

FACT SHEET

Final Rule: Findings of Failure to Submit State Implementation Plan Revisions for Reclassified Moderate Nonattainment Areas for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)

Action

- On October 13, 2023, the U.S. Environmental Protection Agency (EPA) found that 11 states failed to submit State Implementation Plan (SIP) revisions required by the Clean Air Act (CAA) in a timely manner. These plans apply to certain nonattainment areas classified as Moderate for the 2015 ozone NAAQS. The affected states and 2015 Ozone NAAQS nonattainment areas are:

State	2015 Ozone NAAQS Nonattainment Area
Arizona	Phoenix-Mesa
California	Mariposa County
Connecticut	Greater Connecticut
Delaware	Philadelphia-Wilmington-Atlantic City
Illinois	Chicago St. Louis
Indiana	Chicago
Michigan	Allegan County Berrien County Muskegon County
New Jersey	Philadelphia-Wilmington-Atlantic City
Nevada	Las Vegas
Texas	Dallas-Fort Worth Houston-Galveston-Brazoria San Antonio
Wisconsin	Chicago Milwaukee Sheboygan County

- This action triggers CAA deadlines. Today’s findings establish a 24-month deadline for EPA to either approve SIP revisions or issue a Federal Implementation Plan addressing Moderate area emissions control requirements for the affected areas.
- This finding also establishes a timeline for the implementation of two mandatory sanctions.
 - The first are known as “offset sanctions.” If offset sanctions take effect, volatile organic compound or nitrogen oxide emissions from a new or modified major source in the area must be “offset” by emission reductions from other sources in the area at a ratio of at least 2 to 1. Offset sanctions take effect 18 months after the effective date of a finding of failure to submit unless a state submits a complete SIP during that time.
 - The second type of sanctions are highway funding sanctions. These sanctions, which rarely are imposed, begin six months after the offsets sanction takes effect

if a state still has not made a complete SIP submission. Highways sanctions require the Federal Highway Administration to impose a funding moratorium on projects, with the exceptions of mass transit projects, or projects for safety.

- Both types of sanctions, or the sanctions “clocks”, will be stopped when EPA determines the state has made a complete SIP submittal to address the finding of failure to submit. EPA is committed to working with affected states to expedite the development and submission of their state plan revisions and to ensure continued progress toward cleaner air.

Background

- Exposure to ground-level ozone can cause respiratory issues, aggravate asthma and other lung diseases, and may lead to missed days of work or school, emergency room visits, and premature deaths.
- EPA works in partnership with its state and local partners to implement the ozone NAAQS to protect public health and welfare.
- On October 7, 2022, EPA determined that 22 areas or portions of areas classified as Marginal under the 2015 ozone NAAQS failed to attain the standards by the applicable attainment date (August 3, 2021, for most areas) and were reclassified as Moderate, effective November 7, 2022.
- Separately, on January 5, 2023, EPA determined that the Las Vegas, Nevada area classified as Marginal under the 2015 ozone NAAQS failed to attain the standards by the applicable August 3, 2021, attainment date and was reclassified as Moderate, effective the same day.
- The SIP revisions for reclassified Moderate areas were due no later than January 1, 2023.

Additional Information

- To download a copy of today’s final action from the EPA website, go to “Findings of Failure to Submit State Implementation Plan Revisions for Reclassified Moderate Nonattainment Areas for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)” at the following address: <https://www.epa.gov/ground-level-ozone-pollution/findings-failure-submit-state-implementation-plan-revisions>.
- For general information about this final rule, contact Robert Lingard of EPA’s Office of Air Quality Planning and Standards at (919) 541-5272 or lingard.robert@epa.gov.