332 is amended as follows:  
■ a. By revising the table heading for “New Mexico—Ozone (8-Hour Standard)” to read “New Mexico—1997

8-Hour Ozone NAAQS (Primary and Secondary)”  
■ b. By adding a new table entitled “New Mexico—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“New Mexico—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.332 New Mexico.**  
\* \* \* \* \*

NEW MEXICO—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
AQCR 012 New Mexico—Southern Border Intrastate:				
Grant County .....		Unclassifiable/Attainment.		
Hidalgo County .....		Unclassifiable/Attainment.		
Luna County .....		Unclassifiable/Attainment.		
AQCR 014 Four Corners Interstate (see 40 CFR 81.121):				
McKinley County (part) .....		Unclassifiable/Attainment.		
Río Arriba County (part) .....		Unclassifiable/Attainment.		
Sandoval County (part) .....		Unclassifiable/Attainment.		
San Juan County .....		Unclassifiable/Attainment.		
Valencia County (part) .....		Unclassifiable/Attainment.		
AQCR 152 Albuquerque—Mid Rio Grande Intrastate (see 40 CFR 81.83):				
Bernalillo County .....		Unclassifiable/Attainment.		
Sandoval County (part) .....		Unclassifiable/Attainment.		
Valencia County (part) .....		Unclassifiable/Attainment.		
AQCR 153 El Paso—Las Cruces—Alamogordo Interstate:				
Doña Ana County .....		Unclassifiable/Attainment.		
Lincoln County .....		Unclassifiable/Attainment.		
Otero County .....		Unclassifiable/Attainment.		
Sierra County .....		Unclassifiable/Attainment.		
AQCR 154 Northeastern Plains Intrastate:				
Colfax County .....		Unclassifiable/Attainment.		
Guadalupe County .....		Unclassifiable/Attainment.		
Harding County .....		Unclassifiable/Attainment.		
Mora County .....		Unclassifiable/Attainment.		
San Miguel County .....		Unclassifiable/Attainment.		
Torrance County .....		Unclassifiable/Attainment.		
Union County .....		Unclassifiable/Attainment.		
AQCR 155 Pecos—Permian Basin Intrastate:				
Chaves County .....		Unclassifiable/Attainment.		
Curry County .....		Unclassifiable/Attainment.		
De Baca County .....		Unclassifiable/Attainment.		
Eddy County .....		Unclassifiable/Attainment.		
Lea County .....		Unclassifiable/Attainment.		
Quay County .....		Unclassifiable/Attainment.		
Roosevelt County .....		Unclassifiable/Attainment.		
AQCR 156 SW Mountains—Augustine Plains (see 40 CFR 81.241):				
Catron County .....		Unclassifiable/Attainment.		
Cibola County .....		Unclassifiable/Attainment.		
McKinley County (part) .....		Unclassifiable/Attainment.		
Socorro County .....		Unclassifiable/Attainment.		
Valencia County (part) .....		Unclassifiable/Attainment.		
AQCR 157 Upper Rio Grande Valley Intrastate (see 40 CFR 81.239):				
Los Alamos County .....		Unclassifiable/Attainment.		
Río Arriba County (part) .....		Unclassifiable/Attainment.		
Santa Fe County .....		Unclassifiable/Attainment.		
Taos County .....		Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.

<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 34. Section 81.333 is amended as follows:

■ a. By revising the table heading for “New York—Ozone (8-Hour Standard)” to read “New York—1997

8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “New York—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“New York—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.333 New York.**

\* \* \* \* \*

NEW YORK—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Jamestown, NY: <sup>2</sup> N Chautauqua County		NonAttainment	Marginal.	
New York-N. New Jersey-Long Island, NY-NJ-CT: <sup>2</sup>		Nonattainment		Marginal.
Bronx County				
Kings County				
Nassau County				
New York County				
Queens County				
Richmond County				
Rockland County				
Suffolk County				
Westchester County				
Shinnecock Indian Nation <sup>3</sup>				
Albany-Schenectady-Troy Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Albany County				
Rensselaer County				
Saratoga County				
Schenectady County				
Schoharie County				
Buffalo-Niagara Falls Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Erie County				
Niagara County				
Jefferson County Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Jefferson County				
Kingston Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Ulster County				
Poughkeepsie Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Dutchess County				
Orange County				
Putnam County				
Rochester Area, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Livingston County				
Monroe County				
Ontario County				
Orleans County				
Wayne County				
Syracuse, NY: <sup>4</sup>		Unclassifiable/Attainment.		
Madison County				
Onondaga County				
Oswego County				
Whiteface Mountain: <sup>4</sup>		Unclassifiable/Attainment.		
Essex County (part)				
The portion of Whiteface Mountain above 4500 feet in elevation in Essex County				
Rest of State and Rest of Indian Country		Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

<sup>4</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 35. Section 81.334 is amended as follows:

■ a. By revising the table heading for “North Carolina—Ozone (8-Hour Standard)” to read “North Carolina—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “North Carolina—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“North Carolina—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.334 North Carolina.**

\* \* \* \* \*

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Charlotte-Rock Hill, NC-SC: <sup>2</sup>		Nonattainment		Marginal.
Cabarrus County (part)				
Central Cabarrus Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township				
Gaston County (part)				
Crowders Mountain Township, Dallas Township, Gastonia Township, Riverbend Township, South Point Township				
Iredell County (part)				
Davidson Township, Coddle Creek Township				
Lincoln County (part)				
Catawba Springs Township, Ironton Township, Lincolnton Township				
Mecklenburg County				
Rowan County (part)				
Atwell Township, China Grove Township, Franklin Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township				
Union County (part)				
Goose Creek Township, Marshville Township, Monroe Township, Sandy Ridge Township, Vance Township				
Rest of State: <sup>3</sup>				
Alamance County		Unclassifiable/Attainment.		
Alexander County		Unclassifiable/Attainment.		
Alleghany County		Unclassifiable/Attainment.		
Anson County		Unclassifiable/Attainment.		
Ashe County		Unclassifiable/Attainment.		
Avery County		Unclassifiable/Attainment.		
Beaufort County		Unclassifiable/Attainment.		
Bertie County		Unclassifiable/Attainment.		
Bladen County		Unclassifiable/Attainment.		
Brunswick County		Unclassifiable/Attainment.		
Buncombe County		Unclassifiable/Attainment.		
Burke County		Unclassifiable/Attainment.		
Cabarrus County (part)				
Gold Hill Township		Unclassifiable/Attainment.		
Caldwell County		Unclassifiable/Attainment.		
Camden County		Unclassifiable/Attainment.		
Carteret County		Unclassifiable/Attainment.		
Caswell County		Unclassifiable/Attainment.		
Catawba County		Unclassifiable/Attainment.		
Chatham County		Unclassifiable/Attainment.		
Cherokee County		Unclassifiable/Attainment.		
Chowan County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Cleveland County		Unclassifiable/Attainment.		
Columbus County		Unclassifiable/Attainment.		
Craven County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
Currituck County		Unclassifiable/Attainment.		
Dare County		Unclassifiable/Attainment.		
Davidson County		Unclassifiable/Attainment.		
Davie County		Unclassifiable/Attainment.		
Duplin County		Unclassifiable/Attainment.		
Durham County		Unclassifiable/Attainment.		
Edgecombe County		Unclassifiable/Attainment.		
Forsyth County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Gaston County (part)				
Cherryville Township		Unclassifiable/Attainment.		
Gates County		Unclassifiable/Attainment.		
Graham County		Unclassifiable/Attainment.		

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Granville County .....		Unclassifiable/Attainment.		
Greene County .....		Unclassifiable/Attainment.		
Guilford County .....		Unclassifiable/Attainment.		
Halifax County .....		Unclassifiable/Attainment.		
Harnett County .....		Unclassifiable/Attainment.		
Haywood County .....		Unclassifiable/Attainment.		
Henderson County .....		Unclassifiable/Attainment.		
Hertford County .....		Unclassifiable/Attainment.		
Hoke County .....		Unclassifiable/Attainment.		
Hyde County .....		Unclassifiable/Attainment.		
Iredell County (part)				
Barringer Township .....		Unclassifiable/Attainment.		
Bethany Township .....		Unclassifiable/Attainment.		
Chambersburg Township .....		Unclassifiable/Attainment.		
Concord Township .....		Unclassifiable/Attainment.		
Cool Springs Township .....		Unclassifiable/Attainment.		
Eagle Mills Township .....		Unclassifiable/Attainment.		
Fallstown Township .....		Unclassifiable/Attainment.		
New Hope Township .....		Unclassifiable/Attainment.		
Olin Township .....		Unclassifiable/Attainment.		
Sharpesburg Township .....		Unclassifiable/Attainment.		
Shiloh Township .....		Unclassifiable/Attainment.		
Statesville Township .....		Unclassifiable/Attainment.		
Turnersburg Township .....		Unclassifiable/Attainment.		
Union Grove Township .....		Unclassifiable/Attainment.		
Jackson County .....		Unclassifiable/Attainment.		
Johnston County .....		Unclassifiable/Attainment.		
Jones County .....		Unclassifiable/Attainment.		
Lee County .....		Unclassifiable/Attainment.		
Lenoir County .....		Unclassifiable/Attainment.		
Lincoln County (part)				
Howard's Creek Township .....		Unclassifiable/Attainment.		
North Brook Township .....		Unclassifiable/Attainment.		
Macon County .....		Unclassifiable/Attainment.		
Madison County .....		Unclassifiable/Attainment.		
Martin County .....		Unclassifiable/Attainment.		
McDowell County .....		Unclassifiable/Attainment.		
Mitchell County .....		Unclassifiable/Attainment.		
Montgomery County .....		Unclassifiable/Attainment.		
Moore County .....		Unclassifiable/Attainment.		
Nash County .....		Unclassifiable/Attainment.		
New Hanover County .....		Unclassifiable/Attainment.		
Northampton County .....		Unclassifiable/Attainment.		
Onslow County .....		Unclassifiable/Attainment.		
Orange County .....		Unclassifiable/Attainment.		
Pamlico County .....		Unclassifiable/Attainment.		
Pasquotank County .....		Unclassifiable/Attainment.		
Pender County .....		Unclassifiable/Attainment.		
Perquimans County .....		Unclassifiable/Attainment.		
Person County .....		Unclassifiable/Attainment.		
Pitt County .....		Unclassifiable/Attainment.		
Polk County .....		Unclassifiable/Attainment.		
Randolph County .....		Unclassifiable/Attainment.		
Richmond County .....		Unclassifiable/Attainment.		
Robeson County .....		Unclassifiable/Attainment.		
Rockingham County .....		Unclassifiable/Attainment.		
Rowan County (part)				
Cleveland Township .....		Unclassifiable/Attainment.		
Morgan Township .....		Unclassifiable/Attainment.		
Mount Ulla Township .....		Unclassifiable/Attainment.		
Scotch Irish Township .....		Unclassifiable/Attainment.		
Rutherford County .....		Unclassifiable/Attainment.		
Sampson County .....		Unclassifiable/Attainment.		
Scotland County .....		Unclassifiable/Attainment.		
Stanly County .....		Unclassifiable/Attainment.		
Stokes County .....		Unclassifiable/Attainment.		
Surry County .....		Unclassifiable/Attainment.		
Swain County .....		Unclassifiable/Attainment.		
Transylvania County .....		Unclassifiable/Attainment.		

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Tyrrell County .....	.....	Unclassifiable/Attainment.		
Union County (part).				
Buford Township .....	.....	Unclassifiable/Attainment.		
Jackson Township .....	.....	Unclassifiable/Attainment.		
Lanes Creek Township .....	.....	Unclassifiable/Attainment.		
New Salem Township .....	.....	Unclassifiable/Attainment.		
Vance County .....	.....	Unclassifiable/Attainment.		
Wake County .....	.....	Unclassifiable/Attainment.		
Warren County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Watauga County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		
Wilkes County .....	.....	Unclassifiable/Attainment.		
Wilson County .....	.....	Unclassifiable/Attainment.		
Yadkin County .....	.....	Unclassifiable/Attainment.		
Yancey County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

- 36. Section 81.335 is amended as follows:
- a. By revising the table heading for “North Dakota—Ozone (8-Hour Standard)” to read “North Dakota—1997

8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “North Dakota—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“North Dakota—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.335 North Dakota.**  
\* \* \* \* \*

NORTH DAKOTA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 37. Section 81.336 is amended as follows:
- a. By revising the table heading for “Ohio—Ozone (8-Hour Standard)” to read “Ohio—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Ohio—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Ohio—1997 8-

Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.336 Ohio.**  
\* \* \* \* \*

OHIO—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Cincinnati, OH-KY-IN: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Butler County				
Clermont County				
Clinton County				
Hamilton County				
Warren County				
Cleveland-Akron-Lorain, OH: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Ashtabula County				
Cuyahoga County				
Geauga County				
Lake County				
Lorain County				
Medina County				

OHIO—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Portage County Summit County Columbus, OH: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Delaware County Fairfield County Franklin County Knox County Licking County Madison County Rest of State: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 38. Section 81.337 is amended as follows:

■ a. By revising the table heading for “Oklahoma—Ozone (8-Hour Standard)” to read “Oklahoma—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Oklahoma—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Oklahoma—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.337 Oklahoma.**

\* \* \* \* \*

OKLAHOMA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Adair County .....	.....	Unclassifiable/Attainment.		
Alfalfa County .....	.....	Unclassifiable/Attainment.		
Atoka County .....	.....	Unclassifiable/Attainment.		
Beaver County .....	.....	Unclassifiable/Attainment.		
Beckham County .....	.....	Unclassifiable/Attainment.		
Blaine County .....	.....	Unclassifiable/Attainment.		
Bryan County .....	.....	Unclassifiable/Attainment.		
Caddo County .....	.....	Unclassifiable/Attainment.		
Canadian County .....	.....	Unclassifiable/Attainment.		
Carter County .....	.....	Unclassifiable/Attainment.		
Cherokee County .....	.....	Unclassifiable/Attainment.		
Choctaw County .....	.....	Unclassifiable/Attainment.		
Cimarron County .....	.....	Unclassifiable/Attainment.		
Cleveland County .....	.....	Unclassifiable/Attainment.		
Coal County .....	.....	Unclassifiable/Attainment.		
Comanche County .....	.....	Unclassifiable/Attainment.		
Cotton County .....	.....	Unclassifiable/Attainment.		
Craig County .....	.....	Unclassifiable/Attainment.		
Creek County .....	.....	Unclassifiable/Attainment.		
Custer County .....	.....	Unclassifiable/Attainment.		
Delaware County .....	.....	Unclassifiable/Attainment.		
Dewey County .....	.....	Unclassifiable/Attainment.		
Ellis County .....	.....	Unclassifiable/Attainment.		
Garfield County .....	.....	Unclassifiable/Attainment.		
Garvin County .....	.....	Unclassifiable/Attainment.		
Grady County .....	.....	Unclassifiable/Attainment.		
Grant County .....	.....	Unclassifiable/Attainment.		
Greer County .....	.....	Unclassifiable/Attainment.		
Harmon County .....	.....	Unclassifiable/Attainment.		
Harper County .....	.....	Unclassifiable/Attainment.		
Haskell County .....	.....	Unclassifiable/Attainment.		
Hughes County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Johnston County .....	.....	Unclassifiable/Attainment.		
Kay County .....	.....	Unclassifiable/Attainment.		
Kingfisher County .....	.....	Unclassifiable/Attainment.		
Kiowa County .....	.....	Unclassifiable/Attainment.		
Latimer County .....	.....	Unclassifiable/Attainment.		



OKLAHOMA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Le Flore County .....	.....	Unclassifiable/Attainment.		
Lincoln County .....	.....	Unclassifiable/Attainment.		
Logan County .....	.....	Unclassifiable/Attainment.		
Love County .....	.....	Unclassifiable/Attainment.		
Major County .....	.....	Unclassifiable/Attainment.		
Marshall County .....	.....	Unclassifiable/Attainment.		
Mayes County .....	.....	Unclassifiable/Attainment.		
McClain County .....	.....	Unclassifiable/Attainment.		
McCurtain County .....	.....	Unclassifiable/Attainment.		
McIntosh County .....	.....	Unclassifiable/Attainment.		
Murray County .....	.....	Unclassifiable/Attainment.		
Muskogee County .....	.....	Unclassifiable/Attainment.		
Noble County .....	.....	Unclassifiable/Attainment.		
Nowata County .....	.....	Unclassifiable/Attainment.		
Okfuskee County .....	.....	Unclassifiable/Attainment.		
Oklahoma County .....	.....	Unclassifiable/Attainment.		
Okmulgee County .....	.....	Unclassifiable/Attainment.		
Osage County .....	.....	Unclassifiable/Attainment.		
Ottawa County .....	.....	Unclassifiable/Attainment.		
Pawnee County .....	.....	Unclassifiable/Attainment.		
Payne County .....	.....	Unclassifiable/Attainment.		
Pittsburg County .....	.....	Unclassifiable/Attainment.		
Pontotoc County .....	.....	Unclassifiable/Attainment.		
Pottawatomie County .....	.....	Unclassifiable/Attainment.		
Pushmataha County .....	.....	Unclassifiable/Attainment.		
Roger Mills County .....	.....	Unclassifiable/Attainment.		
Rogers County .....	.....	Unclassifiable/Attainment.		
Seminole County .....	.....	Unclassifiable/Attainment.		
Sequoyah County .....	.....	Unclassifiable/Attainment.		
Stephens County .....	.....	Unclassifiable/Attainment.		
Texas County .....	.....	Unclassifiable/Attainment.		
Tillman County .....	.....	Unclassifiable/Attainment.		
Tulsa County .....	.....	Unclassifiable/Attainment.		
Wagoner County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Washita County .....	.....	Unclassifiable/Attainment.		
Woods County .....	.....	Unclassifiable/Attainment.		
Woodward County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.  
<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 39. Section 81.338 is amended as follows:  
■ a. By revising the table heading for “Oregon—Ozone (8-Hour Standard)” to read “Oregon—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Oregon—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Oregon—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.338 Oregon.**  
\* \* \* \* \*

OREGON—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 40. Section 81.339 is amended as follows:  
■ a. By revising the table heading for “Pennsylvania—Ozone (8-Hour Standard)” to read “Pennsylvania—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”  
■ b. By adding a new table entitled “Pennsylvania—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Pennsylvania—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.339 Pennsylvania.**  
\* \* \* \* \*

PENNSYLVANIA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Allentown-Bethlehem-Easton, PA <sup>2</sup>		Nonattainment		Marginal.
Carbon County				
Lehigh County				
Northampton County				
Lancaster, PA <sup>2</sup>		Nonattainment		Marginal.
Lancaster County				
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE <sup>2</sup>		Nonattainment		Marginal.
Bucks County				
Chester County				
Delaware County				
Montgomery County				
Philadelphia County				
Pittsburgh-Beaver Valley, PA <sup>2</sup>		Nonattainment		Marginal.
Allegheny County				
Armstrong County				
Beaver County				
Butler County				
Fayette County				
Washington County				
Westmoreland County				
Reading, PA <sup>2</sup>		Nonattainment		Marginal.
Berks County				
AQCR 151 NE Pennsylvania Intrastate (remainder) <sup>3</sup>				
Bradford County		Unclassifiable/Attainment.		
Lackawanna County		Unclassifiable/Attainment.		
Luzerne County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		
Pike County		Unclassifiable/Attainment.		
Schuylkill County		Unclassifiable/Attainment.		
Sullivan County		Unclassifiable/Attainment.		
Susquehanna County		Unclassifiable/Attainment.		
Tioga County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		
Wyoming		Unclassifiable/Attainment.		
AQCR 178 NW Pennsylvania Intrastate <sup>3</sup>				
Cameron County		Unclassifiable/Attainment.		
Clarion County		Unclassifiable/Attainment.		
Clearfield County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Elk County		Unclassifiable/Attainment.		
Erie County		Unclassifiable/Attainment.		
Forest County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
McKean County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Potter County		Unclassifiable/Attainment.		
Venango County		Unclassifiable/Attainment.		
Warren County		Unclassifiable/Attainment.		
AQCR 195 Central Pennsylvania Intrastate <sup>3</sup>				
Bedford County		Unclassifiable/Attainment.		
Blair County		Unclassifiable/Attainment.		
Cambria County		Unclassifiable/Attainment.		
Centre County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Columbia County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Huntingdon County		Unclassifiable/Attainment.		
Juniata County		Unclassifiable/Attainment.		
Lycoming County		Unclassifiable/Attainment.		
Mifflin County		Unclassifiable/Attainment.		
Montour County		Unclassifiable/Attainment.		
Northumberland County		Unclassifiable/Attainment.		
Snyder County		Unclassifiable/Attainment.		
Somerset County		Unclassifiable/Attainment.		
Union County		Unclassifiable/Attainment.		
AQCR 196 South Central Pennsylvania (remainder) <sup>3</sup>				
Adams County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		

PENNSYLVANIA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Dauphin County .....	.....	Unclassifiable/Attainment.		
Franklin County .....	.....	Unclassifiable/Attainment.		
Lebanon County .....	.....	Unclassifiable/Attainment.		
Perry County .....	.....	Unclassifiable/Attainment.		
York County .....	.....	Unclassifiable/Attainment.		
AQCR 197 Southwest Pennsylvania (remainder) <sup>3</sup>				
Green County .....	.....	Unclassifiable/Attainment.		
Indiana County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 41. Section 81.340 is amended as follows:  
 ■ a. By revising the table heading for “Rhode Island—Ozone (8-Hour Standard)” to read “Rhode Island—1997

8-Hour Ozone NAAQS (Primary and Secondary)”.  
 ■ b. By adding a new table entitled “Rhode Island—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Rhode Island—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.340 Rhode Island.**  
 \* \* \* \* \*

RHODE ISLAND—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Providence (all of RI), RI: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		
Bristol County				
Kent County				
Newport County				
Providence County				
Washington County				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 42. Section 81.341 is amended as follows:  
 ■ a. By revising the table heading for “South Carolina—Ozone (8-Hour Standard)” to read “South Carolina—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”.  
 ■ b. By adding a new table entitled “South Carolina—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“South Carolina—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.341 South Carolina.**  
 \* \* \* \* \*

SOUTH CAROLINA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Charlotte-Rock Hill, NC-SC: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
York County (part)				
Portion along MPO lines				
Catawba Indian Nation (aka Catawba Tribe of South Carolina) <sup>3</sup> .	.....	Unclassifiable/Attainment.		
Rest of State: <sup>4</sup> .....	.....	Unclassifiable/Attainment.		
Abbeville County .....	.....	Unclassifiable/Attainment.		
Aiken County .....	.....	Unclassifiable/Attainment.		
Allendale County .....	.....	Unclassifiable/Attainment.		
Bamberg County .....	.....	Unclassifiable/Attainment.		
Barnwell County .....	.....	Unclassifiable/Attainment.		
Beaufort County .....	.....	Unclassifiable/Attainment.		
Berkeley County .....	.....	Unclassifiable/Attainment.		
Calhoun County .....	.....	Unclassifiable/Attainment.		
Charleston County .....	.....	Unclassifiable/Attainment.		

SOUTH CAROLINA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Cherokee County .....	.....	Unclassifiable/Attainment.		
Chester County .....	.....	Unclassifiable/Attainment.		
Chesterfield County .....	.....	Unclassifiable/Attainment.		
Clarendon County .....	.....	Unclassifiable/Attainment.		
Colleton County .....	.....	Unclassifiable/Attainment.		
Darlington County .....	.....	Unclassifiable/Attainment.		
Dillon County .....	.....	Unclassifiable/Attainment.		
Dorchester County .....	.....	Unclassifiable/Attainment.		
Edgefield County .....	.....	Unclassifiable/Attainment.		
Fairfield County .....	.....	Unclassifiable/Attainment.		
Florence County .....	.....	Unclassifiable/Attainment.		
Georgetown County .....	.....	Unclassifiable/Attainment.		
Greenwood County .....	.....	Unclassifiable/Attainment.		
Hampton County .....	.....	Unclassifiable/Attainment.		
Horry County .....	.....	Unclassifiable/Attainment.		
Jasper County .....	.....	Unclassifiable/Attainment.		
Kershaw County .....	.....	Unclassifiable/Attainment.		
Lancaster County .....	.....	Unclassifiable/Attainment.		
Laurens County .....	.....	Unclassifiable/Attainment.		
Lee County .....	.....	Unclassifiable/Attainment.		
Lexington County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Marlboro County .....	.....	Unclassifiable/Attainment.		
McCormick County .....	.....	Unclassifiable/Attainment.		
Newberry County .....	.....	Unclassifiable/Attainment.		
Oconee County .....	.....	Unclassifiable/Attainment.		
Orangeburg County .....	.....	Unclassifiable/Attainment.		
Pickens County .....	.....	Unclassifiable/Attainment.		
Richland County .....	.....	Unclassifiable/Attainment.		
Saluda County .....	.....	Unclassifiable/Attainment.		
Sumter County .....	.....	Unclassifiable/Attainment.		
Union County .....	.....	Unclassifiable/Attainment.		
Williamsburg County .....	.....	Unclassifiable/Attainment.		
York County (part) remainder .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

<sup>4</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 43. Section 81.342 is amended as follows:

■ a. By revising the table heading for “South Dakota—Ozone (8-Hour Standard)” to read “South Dakota—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “South Dakota—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“South Dakota—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.342 South Dakota.**  
 \* \* \* \* \*

SOUTH DAKOTA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Statewide and Any Areas of Indian Country: .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

■ 44. Section 81.343 is amended as follows:

■ a. By revising the table heading for “Tennessee—Ozone (8-Hour Standard)” to read “Tennessee—1997 8-Hour

Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Tennessee—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Tennessee—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.343 Tennessee.**  
 \* \* \* \* \*

TENNESSEE—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Knoxville, TN: <sup>2</sup>		Nonattainment		Marginal.
Anderson County (part)				
2000 Census tracts: 202, 213.02				
Blount County				
Knox County				
Memphis, TN-MS-AR: <sup>2</sup>		Nonattainment		Marginal.
Shelby County				
Rest of State: <sup>3</sup>		Unclassifiable/Attainment.		
Anderson County (part) remainder		Unclassifiable/Attainment.		
Bedford County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Bledsoe County		Unclassifiable/Attainment.		
Bradley County		Unclassifiable/Attainment.		
Campbell County		Unclassifiable/Attainment.		
Cannon County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Carter County		Unclassifiable/Attainment.		
Cheatham County		Unclassifiable/Attainment.		
Chester County		Unclassifiable/Attainment.		
Claiborne County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Cocke County		Unclassifiable/Attainment.		
Coffee County		Unclassifiable/Attainment.		
Crockett County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
Davidson County		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
DeKalb County		Unclassifiable/Attainment.		
Dickson County		Unclassifiable/Attainment.		
Dyer County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Fentress County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Gibson County		Unclassifiable/Attainment.		
Giles County		Unclassifiable/Attainment.		
Grainger County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Grundy County		Unclassifiable/Attainment.		
Hamblen County		Unclassifiable/Attainment.		
Hamilton County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Hardeman County		Unclassifiable/Attainment.		
Hardin County		Unclassifiable/Attainment.		
Hawkins County		Unclassifiable/Attainment.		
Haywood County		Unclassifiable/Attainment.		
Henderson County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Hickman County		Unclassifiable/Attainment.		
Houston County		Unclassifiable/Attainment.		
Humphreys County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Johnson County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Lauderdale County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
Lewis County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Loudon County		Unclassifiable/Attainment.		
McMinn County		Unclassifiable/Attainment.		
McNairy County		Unclassifiable/Attainment.		
Macon County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Marshall County		Unclassifiable/Attainment.		
Maury County		Unclassifiable/Attainment.		
Meigs County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		
Montgomery County		Unclassifiable/Attainment.		

TENNESSEE—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Moore County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Obion County .....	.....	Unclassifiable/Attainment.		
Overton County .....	.....	Unclassifiable/Attainment.		
Perry County .....	.....	Unclassifiable/Attainment.		
Pickett County .....	.....	Unclassifiable/Attainment.		
Polk County .....	.....	Unclassifiable/Attainment.		
Putnam County .....	.....	Unclassifiable/Attainment.		
Rhea County .....	.....	Unclassifiable/Attainment.		
Roane County .....	.....	Unclassifiable/Attainment.		
Robertson County .....	.....	Unclassifiable/Attainment.		
Rutherford County .....	.....	Unclassifiable/Attainment.		
Scott County .....	.....	Unclassifiable/Attainment.		
Sequatchie County .....	.....	Unclassifiable/Attainment.		
Sevier County .....	.....	Unclassifiable/Attainment.		
Smith County .....	.....	Unclassifiable/Attainment.		
Stewart County .....	.....	Unclassifiable/Attainment.		
Sullivan County .....	.....	Unclassifiable/Attainment.		
Sumner County .....	.....	Unclassifiable/Attainment.		
Tipton County .....	.....	Unclassifiable/Attainment.		
Trousdale County .....	.....	Unclassifiable/Attainment.		
Unicoi County .....	.....	Unclassifiable/Attainment.		
Union County .....	.....	Unclassifiable/Attainment.		
Van Buren County .....	.....	Unclassifiable/Attainment.		
Warren County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		
Weakley County .....	.....	Unclassifiable/Attainment.		
White County .....	.....	Unclassifiable/Attainment.		
Williamson County .....	.....	Unclassifiable/Attainment.		
Wilson County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 45. Section 81.344 is amended as follows:  
 ■ a. By revising the table heading for “Texas—Ozone (8-Hour Standard)” to read “Texas—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Texas—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Texas—1997

8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.344 Texas.**  
 \* \* \* \* \*

TEXAS—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Dallas-Fort Worth, TX: <sup>2</sup> .....	.....	Nonattainment .....	.....	Moderate.
Collin County				
Dallas County				
Denton County				
Ellis County				
Johnson County				
Kaufman County				
Parker County				
Rockwall County				
Tarrant County				
Wise County				
Houston-Galveston-Brazoria, TX: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Brazoria County				
Chambers County				
Fort Bend County				
Galveston County				
Harris County				

TEXAS—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Liberty County				
Montgomery County				
Waller County				
Rest of State: <sup>3</sup>				
Anderson County .....		Unclassifiable/Attainment.		
Andrews County .....		Unclassifiable/Attainment.		
Angelina County .....		Unclassifiable/Attainment.		
Aransas County .....		Unclassifiable/Attainment.		
Archer County .....		Unclassifiable/Attainment.		
Armstrong County .....		Unclassifiable/Attainment.		
Atascosa County .....		Unclassifiable/Attainment.		
Austin County .....		Unclassifiable/Attainment.		
Bailey County .....		Unclassifiable/Attainment.		
Bandera County .....		Unclassifiable/Attainment.		
Bastrop County .....		Unclassifiable/Attainment.		
Baylor County .....		Unclassifiable/Attainment.		
Bee County .....		Unclassifiable/Attainment.		
Bell County .....		Unclassifiable/Attainment.		
Bexar County .....		Unclassifiable/Attainment.		
Blanco County .....		Unclassifiable/Attainment.		
Borden County .....		Unclassifiable/Attainment.		
Bosque County .....		Unclassifiable/Attainment.		
Bowie County .....		Unclassifiable/Attainment.		
Brazos County .....		Unclassifiable/Attainment.		
Brewster County .....		Unclassifiable/Attainment.		
Briscoe County .....		Unclassifiable/Attainment.		
Brooks County .....		Unclassifiable/Attainment.		
Brown County .....		Unclassifiable/Attainment.		
Burleson County .....		Unclassifiable/Attainment.		
Burnet County .....		Unclassifiable/Attainment.		
Caldwell County .....		Unclassifiable/Attainment.		
Calhoun County .....		Unclassifiable/Attainment.		
Callahan County .....		Unclassifiable/Attainment.		
Cameron County .....		Unclassifiable/Attainment.		
Camp County .....		Unclassifiable/Attainment.		
Carson County .....		Unclassifiable/Attainment.		
Cass County .....		Unclassifiable/Attainment.		
Castro County .....		Unclassifiable/Attainment.		
Cherokee County .....		Unclassifiable/Attainment.		
Childress County .....		Unclassifiable/Attainment.		
Clay County .....		Unclassifiable/Attainment.		
Cochran County .....		Unclassifiable/Attainment.		
Coke County .....		Unclassifiable/Attainment.		
Coleman County .....		Unclassifiable/Attainment.		
Collingsworth County .....		Unclassifiable/Attainment.		
Colorado County .....		Unclassifiable/Attainment.		
Comal County .....		Unclassifiable/Attainment.		
Comanche County .....		Unclassifiable/Attainment.		
Concho County .....		Unclassifiable/Attainment.		
Cooke County .....		Unclassifiable/Attainment.		
Coryell County .....		Unclassifiable/Attainment.		
Cottle County .....		Unclassifiable/Attainment.		
Crane County .....		Unclassifiable/Attainment.		
Crockett County .....		Unclassifiable/Attainment.		
Crosby County .....		Unclassifiable/Attainment.		
Culberson County .....		Unclassifiable/Attainment.		
Dallam County .....		Unclassifiable/Attainment.		
Dawson County .....		Unclassifiable/Attainment.		
Deaf Smith County .....		Unclassifiable/Attainment.		
Delta County .....		Unclassifiable/Attainment.		
DeWitt County .....		Unclassifiable/Attainment.		
Dickens County .....		Unclassifiable/Attainment.		
Dimmit County .....		Unclassifiable/Attainment.		
Donley County .....		Unclassifiable/Attainment.		
Duval County .....		Unclassifiable/Attainment.		
Eastland County .....		Unclassifiable/Attainment.		
Ector County .....		Unclassifiable/Attainment.		
Edwards County .....		Unclassifiable/Attainment.		
El Paso County .....		Unclassifiable/Attainment.		

TEXAS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Erath County .....	.....	Unclassifiable/Attainment.		
Falls County .....	.....	Unclassifiable/Attainment.		
Fannin County .....	.....	Unclassifiable/Attainment.		
Fayette County .....	.....	Unclassifiable/Attainment.		
Fisher County .....	.....	Unclassifiable/Attainment.		
Floyd County .....	.....	Unclassifiable/Attainment.		
Foard County .....	.....	Unclassifiable/Attainment.		
Franklin County .....	.....	Unclassifiable/Attainment.		
Freestone County .....	.....	Unclassifiable/Attainment.		
Frio County .....	.....	Unclassifiable/Attainment.		
Gaines County .....	.....	Unclassifiable/Attainment.		
Garza County .....	.....	Unclassifiable/Attainment.		
Gillespie County .....	.....	Unclassifiable/Attainment.		
Glasscock County .....	.....	Unclassifiable/Attainment.		
Goliad County .....	.....	Unclassifiable/Attainment.		
Gonzales County .....	.....	Unclassifiable/Attainment.		
Gray County .....	.....	Unclassifiable/Attainment.		
Grayson County .....	.....	Unclassifiable/Attainment.		
Gregg County .....	.....	Unclassifiable/Attainment.		
Grimes County .....	.....	Unclassifiable/Attainment.		
Guadalupe County .....	.....	Unclassifiable/Attainment.		
Hale County .....	.....	Unclassifiable/Attainment.		
Hall County .....	.....	Unclassifiable/Attainment.		
Hamilton County .....	.....	Unclassifiable/Attainment.		
Hansford County .....	.....	Unclassifiable/Attainment.		
Hardeman County .....	.....	Unclassifiable/Attainment.		
Hardin County .....	.....	Unclassifiable/Attainment.		
Harrison County .....	.....	Unclassifiable/Attainment.		
Hartley County .....	.....	Unclassifiable/Attainment.		
Haskell County .....	.....	Unclassifiable/Attainment.		
Hays County .....	.....	Unclassifiable/Attainment.		
Hemphill County .....	.....	Unclassifiable/Attainment.		
Henderson County .....	.....	Unclassifiable/Attainment.		
Hidalgo County .....	.....	Unclassifiable/Attainment.		
Hill County .....	.....	Unclassifiable/Attainment.		
Hockley County .....	.....	Unclassifiable/Attainment.		
Hood County .....	.....	Unclassifiable/Attainment.		
Hopkins County .....	.....	Unclassifiable/Attainment.		
Houston County .....	.....	Unclassifiable/Attainment.		
Howard County .....	.....	Unclassifiable/Attainment.		
Hudspeth County .....	.....	Unclassifiable/Attainment.		
Hunt County .....	.....	Unclassifiable/Attainment.		
Hutchinson County .....	.....	Unclassifiable/Attainment.		
Irion County .....	.....	Unclassifiable/Attainment.		
Jack County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jasper County .....	.....	Unclassifiable/Attainment.		
Jeff Davis County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Jim Hogg County .....	.....	Unclassifiable/Attainment.		
Jim Wells County .....	.....	Unclassifiable/Attainment.		
Jones County .....	.....	Unclassifiable/Attainment.		
Karnes County .....	.....	Unclassifiable/Attainment.		
Kendall County .....	.....	Unclassifiable/Attainment.		
Kenedy County .....	.....	Unclassifiable/Attainment.		
Kent County .....	.....	Unclassifiable/Attainment.		
Kerr County .....	.....	Unclassifiable/Attainment.		
Kimble County .....	.....	Unclassifiable/Attainment.		
King County .....	.....	Unclassifiable/Attainment.		
Kinney County .....	.....	Unclassifiable/Attainment.		
Kleberg County .....	.....	Unclassifiable/Attainment.		
Knox County .....	.....	Unclassifiable/Attainment.		
La Salle County .....	.....	Unclassifiable/Attainment.		
Lamar County .....	.....	Unclassifiable/Attainment.		
Lamb County .....	.....	Unclassifiable/Attainment.		
Lampasas County .....	.....	Unclassifiable/Attainment.		
Lavaca County .....	.....	Unclassifiable/Attainment.		
Lee County .....	.....	Unclassifiable/Attainment.		
Leon County .....	.....	Unclassifiable/Attainment.		



TEXAS—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Limestone County .....	.....	Unclassifiable/Attainment.		
Lipscomb County .....	.....	Unclassifiable/Attainment.		
Live Oak County .....	.....	Unclassifiable/Attainment.		
Llano County .....	.....	Unclassifiable/Attainment.		
Loving County .....	.....	Unclassifiable/Attainment.		
Lubbock County .....	.....	Unclassifiable/Attainment.		
Lynn County .....	.....	Unclassifiable/Attainment.		
McCulloch County .....	.....	Unclassifiable/Attainment.		
McLennan County .....	.....	Unclassifiable/Attainment.		
McMullen County .....	.....	Unclassifiable/Attainment.		
Madison County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Martin County .....	.....	Unclassifiable/Attainment.		
Mason County .....	.....	Unclassifiable/Attainment.		
Matagorda County .....	.....	Unclassifiable/Attainment.		
Maverick County .....	.....	Unclassifiable/Attainment.		
Medina County .....	.....	Unclassifiable/Attainment.		
Menard County .....	.....	Unclassifiable/Attainment.		
Midland County .....	.....	Unclassifiable/Attainment.		
Milam County .....	.....	Unclassifiable/Attainment.		
Mills County .....	.....	Unclassifiable/Attainment.		
Mitchell County .....	.....	Unclassifiable/Attainment.		
Montague County .....	.....	Unclassifiable/Attainment.		
Moore County .....	.....	Unclassifiable/Attainment.		
Morris County .....	.....	Unclassifiable/Attainment.		
Motley County .....	.....	Unclassifiable/Attainment.		
Nacogdoches County .....	.....	Unclassifiable/Attainment.		
Navarro County .....	.....	Unclassifiable/Attainment.		
Newton County .....	.....	Unclassifiable/Attainment.		
Nolan County .....	.....	Unclassifiable/Attainment.		
Nueces County .....	.....	Unclassifiable/Attainment.		
Ochiltree County .....	.....	Unclassifiable/Attainment.		
Oldham County .....	.....	Unclassifiable/Attainment.		
Orange County .....	.....	Unclassifiable/Attainment.		
Palo Pinto County .....	.....	Unclassifiable/Attainment.		
Panola County .....	.....	Unclassifiable/Attainment.		
Parmer County .....	.....	Unclassifiable/Attainment.		
Pecos County .....	.....	Unclassifiable/Attainment.		
Polk County .....	.....	Unclassifiable/Attainment.		
Potter County .....	.....	Unclassifiable/Attainment.		
Presidio County .....	.....	Unclassifiable/Attainment.		
Rains County .....	.....	Unclassifiable/Attainment.		
Randall County .....	.....	Unclassifiable/Attainment.		
Reagan County .....	.....	Unclassifiable/Attainment.		
Real County .....	.....	Unclassifiable/Attainment.		
Red River County .....	.....	Unclassifiable/Attainment.		
Reeves County .....	.....	Unclassifiable/Attainment.		
Refugio County .....	.....	Unclassifiable/Attainment.		
Roberts County .....	.....	Unclassifiable/Attainment.		
Robertson County .....	.....	Unclassifiable/Attainment.		
Runnels County .....	.....	Unclassifiable/Attainment.		
Rusk County .....	.....	Unclassifiable/Attainment.		
Sabine County .....	.....	Unclassifiable/Attainment.		
San Augustine County .....	.....	Unclassifiable/Attainment.		
San Jacinto County .....	.....	Unclassifiable/Attainment.		
San Patricio County .....	.....	Unclassifiable/Attainment.		
San Saba County .....	.....	Unclassifiable/Attainment.		
Schleicher County .....	.....	Unclassifiable/Attainment.		
Scurry County .....	.....	Unclassifiable/Attainment.		
Shackelford County .....	.....	Unclassifiable/Attainment.		
Shelby County .....	.....	Unclassifiable/Attainment.		
Sherman County .....	.....	Unclassifiable/Attainment.		
Smith County .....	.....	Unclassifiable/Attainment.		
Somervell County .....	.....	Unclassifiable/Attainment.		
Starr County .....	.....	Unclassifiable/Attainment.		
Stephens County .....	.....	Unclassifiable/Attainment.		
Sterling County .....	.....	Unclassifiable/Attainment.		
Stonewall County .....	.....	Unclassifiable/Attainment.		
Sutton County .....	.....	Unclassifiable/Attainment.		

TEXAS—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Swisher County .....	.....	Unclassifiable/Attainment.		
Taylor County .....	.....	Unclassifiable/Attainment.		
Terrell County .....	.....	Unclassifiable/Attainment.		
Terry County .....	.....	Unclassifiable/Attainment.		
Throckmorton County .....	.....	Unclassifiable/Attainment.		
Titus County .....	.....	Unclassifiable/Attainment.		
Tom Green County .....	.....	Unclassifiable/Attainment.		
Travis County .....	.....	Unclassifiable/Attainment.		
Trinity County .....	.....	Unclassifiable/Attainment.		
Tyler County .....	.....	Unclassifiable/Attainment.		
Upshur County .....	.....	Unclassifiable/Attainment.		
Upton County .....	.....	Unclassifiable/Attainment.		
Uvalde County .....	.....	Unclassifiable/Attainment.		
Val Verde County .....	.....	Unclassifiable/Attainment.		
Van Zandt County .....	.....	Unclassifiable/Attainment.		
Victoria County .....	.....	Unclassifiable/Attainment.		
Walker County .....	.....	Unclassifiable/Attainment.		
Ward County .....	.....	Unclassifiable/Attainment.		
Washington County .....	.....	Unclassifiable/Attainment.		
Webb County .....	.....	Unclassifiable/Attainment.		
Wharton County .....	.....	Unclassifiable/Attainment.		
Wheeler County .....	.....	Unclassifiable/Attainment.		
Wichita County .....	.....	Unclassifiable/Attainment.		
Wilbarger County .....	.....	Unclassifiable/Attainment.		
Willacy County .....	.....	Unclassifiable/Attainment.		
Williamson County .....	.....	Unclassifiable/Attainment.		
Wilson County .....	.....	Unclassifiable/Attainment.		
Winkler County .....	.....	Unclassifiable/Attainment.		
Wood County .....	.....	Unclassifiable/Attainment.		
Yoakum County .....	.....	Unclassifiable/Attainment.		
Young County .....	.....	Unclassifiable/Attainment.		
Zapata County .....	.....	Unclassifiable/Attainment.		
Zavala County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 46. Section 81.345 is amended as follows:  
 ■ a. By revising the table heading for “Utah—Ozone (8-Hour Standard)” to read “Utah—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Utah—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Utah—1997 8-

Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.345 Utah.**  
 \* \* \* \* \*

UTAH—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Uinta Basin, UT: <sup>2</sup> .....	.....	Unclassifiable.		
Duchesne County				
Uintah County				
Ute Indian Tribe of the Uintah & Ouray Reservation <sup>3</sup>				
Rest of State and Rest of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

■ 47. Section 81.346 is amended as follows:

■ a. By revising the table heading for “Vermont—Ozone (8-Hour Standard)”

to read “Vermont—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled newly designated table “Vermont—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows: § 81.346 Vermont.  
 \* \* \* \* \*

VERMONT—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
AQCR 159 Champlain Valley Interstate: ..... Addison County Chittenden County Franklin County Grand Isle County Rutland County	.....	Unclassifiable/Attainment.		
AQCR 221 Vermont Intrastate: ..... Bennington County Caledonia County Essex County Lamoille County Orange County Orleans County Washington County Windham County Windsor County	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.  
<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 48. Section 81.347 is amended as follows:  
 ■ a. By revising the table heading for “Virginia—Ozone (8-Hour Standard)” to read “Virginia—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:  
 newly designated table “Virginia—1997 8-Hour Ozone NAAQS (Primary and Secondary)” following the § 81.347 Virginia.  
 \* \* \* \* \*

VIRGINIA—2008 8-HOUR OZONE NAAQS  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Washington, DC-MD-VA: <sup>2</sup> ..... Arlington County Fairfax County Loudoun County Prince William County Alexandria City Fairfax City Falls Church City Manassas City Manassas Park City	.....	Nonattainment .....	.....	Marginal.
AQCR 207 Eastern Tennessee—SW Virginia Interstate: <sup>3</sup> ..... Bland County Buchanan County Carroll County Dickenson County Grayson County Lee County Russell County Scott County Smyth County Tazewell County Washington County Wise County Wythe County Bristol City Galax City Norton City	.....	Unclassifiable/Attainment.		
AQCR 222 Central Virginia Intrastate: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

VIRGINIA—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Amelia County				
Amherst County				
Appomattox County				
Bedford County				
Brunswick County				
Buckingham County				
Campbell County				
Charlotte County				
Cumberland County				
Franklin County				
Halifax County				
Henry County				
Lunenburg County				
Mecklenburg County				
Nottoway County				
Patrick County				
Pittsylvania County				
Prince Edward County				
Bedford City				
Danville City				
Lynchburg City				
Martinsville City				
South Boston City				
AQCR 223 Hampton Roads Intrastate: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Isle of Wight County				
James City County				
Southampton County				
York County				
Chesapeake City				
Franklin City				
Hampton City				
Newport News City				
Norfolk City				
Poquoson City				
Portsmouth City				
Suffolk City				
Virginia Beach City				
Williamsburg City				
AQCR 224 NE Virginia Intrastate: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Accomack County				
Albemarle County				
Caroline County				
Culpeper County				
Essex County				
Fauquier County				
Fluvanna County				
Gloucester County				
Greene County				
King and Queen County				
King George County				
King William County				
Lancaster County				
Louisa County				
Madison County				
Mathews County				
Middlesex County				
Nelson County				
Northampton County				
Northumberland County				
Orange County				
Rappahannock County				
Richmond County				
Spotsylvania County				
Stafford County				
Westmoreland County				
Charlottesville City				
City of Fredericksburg				
AQCR 225 State Capital Intrastate: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Charles City County				

VIRGINIA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Chesterfield County				
Dinwiddie County				
Goochland County				
Greensville County				
Hanover County				
Henrico County				
New Kent County				
Powhatan County				
Prince George County				
Surry County				
Sussex County				
Colonial Heights City				
Emporia City				
Hopewell City				
Petersburg City				
Richmond City				
AQCR 226 Valley of Virginia Intrastate: <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Alleghany County				
Augusta County				
Bath County				
Botetourt County				
Clarke County				
Craig County				
Floyd County				
Frederick County				
Giles County				
Highland County				
Montgomery County				
Page County				
Pulaski County				
Roanoke County				
Rockbridge County				
Rockingham County				
Shenandoah County				
Warren County				
Buena Vista City				
Clifton Forge City				
Covington City				
Harrisonburg City				
Lexington City				
Radford City				
Roanoke City				
Salem City				
Staunton City				
Waynesboro City				
Winchester City				

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 49. Section 81.348 is amended as follows:  
 ■ a. By revising the table heading for “Washington—Ozone (8-Hour Standard)” to read “Washington—1997

8-Hour Ozone NAAQS (Primary and Secondary)”  
 ■ b. By adding a new table entitled “Washington—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Washington—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:  
**§ 81.348 Washington.**  
 \* \* \* \* \*

WASHINGTON—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation <sup>1</sup>		Classification	
	Date <sup>2</sup>	Type	Date <sup>1</sup>	Type
Clark County .....	.....	Unclassifiable/Attainment.		
King County .....	.....	Unclassifiable/Attainment.		

WASHINGTON—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation <sup>1</sup>		Classification	
	Date <sup>2</sup>	Type	Date <sup>1</sup>	Type
Pierce County .....	.....	Unclassifiable/Attainment.		
Spokane County .....	.....	Unclassifiable/Attainment.		
Thurston County .....	.....	Unclassifiable/Attainment.		
Rest of state and rest of Indian country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.

<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 50. Section 81.349 is amended as follows:

■ a. By revising the table heading for “West Virginia—Ozone (8-Hour Standard)” to read “West Virginia—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “West Virginia—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“West Virginia—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.349 West Virginia.**  
\* \* \* \* \*

WEST VIRGINIA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Barbour County .....	.....	Unclassifiable/Attainment.		
Berkeley County .....	.....	Unclassifiable/Attainment.		
Boone County .....	.....	Unclassifiable/Attainment.		
Braxton County .....	.....	Unclassifiable/Attainment.		
Brooke County .....	.....	Unclassifiable/Attainment.		
Cabell County .....	.....	Unclassifiable/Attainment.		
Calhoun County .....	.....	Unclassifiable/Attainment.		
Clay County .....	.....	Unclassifiable/Attainment.		
Doddridge County .....	.....	Unclassifiable/Attainment.		
Fayette County .....	.....	Unclassifiable/Attainment.		
Gilmer County .....	.....	Unclassifiable/Attainment.		
Grant County .....	.....	Unclassifiable/Attainment.		
Greenbrier County .....	.....	Unclassifiable/Attainment.		
Hampshire County .....	.....	Unclassifiable/Attainment.		
Hancock County .....	.....	Unclassifiable/Attainment.		
Hardy County .....	.....	Unclassifiable/Attainment.		
Harrison County .....	.....	Unclassifiable/Attainment.		
Jackson County .....	.....	Unclassifiable/Attainment.		
Jefferson County .....	.....	Unclassifiable/Attainment.		
Kanawha County .....	.....	Unclassifiable/Attainment.		
Lewis County .....	.....	Unclassifiable/Attainment.		
Lincoln County .....	.....	Unclassifiable/Attainment.		
Logan County .....	.....	Unclassifiable/Attainment.		
McDowell County .....	.....	Unclassifiable/Attainment.		
Marion County .....	.....	Unclassifiable/Attainment.		
Marshall County .....	.....	Unclassifiable/Attainment.		
Mason County .....	.....	Unclassifiable/Attainment.		
Mercer County .....	.....	Unclassifiable/Attainment.		
Mineral County .....	.....	Unclassifiable/Attainment.		
Mingo County .....	.....	Unclassifiable/Attainment.		
Monongalia County .....	.....	Unclassifiable/Attainment.		
Monroe County .....	.....	Unclassifiable/Attainment.		
Morgan County .....	.....	Unclassifiable/Attainment.		
Nicholas County .....	.....	Unclassifiable/Attainment.		
Ohio County .....	.....	Unclassifiable/Attainment.		
Pendleton County .....	.....	Unclassifiable/Attainment.		
Pleasants County .....	.....	Unclassifiable/Attainment.		
Pocahontas County .....	.....	Unclassifiable/Attainment.		
Preston County .....	.....	Unclassifiable/Attainment.		
Putnam County .....	.....	Unclassifiable/Attainment.		
Raleigh County .....	.....	Unclassifiable/Attainment.		
Randolph County .....	.....	Unclassifiable/Attainment.		
Ritchie County .....	.....	Unclassifiable/Attainment.		
Roane County .....	.....	Unclassifiable/Attainment.		
Summers County .....	.....	Unclassifiable/Attainment.		
Taylor County .....	.....	Unclassifiable/Attainment.		

WEST VIRGINIA—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
Tucker County .....	.....	Unclassifiable/Attainment.		
Tyler County .....	.....	Unclassifiable/Attainment.		
Upshur County .....	.....	Unclassifiable/Attainment.		
Wayne County .....	.....	Unclassifiable/Attainment.		
Webster County .....	.....	Unclassifiable/Attainment.		
Wetzel County .....	.....	Unclassifiable/Attainment.		
Wirt County .....	.....	Unclassifiable/Attainment.		
Wood County .....	.....	Unclassifiable/Attainment.		
Wyoming County .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country located in each county or area, unless otherwise noted.  
<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 51. Section 81.350 is amended as follows:

■ a. By revising the table heading for “Wisconsin—Ozone (8-Hour Standard)” to read “Wisconsin—1997 8-Hour

Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Wisconsin—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Wisconsin—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.350 Wisconsin.**  
\* \* \* \* \*

WISCONSIN—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Sheboygan County, WI: <sup>2</sup> .....	.....	Nonattainment .....	.....	Marginal.
Sheboygan County				
Adams County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ashland County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Barron County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Bayfield County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Brown County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Buffalo County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Burnett County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Calumet County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Chippewa County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Clark County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Columbia County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Crawford County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Dane County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Dodge County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Door County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Douglas County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Dunn County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Eau Claire County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Florence County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Fond du Lac County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Forest County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Grant County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Green County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Green Lake County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Iowa County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Iron County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jackson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Jefferson County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Juneau County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Kewaunee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
La Crosse County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Lafayette County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Langlade County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Lincoln County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Manitowoc County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marathon County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marinette County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Marquette County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Menominee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

WISCONSIN—2008 8-HOUR OZONE NAAQS—Continued  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Milwaukee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Monroe County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Oconto County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Oneida County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Outagamie County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Ozaukee County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pepin County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Pierce County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Polk County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Portage County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Price County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Racine County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Richland County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Rock County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Rusk County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
St. Croix County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Sauk County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Sawyer County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Shawano County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Taylor County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Trempealeau County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vernon County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Vilas County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Walworth County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Washburn County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Washington County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Waukesha County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Waupaca County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Waushara County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Winnebago County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		
Wood County <sup>3</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.  
<sup>3</sup> Includes any Indian country in each county or area, unless otherwise specified.

■ 52. Section 81.351 is amended as follows:  
 ■ a. By revising the table heading for “Wyoming—Ozone (8-Hour Standard)” to read “Wyoming—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

■ b. By adding a new table entitled “Wyoming—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Wyoming—1997 8-Hour Ozone

NAAQS (Primary and Secondary)” to read as follows:

**§ 81.351 Wyoming.**  
 \* \* \* \* \*

WYOMING—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Upper Green River Basin Area, WY: <sup>2</sup> ..... Lincoln County (part)	.....	Nonattainment .....	.....	Marginal.



WYOMING—2008 8-HOUR OZONE NAAQS—Continued  
 [Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
<p>The area of the county north and east of the boundary defined by a line starting at the point defined by the intersection of the southwest corner Section 30 Range (R) 115 West Township (T) 27N and the northwest corner of Section 31 R 115 West T27N of Sublette County at Sublette County's border with Lincoln County. From this point the boundary moves to the west 500 feet to Aspen Creek. The boundary follows the centerline of Aspen Creek downstream to the confluence of Aspen Creek and Fontenelle Creek (in R116W T26N, Section 1). From this point the boundary moves generally to the south along the centerline of Fontenelle Creek to the confluence of Fontenelle Creek and Roney Creek (in R115W T24N Section 6). From the confluence, the boundary moves generally to the east along the centerline of Fontenelle Creek and into the Fontenelle Reservoir (in R112W T24N Section 6). The boundary moves east southeast along the centerline of the Fontenelle Reservoir and then toward the south along the centerline of the Green River to where the Green River in R111W T24N Section 31 crosses into Sweetwater County.</p> <p>Sublette County                      Sweetwater County (part)</p> <p>The area of the county west and north of the boundary which begins at the midpoint of the Green River, where the Green River enters Sweetwater County from Lincoln County in R111W T24N Section 31. From this point, the boundary follows the center of the channel of the Green River generally to the south and east to the confluence of the Green River and the Big Sandy River (in R109W T22N Section 28). From this point, the boundary moves generally north and east along the centerline of the Big Sandy River to the confluence of the Big Sandy River with Little Sandy Creek (in R106W T25N Section 33). The boundary continues generally toward the northeast along the centerline of Little Sandy Creek to the confluence of Little Sandy Creek and Pacific Creek (in R106W T25N Section 24). From this point, the boundary moves generally to the east and north along the centerline of Pacific Creek to the confluence of Pacific Creek and Whitehorse Creek (in R103W T26N Section 10). From this point the boundary follows the centerline of Whitehorse Creek generally to the northeast until it reaches the eastern boundary of Section 1 R103W T26N. From the point where Whitehorse Creek crosses the eastern section line of Section 1 R103W T26N, the boundary moves straight north along the section line to the southeast corner of Section 36 R103W T27N in Sublette County where the boundary ends.</p>				
Rest of State and Rest of Indian Country .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

- 53. Section 81.352 is amended as follows:
- a. By revising the table heading for “American Samoa—Ozone (8-Hour Standard)” to read “American Samoa—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “American Samoa—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“American Samoa—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.352 American Samoa.**  
\* \* \* \* \*

**AMERICAN SAMOA—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Territory Wide and Any Areas of Indian Country: American Samoa .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 54. Section 81.353 is amended as follows:
- a. By revising the table heading for “Guam—Ozone (8-Hour Standard)” to read “Guam—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Guam—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Guam—1997 8-

Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.353 Guam.**  
\* \* \* \* \*

**GUAM—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Territory Wide and Any Areas of Indian Country: Guam .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 55. Section 81.354 is amended as follows:
- a. By revising the table heading for “Northern Mariana Islands—Ozone (8-Hour Standard)” to read “Northern Mariana Islands—1997 8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Northern Mariana Islands—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table “Northern Mariana Islands—1997 8-Hour Ozone NAAQS

(Primary and Secondary)” to read as follows:

**§ 81.354 Northern Mariana Islands.**  
\* \* \* \* \*

**NORTHERN MARIANA ISLANDS—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Northern Mariana Islands and Any Areas of Indian Country.	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

- 56. Section 81.355 is amended as follows:
- a. By revising the table heading for “Puerto Rico—Ozone (8-Hour Standard)” to read “Puerto Rico—1997

8-Hour Ozone NAAQS (Primary and Secondary)”

- b. By adding a new table entitled “Puerto Rico—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Puerto Rico—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.355 Puerto Rico.**  
\* \* \* \* \*

PUERTO RICO—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area <sup>1</sup>	Designation		Classification	
	Date <sup>2</sup>	Type	Date <sup>2</sup>	Type
All of Puerto Rico AQCR 244 .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> Includes any Indian country in each county or area, unless otherwise specified.  
<sup>2</sup> This date is July 20, 2012, unless otherwise noted.

■ 57. Section 81.356 is amended as follows:  
■ a. By revising the table heading for “Virgin Islands—Ozone (8-Hour Standard)” to read “Virgin Islands—

1997 8-Hour Ozone NAAQS (Primary and Secondary)”  
■ b. By adding a new table entitled “Virgin Islands—2008 8-Hour Ozone NAAQS (Primary and Secondary)” following the newly designated table

“Virgin Islands—1997 8-Hour Ozone NAAQS (Primary and Secondary)” to read as follows:

**§ 81.356 Virgin Islands.**  
\* \* \* \* \*

VIRGIN ISLANDS—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
All of Virgin Islands AQCR 247: <sup>2</sup> .....	.....	Unclassifiable/Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Includes any Indian country in each county or area, unless otherwise specified.

[FR Doc. 2012–11618 Filed 5–18–12; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 50 and 51**

[EPA–HQ–OAR–2010–0885, FRL–9667–9]  
RIN 2060–AR32

**Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** In this final rule, the EPA is establishing the air quality thresholds that define the classifications assigned to all nonattainment areas for the 2008 ozone national ambient air quality standards (NAAQS) (the “2008 ozone NAAQS”) which were promulgated on March 12, 2008. The EPA is also granting reclassification for selected nonattainment areas that voluntarily reclassified under the 1997 ozone NAAQS. This rule also establishes December 31 of each relevant calendar year as the attainment date for all nonattainment area classification categories. Finally, this rule provides for

the revocation of the 1997 ozone NAAQS for transportation conformity purposes to occur 1 year after the effective date of designations for the 2008 ozone NAAQS.

**DATES:** This rule is effective on July 20, 2012.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0885. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** For further general information on this rulemaking, contact Dr. Karl Pepple, Office of Air Quality Planning and

Standards, U.S. Environmental Protection Agency (C539–01), Research Triangle Park, NC 27711, phone number (919) 541–2683, or by email at [pepple.karl@epa.gov](mailto:pepple.karl@epa.gov); or Mr. Butch Stackhouse, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency (C539–01), Research Triangle Park, NC 27711, phone number (919) 541–5208, or by email at [stackhouse.butch@epa.gov](mailto:stackhouse.butch@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

Entities potentially affected directly by this final rule include state, local, and tribal governments. Entities potentially affected indirectly by the final rule include owners and operators of sources of emissions [volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>)] that contribute to ground-level ozone concentrations.

*B. Where can I get a copy of this document and other related information?*

In addition to being available in the docket, an electronic copy of this notice will be posted at <http://www.epa.gov/air/ozonepollution/actions.html#impl> under “recent actions.”

*C. How is this notice organized?*

The information presented in this notice is organized as follows:

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
<b>Iowa Department of Natural Resources Environmental Protection Commission [567]</b>				
* * * * *				
<b>Linn County</b>				
Chapter 10 .....	Linn County Air Quality Ordinance, Chapter 10.	1/30/15	7/28/15 and [Insert <b>Federal Register</b> citation].	The following definitions are not SIP-approved in Chapter 10.2; Anaerobic lagoon, Biomass, Chemical processing plants (ethanol production facilities that produce ethanol by natural fermentation included in NAICS code 325193 or 312140 are not included in this definition); Federally Enforceable; Greenhouse gases; Maximum Achievable Control Technology (MACT); MACT floor. The following sections are not SIP approved: 10.4(1), Title V Permits; 10.5(9)“b” Locally Required Permits; Exemptions from the Authorization to Install Permit to Operate Requirements; 10.5(9) “II”, Exemption for production painting, adhesive or coating units; 10.8(2)“b” Emissions From Fuel-Burning Equipment; Emission Limitation; 10.8(3) Emissions From Fuel-Burning Equipment; Exemptions for Residential Heaters Burning Solid Fuels; 10.8(4) Emissions from Fuel-Burning Equipment; Nuisance Conditions for Fuel Burning Equipment; 10.9(2), NSPS; 10.9(3), Emission Standards for HAPs; 10.9(4), Emission Standards for HAPs for Source Categories; 10.10(4) Variance from rules; 10.11, Emission of Objectionable Odors; 10.15, Variances, 10.17(13) Continuous Emissions Monitoring from Acid Rain Program, and 10.24, Penalty.
* * * * *				

\* \* \* \* \*  
 [FR Doc. 2015-18346 Filed 7-27-15; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R04-OAR-2015-0275; FRL-9931-28-Region 4]

**Approval and Promulgation of Implementation Plans and Designation of Areas; North Carolina; Redesignation of the Charlotte-Rock Hill, 2008 8-Hour Ozone Nonattainment Area to Attainment**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking three separate final actions related to a state implementation plan (SIP) revision

submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources, Department of Air Quality (NC DAQ), on April 16, 2015. These final actions are for the North Carolina portion of the bi-state Charlotte-Rock Hill, North Carolina-South Carolina 2008 8-hour ozone nonattainment area (hereinafter referred to as the “bi-state Charlotte Area” or “Area”). The bi-state Charlotte Area consists of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties, North Carolina; and a portion of York County, South Carolina. Regarding South Carolina’s request to redesignate the South Carolina portion of the Area and its maintenance plan for the 2008 8-hour ozone NAAQS, EPA will address this in a separate action. In the three actions for the North Carolina bi-state Charlotte Area, EPA determines that the bi-state Charlotte Area is attaining the 2008 8-hour ozone National Ambient

Air Quality Standards (NAAQS); approves and incorporates the State’s plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014 and 2026 sub-area motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) for the North Carolina portion of this Area into the SIP; and redesignates the North Carolina portion of the bi-state Charlotte Area to attainment for the 2008 8-hour ozone NAAQS. Additionally, EPA finds the 2014 and 2026 sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area adequate for the purposes of transportation conformity.

**DATES:** This rule will be effective August 27, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2015-0275. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information may not be publicly

available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Lakeman may be reached by phone at (404) 562-9043 or via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background for Final Actions

On May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS that was promulgated on March 27, 2008. *See* 77 FR 30088. The bi-state Charlotte Area was designated as nonattainment for the 2008 8-hour ozone NAAQS and classified as a marginal nonattainment area. On April 16, 2015, NC DAQ requested that EPA redesignate the North Carolina portion of the Area to attainment for the 2008 8-hour ozone NAAQS and submitted a SIP revision containing the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014 and 2026 MVEBs for NO<sub>x</sub> and VOC for the North Carolina portion of the bi-state Charlotte Area. In a notice of proposed rulemaking (NPR) published on May 21, 2015, EPA proposed to determine that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS; to approve and incorporate into the North Carolina SIP the State's plan for maintaining attainment of the 2008 8-hour ozone standard in the Area, including the 2014

and 2026 MVEBs for NO<sub>x</sub> and VOC for the North Carolina portion of the bi-state Charlotte Area; and to redesignate the North Carolina portion of the Area to attainment for the 2008 8-hour ozone NAAQS. *See* 80 FR 29250. In that document, EPA also notified the public of the status of the Agency's adequacy determination for the subarea NO<sub>x</sub> and VOC MVEBs for the North Carolina portion of the bi-state Charlotte Area. The details of North Carolina's submittal and the rationale for EPA's actions are further explained in the NPR. *See* 80 FR 29250 (May 21, 2015).

##### II. EPA's Responses to Comments

EPA received two sets of comments on its May 21, 2015, proposed rulemaking actions. Specifically, EPA received adverse comments from the Sierra Club ("Commenter") and comments supporting the proposed actions from one member of the general public.<sup>1</sup> Full sets of these comments are provided in the docket for this final action. *See* Docket number EPA-R04-OAR-2015-0275. A summary of the adverse comments and EPA's responses are provided below.

*Comment 1:* The Commenter asserts that North Carolina experienced "abnormally cool weather" during the summers of 2013 and 2014 "that reduced the likelihood of ozone formation" and that the design values for the Area would have exceeded the 2008 8-hour ozone standard "but for the uncharacteristically cool summers in 2013 and 2014." Therefore, the Commenter believes that EPA "should decline to issue the requested attainment determination for the Area."

*Response 1:* EPA disagrees with the Commenter's position that weather should impact EPA's determination that the area has attained the NAAQS pursuant to CAA section 107(d)(3)(E)(i). That factual determination is based solely on air quality monitoring data and on the Agency's evaluation of that data's compliance with 40 CFR part 50, appendix P. Therefore, weather conditions, including any alleged resulting changes in energy demand, are irrelevant in determining whether an area is factually attaining a NAAQS.

Under EPA regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is determined by calculating the three-year average of the annual fourth-highest daily maximum 8-hour average ozone

concentrations at an ozone monitor, also known as a monitor's design value. *See* 40 CFR part 50, appendix P. When the design value is less than or equal to 0.075 parts per million (ppm) at each monitor within the area, then the area is attaining the NAAQS. The data completeness requirement for evaluating monitoring data for NAAQS attainment is met at each monitor when the average percent of days with valid ambient monitoring data is greater than or equal to 90 percent and no single year has less than 75 percent data completeness as defined in appendix P of 40 CFR part 50. Monitoring data must also be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA's Air Quality System (AQS).

EPA's analysis of monitoring data in the bi-state Charlotte Area supports its determination under section 107(d)(3)(E)(i) that the Area has attained the 2008 8-hour ozone NAAQS. The design values for each monitor in the Area for the years 2012-2014 are less than or equal to 0.075 ppm, and the data from these monitors during this time period meet the data quality and completeness requirements and are recorded in AQS. Therefore, the bi-state Charlotte Area has attained the 2008 8-hour ozone NAAQS in accordance with 40 CFR part 50, appendix P requirements.

*Comment 2:* The Commenter believes that EPA should disapprove North Carolina's redesignation request because "neither EPA nor DAQ has demonstrated that the recording of a design value below 75 ppb [parts per billion] for the years 2012-2014 is 'due to permanent and enforceable reductions'" as required by CAA section 107(d)(3)(E)(iii). According to the Commenter, EPA and NC DAQ cannot make this demonstration because "but for the uncharacteristically cool summers in 2013 and 2014, a design value above 75 ppb would have been recorded." The Commenter also contends that the "uncharacteristically cool summers in 2013 and 2014" resulted in "unusually low monthly total consumption of electric power" and "starkly lower capacity factors" from Duke Energy's GG Allen and Marshall power plants during those summers and notes that "operation of these plants significantly impacts total NO<sub>x</sub> emissions and, thus, overall ozone levels."<sup>2</sup> Despite the alleged decrease in

<sup>1</sup>The supporting comments state that the 2012-2014 three-year average "support[s] attainment" and that the "[p]rojected NO<sub>x</sub> shows decreases in all categories over the next decade, so even if the predicted large projected decreases in on-road NO<sub>x</sub> are not met the area should still see an overall decrease in ozone levels."

<sup>2</sup>The GG Allen plant is located in the portion of Gaston County that is included in the nonattainment area. The Marshall plant is located in Catawba County and is not located within the nonattainment area. During the nonattainment designation in 2012, sources in Catawba County

the capacity factors at these two EGUs, the Commenter states that “the plants still tend to run at a significantly higher capacity factor on peak ozone days.”

*Response 2:* Weather effects are not controllable, and weather is just one of the parameters that allow for ozone formation. EPA does not disagree with the Commenter that ozone season temperatures and precipitation are two readily available parameters that can be used to evaluate the potential weather impacts on ozone concentrations. Ozone is more readily formed on warm, sunny days when the air is stagnant. Conversely, ozone production is generally more limited when it is cloudy, cool, rainy, or windy.<sup>3</sup> However, although EPA agrees that the Area experienced cooler and wetter weather during some of the relevant time period, EPA disagrees with the Commenter that the improvement in air quality in the bi-state Charlotte Area was solely the result of “aberrant weather.” EPA has examined the weather data presented by the Commenter, and has determined, after conducting its own analysis of the meteorological conditions and the emission reductions occurring during the relevant time period, that the

improvement in air quality in the Area was due to those emissions reductions in accordance with CAA section 107(d)(3)(E)(iii).

As noted above, Federal regulations require EPA to use a three-year average to determine attainment of the 2008 8-hour ozone NAAQS. The averaging of values over three years serves to account for some variation in meteorology from year to year. While EPA agrees that 2013 was cooler than the long-term average temperature and may have been less conducive to the formation of ozone, the Agency also notes that the weather conditions in the 2012 ozone season (a season included in the three-year average forming the basis for the attainment determination) were warmer than the long-term average and were more conducive to ozone formation. See Table 1, below.<sup>4</sup> Furthermore, temperatures in the summer of 2014 are close to the long-term average temperatures. Given the higher than long-term average 2012 temperatures and the near normal<sup>5</sup> temperatures in 2014, EPA does not agree with the Commenter’s conclusion that meteorological conditions during the relevant time period were so unusual or abnormal such that those conditions

alone “provide sufficient justification for EPA to reject DAQ’s request for the redesignation of the Area from nonattainment to attainment.” To the contrary, the certified data show that the Area attained the 2008 8-hour ozone NAAQS from 2012 to 2014, a time period with varying meteorological conditions. Preliminary monitoring data from 2015 also indicates that the bi-state Charlotte Area continues to attain the 2008 8-hour ozone NAAQS.<sup>6</sup>

Table 1 provides temperature and precipitation data for the bi-state Charlotte Area for the ozone seasons (May 1–September 30) from 2010–2014 obtained from the National Oceanic and Atmospheric Administration’s National Centers for Environmental Information (NOAA NCEI).<sup>7</sup> Specifically, Table 1 provides overall average and average maximum ozone season temperatures and total ozone season precipitation; deviation from the 74-year average ozone season temperature and precipitation (termed the “anomaly”); and the rank of the given year on the 74-year (1940–2014) recorded history list. A rank of 74 is given to the hottest or wettest year.

TABLE 1—CHARLOTTE, NORTH CAROLINA TEMPERATURE AND PRECIPITATION OZONE SEASON (MAY–SEPTEMBER) DATA<sup>8</sup>

Year	Average May-September temperature [degrees F] (anomaly from the long-term average [74.7 degrees F])	Rank [since 1940, scale of 1–74]	Average maximum May-September temperature [degrees F] (anomaly from the long-term average [84.9 degrees F])	Rank [since 1940, scale of 1–74]	Precipitation [inches] (anomaly from the long-term average [18.17 inches])	Rank [since 1940, scale of 1–74]
2010 .....	78.0 (+3.3)	73	88.8 (+3.9)	73	17.67 (–0.5)	36
2011 .....	76.2 (+1.5)	64	87.3 (+2.4)	67	22.1 (+3.93)	58
2012 .....	75.3 (+0.6)	52	86.3 (+1.4)	54	18.87 (+0.7)	44
2013 .....	73.9 (–0.8)	21	83.3 (–1.6)	12	22.63 (+4.46)	61
2014 .....	74.5 (–0.2)	32	84.5 (–0.4)	32	19.01 (+0.84)	46

The data in Table 1 show that both average temperature and precipitation varied significantly from 2010–2014. The rank and anomaly data in Table 1 show that average ozone season temperatures and precipitation were slightly above normal for the year 2012, temperatures were below normal and precipitation was above normal in 2013, and temperatures were near normal and precipitation slightly above normal in

2014. The year 2012 was one of the hottest in the recent past across the Southeast. In fact, a record-setting heat wave occurred in late June through early July 2012, which resulted in high ozone levels measured across the Southeast. Based upon the meteorology analysis, 2012 was hotter, 2013 was cooler, and 2014 was near normal when compared to the long-term average. Therefore, the 2012–2014 period does not appear to be

abnormally conducive to low ozone formation and does not undermine EPA’s analysis that the attainment in the bi-state Charlotte Area was due to permanent and enforceable reductions.

EPA also evaluated preliminary ozone data and meteorology for May 2015, which is the beginning of the ozone season in the Area. The Commenter provided data to show that the average maximum temperature in May 2015 is

were not found to contribute to violations of the 2008 8-hour ozone NAAQS in the bi-state Charlotte Area. See [http://www.epa.gov/ozonedesignations/2008standards/documents/R4\\_Charlotte\\_TSD\\_Final.pdf](http://www.epa.gov/ozonedesignations/2008standards/documents/R4_Charlotte_TSD_Final.pdf).

<sup>3</sup> <http://www.epa.gov/airtrends/weather.html>.

<sup>4</sup> EPA’s use of the phrase “long-term average” refers to the 74-year averages identified in Table 1.

<sup>5</sup> EPA’s analysis is based on weather data from the National Oceanic and Atmospheric Administration (see below). NOAA defines “normal” as the “long-term average value of a meteorological element for a certain area. For example, ‘temperatures are normal for this time of year[.]’ Usually averaged over 30 years.” See <http://www.erh.noaa.gov/er/box/glossary.htm>.

<sup>6</sup> This preliminary data is available at EPA’s air data Web site: <http://aqsd1.epa.gov/aqsweb/>

[http://www.epa.gov/airdata/download\\_files.html#Daily](http://www.epa.gov/airdata/download_files.html#Daily). The list of monitors in the bi-state Charlotte Area is available under the Designated Area field in Table 5 of the Ozone detailed information file at <http://www.epa.gov/airtrends/values.html>.

<sup>7</sup> Ozone is monitored from April 1 through October 31 in the bi-state Charlotte Area.

<sup>8</sup> EPA obtained this weather data from the NOAA NCEI Web site at <http://www.ncdc.noaa.gov/cag/>.

higher than the average maximum May temperature over the previous ten years. EPA agrees that the average maximum temperature in May 2015 was above average; in fact, the average maximum temperature was 84 degrees Fahrenheit, which is 4.2 degrees above average and it ranks 67 out of 75 years of recorded data in the bi-state Charlotte Area. However, even with this abnormally warm month, the May 2015 preliminary ozone data indicates that no exceedances of the 75 ppb ozone standard occurred and that the highest 8-hour average was 72 ppb. This data also indicates that although meteorological conditions were conducive to ozone formation, emissions in the Area were low enough not to support the formation of ozone above a level that would exceed the 2008 8-hour ozone NAAQS. Additionally, preliminary ozone season

data available through June 28, 2015, indicate that the 4th Highest Maximum Daily 8-hour Average value for the bi-state Charlotte area monitors from March 1, 2015 through June 28, 2015 is 72 ppb.<sup>9</sup>

The Commenter's focus on meteorological conditions is inconsistent with EPA's analysis of the permanent and enforceable emission reductions that did occur in the area during the relevant time period. Consistent with EPA's longstanding practice and policy, a comparison of nonattainment period emissions with attainment period emissions is a relevant in demonstrating permanent and enforceable emissions reductions. EPA evaluated the ozone precursor emissions data in the Area and found that there were significant reductions in these emissions in multiple source categories from 2011 (a nonattainment year) to 2014 (an attainment year). The

emissions data show that from 2011 to 2014, non-road NO<sub>x</sub> and VOC emissions decreased, point source NO<sub>x</sub> emissions decreased, and on-road mobile NO<sub>x</sub> and VOC emissions have decreased substantially. During this time period, mobile source NO<sub>x</sub> emissions decreased by approximately 54.5 tons per summer day (tpsd) (equating to 79 percent of the total NO<sub>x</sub> emissions reductions) and mobile source VOC emissions decreased by approximately 26.5 tpsd (equating to 100 percent of the total VOC emissions reductions). It is not necessary for every change in emissions between the nonattainment year and the attainment year to be permanent and enforceable. Rather, the CAA requires that improvement in air quality necessary for the area to attain the relevant NAAQS must be reasonably attributable to permanent and enforceable emission reductions in emissions.

TABLE 2—NO<sub>x</sub> EMISSIONS FOR THE CHARLOTTE 2008 OZONE NAAQS NONATTAINMENT AREA  
[Tons per summer day]

Year	Point source	Area source	On-road	Non-road	Total
2011 .....	47.17	6.68	112.13	28.75	194.73
2014 .....	32.38	11.40	60.15	26.26	130.18

TABLE 3—VOC EMISSIONS FOR THE CHARLOTTE 2008 OZONE NAAQS NONATTAINMENT AREA  
[Tons per summer day]

Year	Point source	Area source	On-road	Non-road	Total
2011 .....	11.37	46.69	55.35	24.4	137.81
2014 .....	12.03	47.88	34.32	18.89	113.12

The emissions reductions identified in Tables 2 and 3, above, are attributable to numerous measures implemented during this period, including the permanent and enforceable mobile source measures discussed in the NPR such as the Tier 2 vehicle and fuel standards, the large non-road diesel engines rule,<sup>10</sup> heavy-duty gasoline and diesel highway vehicle standards,<sup>11</sup> medium and heavy duty vehicle fuel consumption and GHG standards,<sup>12</sup> non-road spark-ignitions and recreational standards,<sup>13</sup> and the national program for GHG emissions and fuel economy standards. These

mobile source measures have resulted in, and continue to result in, large reductions in NO<sub>x</sub> emissions over time due to fleet turnover (*i.e.*, the replacement of older vehicles that predate the standards with newer vehicles that meet the standards). For example, implementation of the Tier 2 standards began in 2004, and as newer, cleaner cars enter the national fleet, these standards continue to significantly reduce NO<sub>x</sub> emissions. EPA expects that these standards will reduce NO<sub>x</sub> emissions from vehicles by approximately 74 percent by 2030, translating to nearly 3 million tons

annually by 2030.<sup>14</sup> Implementation of the heavy-duty gasoline and diesel highway vehicle standards rule also began in 2004. EPA projects a 2.6 million ton reduction in NO<sub>x</sub> emissions by 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.<sup>15</sup>

The State calculated the on-road and non-road mobile source emissions contained in Tables 2 and 3 using EPA-approved models and procedures that account for the Federal mobile source measures identified above, fleet turnover, and increased population.<sup>16 17</sup>

<sup>9</sup> This preliminary data is available at EPA's air data Web site: [http://aqsd1.epa.gov/aqsweb/aqstmp/airdata/download\\_files.html#Daily](http://aqsd1.epa.gov/aqsweb/aqstmp/airdata/download_files.html#Daily). The list of monitors in the bi-state Charlotte Area is available under the Designated Area field in Table 5 of the Ozone detailed information file at <http://www.epa.gov/airtrends/values.html>.

<sup>10</sup> EPA estimated that compliance with this rule will cut NO<sub>x</sub> emissions from non-road diesel engines by up to 90 percent nationwide.

<sup>11</sup> Implementation of this rule is expected to achieve a 95 percent reduction in NO<sub>x</sub> emissions from diesel trucks and buses.

<sup>12</sup> When fully implemented in 2018, this rule is expected to reduce NO<sub>x</sub> emissions from the covered vehicles by 20 percent.

<sup>13</sup> When fully implemented, the standards will result in an 80 percent reduction in NO<sub>x</sub> by 2020.

<sup>14</sup> EPA, Regulatory Announcement, EPA420-F-99-051 (December 1999), available at: <http://www.epa.gov/tier2/documents/f99051.pdf>.

<sup>15</sup> 66 FR 5002, 5012 (January 18, 2001).

<sup>16</sup> North Carolina used EPA's MOVES2014 model to calculate on-road emissions factors and EPA's NONROAD 2008a model to quantify off-road emissions.

<sup>17</sup> North Carolina used the interagency consultation process required by 40 CFR part 93 (known as the Transportation Conformity Rule)

Because the model does not include any additional mobile source measures, the large reductions in mobile source emissions quantified in the Area between 2011 and 2014 are the result of the permanent and enforceable mobile source measures listed above and discussed in the NPR.

Regarding the Commenter's discussion of capacity factors at the GG Allen and Marshall power plants and cooling degree days, the Commenter does not attempt to quantify how any decreases in these parameters translate to decreases in NO<sub>x</sub> emissions or ozone concentrations; therefore, it is unclear how the changes in capacity factors and cooling degree days support the Commenter's position that EPA cannot redesignate the bi-state Charlotte Area. The data in Table 2, above, demonstrates that the decreases in mobile source NO<sub>x</sub> emissions from 2011–2014 are much greater than the decreases in point-source NO<sub>x</sub> emissions.

In addition, EPA does not believe that the cooling degree and capacity factor data supports the conclusions reached by the Commenter. The Commenter presents data showing cooling degree days for North Carolina for the past ten years and concludes that the cooler summers in 2013 and 2014 have resulted in a lower demand for air conditioning and thus a lower demand for electric power. EPA acknowledges that the number of cooling degree days in 2013 and 2014 and the total consumption of electricity in North Carolina were lower in 2013 and 2014 than during 2010, 2011, and 2012. However, the Commenter ignores the fact that the numbers of cooling degree days in 2010, 2011, and 2012 were significantly above average. In fact, the number of cooling degree days in 2010 ranks the highest in the 120 years of data available for North Carolina and 2011 ranks the third highest out of those 120 years. In contrast, the number of cooling degree days in 2013 and 2014 were close to the 120-year average—2013 is slightly below the average, but the 2014 cooling degree days are actually above the long-term 120-year average. Also, even within the ten years

which requires EPA, the United States Department of Transportation, metropolitan planning organizations, state departments of transportation, and State and local air quality agencies to work together to develop applicable implementation plans. The on-road emissions were generated by an aggregate of the vehicle activity (generated from the travel demand model) on individual roadways multiplied by the appropriate emissions factor from MOVES2014. The assumptions which are included in the travel demand model, such as population, were reviewed through the interagency consultation process.

of data presented by the Commenter, the number of cooling degree days in 2014 is on par with the number of cooling degree days in 2006, 2008, and 2009. EPA therefore does not agree with the Commenter that the number of cooling degree days in 2013 and 2014 undermines the Agency's conclusion about the causes of the attainment air quality in the Area.

EPA also disagrees with the Commenter's characterization of the capacity factor and electric power usage data presented in its comments. For example, the Commenter provides a figure showing total consumption of electric power in North Carolina for each ozone season for only the last five years (2010 through 2014) and concludes that the electric power consumption in 2013 and 2014 was "unusually low" using this limited time period as its reference point. However, as demonstrated by the meteorological analysis provided in Table 1 of this final action, 2010, 2011, and 2012 are warmer than long-term average years. Therefore, it is not appropriate to conclude that levels in 2013 and 2014 were "unusually low" without evaluating consumption data from a larger time period. EPA also notes that the Commenter's conclusion that ozone season capacity factors in 2012–2014 at the GG Allen and Marshall power plants are "starkly lower than preceding years" that "can be attributed, in part to the aberrantly mild summer weather and the resulting decrease in energy demand" ignores the fact that 2012 had warmer than average summer temperatures and still had capacity factors at those same units that were lower than or comparable to 2014. The Commenter's assertion is also based on the limited 2010–2014 time period that is not representative of long-term meteorological conditions. Therefore, the Commenter has not established a causal connection between differences in ozone season meteorological conditions and capacity factors for these EGUs.

For the reasons discussed above, EPA does not agree with the Commenter that the meteorological data from the relevant time period undermines its analysis and conclusion that the improvement in air quality in the bi-State Charlotte Area is reasonably attributable to the permanent and enforceable emission reductions identified by the State and EPA.

*Comment 3:* The Commenter states that "as EPA has acknowledged, global climate change likely will lead to significantly higher summer temperatures in the years to come and hotter summers, in turn, will lead to

increased ozone formation." The Commenter therefore believes that it is "irrational" for EPA to approve the redesignation request based on data from "two outlying uncharacteristically cool summers" that "Charlotte may not experience again."

*Response 3:* EPA agrees that climate change is a serious environmental issue; however, EPA does not agree that the redesignation and maintenance plan at issue are flawed because temperatures may increase in the future. Given the potential wide-ranging impacts of climate change on air quality planning, EPA is developing climate adaptation implementation plans to assess the key vulnerabilities to our programs (including how climate change might affect attainment of national ambient air quality standards) and to identify priority actions to minimize these vulnerabilities.

With respect to climate impacts on future ozone levels, EPA's Office of Air and Radiation has identified as a priority action the need to adjust air quality modeling tools and guidance as necessary to account for climate-driven changes in meteorological conditions and meteorologically-dependent emissions. However, EPA has not yet made those changes. The broad range of potential future climate outcomes and variability of projected response to these outcomes limits EPA's ability, at this time, to translate a general expectation that average ozone levels will increase with rising temperatures to specific "actionable" SIP policies at any specific location, including the bi-state Charlotte Area. Thus, EPA believes that it is appropriate to rely upon the existing air quality modeling tools and guidance and applicable CAA provisions to ensure that ozone maintenance areas do not violate the NAAQS (as a result of climate change or any other cause).

As noted above, EPA is currently unable to fully account for the potential impact of climate change on ozone concentrations in the Area. However, there is nothing in the record to suggest that the large emissions reductions of NO<sub>x</sub> and VOC projected for the Area over the next 10 years would be outpaced by the potential increase in ozone concentrations caused by climate change over the same time period.

*Comment 4:* The Commenter contends that EPA should not approve the State's maintenance plan because "DAQ selected 2014 as the base year for the purpose of its maintenance demonstration, which year is not representative of air quality conditions given aberrant weather, and, thus, inappropriately skewed the analysis of future air quality toward an



underestimation of future emissions.” According to the Commenter, EPA should “require DAQ to reevaluate the Area’s ability to attain and maintain the ozone NAAQS using emissions data from a year (or years) in which summer weather conditions were more typical.”

*Response 4:* As discussed in Response 2, EPA does not agree with the Commenter’s assertion that the weather in summer 2014 was “unusually cool” when the conditions from that year are viewed in comparison to a larger data set, and therefore does not agree that NC DAQ selected an inappropriate base year for a maintenance demonstration. Furthermore, it is unclear how the Commenter concludes that EPA should disapprove the maintenance plan even if the Agency accepted the Commenter’s assertion that the weather in 2014 was “aberrant.” The maintenance demonstration compares base year emissions to future year emissions. If total future year emissions are above total base year emissions, maintenance is not demonstrated. For some source categories, future year emissions are projected using base year emissions; however, for other source categories, future year emissions projections are independent of base year emissions. Projected emissions for source categories that rely on base year emissions will be proportional to base year emissions in the same degree regardless of the base year emissions used. It is therefore more likely that an area will fail to demonstrate maintenance using a comparison of total emissions if the baseline is artificially low. In addition, while emissions from some source categories may vary as a result of weather conditions, the overall NO<sub>x</sub> and VOC emissions released from year to year across source categories is generally not weather-dependent; therefore, weather does not play a determinative role in the base year to future year emissions comparison.

*Comment 5:* The Commenter claims that EPA must disapprove the State’s maintenance plan because “it fails to specify emissions reductions that are permanent and enforceable. The proposed plan identifies various state and Federal requirements that may apply to the major stationary sources of air pollution located in and in close proximity to the Charlotte Area, however, it fails to present any assurance that such requirements will result in any reduction in emissions.” In support, the Commenter references three requirements—North Carolina’s Clean Smokestacks Act and EPA’s Clean Air Interstate Rule (CAIR) and Cross State Air Pollution Rule (CSAPR). As to these three measures, the Commenter

states its belief that they are not permanent and enforceable because they are cap and trade programs that could allow for increased NO<sub>x</sub> emissions at Duke Energy’s GG Allen and Marshall power plants. The Commenter further states that “DAQ should impose enforceable limits on NO<sub>x</sub> emissions from all EGUs [electricity generating units] that are based on available and demonstrated control technology.”

*Response 5:* EPA disagrees with the Commenter. Consistent with EPA guidance, the State’s maintenance plan identifies a number of permanent and enforceable requirements, including measures that regulate area, on-road, and off-road sources, and discusses the emissions reductions associated with each measure.<sup>18</sup> See 80 FR 29250. In discussing the emissions reductions and status of these measures, the State has provided assurance that these requirements will result in emissions reductions.<sup>19</sup>

EPA also disagrees with the Commenter’s belief that emission reductions associated with the CSA, CAIR, and CSAPR are not permanent and enforceable simply because the underlying program is an emissions trading program. Cap-and-trade programs provide economic incentives for early reductions in emissions and encourage sources to install controls earlier than required for compliance with future caps on emissions. The flexibility under a cap-and-trade system is not about whether to reduce emissions; rather, it is about how to reduce them at the lowest possible cost. Trading programs require total mass emission reductions by establishing mandatory caps on total emissions to permanently reduce the total mass emissions allowed by sources subject to the programs, validated through rigorous continuous emission monitoring and reporting regimens. The emission caps and associated controls are enforced through the associated SIP rules or federal implementation plans. Any purchase of allowances and increase in emissions by one source necessitates a corresponding sale of allowances and either reduction in emissions or use of banked allowances by another covered source.

Given the regional nature of ozone, the corresponding NO<sub>x</sub> emission and/or allowance reduction in one affected area

will have an air quality benefit that will compensate, at least in part, for the impact of any emission increase in another affected area. EPA disagrees with any suggestion that only specific emission limits on units can be considered “reductions.” In fact, the information that EPA has evaluated in order to conclude that the bi-State Charlotte Area has met the criteria for redesignation shows that power plant emissions in both the Area and the surrounding region have substantially decreased as a result of cap-and-trade programs, including CAIR. The facts contradict the theoretical concerns raised by the Commenter and show that the emission trading programs, combined with other controls, have improved air quality in the Area.

Moreover, experience has demonstrated that cap and trade programs do successfully generate lasting emission reductions. For example, the NO<sub>x</sub> SIP Call and CAIR have successfully reduced transported emissions contributing to ozone nonattainment in areas across the country. Data collected from long-term national air quality monitoring networks demonstrate that these regional cap-and-trade programs have resulted in substantial achievements in air quality caused by emission reductions from power sector sources.<sup>20</sup> In 2004, EPA designated 91 areas in the Eastern half of the United States as nonattainment for the 8-hour ozone standard adopted in 1997, using data from 2001–2003. Based on data gathered from 2009–2011, 90 of these original Eastern nonattainment areas show concentrations below the 1997 ozone standard.<sup>21</sup>

Many states have sought and continue to seek redesignation of their nonattainment areas relying in part on the reductions attributable to these cap-and-trade programs. See, e.g., 76 FR 59600, 59607 (September 27, 2011) (proposing to redesignate a portion of the Chicago area for the 1997 8-hour ozone NAAQS), finalized at 76 FR 76302 (December 7, 2011); and 74 FR 63995 (December 7, 2009) (redesignation of Great Smoky Mountain National Park for the 1997 8-hour ozone NAAQS). The Commenter’s contention that EPA and North Carolina may not rely on the substantial emission reductions that have already occurred

<sup>18</sup> See, e.g., Memorandum from John Calcagni, Director, Air Quality Management Division, to Regional Air Directors entitled “Procedures for Processing Requests to Redesignate Areas to Attainment” (September 4, 1992).

<sup>19</sup> See Response 2, above, for further discussion of these permanent and enforceable emissions reductions.

<sup>20</sup> See, e.g., EPA, Progress Report 2011—Clean Air Interstate Rule, Acid Rain Program, and Former NO<sub>x</sub> Budget Trading Program—Environmental and Health Results Report (March 2013), available at: [http://www.epa.gov/airmarkets/documents/progressreports/ARPCAIR11\\_environmental\\_health.pdf](http://www.epa.gov/airmarkets/documents/progressreports/ARPCAIR11_environmental_health.pdf).

<sup>21</sup> Id. at 12.

from these rules is based on a faulty and rigid interpretation of the CAA would impose a major obstacle for nonattainment areas across the country that have achieved attainment air quality because of the reductions required by the rules. This would unnecessarily undermine a reasonable, proven, and cost-effective approach to combating regional pollution problems.

Of the Federally-enforceable rules relied upon by North Carolina in its redesignation request, the Commenter singles out cap-and-trade programs as insufficiently permanent and enforceable to meet the requirements for redesignation. However, as discussed above, a number of other permanent and enforceable measures have helped contribute to the Area's attainment of the 2008 8-hour ozone standard and ensure maintenance of that standard. There is inherent flexibility in nearly all of these measures, including Federal transportation control measures and SIP emission rate limits, also known as "command-and-control" regulations. For example, the rules do not and cannot account for when and where people drive their cars, nor do they dictate that consumers in a certain area invest in newer, lower-emitting cars. Similarly, emission rate limits limit the rate of emissions per unit of fuel consumed, or parts per million of emissions in the exhaust but do not regulate throughput or hours of operation of the regulated sources. It would be unworkable for EPA to disqualify a requirement as "permanent and enforceable" for the purposes of redesignation simply because the requirement did not require the exact same pollutant emission reduction every hour of every day of every year. North Carolina relied on a suite of requirements that, while inherently allowing for some flexibility, has collectively served to bring the Area into, and to maintain, attainment of the NAAQS.

EPA's position that cap-and-trade programs are permanent and enforceable measures under section 107(d)(3)(E)(iii) was recently upheld by two Federal appellate courts. In the most recent decision, the United States Court of Appeals for the Sixth Circuit rejected Sierra Club's argument that EPA improperly relied on emissions reductions from cap-and-trade programs such as the NO<sub>x</sub> SIP Call, CAIR, and CSAPR in redesignating the Cincinnati-Hamilton nonattainment area for the 1997 PM<sub>2.5</sub> NAAQS. *Sierra Club v. EPA*, 781 F.3d 299 (6th Cir. 2015). This decision is consistent with the opinion of the United States Court of Appeals for the Seventh Circuit in *Sierra Club v.*

*EPA*, 774 F.3d 383 (7th Cir. 2014) that EPA could rely on the NO<sub>x</sub> SIP Call cap-and-trade program as a permanent and enforceable measure in redesignating the Milwaukee-Racine, Greater Chicago, and St. Louis (Illinois portion) nonattainment areas to attainment for the 1997 8-hour ozone NAAQS.

EPA also notes that North Carolina's maintenance plan provides for verification of continued attainment by performing future reviews of triennial emissions inventories and also for contingency measures to ensure that the NAAQS is maintained into the future if monitored increases in ambient ozone concentrations occur. *See* 80 FR 29250. For this and the above reasons, EPA disagrees with the Commenter's position that the State failed to identify permanent and enforceable emissions reductions in its maintenance plan.

Regarding the need for additional controls at the GG Allen and Marshall power plants, EPA has concluded that the Area has attained, and will maintain, the 2008 8-hour ozone NAAQS with the permanent and enforceable measures identified in the State's submission and in EPA's NPR. EPA also notes that the Marshall Steam Plant is not located within the bi-state Charlotte Area nonattainment boundary, and is therefore not included in the emissions comparison portion of the maintenance demonstration. Furthermore, continued nonattainment status for this Area would not require any further emissions controls for either power plant under their current configurations.

*Comment 6:* The Commenter believes that redesignating the bi-state Charlotte Area would "eliminate needed additional air quality planning requirements and jeopardize public health by delaying permanent attainment for the area." According to the Commenter, the Area "consistently records higher asthma rates than the entire state. Moreover, the impacts of ozone pollution have significant environmental justice implications as African Americans carry a disproportionate asthma burden compared with whites in North Carolina." The Commenter therefore concludes that EPA should not redesignate the Area and that "[b]efore making a final decision on whether or not to approve DAQ's redesignation request, EPA must evaluate the environmental justice implications of such action and, if it still determines that redesignation is justified, must allow for additional public comment on any proposed action."

*Response 6:* As noted in EPA's May 21, 2015 NPR, Executive Order 12898

establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. These final actions do not relax control measures on existing sources and therefore will not cause emissions increases from those sources. Thus, these actions will not have an adverse human health or environmental effect on any individuals, including minority or low-income populations. As discussed above and in EPA's May 21, 2015 NPR, the Area has attained the 2008 8-hour NAAQS through permanent and enforceable measures, emissions in the Area are projected to decline following the redesignation, and the maintenance plan demonstrates that the Area will continue to meet the NAAQS for the next ten years and includes contingency measures to quickly address any NAAQS violations. While the Commenter has expressed a general concern that this action will "eliminate needed additional air quality planning requirements and jeopardize public health by delaying permanent attainment," the Commenter has not identified any specific requirements of concern or any specific information on the potential emissions impact that would arise if those requirements were not in place. Such future emission impacts are speculative, and to the extent that emissions in fact increase in the future to levels that would impact NAAQS maintenance—which EPA does not think will happen—the Agency could take future action to address actual emissions in the Area.

### III. What are the effects of these actions?

Approval of North Carolina's redesignation request changes the legal designation of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in the North Carolina portion of the bi-state Charlotte Area, found at 40 CFR 81.334, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of North Carolina's associated SIP revision also incorporates a plan for maintaining the 2008 8-hour ozone NAAQS in the bi-state Charlotte Area through 2026. The maintenance plan establishes NO<sub>x</sub> and VOC MVEBs for 2014 and 2026 for

the North Carolina portion of the bi-state Charlotte Area and includes contingency measures to remedy any future violations of the 2008 8-hour

ozone NAAQS and procedures for evaluation of potential violations. The sub-area MVEBs for the North Carolina portion of the bi-state Charlotte Area

along with the allocations from the safety margin are provided in the tables below.<sup>22</sup>

TABLE 4—CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION SUB-AREA MVEBS [kg/day]

	2014		2026	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
Base Emissions .....	11,814	7,173	3,124	3,135
Safety Margin Allocated to MVEB .....			625	627
Conformity MVEB .....	11,814	7,173	3,749	3,762

TABLE 5—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION SUB-AREA MVEBS [kg/day]

	2014		2026	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
Base Emissions .....	10,079	5,916	2,482	2,278
Safety Margin Allocated to MVEB .....			510	470
Conformity MVEB .....	10,079	5,916	2,992	2,748

TABLE 6—CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION—ROCKY RIVER RURAL PLANNING ORGANIZATION SUB-AREA MVEBS [kg/day]

	2014		2026	
	NO <sub>x</sub>	VOC	NO <sub>x</sub>	VOC
Base Emissions .....	32,679	18,038	8,426	8,189
Safety Margin Allocated to MVEB .....			1,515	1,472
Conformity MVEB .....	32,679	18,038	9,941	9,661

**IV. Final Actions**

EPA is taking three separate final actions regarding the bi-state Charlotte Area’s redesignation to attainment and maintenance of the 2008 8-hour ozone NAAQS. First, EPA is determining that the bi-state Charlotte Area is attaining the 2008 8-hour ozone NAAQS based on complete, quality-assured and certified monitoring data for the 2012–2014 monitoring period.

Second, EPA is approving and incorporating the maintenance plan for the bi-state Charlotte Area, including the sub-area NO<sub>x</sub> and VOC MVEBs for 2014 and 2026, into the North Carolina SIP. The maintenance plan demonstrates that the Area will continue to maintain the 2008 8-hour ozone NAAQS, and the sub-area budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5).

Third, EPA is determining that North Carolina has met the criteria under CAA

section 107(d)(3)(E) for the North Carolina portion of the bi-state Charlotte Area for redesignation from nonattainment to attainment for the 2008 8-hour ozone NAAQS. On this basis, EPA is approving North Carolina’s redesignation request for the 2008 8-hour ozone NAAQS for the North Carolina portion of the bi-state Charlotte Area. As mentioned above, approval of the redesignation request changes the official designation of Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan and Union Counties in the North Carolina portion of the bi-state Charlotte Area for the 2008 8-hour ozone NAAQS from nonattainment to attainment, as found at 40 CFR part 81.

EPA is also notifying the public that EPA finds the newly-established sub-area NO<sub>x</sub> and VOC MVEBs for the bi-state Charlotte Area adequate for the purpose of transportation conformity. Within 24 months from this final rule, the transportation partners will need to

demonstrate conformity to the new sub-area NO<sub>x</sub> and VOC MVEBs pursuant to 40 CFR 93.104(e).

**V. Statutory and Executive Order Reviews**

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions,

<sup>22</sup> North Carolina has chosen to allocate a portion of the available safety margin to the NO<sub>x</sub> and VOC MVEBs for 2026. NC DAQ has allocated 2.93 tpd

(2650 kg/day) to the 2026 NO<sub>x</sub> MVEB and 2.83 tpd (2,569 kg/day) to the 2026 VOC MVEB. After allocation of the available safety margin, the

remaining safety margin was calculated as 59.72 tpd for NO<sub>x</sub> and 10.15 tpd for VOC.

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state or Federal law. For these reasons, these actions:

- Are not a significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

**List of Subjects**

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: July 17, 2015.

**Heather McTeer Toney**,  
Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart II—North Carolina**

- 2. In § 52.1770, the table in paragraph (e) is amended by adding a new entry "2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area" at the end of the table to read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS**

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	4/16/2015	7/28/2015	[insert Federal Register citation]	

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

- 3. The authority citation for part 81 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

- 4. In § 81.334, the table entitled "North Carolina—2008 8-Hour Ozone NAAQS (Primary and secondary)" is amended by revising the entries for "Charlotte-Rock Hill, NC-SC," "Cabarrus County (part)," "Gaston County (part)," "Iredell County (part),"

"Lincoln County (part)," "Mecklenburg County," "Rowan County (part)," and "Union County (part)" to read as follows:

**§ 81.334 North Carolina.**

\* \* \* \* \*

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS  
[Primary and secondary]

Designated area	Designation		Classification					
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type				
Charlotte-Rock Hill, NC—SC <sup>2</sup> .....	This action is effective 7/28/2015.	Attainment						
Cabarrus County (part) .....								
Central Cabarrus Township, Concord Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township								
Gaston County (part)								
Crowders Mountain Township, Dallas Township, Gastonia Township, Riverbend Township, South Point Township								
Iredell County (part)								
Davidson Township, Coddle Creek Township								
Lincoln County (part)								
Catawba Springs Township, Ironton Township, Lincolnton Township								
Mecklenburg County								
Rowan County (part)								
Atwell Township, China Grove Township, Franklin Township, Gold Hill Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township								
Union County (part)								
Goose Creek Township, Marshville Township, Monroe Township, Sandy Ridge Township, Vance Township								
* * *					*	*	*	*

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.  
<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 2015-18345 Filed 7-27-15; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 97**

[FRL-9931-40-OAR]

**Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2015 Compliance Year**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of data availability (NODA).

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit set-aside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs) and is responding to objections to preliminary calculations. EPA has completed final calculations for the first

round of NUSA allowance allocations for the 2015 compliance year and has posted spreadsheets containing the calculations on EPA’s Web site. The final allocations are unchanged from the preliminary calculations. EPA will record the allocated allowances in sources’ Allowance Management System (AMS) accounts by August 1, 2015.

**DATES:** July 28, 2015.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning this action should be addressed to Robert Miller at (202) 343-9077 or *miller.robertl@epa.gov* or to Kenon Smith at (202) 343-9164 or *smith.kenon@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Under the CSAPR FIPs, a portion of each state budget for each of the four CSAPR emissions trading programs is reserved as a NUSA from which allowances are allocated to eligible units through an annual one- or two-round process. In a NODA published in the **Federal Register** on June 1, 2015 (80 FR 30988), EPA described the allocation process and provided notice of preliminary calculations for the first-round 2015 NUSA allowance allocations. EPA also

described the process for submitting any objections to the preliminary calculations.

In response to the June 1 NODA, EPA received three timely written objections, two late written objections, and several telephone inquiries. The objections and inquiries all concerned the question of whether EPA is correct to exclude emissions that occurred before a unit’s monitor certification deadline from the emissions data used to calculate the NUSA allowance allocations. As explained below, under the regulations such emissions are properly excluded because they are not emissions during a “control period.”

Under the CSAPR FIPs, an eligible unit’s first-round NUSA allowance allocation for a given compliance year is generally based on the unit’s emissions “during the immediately preceding control period” (that is, the control period in the year before the compliance year).<sup>1</sup> An eligible unit’s second-round NUSA allowance allocation for a given

<sup>1</sup> 40 CFR 97.412(a)(4)(i), 97.512(a)(4)(i), 97.612(a)(4)(i), and 97.712(a)(4)(i). First-round NUSA allocations may be affected by first-round NUSA over-subscription and rounding.

medications, and regular health screenings as determined necessary by a licensed veterinarian consistent with local veterinary practice standards. Proof of compliance with these requirements must be documented and accessible in the VA CLC or MHRRTTP.

(F) Animals may be present on NCA property for ceremonial purposes during committal services, interments, and other memorials, if the presence of such animals would not compromise public safety, facilities and grounds care, and maintenance control standards.

(x) For purposes of this section, a disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment.

(OMB has approved the information collection requirements in this section under control number XXXX-XXXX.)

\* \* \* \* \*  
 (Authority: 38 U.S.C. 901, 40 U.S.C. 3103)  
 [FR Doc. 2015-20182 Filed 8-14-15; 8:45 am]  
 BILLING CODE 8320-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 80**

[EPA-HQ-OAR-2015-0208; FRL-9931-94-OAR]

RIN 2060-AS64

**Approval of North Carolina’s Request To Relax the Federal Reid Vapor Pressure Gasoline Volatility Standard for Mecklenburg and Gaston Counties**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve a request from the state of North Carolina for the EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for Mecklenburg and Gaston counties. Specifically, the EPA is approving amendments to the regulations to allow the RVP standard for the two counties to rise from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline. The EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA). This action is being taken without prior proposal because the EPA believes that this

rulemaking is noncontroversial for the reasons set forth in this preamble, and due to the limited scope of this action.

**DATES:** This rule is effective on October 16, 2015 without further notice, unless EPA receives adverse comment by September 16, 2015. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2015-0208, to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan, 48105; telephone number: (734) 214-4476; fax number: (734) 214-4052; email address: [klavon.patty@epa.gov](mailto:klavon.patty@epa.gov).

**SUPPLEMENTARY INFORMATION:** The contents of this preamble are listed in the following outline:

- I. General Information
- II. Action Being Taken
- III. History of the Gasoline Volatility Requirement
- IV. The EPA’s Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas
- V. North Carolina’s Request to Relax the Federal Gasoline RVP Requirement for Mecklenburg and Gaston Counties
- VI. Final Action
- VII. Statutory and Executive Order Reviews
- VIII. Legal Authority and Statutory Provisions

**I. General Information**

*A. Why is the EPA issuing a direct final rule?*

The EPA is making this revision as a direct final rule without prior proposal because the EPA views this revision as noncontroversial and anticipates no adverse comment. The rationale for this rulemaking is described in detail below. In the Proposed Rules section of this **Federal Register**, the EPA is publishing a separate document that will serve as the proposal to approve this revision to the RVP gasoline standard that applies in Mecklenburg and Gaston counties should adverse comments be filed. If the EPA receives no adverse comment, the EPA will not take further action on the proposed rule. If the EPA receives adverse comment on this rule or any portion of this rule, the EPA will withdraw the direct final rule or the portion of the rule that received adverse comment. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rulemaking. Any parties interested in commenting must do so at this time.

*B. Does this action apply to me?*

Entities potentially affected by this rule are fuel producers and distributors who do business in North Carolina.

Examples of potentially regulated entities	NAICS <sup>1</sup> codes
Petroleum refineries .....	324110
Gasoline Marketers and Distributors .....	424710 424720
Gasoline Retail Stations .....	447110
Gasoline Transporters .....	484220 484230

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which the EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

<sup>1</sup> North American Industry Classification System.

### C. What should I consider as I prepare my comments?

#### 1. Submitting CBI

Do not submit CBI to the EPA through [www.regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

#### 2. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

#### 3. Docket Copying Costs

You may be required to pay a reasonable fee for copying docket materials.

## II. Action Being Taken

This direct final rule approves a request from the state of North Carolina to change the summertime gasoline RVP standard for Mecklenburg and Gaston counties from 7.8 psi to 9.0 psi by amending the EPA's regulations at 40 CFR 80.27(a)(2). In a previous

rulemaking, the EPA approved a redesignation request and maintenance plan for the Charlotte-Gastonia-Salisbury, North Carolina 2008 ozone area ("the Charlotte area") and a CAA section 110(l) non-interference demonstration that relaxing the federal RVP gasoline requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year in Mecklenburg and Gaston counties would not interfere with maintenance of the national ambient air quality standards (NAAQS) in the Charlotte area. Mecklenburg and Gaston counties are part of the Charlotte area. For more information on North Carolina's redesignation request and maintenance plan for the Charlotte area, please refer to Docket ID. No. EPA-R04-OAR-2015-0275 for the rulemaking that was signed on July 17, 2015. The preamble for this rulemaking is organized as follows: Section III. provides the history of the federal gasoline volatility regulation. Section IV. describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section V. provides information specific to North Carolina's request for Mecklenburg and Gaston counties. Finally, Section VI. presents the final action in response to North Carolina's request.

### III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), the EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOC), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), the EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These

regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), the EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum gasoline RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS.)

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires the EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits the EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that the EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), the EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, the EPA will rely on states to initiate changes to their respective volatility programs. The EPA's policy for approving such changes is described below in Section IV. of this action.

The state of North Carolina has initiated this change by requesting that the EPA relax the 7.8 psi gasoline RVP standard to 9.0 psi for Mecklenburg and Gaston counties, which are subject to the 7.8 gasoline RVP requirement during the summertime ozone season. Accordingly, the state of North Carolina provided a technical demonstration showing that relaxing the federal gasoline RVP requirements in the two counties from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS in the Charlotte area or with any other applicable CAA requirement.

#### IV. The EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the preamble for the EPA's amended Phase II volatility standards (56 FR 64706), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where the EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP gasoline requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP gasoline standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 rulemaking, the EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent gasoline volatility standard or that the more stringent gasoline volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, the EPA will not relax the gasoline volatility standard unless the state requests a relaxation and the maintenance plan demonstrates to the satisfaction of the EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

North Carolina requested relaxation of the federal RVP gasoline standard from 7.8 psi to 9.0 psi for Mecklenburg and Gaston counties concurrent with its request that the EPA approve a redesignation request and maintenance plan for the Charlotte area for the 2008 ozone NAAQS.

#### V. North Carolina's Request To Relax the Federal Gasoline RVP Requirement for Mecklenburg and Gaston Counties

On March 11, 2015, the state of North Carolina, through the North Carolina Department of Environment and Natural Resources (NCDENR), submitted a redesignation request and maintenance plan for the Charlotte area, which was classified as Marginal for the 2008 ozone NAAQS. Mecklenburg and Gaston counties are part of the Charlotte area. Additionally, the state submitted a CAA section 110(l) non-interference demonstration that removal of the federal RVP requirement of 7.8 psi for gasoline during the summertime ozone season in Mecklenburg and Gaston counties would not interfere with maintenance of any NAAQS, including the 2008 ozone NAAQS. Specifically, the state provided a technical demonstration showing that relaxing the federal gasoline RVP requirement in the two counties from 7.8 psi to 9.0 psi would not interfere with maintenance of the ozone NAAQS in the Charlotte area or with any other applicable requirement of the CAA.

In a rulemaking that was signed on July 17, 2015, the EPA evaluated and approved North Carolina's March 11, 2015 redesignation request and maintenance plan for the Charlotte area. See Docket ID. No. EPA-R04-OAR-2015-0275. In a separate rulemaking signed on July 17, 2015, the EPA approved North Carolina's non-interference demonstration for Mecklenburg and Gaston counties. See Docket ID. No. EPA-R04-OAR-2015-0260.<sup>2</sup>

Both rulemakings were subject to public notice-and-comment. The EPA received two comments on the redesignation request and maintenance plan rulemaking, and those comments were addressed in the final rule for that rulemaking. The comments received can be found in the docket for that rulemaking (Docket ID. No. EPA-R04-OAR-2015-0275). No comments were received on the non-interference demonstration for Mecklenburg and Gaston counties (Docket ID. No. EPA-R04-OAR-2015-0260).

In this action, the EPA is taking the second and final step in the process to approve North Carolina's request to relax the summertime ozone season gasoline RVP standard for Mecklenburg and Gaston counties from 7.8 psi to 9.0 psi. Specifically, the EPA is amending the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40

CFR 80.27(a)(2) for the two counties. This action to approve North Carolina's request to relax the summertime ozone season RVP standard for Mecklenburg and Gaston counties from 7.8 psi to 9.0 psi is based on the EPA's previous approval of North Carolina's March 11, 2015 redesignation request and maintenance plan for the Charlotte area, as well as the non-interference demonstration. This approval is also based on the fact that the Charlotte area is currently in attainment for both the 1997 ozone NAAQS and the 2008 ozone NAAQS.

#### VI. Final Action

The EPA is taking direct final action to approve the request from North Carolina for the EPA to relax the RVP applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Mecklenburg and Gaston counties. Specifically, this action amends the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for Mecklenburg and Gaston counties.

The EPA is making this revision without prior proposal because the EPA views the revision as noncontroversial and anticipates no adverse comment. However, in the Proposed Rules section of this **Federal Register**, the EPA is publishing a separate document that will serve as the proposal to approve this revision to the gasoline RVP standard that applies in Mecklenburg and Gaston counties should adverse comments be filed. This rule will become effective October 16, 2015 without further notice unless the EPA receives adverse comments by September 16, 2015.

If the EPA receives adverse comments on the rule or any portion of the rule, the EPA will withdraw the direct final rule or the portion of the rule that received adverse comment. The EPA will publish a timely withdrawal in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so at this time. If no such comments are received, the public is advised that this rule will become effective on October 16, 2015 and no further action will be taken on the proposed rule.

<sup>2</sup> On March 11, 2015, the NCDENR requested that the EPA parallel process the approval of the submission.



## VII. Statutory and Executive Order Reviews

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563. (76 FR 3821, January 21, 2011).

### B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and therefore is not subject to these requirements.

### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in North Carolina and gasoline distributors and retail stations in North Carolina. This action relaxes the federal RVP standard for gasoline sold in Mecklenburg and Gaston counties during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in Mecklenburg and Gaston counties to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

### D. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates

specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

### E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in the Birmingham area and gasoline distributors and retail stations in the Birmingham area. Thus, Executive Order 13175 does not apply to this action.

### G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves a state program.

### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

### I. National Technology Transfer Advancement Act

This action does not involve technical standards.

### J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will *not* have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous

populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule will relax the applicable volatility standard of gasoline during the summer, possibly resulting in slightly higher mobile source emissions. However, the state of North Carolina has demonstrated in its non-interference demonstration that this action will not interfere with maintenance of the ozone NAAQS in the Charlotte-Gastonia-Salisbury, North Carolina 2008 ozone area, or with any other applicable requirement of the CAA. Mecklenburg and Gaston counties are part of the Charlotte-Gastonia-Salisbury, North Carolina 2008 ozone area. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in Section V. of this direct final rule. A copy of North Carolina’s March 11, 2015 letter requesting that the EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP in the Mecklenburg and Gaston counties would not interfere with continued maintenance of the 2008 ozone NAAQS in the Charlotte-Gastonia-Salisbury, North Carolina ozone area, or with any other applicable CAA requirement, has been placed in the public docket for this action.

### K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

### L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 16, 2015. Filing a petition for reconsideration by the Administrator of this direct final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel document of proposed rulemaking for this action published in the Proposed Rules section of this **Federal Register**, rather than file an immediate petition

for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

**VIII. Legal Authority and Statutory Provisions**

The statutory authority for this action is granted to the EPA by Sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

**List of Subjects in 40 CFR Part 80**

Environmental protection, Administrative practice and procedures,

Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: August 5, 2015.

**Gina McCarthy,**  
*Administrator.*

For the reasons discussed in the preamble, the Environmental Protection Agency is amending 40 CFR part 80 as follows:

**PART 80—REGULATION OF FUELS AND FUEL ADDITIVES**

■ 1. The authority citation for part 80 continues to read as follows:

**Authority:** 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

- 2. In § 80.27(a)(2)(ii), the table is amended by:
  - a. Removing the entry for North Carolina and footnotes 6 and 7;
  - b. Redesignating footnote 8 as footnote 6;
  - c. Adding a new entry in alphabetical order for North Carolina and a new footnote 7.

The additions read as follows:

**§ 80.27 Controls and prohibitions on gasoline volatility.**

- (a) \* \* \*
- (2) \* \* \*
- (ii) \* \* \*

**APPLICABLE STANDARDS<sup>1</sup> 1992 AND SUBSEQUENT YEARS**

State	May	June	July	August	September
North Carolina <sup>7</sup>	9.0	9.0	9.0	9.0	9.0

<sup>1</sup> Standards are expressed in pounds per square inch (psi).

<sup>7</sup> The standard for Mecklenburg and Gaston Counties from June 1 until September 15 in 1992 through October 16, 2015 was 7.8 psi.

[FR Doc. 2015–20243 Filed 8–14–15; 8:45 am]  
**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA–HQ–OPP–2015–0017; FRL–9930–16]

**Lavandulyl Senecioate; Exemption From the Requirement of a Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of the arthropod pheromone, lavandulyl senecioate, in or on all raw agricultural commodities when applied or used in microbeads/dispensers at a rate not to exceed 150 grams active ingredient/acre/year in accordance with good agricultural practices. Suterra, LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of lavandulyl senecioate.

**DATES:** This regulation is effective August 17, 2015. Objections and requests for hearings must be received on or before October 16, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0017, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200

Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

*B. How can I get electronic access to other related information?*

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office’s e-CFR site at <http://>

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for

reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile Organic Compounds.

Dated: September 4, 2019.  
**Gregory Sopkin**,  
 Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority for citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

**Subpart QQ—South Dakota**

■ 2. In § 52.2170, paragraph (c) is amended by revising the table entries for "74:36:01:01" and "74:36:09:02" to read as follows:

**§ 52.2170 Identification of plan.**

\* \* \* \* \*  
 (c) \* \* \*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation, date	Comments
74:36:01:01	Definitions	10/15/2015	10/11/2019	9/11/2019, [insert <b>Federal Register</b> citation].	
74:36:09:02	Prevention of Significant Deterioration.	10/15/2015	10/11/2019	9/11/2019, [insert <b>Federal Register</b> citation].	

\* \* \* \* \*  
 [FR Doc. 2019-19571 Filed 9-10-19; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R04-OAR-2018-0598; FRL-9999-55—Region 4]

**Air Plan Approval; NC: Revision to I/M Program & Update to Charlotte Maintenance Plan for the 2008 8-Hour Ozone NAAQS**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), on July 25, 2018, which revises the model year coverage for vehicles in the 22 counties subject to North Carolina's

expanded inspection and maintenance (I/M) program. The SIP revision also includes a demonstration that the requested revision to the vehicle model year coverage will not interfere with attainment or maintenance of any national ambient air quality standards (NAAQS) or with any other applicable requirements of the Clean Air Act (CAA or Act). In addition, North Carolina's July 25, 2018, SIP revision updates the State's maintenance plan and associated motor vehicle emissions budgets (MVEBs) used in transportation conformity for the North Carolina portion of the Charlotte-Rock Hill, NC-SC 2008 8-hour ozone nonattainment area (hereafter also referred to as the "Area" or the "Charlotte Area") to reflect the change in vehicle model year coverage for the I/M program. EPA has determined that North Carolina's July 25, 2018, SIP revision will not interfere with and is consistent with the applicable provisions of the Clean Air Act (CAA or Act).

**DATES:** This rule will be effective October 11, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2018-0598. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday

through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Kelly Sheckler, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9992. Ms. Sheckler can also be reached via electronic mail at [sheckler.kelly@epa.gov](mailto:sheckler.kelly@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In response to a North Carolina legislative act signed by the Governor on May 4, 2017, which changed the State's I/M requirements for the 22 counties subject to the State's expanded I/M program,<sup>1</sup> DAQ provided a SIP revision through a letter dated July 25, 2018,<sup>2</sup> seeking to have several of these changes incorporated into the North Carolina SIP. Primarily, North Carolina's July 25, 2018, SIP revision makes substantive changes to the applicability section of North Carolina's SIP-approved expanded I/M program found within 15A North Carolina Administrative Code (NCAC) 02D .1000 *Motor Vehicle Emission Control Standard*.<sup>3</sup> Specifically, the July 25, 2018, SIP revision modifies Section .1002 *Applicability*, by changing, for applicability purposes, the vehicle model year coverage for the 22 counties subject to the expanded I/M program from a specific year-based timeframe for coverage (*i.e.*, beginning in 1996) to a rolling 20-year timeframe for coverage.<sup>4</sup>

<sup>1</sup> Under provisions of the State legislation, Session Law 2017–10, Senate Bill 131, the changes to North Carolina's I/M requirements for the 22 counties is not effective until the later of the following dates: October 1, 2017, or the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies that EPA has approved the SIP revision. The 22 counties are: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake. See clarification letter dated August 31, 2018, from North Carolina in the docket for the proposed rulemaking.

<sup>2</sup> EPA received North Carolina's SIP submittal on July 31, 2018.

<sup>3</sup> In the table of North Carolina regulations federally approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as "Subchapter 2D Air Pollution Control Requirements."

<sup>4</sup> By its terms, Section .1002(d) makes the 22 counties identified in North Carolina General Statute 143–215.107A subject to the I/M program's emission control standards. These same 22 counties are the counties currently subject to North Carolina's SIP-approved I/M program which was expanded from 9 counties to 48 counties in 2002 (and is referred to as the "expanded" I/M program).

More precisely, the revision being approved changes the applicability of the expanded I/M program to: (i) A vehicle with a model year within 20 years of the current year and older than the three most recent model years; or (ii) a vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer. Previously, the program applied to: (i) A 1996 or later model year vehicle and older than the three most recent model years; or (ii) a 1996 or later model year vehicle and has 70,000 miles or more on its odometer. It is estimated that this change will result in a small increase (less than one percent) in nitrogen oxides (NO<sub>x</sub>) and volatile organic compound (VOC) emissions. Additionally, the July 25, 2018, SIP revision makes formatting or other minor clarifying changes to several related SIP-approved I/M sections: .1001 *Purpose*, .1003 *Definitions*, and .1005 *On-Board Diagnostic Standards*.<sup>5</sup>

In addition, North Carolina's SIP revision evaluates the impact that the change to the vehicle model year coverage for the 22 counties would have on the State's ability to attain and maintain the NAAQS. The SIP revision contains a technical demonstration with revised emissions calculations showing that the change to Section .1002 for vehicle model year coverage for the expanded I/M program in the 22 counties will not interfere with North Carolina's attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA. Based on this demonstration, EPA is taking final action to find that North Carolina's revised emissions calculations demonstrate that the change to the expanded I/M program for the 22 counties meets the requirements of CAA section 110(l) and will not interfere with State's ability to attain or maintain any NAAQS. In addition, EPA is taking final action to find that North Carolina's July 25, 2018, SIP revision to change the vehicle model year coverage for the 22 counties subject to the expanded I/M program contained in its SIP (which results in a small increase in

See 83 FR 48383 (September 25, 2018) (removing 26 of the 48 counties from North Carolina's SIP-approved expanded I/M program and leaving the 22 counties identified in footnote 1 above as remaining). In addition, changes to Section .1002 also include language making the effective date of the change to the vehicle model year coverage correspond to the effective date set out in North Carolina Session Law 2017–10 referred to in footnote 1 above (*i.e.*, on the first day of the month that is 60 days after EPA approves the change into the SIP).

<sup>5</sup> As noted in the notice of proposed rulemaking, North Carolina did not request EPA to act—and EPA is not acting—on sections .1006 and .1008.

NO<sub>x</sub> emissions and consequentially a small decrease in the amount of emissions reduction credits generated and available for use in the State's NO<sub>x</sub> emissions budget) will not interfere with the State's obligations under the NO<sub>x</sub> SIP Call to meet its Statewide NO<sub>x</sub> emissions budget. With regard to the related expanded I/M program provisions at Sections .1001, .1002, and .1003, EPA is taking final action to approve the changes to those Sections, which are formatting or clarifying in nature, do not alter the meaning of the Sections, and are thus approvable.

Finally, for 7 of the 22 counties in North Carolina's expanded I/M program, I/M emissions from those counties have been relied on by North Carolina for maintenance of the ozone NAAQS for the Charlotte Area, and the MVEBs with respect to the Area for transportation conformity purposes. Through the July 25, 2018, SIP revision (the subject of this rulemaking), North Carolina provided a maintenance demonstration for the Area that takes into account the small increase in NO<sub>x</sub> and VOC emissions estimated to result from the change to the vehicle model year coverage for the expanded I/M program for these counties. EPA is taking final action to approve the updated emissions for the 2008 8-hour ozone maintenance plan for the North Carolina portion of the Charlotte Area because it demonstrates that the projected emissions inventories for 2026 (the final year of the maintenance plan), 10 years beyond the re-designation year, as well as the interim years, are all less than the base year emissions inventory. Further, EPA is approving the updated sub-area MVEBs for the Charlotte Area because EPA has determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets, and that the budgets meet the adequacy criteria (see 40 CFR 93.118(e)(4)) because they are consistent with maintenance of the 2008 8-hour ozone NAAQS through 2026.<sup>6</sup>

In a notice of proposed rulemaking (NPRM) published on May 20, 2019 (84 FR 22774), EPA proposed approval of the North Carolina July 25, 2018, SIP revision to amend the I/M program for North Carolina, in addition to other associated changes as described above and in the NPRM. The details of North Carolina's submission and the rationale for EPA's actions are explained in the NPRM. EPA received one significant, adverse comment on the proposed

<sup>6</sup> Once the sub-area MVEBs for the North Carolina portion of the Charlotte Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations.

action during the comment period for this action and offers a response below.

## II. Response to Comments

*Comment:* The Commenter claims EPA must disapprove the changes to North Carolina I/M SIP because the Commenter explains that North Carolina failed to do performance standard modeling as the Commenter asserts is required by EPA's February 2014 guidance document titled "Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model" (hereafter referred to as the February 2014 Guidance Document), available in the docket for this action. In the Commenter's opinion EPA must require states to do performance standard modeling when states revise their I/M programs to ensure the programs meet EPA's baseline requirements contained in 40 CFR part 51.

*Response:* The February 2014 Guidance Document provides clarification of 40 CFR part 51, subpart S, regarding how to quantify I/M emission reductions for planning purposes using the MOVES generation of mobile source emission factor models. The February 2014 Guidance Document clarifies that maintenance areas do not need to include I/M performance standard modeling as part of an I/M SIP revision. Specifically, the February 2014 Guidance Document includes the following question and response: "4.0 Can an I/M Program be Changed Without Doing Performance Standard Modeling? States can change their I/M programs without doing performance standard modeling if the I/M program area in question has been redesignated to attainment for the pollutant(s) that originally triggered the I/M requirement and the I/M program is being continued as part of the area's maintenance plan. In this case, the state must simply demonstrate that the revisions to the I/M program will not interfere with the area's ability to attain or maintain any NAAQS, or with any other applicable CAA requirement." As discussed in the May 20, 2019 (84 FR 22774) NPRM, North Carolina's I/M program for nine counties was required due to nonattainment areas for the 1979 1-hour ozone NAAQS,<sup>7</sup> and North Carolina is currently in attainment statewide for all the ozone NAAQS.<sup>8</sup> As

further discussed in the NPRM, the program was expanded to additional counties related to the NO<sub>x</sub> SIP Call, however the State was not required to adopt the I/M requirements for the NO<sub>x</sub> SIP Call. Therefore, the option to change the I/M program without performance standard modeling under 40 CFR part 51, subpart S, was available to North Carolina if the State could demonstrate continued attainment. North Carolina provided a non-interference section 110(l) demonstration, as well as an update for modeling for the Charlotte Area maintenance plan including MVEBs that demonstrate the Area will continue to maintain the standard for the duration of the plan. In addition, EPA analyzed the effects on the NO<sub>x</sub> SIP call and found that the change will not interfere with the State's obligations under the NO<sub>x</sub> SIP Call. A detailed analysis of this modeling and demonstration of continued attainment is provided in the May 20, 2019 (84 FR 22774) NPRM.

## III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the following air quality rules in Subchapter 2D Air Pollution Control Requirements, Section .1001 *Purpose*, Section .1002 *Applicability*, Section .1003 *Definitions*, and Section .1005 *On-Board Diagnostic Standards*, effective July 1, 2018, which makes changes that are formatting or clarifying in nature and modify the vehicle model year coverage requirements for the 22 counties in

attainment for the 2008 8-hour ozone standard on July 28, 2015 (80 FR 44873). In addition, on December 26, 2007, EPA approved the Redesignation to attainment of the Raleigh-Durham-Chapel Hill Area (comprised of a portion of Chatham County, and the entire counties of Durham, Franklin, Granville, Johnston, Orange, Person, and Wake) for the 1997 8-hour ozone standard. See 72 FR 72948. This approval included approval of a 10-year maintenance plan which demonstrated that the Area would maintain the standard through the year 2017. The Raleigh-Durham-Chapel Hill Area has continued to maintain the 1997 8-hour ozone standard and subsequently was designated as unclassifiable/attainment for the 2008 8-hour ozone standard on May 21, 2012 (77 FR 30088). Further, counties in the Raleigh Area and Greensboro Area were redesignated to attainment for the 1-hour ozone standard on April 18, 1994 (59 FR 18300) and on September 9, 1993 (58 FR 47391), respectively. With regard to the 1997 8-hour ozone standard, the Great Smoky National Park Area was redesignated to attainment on December 7, 2009 (74 FR 63995), and the Rocky Mount Area was redesignated to attainment on November 6, 2006 (71 FR 64891). Recently, on November 6, 2017 (82 FR 54232), EPA designated the entire state of North Carolina attainment/unclassifiable for the 2015 8-hour ozone NAAQS.

North Carolina's expanded I/M program. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>9</sup>

## IV. Final Action

EPA is taking final action to approve North Carolina's July 25, 2018, SIP revision. Specifically, EPA is approving the formatting and clarifying changes to Subchapter 2D, Sections .1001, .1003 and .1005. EPA is also finalizing approval of changes to Section .1002 relating to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program (Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union and Wake). Additionally, EPA finds that the changes to the vehicle model year coverage for the 22 counties in North Carolina's expanded I/M program will not interfere with the State's obligations under the NO<sub>x</sub> SIP Call to meet its Statewide NO<sub>x</sub> emissions budget and will not interfere with continued attainment or maintenance of any applicable NAAQS or with any other applicable requirement of the CAA, and that North Carolina has satisfied the requirements of section 110(l) of the CAA. Finally, EPA is approving the updated emissions for the 2008 8-hour ozone maintenance plan, including the updated MVEBs, for the Charlotte Area.

## V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, if they meet the criteria of the CAA. These actions merely approve state law as meeting Federal requirements and do

<sup>7</sup> See 60 FR 28720 (June 2, 1995).

<sup>8</sup> The Charlotte Area was redesignated to attainment for the 1-hour ozone standard on July 5, 1995 (60 FR 34859); redesignated to attainment for the 1997 8-hour ozone standard on December 2, 2013 (78 FR 72036); and was designated to

<sup>9</sup> See 62 FR 27968 (May 22, 1997).

not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because SIP approvals are exempted under Executive Order 12866;
- Do not impose information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having significant economic impacts on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandates or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, these rules do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will they impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing these actions and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. These actions are not “major rules” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by November 12, 2019. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these actions for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule

or action. These actions may not be challenged later in proceedings to enforce their requirements. *See* section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: August 28, 2019.

**Mary S. Walker**,  
Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42.U.S.C. 7401 *et seq.*

**Subpart II—North Carolina**

- 2. Section 52.1770 is amended:
  - a. In paragraph (c), in Table (1), under “Subchapter 2D Air Pollution Control” by revising the heading for “Section .1000” and the entries for “Section .1001”, “Section 1002”, “Section .1003”, and “Section .1005”; and
  - b. In paragraph (e), by adding an entry for “2008 8-hour Ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area” at the end of the table.

The revisions read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

(1) EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Subchapter 2D Air Pollution Control Requirements</b>				
<b>Section .1000 Motor Vehicle Emission Control Standard</b>				
Section .1001	Purpose	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1002	Applicability	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1003	Definitions	7/1/2018	9/11/2019, [Insert citation of publication].	
Section .1005	On-Board Diagnostic Standards ..	7/1/2018	9/11/2019, [Insert citation of publication].	

\* \* \* \* \*

(e) \* \* \*

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	7/25/2018	9/11/2019	[Insert citation of publication].	

[FR Doc. 2019-19574 Filed 9-10-19; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R08-OAR-2019-0180; FRL-9999-15-Region 8]

**Approval and Promulgation of Implementation Plans; Utah; Interstate Transport Requirements for Nitrogen Dioxide, Sulfur Dioxide, and Fine Particulate Matter**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving five State Implementation Plan (SIP) submissions from the State of Utah regarding certain interstate transport requirements of the Clean Air Act (CAA or “Act”). These submissions respond to the EPA’s promulgation of the 2010 nitrogen dioxide (NO<sub>2</sub>) national ambient air quality standards (NAAQS), the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS, and the 2012 fine particulate matter (PM<sub>2.5</sub>) NAAQS. The submissions address the requirement that each SIP contain

adequate provisions prohibiting air emissions that will significantly contribute to nonattainment or interfere with maintenance of these NAAQS in any other state. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** This rule is effective on October 11, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2019-0180. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Adam Clark, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, (303) 312-7104, [clark.adam@epa.gov](mailto:clark.adam@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

**I. Background**

The background for this action is discussed in detail in our June 20, 2019 proposed rulemaking (84 FR 28776). In that document we proposed to approve the CAA section 110(a)(2)(D)(i)(I) portion of Utah’s January 31, 2013, June 2, 2013, December 22, 2015 and two May 8, 2018 infrastructure submissions based on our determination that emissions from Utah will not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS in any other state.

We received one anonymous comment letter on our proposal. Our responses to this comment letter are provided below.

**II. Response to Comments**

*Comment:* The commenter stated that the EPA should review all sources of SO<sub>2</sub> in Utah located within 50 km of another state’s border, rather than focus our analysis on sources in this area emitting greater than 100 tons per year (tpy) of SO<sub>2</sub>. The commenter stated that “the EPA does not appear to support the

Government-Furnished Headstones, Markers, and Medallions; Unmarked Graves to fix technical errors and dropped amendments, published on August 6, 2021, in the **Federal Register** at 86 FR 43091.

In FR Rule Doc. No. 2021–16660, beginning on page 43091 in the August 6, 2021 issue, make the following corrections.

#### Corrections

■ 1. On page 43092 in the regulatory framework chart, in the column titled “Location of applicable provisions in the final regulation,” line 3, remove “§ 38.600(a)(1)–(a)(9)” and add “38.600(a)” in its place.

#### § 38.600 [Corrected]

■ 2. On page 43098, column 1, line 10, in § 38.600(b), remove “paragraphs (a)(1) through (9)” and add “paragraph (a)” in its place.

#### § 38.630 [Corrected]

■ 3. On page 43100, column 1, line 16, in § 38.630(c)(1)(ii), remove “§ 38.600(a)(8)” and add § 38.600(a)” in its place.

Dated: August 20, 2021

**Jeffrey M. Martin,**

*Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

[FR Doc. 2021–18285 Filed 8–24–21; 8:45 am]

**BILLING CODE 8320–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2020–0515; FRL–8852–02–R4]

### Air Plan Approval; North Carolina; Revision to Approved Motor Vehicle Emissions Budgets

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the North Carolina State Implementation Plan (SIP), submitted on July 16, 2020, by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources, Division of Air Quality (NCDAQ) for the purpose of allocating a portion of the available 2026 safety margin in the 2008 8-hour Ozone Maintenance Plan to the 2026 nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) motor vehicle emissions budgets (“MVEBs” or

“budgets”) for the North Carolina portion of the Charlotte-Rock Hill, NC-SC bi-state Area (hereinafter referred to as the “North Carolina portion of the Charlotte Maintenance Area”) to account for uncertainty associated with the mobile emissions model and unanticipated growth in vehicle miles traveled for the North Carolina portion of the Charlotte Maintenance Area. The revision also updates the 2026 MVEBs which are used for transportation conformity. NCDAQ’s July 16, 2020, submission supplements the revised 2008 8-hour Ozone Maintenance Plan submitted by NCDAQ on July 25, 2018, and approved by EPA on September 11, 2019. EPA is approving North Carolina’s July 16, 2020, supplemental SIP revision pursuant to the Clean Air Act (CAA or Act) and deeming the MVEBs adequate for transportation conformity purposes because the SIP meets all the statutory and regulatory requirements.

**DATES:** This rule is effective September 24, 2021.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0515. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dianna Myers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9207. Ms. Dianna Myers can also be reached via electronic mail at [Myers.Dianna@epa.gov](mailto:Myers.Dianna@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. This Action

EPA is approving NCDAQ’s July 16, 2020, SIP revision allocating a portion of the available safety margin to revise the 2026 NO<sub>x</sub> and VOC budgets for the North Carolina portion of Charlotte 2008 8-hour Ozone Maintenance Area for transportation conformity purposes. NCDAQ requested approval of the July 16, 2020, SIP revision in order to account for unanticipated changes in the travel demand model, such as unanticipated growth in vehicle miles traveled, changes and uncertainty in vehicle mix assumptions, and uncertainty associated with mobile emissions modeling.

Upon approval, the revised 2026 budgets from NCDAQ’s July 16, 2020, SIP revision will replace the existing budgets in the State’s 2008 8-hour Ozone Maintenance Plan revision approved on September 11, 2019. *See* 84 FR 47889. These newly revised NO<sub>x</sub> and VOC 2026 budgets must be used in future transportation conformity analyses for the Area according to the transportation conformity rule. *See* 40 CFR 93.118. Also, all emissions inventories (on-road, point, area, and nonroad) from NCDAQ’s September 11, 2019, SIP revision remain the same. This action only approves the allocation of a portion of the available safety margin to the 2026 NO<sub>x</sub> and VOC MVEBs. EPA is approving North Carolina’s July 16, 2020, SIP revision because it continues to demonstrate maintenance for the Charlotte Maintenance Area.

## II. Background

Effective July 20, 2012, EPA designated the Charlotte-Rock Hill, NC-SC Area as Marginal nonattainment for the 2008 8-hour ozone national ambient air quality standard (hereinafter referred to as NAAQS or standard). The North Carolina portion of the Charlotte 2008 Maintenance Area includes Mecklenburg in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan, and Union counties. The Charlotte Maintenance Area also includes a portion of York County located in Rock Hill, South Carolina. *See* 77 FR 30088. The North Carolina portion of the Charlotte Maintenance Area is comprised of three metropolitan planning organizations (MPOs): The Charlotte Regional Transportation Planning Organization (CRTPO) which covers Iredell, Mecklenburg, and Union counties; the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) which covers Cabarrus and Rowan counties; and the Gaston-Cleveland-Lincoln Metropolitan



Planning Organization (GCLMPO) which covers Gaston, Cleveland, and Lincoln counties. Although Cleveland County is included in the GCLMPO planning boundary, it was not included in the North Carolina portion of the Charlotte Maintenance Area. Each MPO has its own budget referred to as a “sub-area budget or sub-area MVEBs.” The York County, South Carolina portion of this maintenance area has a separate MPO and budgets. The South Carolina portion of the maintenance area implements transportation conformity independent of the North Carolina portion.

EPA originally approved NCDAQ’s 2008 8-hour ozone redesignation request and maintenance SIP for the North Carolina portion of the Charlotte Maintenance Area on July 28, 2015 (80 FR 44873), with base year NO<sub>x</sub> and VOC actual emissions inventories for 2014; projected, future, interim year inventories for 2015, 2018, and 2022; and projected final year emission

inventory for 2026. On August 17, 2015 (80 FR 49164), EPA approved North Carolina’s section 110(l) noninterference demonstration requesting relaxation of the Federal Reid Vapor Pressure from 7.8 pounds per square inch (psi) to 9.0 psi and a revision to the 2026 NO<sub>x</sub> and VOC sub-area MVEBs for Mecklenburg and Gaston Counties only. See 80 FR 44868.

On September 11, 2019 (84 FR 47889), EPA approved NCDAQ’s July 25, 2018, SIP revision related to North Carolina’s I/M Program. The September 11, 2019, SIP approval updated the on-road mobile source inventory and revised the 2026 sub-area VOC and NO<sub>x</sub> budgets; these remain the current SIP-approved MVEBs and inventories. The revised 2026 MVEBs became effective on October 11, 2019.

EPA’s analysis of North Carolina’s July 16, 2020, SIP submittal indicates that maintenance will continue to be demonstrated for the Charlotte Maintenance Area after allocation of a

portion of the safety margin to the 2026 MVEBs because the total level of emissions from all source categories remains equal to or less than the attainment level of emissions.

In a notice of proposed rulemaking (NPRM), published in the **Federal Register** on June 23, 2021 (86 FR 32850), EPA proposed to approve the July 16, 2020, SIP revision. The details of North Carolina’s submittal and the rationale for EPA’s action are further explained in the NPRM. Comments on the June 23, 2021, NPRM were due on or before July 23, 2021. EPA did not receive any comments.

Tables 1 through 3, below, provide the newly revised 2026 NO<sub>x</sub> and VOC sub-area MVEBs with the new safety margin<sup>1</sup> allocations in kilograms per day (kg/day) for transportation conformity purposes (2014 is only shown for illustration because no changes are being made to the MVEBs for that year).

TABLE 1—CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION (CRMPO) MVEBS IN 2014 AND 2026 [kg/day]\*

	2014 NO <sub>x</sub>	2014 VOC	2026 NO <sub>x</sub>	2026 VOC
Base On-road Emissions .....	11,814	7,173	3,381	3,371
Safety margin allocated to MVEB .....	.....	.....	1,522	1,517
Conformity MVEB .....	11,814	7,173	4,903	4,888

\* Includes the portion of Cabarrus and Rowan Counties in the maintenance area.

TABLE 2—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION (GCLMPO) MVEBS IN 2014 AND 2026 [kg/day]\*

	2014 NO <sub>x</sub>	2014 VOC	2026 NO <sub>x</sub>	2026 VOC
Base On-road Emissions .....	10,079	5,916	2,681	2,468
Safety margin allocated to MVEB .....	.....	.....	1,087	1,004
Conformity MVEB .....	10,079	5,916	3,768	3,472

\* Includes the portion of Gaston and Lincoln counties in the maintenance area. Although Cleveland County is included in the MPO, it is not included in the Charlotte ozone maintenance area.

TABLE 3—CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO)—ROCKY RIVER RURAL PLANNING ORGANIZATION (RRRPO) MVEBS IN 2014 AND 2026 [kg/day]\*

	2014 NO <sub>x</sub>	2014 VOC	2026 NO <sub>x</sub>	2026 VOC
Base On-road Emissions .....	32,679	18,038	8,870	8,655
Safety margin allocated to MVEB .....	.....	.....	3,371	3,288
Conformity MVEB .....	32,679	18,038	12,241	11,943

\* Includes all of Mecklenburg County and a portion of Iredell and Union Counties in the maintenance area.

The remaining safety margin after the allocation to the 2026 MVEBs is 63.31 tons per day (tons/day) and 13.73 tons/

day for NO<sub>x</sub> and VOC, respectively is provided below in Table 4.

<sup>1</sup> A safety margin is the difference between the attainment level of emissions from all source

categories (i.e., point, area, on-road, and nonroad)

and the projected level of emissions in the maintenance year from all source categories.

TABLE 4—NEW SAFETY MARGINS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

Year	NO <sub>x</sub> (tons/day)	VOC (tons/day)
2014	N/A	N/A
2015	– 5.99	– 2.03
2018	– 45.49	– 13.30
2022	– 63.74	– 15.84
2026	– 63.31	– 10.73

**III. Final Action**

EPA has evaluated North Carolina’s submittal and has determined that it meets the applicable requirements of the CAA and EPA regulations, and is consistent with EPA policy.

Therefore, EPA is approving NCDAQ’s July 16, 2020 SIP revision requesting to revise the Charlotte 2008 8-hr Ozone Maintenance Plan in order to allocate a portion of the available safety margin to the 2026 NO<sub>x</sub> and VOC MVEBs. The revised MVEBs ensure continued attainment of the 2008 8-hour ozone NAAQS through the maintenance year 2026. In addition, EPA is deeming the MVEBs adequate for transportation conformity purposes because the budgets meet the adequacy criteria in the conformity rule at 40 CFR 93.118(e)(4). Within 24 months from the effective date of this approval, the transportation partners are required to demonstrate conformity to the revised NO<sub>x</sub> and VOC MVEBs pursuant to 40 CFR 93.104(e).

**IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 25, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 18, 2021.

**John Blevins,**

*Acting Regional Administrator, Region 4.*

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart II—North Carolina**

■ 2. In section 52.1770 in paragraph (e) amend the table by adding a new entry for “MVEB Revision to the 2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area” at the end of the table to read as follows:

**§ 52.1770 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
MVEB Revision to the 2008 8-hour ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	7/16/2020	8/25/2021	[Insert citation of publication]	.....

[FR Doc. 2021-18247 Filed 8-24-21; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R05-OAR-2020-0602; FRL-8833-02-R5]

**Air Plan Approval; Ohio; Ohio Permit Fee Rule Removal**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving under the Clean Air Act (CAA), a revision to Ohio’s State Implementation Plan (SIP), submitted by the Ohio Environmental Protection Agency (OEPA) on November 12, 2020, and supplemented on February 11, 2021. OEPA requested to remove the Ohio Administrative Code (OAC) Permit Fees rule provisions from the Ohio SIP because they no longer exist at the state level and have been superseded by the fee system in Ohio’s Title V permitting program and the Ohio Revised Code (ORC). OEPA rescinded the permit fee rules at the state level in 2003. EPA proposed to approve this action on April 13, 2021, and received no comments.

**DATES:** This final rule is effective on September 24, 2021.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2020-0602. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency,

Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID-19. We recommend that you telephone Richard Angelbeck, Environmental Scientist, at (312) 886-9698 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Richard Angelbeck, Environmental Scientist, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-9698, [angelbeck.richard@epa.gov](mailto:angelbeck.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

**I. Background Information**

On April 13, 2021, EPA proposed to approve the removal of all OAC Chapter 3745-45 provisions from the Ohio SIP (86 FR 19174). An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA’s reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on May 13, 2021. EPA received no comments on the proposal. Therefore, we are finalizing our action as proposed.

**II. Final Action**

EPA is approving the removal of Ohio’s OAC Chapter 3745-45 Permit Fee rule from the Ohio SIP. Removing OAC Chapter 3745-45 from the Ohio SIP is consistent with Federal regulations governing state permitting programs and would not interfere with reasonable further progress or attainment of any national ambient air quality standards.

**III. Incorporation by Reference**

In this rule, EPA is amending regulatory text that includes incorporation by reference. As described in the amendments to 40 CFR part 52 set

forth below, EPA is removing provisions of the EPA-Approved Ohio Regulations from the Ohio SIP, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made, and will continue to make the SIP generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

**IV. Statutory and Executive Order Reviews.**

Under the CAA the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);