

MEMORANDUM

DATE: December 6, 2018

TO: Determination Regarding Good Neighbor Obligations for the 2008 Ozone National Ambient Air Quality Standards; Docket ID: EPA-HQ-OAR–2018-0225

FROM: Air Quality Policy Division, Office of Air Quality Planning and Standards

SUBJECT: Final Rule, Status of CAA Section 110(a)(2)(D)(i)(I) SIPs for the 2008 Ozone NAAQS

Summary

In the *Determination Regarding Good Neighbor Obligations for the 2008 Ozone National Ambient Air Quality Standards* (NAAQS) (Determination Rule), the EPA is finalizing a determination that the Cross-State Air Pollution Rule Update (CSAPR Update) fully addresses certain states' obligations under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I) regarding interstate pollution transport for the 2008 ozone NAAQS. This document updates a memorandum dated June 28, 2018, that the EPA developed and docketed at the time of the proposed Determination Rule. This document also supplements the information in the preamble to the final Determination Rule by describing the status of each CAA section 110(a)(2)(D)(i)(I) state implementation plan (SIP) for the states covered by that action, as well as actions taken by EPA to promulgate any federal implementation plan (FIP) for each state. This document describes any findings of failure to submit section 110(a)(2)(D)(i)(I) SIPs for the 2008 ozone NAAQS made by the EPA for these states as well as any other actions taken on section 110(a)(2)(D)(i)(I) SIPs submitted by these states to address the 2008 ozone NAAQS. This document addresses the following states covered by the Determination Rule: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia and Wisconsin. The facts presented in this memorandum support the EPA's conclusion that it currently has a legal obligation pursuant to CAA section 110(c) to take an action that fully addresses CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS for each of these states. The EPA does not find it necessary to provide updates for section 110(a)(2)(D)(i)(I) SIPs for the 2008 ozone NAAQS for states assessed in the CSAPR Update but not covered in the final Determination Rule.

Status of 2008 Ozone NAAQS Transport SIPs for States Covered by the Final Determination Rule

Alabama

On August 20, 2012, the state of Alabama submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On April 16, 2013, the state withdrew its good neighbor SIP submission. On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Alabama (80 FR 39961,

effective August 12, 2015). On October 26, 2016, the EPA published a FIP for Alabama in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On October 6, 2017, the EPA published a final action approving a SIP revision to replace the FIP for Alabama and finding that the SIP partially satisfies Alabama's good neighbor obligation for the 2008 ozone NAAQS (82 FR 46674). The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Alabama.

Arkansas

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Arkansas (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Arkansas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Arkansas.

Illinois

On December 31, 2012, the state of Illinois submitted a SIP revision to address the requirements of CAA section 110(a)(2) with respect to the 2008 ozone NAAQS, the 2010 NO₂ NAAQS and the 2010 SO₂ NAAQS. On June 11, 2014, the state clarified that its SIP revision was not intended to address good neighbor SIP requirements for the 2008 ozone NAAQS. On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Illinois (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Illinois in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Illinois.

Indiana

On December 12, 2012, the state of Indiana submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On June 15, 2016, the EPA published its disapproval of the state's good neighbor SIP (81 FR 38957, effective July 15, 2016). On October 26, 2016, the EPA published a FIP for Indiana in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On March 29, 2018, Indiana submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the FIP, but the EPA has not yet taken action on it. On November 27, 2018, the EPA signed a final action approving a SIP revision to replace the FIP for Indiana and finding that the SIP partially satisfies Indiana's good neighbor obligation for the

2008 ozone NAAQS (publication in the Federal Register forthcoming). The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Indiana.

Iowa

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Iowa (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Iowa in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Iowa.

Kansas

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Kansas (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Kansas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Kansas.

Louisiana

On June 7, 2013, the state of Louisiana submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, the EPA published its disapproval of the state's good neighbor SIP (81 FR 53308, effective September 12, 2016), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Louisiana in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Louisiana.

Maryland

On December 31, 2012, the state of Maryland submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On April 20, 2016, the state withdrew its good neighbor SIP submission. On July 20, 2016, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Maryland (81 FR 47040, effective August 19, 2016). On October 26, 2016, the EPA published a FIP for Maryland in the CSAPR Update addressing the requirements of CAA section

110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On August 8, 2018, Maryland submitted a subsequent SIP revision intended to address the good neighbor requirements with respect to the 2008 ozone NAAQS, but the EPA has not yet taken action on it. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Maryland.

Michigan

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Michigan (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Michigan in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Michigan.

Mississippi

On November 10, 2011, the state of Mississippi submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On October 11, 2012, the state withdrew its good neighbor SIP submission. On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Mississippi (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Mississippi in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Mississippi.

Missouri

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Missouri (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Missouri in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Missouri.

New Jersey

On October 17, 2014, the state of New Jersey submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On

March 30, 2016, the state withdrew its good neighbor SIP submission. On June 15, 2016, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for New Jersey (81 FR 38963, effective July 15, 2016), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for New Jersey in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to New Jersey.

New York

On April 4, 2013, the state of New York submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 26, 2016, the EPA published its disapproval of the state's good neighbor SIP (81 FR 58849, effective September 26, 2016). On October 26, 2016, the EPA published a FIP for New York in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On September 25, 2018, New York submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the FIP, but the EPA has not yet taken action on it. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to New York.

Ohio

On December 27, 2012, the state of Ohio submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On June 15, 2016, the EPA published its disapproval of the state's good neighbor SIP (81 FR 38957, effective July 15, 2016). On October 26, 2016, the EPA published a FIP for Ohio in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On April 17, 2018, Ohio submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the FIP, but the EPA has not yet taken action on it. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Ohio.

Oklahoma

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of Oklahoma (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Oklahoma in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Oklahoma.

Pennsylvania

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the Commonwealth of Pennsylvania (80 FR 39961, effective August 12, 2015), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Pennsylvania in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Pennsylvania.

Texas

On December 13, 2012 the state of Texas submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, the EPA published its disapproval of the state's good neighbor SIP (81 FR 53284, effective September 12, 2016), and the EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. On October 26, 2016, the EPA published a FIP for Texas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Texas.

Virginia

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the Commonwealth of Virginia (80 FR 39961, effective August 12, 2015). On October 26, 2016, the EPA published a FIP for Virginia in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On August 27, 2018, Virginia submitted a SIP revision intended to address the good neighbor requirements with respect to the 2008 ozone NAAQS, but the EPA has not yet taken action on it. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Virginia.

West Virginia

On July 13, 2015, the EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for the state of West Virginia (80 FR 39961, effective August 12, 2015). On October 26, 2016, the EPA published a FIP for West Virginia in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. On March 27, 2018, West Virginia submitted a SIP revision intended to address the remaining deficiency after implementation of the FIP, but the EPA has not yet taken action on it. The final Determination

Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to West Virginia.

Wisconsin

On June 20, 2013, the state of Wisconsin submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, the EPA published its partial approval and partial disapproval of the state's good neighbor SIP (81 FR 53309, effective September 12, 2016). In the final action, the EPA approved the CAA requirement that the state prohibit emissions from within the state that significantly contribute to nonattainment in any other state, and the EPA disapproved the CAA requirement for the state to prohibit emissions from within the state that interfere with maintenance of the NAAQS in other states. The EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency identified by the partial disapproval. On October 26, 2016, the EPA published a FIP for Wisconsin in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I). However, the EPA did not determine that the FIP fully corrected the deficiency with respect to the 2008 ozone NAAQS. The final Determination Rule satisfies the EPA's obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Wisconsin.