

Technical Support Document (TSD)
for the Proposed Federal Implementation Plan Addressing Regional Ozone Transport for the
2015 Ozone National Ambient Air Quality Standards
Docket ID No. EPA-HQ-OAR-2021-0668

Status of CAA Section 110(a)(2)(D)(i)(I) SIP Submissions
for the 2015 Ozone NAAQS for States Covered by the
Proposed Federal Implementation Plan Addressing
Regional Ozone Transport for the 2015 Ozone National
Ambient Air Quality Standards

Proposed Rule TSD

Summary

On October 1, 2015, EPA promulgated a revision to the ozone national ambient air quality standards (2015 ozone NAAQS), lowering the level of both the primary and secondary standards to 0.070 parts per million (ppm). 80 FR 65292 (October 26, 2015). Section 110(a)(1) of the Clean Air Act (CAA) requires states to submit, within 3 years after promulgation of a new or revised standard, state implementation plan (SIP) submissions meeting the applicable requirements of CAA section 110(a)(2). SIP submissions for the 2015 ozone NAAQS were due on October 1, 2018.

This document describes the status of each CAA section 110(a)(2)(D)(i)(I) (“good neighbor”) SIP submission for the 2015 ozone NAAQS for states that are covered by the proposed rule. This document describes any actions taken by EPA on CAA section 110(a)(2)(D)(i)(I) SIP submissions for the 2015 ozone NAAQS from these states, including any findings of failure to submit CAA section 110(a)(2)(D)(i)(I) SIP submissions for the 2015 ozone NAAQS. The descriptions also include any consent decree deadlines applicable to the EPA’s final action on these SIP submissions.

This document therefore addresses the following states:

- | | |
|-----------------|-------------------|
| 1. Alabama | 14. Nevada |
| 2. Arkansas | 15. New Jersey |
| 3. California | 16. New York |
| 4. Delaware | 17. Ohio |
| 5. Illinois | 18. Oklahoma |
| 6. Indiana | 19. Pennsylvania |
| 7. Kentucky | 20. Tennessee |
| 8. Louisiana | 21. Texas |
| 9. Maryland | 22. Utah |
| 10. Michigan | 23. Virginia |
| 11. Minnesota | 24. West Virginia |
| 12. Mississippi | 25. Wisconsin |
| 13. Missouri | 26. Wyoming |

The facts presented in this technical support document support EPA’s conclusion that it currently has or will have, upon final action on a proposed SIP disapproval or a formal finding of failure to submit, a legal obligation and the legal authority to finalize each of the good neighbor federal implementation plans (FIPs) for the 2015 ozone NAAQS proposed in the Proposed Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards.

Status of 2015 Ozone NAAQS Transport SIPs for States Covered by the Proposed Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards

Alabama

On August 27, 2018, the state of Alabama submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. The SIP submission became complete by operation of law on February 27, 2019. On December 30, 2019, EPA published a notice in the *Federal Register* proposing approval of the SIP submission. (84 FR 71854). On March 24, 2020, former EPA Region 4 Administrator Mary Walker signed a document which would have finalized approval of Alabama's SIP submission upon publication in the *Federal Register*. However, the March 24, 2020 document was never published in the *Federal Register*. On January 19, 2021, former EPA Region 4 Administrator Mary Walker signed a second document which would have finalized approval of Alabama's SIP submission upon publication in the *Federal Register* (<https://www.epa.gov/air-quality-implementation-plans/epas-approval-2015-8-hour-ozone-interstate-transport-requirements>). However, the January 19, 2021 document was never published in the *Federal Register*. On December 2, 2021, EPA announced in the *Federal Register* it would not publish either the March 24, 2020 document or the January 19, 2021 document in the *Federal Register*. (86 FR 68413).

On February 3, 2022, EPA signed a notice withdrawing its proposed approval and proposing disapproval of Alabama's SIP submission. (87 FR 9545 (Feb. 22, 2022)). Therefore, EPA has not taken final action on Alabama's SIP submission. If EPA finalizes the disapproval of Alabama's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Alabama addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Alabama withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Alabama addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, the EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, the EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed good neighbor FIP are signed by the EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Arkansas

On October 10, 2019, the state of Arkansas submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 1, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9798 (Feb. 22, 2022)). If EPA finalizes the disapproval of Arkansas' good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish

that the Administrator shall promulgate a good neighbor FIP for the state of Arkansas addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Arkansas withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Arkansas addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, the EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

California

On October 1, 2018, the state of California submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. If EPA proposes and finalizes disapproval of California's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a good neighbor FIP for the state of California addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if California withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for California addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on California's good neighbor SIP by December 15, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022).

Delaware

On October 11, 2018, the state of Delaware submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On May 1, 2020, EPA published a notice finalizing approval of Delaware's good neighbor SIP. (85 FR 25307, effective June 1, 2020). For the reasons explained in the Notice of Proposed Rulemaking in Section IV.C., EPA is proposing to find that its approval of Delaware's good neighbor SIP submission was in error. Section 110(k)(6) of the CAA gives the Administrator authority, without any further submission from a state, to revise certain prior actions, including actions to approve SIPs, upon determining that those actions were in error. If finalized, this proposed error correction under CAA section 110(k)(6) would revise EPA's approval of Delaware's good neighbor SIP submission to a disapproval. If EPA finalizes the disapproval of Delaware's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate

a good neighbor FIP for the state of Delaware addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

Illinois

On May 21, 2019, the state of Illinois submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the disapproval of Illinois' good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a good neighbor FIP for the state of Illinois addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Illinois withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Illinois addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Indiana

On November 2, 2018, the state of Indiana submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the disapproval of Indiana's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Indiana addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Indiana withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Indiana addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, the EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval

and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Kentucky

On January 9, 2019, the Commonwealth of Kentucky submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 3, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9498 (Feb. 22, 2022)). If EPA finalizes the disapproval of Kentucky's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the Commonwealth of Kentucky addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Kentucky withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Kentucky addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on the good neighbor SIP by April 30, 2022. *Consent Decree, New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Louisiana

On November 13, 2019, the state of Louisiana submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 1, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9798 (Feb. 22, 2022)). If EPA finalizes the disapproval of Louisiana's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Louisiana addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Louisiana withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Louisiana addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. *Consent Decree, Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and

a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Maryland

On October 16, 2019, the state of Maryland submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 7, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9463 (Feb. 22, 2022)). If EPA finalizes the disapproval of Maryland's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Maryland addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Maryland withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Maryland addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, the EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Michigan

On March 8, 2019, the state of Michigan submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the disapproval of Michigan's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Michigan addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Michigan withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Michigan addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval

and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Minnesota

On October 1, 2018, the state of Minnesota submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the disapproval of Minnesota's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Minnesota addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Minnesota withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Minnesota addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan.12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Mississippi

On September 6, 2019, the state of Mississippi submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 3, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9545 (Feb. 22, 2022)). If EPA finalizes the disapproval of Mississippi's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Mississippi addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Mississippi withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Mississippi addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Missouri

On June 10, 2019, the state of Missouri submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 9, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9533 (Feb. 22, 2022)). If EPA finalizes the disapproval of Missouri's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Missouri addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Missouri withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Missouri addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Nevada

On September 28, 2018, the state of Nevada submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. If EPA proposes and finalizes disapproval of Nevada's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Nevada addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Nevada withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Nevada addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on Nevada's good neighbor SIP by December 15, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022).

New Jersey

On May 13, 2019, the state of New Jersey submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9484 (Feb. 22, 2022)). If EPA finalizes the

disapproval of New Jersey's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of New Jersey addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if New Jersey withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for New Jersey addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed federal implementation plan are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

New York

On September 25, 2018, the state of New York submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9484 (Feb. 22, 2022)). If EPA finalizes the disapproval of New York's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of New York addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if New York withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for New York addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California and a consent decree entered on January 19, 2022 by the U.S. District Court for the Southern District of New York to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022); Consent Decree, *Our Children's Earth Foundation v. EPA*, No. 20-8232 (S.D.N.Y. entered Jan. 19, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Ohio

On September 28, 2018, the state of Ohio submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the

disapproval of Ohio's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Ohio addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Ohio withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Ohio addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the Northern District of California, to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Oklahoma

On October 25, 2018, the state of Oklahoma submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 1, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9798 (Feb. 22, 2022)). If EPA finalizes the disapproval of Oklahoma's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Oklahoma addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Oklahoma withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Oklahoma addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Pennsylvania

On December 5, 2019, EPA issued a finding of failure to submit a complete good neighbor SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS for the Commonwealth of Pennsylvania. (84 FR 66612, effective January 6, 2020). EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the

deficiency. Based on this fact, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the Commonwealth of Pennsylvania addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

Tennessee

On September 17, 2018, the state of Tennessee submitted a state implementation plan submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On December 30, 2019, the EPA published a notice proposing approval of the SIP submission. (84 FR 71854). On March 24, 2020, former EPA Region 4 Administrator Mary Walker signed a document which would have finalized approval of Tennessee's SIP submission upon publication in the *Federal Register*. However, the March 24, 2020 document was never published in the *Federal Register*. On January 19, 2021, former EPA Region 4 Administrator Mary Walker signed a second document which would have finalized approval of Tennessee's SIP submission upon publication in the *Federal Register* (<https://www.epa.gov/air-quality-implementation-plans/epas-approval-2015-8-hour-ozone-interstate-transport-requirements>). However, the January 19, 2021 document was never published in the *Federal Register*. On December 2, 2021, EPA announced in the *Federal Register* it would not publish either the March 24, 2020 document or the January 19, 2021 document in the *Federal Register*. (86 FR 68413).

On February 3, 2022, EPA signed a notice withdrawing its proposed approval and proposing disapproval of Tennessee's SIP submission. (87 FR 9545 (Feb. 22, 2022)). Therefore, EPA has not yet taken final action on Tennessee's SIP submission. If EPA finalizes the disapproval of Tennessee's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Tennessee addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Tennessee withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Tennessee addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Texas

On September 12, 2018, the state of Texas submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 1, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9798 (Feb. 22, 2022)). If EPA finalizes the disapproval of Texas' good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Texas addressing the requirements of CAA

section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Texas withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Texas addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Utah

On December 5, 2019, the EPA issued a finding of failure to submit a complete good neighbor SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS for the state of Utah. (84 FR 66612, effective January 6, 2020). On January 29, 2020, the state of Utah submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. EPA has not, subsequent to that date, taken final action on the SIP submission. Because EPA made a formal finding that Utah failed to submit a SIP submission and has not yet taken final action on the subsequently provided SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Utah addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

Virginia

On December 5, 2019, EPA issued a finding of failure to submit a complete good neighbor SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS for the Commonwealth of Virginia. (84 FR 66612, effective January 6, 2020). EPA has not, subsequent to that date, received and approved a complete good neighbor SIP revision to correct the deficiency. Based on this fact, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the Commonwealth of Virginia addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

West Virginia

On February 4, 2019, the state of West Virginia submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On February 7, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9516 (Feb. 22, 2022)). If EPA finalizes the

disapproval of West Virginia's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of West Virginia addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if West Virginia withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for West Virginia addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on November 15, 2021, by the U.S. District Court for the Southern District of New York and a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP by April 30, 2022. Consent Decree, *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y. entered Nov. 15, 2021); Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of both consent decrees, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP submission disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Wisconsin

On September 14, 2018, the state of Wisconsin submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. On January 31, 2022, EPA signed a notice proposing disapproval of the SIP submission. (87 FR 9838 (Feb. 22, 2022)). If EPA finalizes the disapproval of Wisconsin's good neighbor SIP submission, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Wisconsin addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Wisconsin withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Wisconsin addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on the good neighbor SIP submission by April 30, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022). However, under the terms of the consent decree, EPA shall have until December 15, 2022, to take final action on the SIP submission if a proposed SIP revision disapproval and a proposed good neighbor FIP are signed by EPA for publication in the *Federal Register* by February 28, 2022. *Id.*

Wyoming

On January 3, 2019, the state of Wyoming submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. If the EPA proposes and finalizes disapproval of Wyoming's good neighbor SIP submission, the provisions of CAA section 110(c)(1)

establish that the Administrator shall promulgate a FIP for the state of Wyoming addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. In the alternative, if Wyoming withdraws its good neighbor SIP submission before EPA takes final action, and EPA makes a formal finding of failure to submit, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for Wyoming addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

In addition, EPA is obligated, pursuant to a consent decree entered on January 12, 2022 by the U.S. District Court for the Northern District of California, to take final action on Wyoming's good neighbor SIP by December 15, 2022. Consent Decree, *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal. entered Jan. 12, 2022).