

Technical Support Document (TSD)

for the Transport Rule

Docket ID No. EPA-HQ-OAR-2009-0491

**Status of CAA 110(a)(2)(D)(i)(I) SIPs
Final Rule TSD**

U.S. Environmental Protection Agency
Office of Air and Radiation
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Status of CAA 110(a)(2)(D)(i)(I) SIPs Final Rule TSD

This document describes, for each state subject to a Federal implementation plan (FIP) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS and/or the 2006 PM_{2.5} NAAQS under the Transport Rule, the status of each Clean Air Act (CAA) 110(a)(2)(D)(i)(I) state implementation plan (SIP) for the relevant NAAQS. It describes, for these states, any findings of failure to submit 110(a)(2)(D)(i)(I) SIPs made by EPA for the relevant NAAQS and any actions taken by EPA with respect to 110(a)(2)(D)(i)(I) SIP submissions for the relevant NAAQS received from these states. The facts presented in this TSD support EPA's conclusion that it has a legal obligation to promulgate each of the FIPs in this final rule.

Alabama

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date, received and approved SIP revisions to correct either deficiency. On March 7, 2007, Alabama submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Alabama. This SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Alabama SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina (North Carolina v. EPA), 531 F.3d 896 (D.C. Cir. 2008), modified on rehearing, North Carolina v. EPA, 550 F.3d 1176, 1178 (D.C. Cir. 2008), this CAIR SIP which was approved by EPA on October 1, 2007 (72 FR 55659), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 28, 2011, the Administrator for EPA Region 4 signed a notice disapproving a SIP revision submitted by the state of Alabama to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Alabama addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Arkansas

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date, received and approved a SIP revision to correct the deficiency. On August 10, 2007, Arkansas submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS in Arkansas. This SIP revision incorporated the CAIR trading program for ozone-season NO_x into the Arkansas SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP which was approved by EPA on September 26, 2007 (72 FR 54556), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. Based on these facts, the provisions of section

CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Arkansas addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS.

Florida

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date, received and approved a SIP revision to correct the deficiency. On March 16, 2007, Florida submitted a SIP revision to, among other things, replace the CAIR FIP for the 1997 ozone NAAQS in Florida. This SIP revision incorporated the CAIR trading program for ozone-season NO_x into the Florida SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, this CAIR SIP which was approved by EPA on October 12, 2007 (72 FR 58016), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Florida addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS.

Georgia

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date, received and approved a SIP revision to correct the deficiency. On March 28, 2007, Georgia submitted a SIP revision to replace the CAIR FIP for the 1997 PM_{2.5} NAAQS in Georgia. This SIP revision incorporated the CAIR trading programs for annual NO_x and annual SO₂ into the Georgia SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP which was approved by EPA on October 9, 2007 (72 FR 57202), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 28, 2011, the Administrator for EPA Region 4 signed a notice disapproving a SIP revision submitted by the state of Georgia to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Georgia addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Illinois

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. On September 14, 2007, Illinois submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Illinois. The SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Illinois SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP which was approved by

EPA on October 16, 2007 (72 FR 58528), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA is correcting and narrowing its approval of that SIP submittal. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with the respect to the 2006 PM_{2.5} NAAQS (75 FR 32673), and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Illinois addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Indiana

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. Indiana submitted a CAIR SIP in parts, including the part submitted on June 29, 2009, to replace the CAIR FIP for the 1997 ozone NAAQS and a CAIR FIP for the 1997 PM_{2.5} NAAQS in Indiana. These SIP revisions incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Indiana SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the abbreviated CAIR SIP submittal approved by EPA on October 22, 2007 (72 FR 59480) and the CAIR SIP submittal approved by EPA on November 29, 2010 (75 FR 72956), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of those SIP submittals. In addition, on June 28, 2011, the Administrator for EPA Region 5 signed a notice disapproving a SIP revision submitted by the state of Indiana to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Indiana addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Iowa

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct the deficiency. On August 15, 2006, Iowa submitted a SIP revision to, among other things, replace the CAIR FIP for the 1997 PM_{2.5} NAAQS for Iowa. This SIP revision incorporated the CAIR trading programs for annual NO_x and annual SO₂ into the Iowa SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on August 6, 2007 (72 FR 43539), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to the date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for

the state of Iowa addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 PM_{2.5} NAAQS and 2006 PM_{2.5} NAAQS.

Kansas

On June 28, 2011, the Administrator for EPA Region 7 signed a notice disapproving a SIP revision submitted by the state of Kansas to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects the deficiency. Based on this fact, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Kansas addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS.

Kentucky

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. On July 19, 2007, Kentucky submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Kentucky. This SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Kentucky SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on October 4, 2007 (72 FR 56623), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 28, 2011, the Administrator for EPA Region 4 signed a notice disapproving a SIP revision submitted by the state of Kentucky to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Kentucky addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Louisiana

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct the deficiency. On August 20, 2007 Louisiana submitted an abbreviated CAIR SIP which, among other things, modified the CAIR FIP for the 1997 ozone NAAQS. The abbreviated CAIR SIP modified provisions to the CAIR FIPs found in the ozone-season NO_x CAIR trading program. As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR ozone-season requirements in Louisiana. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal.

Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Louisiana addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS.

Maryland

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. Maryland submitted a SIP revision on October 24, 2007 and then submitted a revised submittal on June 30, 2008 to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Maryland. This SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Maryland SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on October 30, 2009 (74 FR 56117), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Maryland addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Michigan

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date, received and approved a SIP revision to correct the deficiency. On July 16, 2007, Michigan submitted an abbreviated CAIR SIP revision which, among other things, modified the CAIR FIP for the 1997 PM_{2.5} NAAQS; then, on June 10, 2009, Michigan submitted a revised abbreviated SIP revision. EPA approved these abbreviated SIP revisions on December 20, 2007 (72 FR 72256) and August 18, 2009 (74 FR 41637). As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR ozone-season and annual requirements in Michigan. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Michigan addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 PM_{2.5} NAAQS and 2006 PM_{2.5} NAAQS.

Minnesota

On June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on this fact, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Minnesota addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS.

Mississippi

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct the deficiency. On January 16, 2007, Mississippi submitted a SIP revision to, among other things, replace the CAIR FIP for the 1997 ozone NAAQS for Mississippi. This SIP revision incorporated the CAIR trading program for ozone-season NO_x into the Mississippi SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on October 3, 2007 (72 FR 56268), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. Based on this fact, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Mississippi addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS.

Missouri

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct either deficiency. On May 18, 2007, Missouri submitted a SIP revision to, among other things, replace the CAIR FIP for the 1997 PM_{2.5} NAAQS for Missouri. This SIP revision incorporated the CAIR trading programs for annual NO_x and annual SO₂ into the Missouri SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on December 14, 2007 (72 FR 71073), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 28, 2011, the Administrator for EPA Region 7 signed a notice disapproving a SIP revision submitted by the state of Missouri to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Missouri addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 PM_{2.5} NAAQS and 2006 PM_{2.5} NAAQS.

Nebraska

On June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on this fact, the provisions of section CAA 110(c)(1) establish that the

Administrator shall promulgate a FIP for the state of Nebraska addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS.

New Jersey

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct the deficiency. On February 6, 2007, New Jersey submitted an abbreviated CAIR SIP revision, and then on July 9, 2007, submitted a revised submittal to, among other things, modify the CAIR FIP for the 1997 ozone NAAQS for New Jersey. As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA on October 1, 2007 (72 FR 55666), modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR ozone-season requirements in New Jersey. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In addition, on June 1, 2011 the Administrator for EPA Region 2 signed a notice disapproving a SIP revision submitted by the state of New Jersey to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of New Jersey addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS and 2006 PM_{2.5} NAAQS.

New York

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. On September 17, 2007, New York submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in New York. This SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the New York SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on January 24, 2008 (73 FR 4109), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 1, 2011 the Administrator for EPA Region 2 signed a notice disapproving a SIP revision submitted by the state of New York to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of New York addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

North Carolina

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. North Carolina submitted a CAIR SIP in parts, including the part submitted on June 20, 2008, to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in North Carolina. These SIP revisions incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the North Carolina SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the abbreviated CAIR SIP submittal approved by EPA on October 5, 2007 (72 FR 56914) and the CAIR SIP submittal approved on November 30, 2009 (74 FR 62496), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA is correcting and narrowing its approval of those SIP submittals. In addition, on June 28, 2011, the Administrator for Region 4 signed a notice disapproving a SIP revision submitted by the state of North Carolina to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of North Carolina addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Ohio

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. Ohio submitted a CAIR SIP in parts, including the parts submitted on July 16, 2009 and August 13, 2009, to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Ohio. These SIP revisions incorporated the CAIR trading programs for the annual NO_x, annual SO₂, and ozone-season NO_x in the Ohio SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the abbreviated CAIR SIP submittal approved by EPA on February 1, 2008 (73 FR 6034) and the CAIR SIP submittal approved by EPA on September 25, 2009 (74 FR 48857,), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of those SIP submittals. In addition, on June 28, 2011, the Administrator for EPA Region 5 signed a notice disapproving a SIP revision submitted by the state of Ohio to address the requirements of 110(a)(2)(D)(i)(I) with respect to the 2006 PM_{2.5} NAAQS, and has not, subsequent to that date, received and approved a SIP that corrects that deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Ohio addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Pennsylvania

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions

to correct either deficiency. On May 23, 2008, Pennsylvania submitted a SIP revision to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in Pennsylvania. This SIP revision incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Pennsylvania SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on December 10, 2009 (74 FR 65446), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Pennsylvania addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

South Carolina

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. South Carolina submitted a CAIR SIP in parts, including the part submitted on December 4, 2008 to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS in South Carolina. These SIP revisions incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the South Carolina SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the abbreviated CAIR SIP submittal approved by EPA on October 9, 2007 (72 FR 57209) and the CAIR SIP submittal approved on October 16, 2009 (74 FR 53167), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approvals of those SIP submittals. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of South Carolina addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS and 1997 PM_{2.5} NAAQS.

Tennessee

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 Fr 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. On September 8, 2006, Tennessee submitted an abbreviated CAIR SIP to modify the CAIR FIP for the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS. Tennessee subsequently submitted a revision to the abbreviated SIP containing technical corrections. EPA approved these abbreviated SIP submissions on August 20, 2007 (72 FR 46388) and November 25, 2009 (74 FR 61535). As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR ozone-season and annual requirements in Tennessee. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent

with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In addition, on July 1, 2011, the EPA Assistant Administrator for Air and Radiation signed a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Tennessee addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Texas

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. On August 4, 2006, Texas submitted an abbreviated CAIR SIP modifying the provisions of the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} NAAQS for Texas. As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA on July 30, 2007 (72 FR 41453), modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR annual requirements in Texas. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Texas addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS and 1997 PM_{2.5} NAAQS.

Virginia

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct the deficiency. On March 30, 2007, Virginia submitted a CAIR SIP, then submitted revised submittals on April 30, 2007 and June 11, 2007, to among other things, replace the CAIR FIP for the 1997 ozone NAAQS in Virginia. The SIP revisions incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the Virginia SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the CAIR SIP approved by EPA on December 28, 2007 (72 FR 73602) cannot be said to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In this action, EPA also is correcting and narrowing its approval of that SIP submittal. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for

the state of Virginia addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS and 2006 PM_{2.5} NAAQS.

West Virginia

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 ozone NAAQS and the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved SIP revisions to correct either deficiency. West Virginia submitted a CAIR SIP in parts, including the parts submitted on June 8, 2007 and on April 22, 2008, to replace the CAIR FIP for the 1997 ozone NAAQS and the CAIR FIP for the 1997 PM_{2.5} in West Virginia. These SIP revisions incorporated the CAIR trading programs for annual NO_x, annual SO₂, and ozone-season NO_x into the West Virginia SIP. As noted in the preamble to the Transport Rule, following the D.C. Circuit decision in North Carolina, the abbreviated CAIR SIP revision approved by EPA on December 18, 2007 (72 FR 71576) and the CAIR SIP revision approved by EPA on August 4, 2009 (74 FR 38536), cannot be said to correct the 110(a)(2)(D)(i)(I) deficiencies identified in the April 25, 2005 finding of failure to submit. In this action, EPA is correcting and narrowing its approval of those SIP submittals. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of West Virginia addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS, 1997 PM_{2.5} NAAQS, and 2006 PM_{2.5} NAAQS.

Wisconsin

On April 25, 2005 EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i) with respect to the 1997 PM_{2.5} NAAQS (70 FR 21147) and has not, subsequent to that date received and approved a SIP revision to correct the deficiency. On June 19, 2007, Wisconsin submitted an abbreviated CAIR SIP to, among other things, modify the CAIR FIP for the 1997 PM_{2.5} NAAQS for Wisconsin. As noted in the preamble to the Transport Rule, the abbreviated SIPs approved by EPA on October 16, 2007 (72 FR 58542), modified but did not replace the CAIR FIPs promulgated by EPA. Following approval of the abbreviated CAIR SIP, the CAIR FIP remained the legal vehicle for implementation of the CAIR ozone-season requirements in Wisconsin. The CAIR FIPs were found unlawful and remanded to EPA to be replaced by rules consistent with the D.C. Circuit decision in North Carolina. EPA's approval of an abbreviated CAIR SIP thus has no impact on EPA's authority and obligation to promulgate a FIP to correct the 110(a)(2)(D)(i)(I) deficiency identified in the April 25, 2005 finding of failure to submit. In addition, on June 9, 2010, EPA made a finding of failure to submit a SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) deficiency with respect to the 2006 PM_{2.5} NAAQS (75 FR 32673) and has not, subsequent to that date received and approved a SIP that corrects the deficiency. Based on these facts, the provisions of section CAA 110(c)(1) establish that the Administrator shall promulgate FIPs for the state of Wisconsin addressing the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 PM_{2.5} NAAQS and 2006 PM_{2.5} NAAQS.