

**Status of Active Sanction Clocks under the Clean Air Act
As of April 14, 2023**

Overview: This table shows the status of sanction “countdown” clocks under the Clean Air Act that have been started and have not yet been officially terminated. (Additional background is provided at the end of this document.) The “Date of Sanction” columns indicates the date by which sanctions have applied or would apply if they have not been stayed or deferred. The “Sanction Clock Stayed or Deferred” column indicates whether EPA has taken an action to stay the relevant sanction after it had started to apply; and/or whether EPA has taken an action to defer one or both sanctions that had not yet applied. Additional information is available under the “Status” column. Maps for the areas referenced in this table are available at: <https://www.epa.gov/green-book/green-book-map-download>.

TABLE 1. Areas Where Sanctions Are Currently in Effect

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
GU	Piti-Cabras	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	12/3/2020 <u>Failure to Submit</u>	6/3/2022	12/3/2022	No	
LA	Evangeline Parish	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	12/3/2020 <u>Failure to Submit</u>	6/3/2022	12/3/2022	No	

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
IN	Huntington	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	12/3/2020 <u>Failure to Submit</u>	6/3/2022	12/3/2022	No	
AZ	Hayden	2010 SO2: Several elements including Rule R18-2-B1302 (Limits on SO2 from the Hayden Smelter)	12/7/2020 <u>Limited Disapproval</u>	6/7/2022	12/7/2022	No	
AZ	Hayden	2010 SO2: Attainment Demonstration, SO2 Contingency Measures, SO2 RACM/RACT, SO2 RFP	12/10/2020 <u>Partial Disapproval</u>	6/10/2022	12/10/2022	No	

TABLE 2. Areas Where Sanctions Have Not Taken Effect

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
CA	San Joaquin Valley	1997 PM2.5: PM2.5 Attainment Demonstration, PM2.5 Precursor Demonstration, PM2.5 Five Percent Annual Emissions Reductions Demonstration, PM2.5 BACM, PM2.5 RFP, PM2.5 Quantitative Milestones, PM2.5 Contingency Measures	12/27/2021 <u>Disapproval</u>	6/27/2023	12/27/2023	No	
CA	San Joaquin Valley	2006 PM2.5: Contingency Measures; 2012 PM2.5: Contingency Measures	12/27/2021 <u>Disapproval</u>	6/27/2023	12/27/2023	No	
AL	Nonattainment areas statewide (for applicable NAAQS)	Startup Shutdown Malfunction (SSM) SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
AR	Nonattainment areas statewide (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	On May 12, 2022, and on November 1, 2022, the EPA received two separate revisions to the Arkansas SIP to address the SIP call. The Region is reviewing the submissions for completeness.
CA	Amador Co.	2015 NSR	<u>2/11/22 Limited Disapproval</u>	8/13/23	2/11/24	No	

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
DC	Nonattainment areas district-wide (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
IL	Nonattainment areas statewide (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
NC	Nonattainment areas within Forsyth County (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	On November 28, 2022, EPA received North Carolina's SIP revision to address the SIP call for Forsyth County, North Carolina. The Region is reviewing the submission for completeness.
RI	Nonattainment areas statewide (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
SD	Nonattainment areas statewide (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
WA	Nonattainment areas including facilities regulated by Energy Facility Site Evaluation Council (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
WA	Nonattainment areas within Southwest Clean Air Agency jurisdiction (for applicable NAAQS)	SSM SIP Call Response	2/11/2022 <u>Failure to Submit</u>	8/11/2023	2/11/2024	No	
OH	Muskingum	2010 SO2: Attainment Demonstration, SO2 Contingency Measures, SO2 RACM/RACT, SO2 RFP	2/17/2022 <u>Partial Disapproval</u>	8/17/2023	2/17/2024	No	
CA	Nonattainment areas statewide	2008 Ozone: Cargo Tank Regulation 94014	5/5/2022 <u>Limited Disapproval</u>	11/5/2023	5/5/2024	No	
PA	Nonattainment areas statewide (for applicable NAAQS)	1997 and 2008 ozone: RACT SIP (Major Source NOx)	9/15/2022 <u>Partial Disapproval</u>	3/15/2024	9/15/2024	No	
CA	South Coast AQMD	2015 Ozone: Rule 1118, Refinery Flares	10/24/2022 <u>Limited Disapproval</u>	4/24/2024	10/24/2024	No	
CA	Antelope Valley	1-hr Ozone: section 185 fees (Rule 315)	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	Coachella Valley	2008 Ozone: Contingency Measures	10/31/2022 <u>Failure to Submit</u>	4/30/2024	10/31/2024	No	
CA	Mojave Desert	1-hr Ozone: section 185 fees (Rule 315)	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	Sacramento Metro AQMD	2008 and 2015 Ozone: 2016 Oil and Gas CTG	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	San Joaquin Valley	2008 and 2015 Ozone: 2016 Oil and Gas CTG	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
CA	South Coast AQMD	2008 and 2015 Ozone: 2016 Oil and Gas CTG	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	Ventura County	2008 and 2015 Ozone: 2016 Oil and Gas CTG	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	West Mojave Desert	2008 Ozone: Contingency Measures	10/31/2022 <u>Failure to Submit</u>	4/30/2024	10/31/2024	No	
CA	Yolo-Solano	2008 and 2015 Ozone: 2016 Oil and Gas CTG	10/31/2022 <u>Disapproval</u>	5/1/2024	10/31/2024	No	
CA	San Joaquin Valley	2008 Ozone: Contingency Measures	11/2/2022 <u>Disapproval</u>	5/2/2024	11/2/2024	No	
CA	Sacramento Metro area	2008 ozone: CAA section 185 fees	1/17/2023 <u>Failure to Submit</u>	7/17/2024	1/17/2025	No	

TABLE 3. Areas Where Sanctions Have Been Deferred or Stayed

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
CA	San Francisco Bay Area	1-hour Ozone Attainment Plan	10/22/2001 <u>Limited Disapproval</u>	4/22/2003	10/22/2003	Yes	Offset sanction stayed (and highway sanction deferred) by interim final determination on 07/16/03 (68 FR 42172). Effective on 4/24/2004 the interim final action stayed the offset sanction and deferred the highway sanction for as long as the area continues to attain the 1-hour ozone standard.
NY	Jefferson County	1997 Ozone attainment demonstration, RFP	3/24/2008 <u>Failure to Submit</u>	9/24/2009	3/24/2010	Yes	Sanctions clocks deferred by Clean Data Determination (73 FR 15672)
CA	Sacramento Metro Area, CA —Yolo/Solano Air Quality Management District portion; Feather River Air Quality Management District portion; Placer County Air Pollution Control District portion; El Dorado County Air Quality Management District portion	1-hour Ozone section 185 fee program	1/5/2010 <u>Failure to Submit</u>	7/5/2011	1/5/2012	Yes	On 05/18/11, interim final determination deferred sanctions (76 FR 28661) that was based on proposed termination determination (76 FR 28696) published the same day. The interim final determination is effective 05/18/11, although EPA accepted comments on both notices.

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
MI	St. Clair	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	10/21/2019 <u>Failure to Submit</u>	4/21/2021	10/21/2021	Yes	On 12/7/2021, EPA issued a Clean Data Determination for the St. Clair, MI SO2 area (86 FR 69173). The CDD action was effective on 12/7/2021 and stayed the emission offset and highway sanctions being imposed.
TX	Titus	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	9/9/2020 <u>Failure to Submit</u>	3/9/2022	9/9/2022	Yes	On May 14, 2021, EPA issued a Clean Data Determination for the Titus, TX SO2 area (86 FR 26401). The CDD action was effective on June 14, 2021 and deferred the emission offset and highway sanctions. The CDD only suspended the attainment demonstration, contingency measures, nonattainment NSR, RACM/RACT, and RFP requirements. The sanctions clocks associated with failure to submit Emission Inventory and Nonattainment NSR requirements are terminated by completeness letter dated 8/24/2022.

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
TX	Freestone/ Anderson	2010 SO2: Emission Inventory, SO2 Attainment Demonstration, SO2 Contingency Measures, SO2 Nonattainment NSR, SO2 RACM/RACT, SO2 RFP	9/9/2020 <u>Failure to Submit</u>	3/9/2022	9/9/2022	Yes	On May 14, 2021, EPA issued a Clean Data Determination for the Titus, TX SO2 area (86 FR 26401). The CDD action was effective on June 14, 2021 and deferred the emission offset and highway sanctions. The CDD only suspended the attainment demonstration, contingency measures, nonattainment NSR, RACM/RACT, and RFP requirements. The sanctions clocks associated with failure to submit Emission Inventory and Nonattainment NSR requirements are terminated by completeness letter dated 8/24/2022.
AZ	Maricopa County	2008 Ozone: RACT SIP (elements include major source NOx, aerospace CTG and industrial adhesives CTG)	2/8/2021 <u>Partial Disapproval</u>	8/8/2022	2/8/2023	Yes	NPRMs and Interim Final Determinations deferred sanctions, published 8/4/2022. Major source NOx IFD 87 FR 47632 ; NPRM 87 FR 47666 ; Aerospace CTG and Industrial Adhesives CTG IFD 87 FR 47630 ; NPRM 87 FR 47663
MI	Detroit	2010 SO2: Attainment Demonstration, SO2 RFP, SO2 RACT/RACT, SO2 Contingency Measures	4/19/2021 <u>Partial Disapproval</u>	10/19/2022	4/19/2023	Yes	On 03/23/23, interim final determination stayed/deferred sanctions (88 FR 17376) that was based on proposed conditional approval (88 FR 17488) published the same day. The interim final determination is effective 03/23/23, although EPA accepted comments on both notices.

State	Area	Required Element(s)	Effective Date and Type of Finding	Date of New Source Review 2:1 Offset Sanction	Date of Highway Sanction	Sanction Clock Stayed or Deferred?	Status
AZ	West Pinal	1987 PM10 Moderate Area Plan	08/23/2021 <u>Finding of failure to submit</u>	02/23/2023	08/23/2023	Yes	Following ADEQ submittal of "2022 Serious Area Particulate Plan for PM-10 for the West Pinal County Nonattainment Area" on May 31, 2022, the EPA issued a signed letter finding the 2022 West Pinal plan complete, terminating sanction clocks. See <u>Letter dated November 30, 2022.</u>
CA	Yolo-Solano portion of Sacramento nonattainment area	2008 Ozone: Rule 2.31, Solvent Cleaning	8/30/2021 <u>Limited Disapproval</u>	3/2/2023	8/30/2023	Yes	NPRM and Interim Final Determination deferring sanctions were published 12/13/2022 (<u>87 FR 76171</u> and <u>87 FR 76107</u>)
CA	Western Mojave Desert	2008 Ozone: Rule 1160, Internal Combustion Engines	10/12/2021 <u>Limited Disapproval</u>	4/12/2023	10/12/2023	Yes	Interim final determination deferring sanctions was published on 4/7/2023 (<u>88 FR 20776</u>).NPRM proposing approval of revised rule was also published on 4/7/2023 (<u>88 FR 20788</u>).

BACKGROUND INFORMATION

Section 179(b) of the Clean Air Act identifies two types of sanctions “clocks” that are triggered by certain EPA actions, including: a finding that a state failed to submit (FFS) a SIP or element thereof; a SIP disapproval action; or a finding that the state has failed to implement a SIP. The first two triggering actions also start a clock for EPA’s obligation to promulgate a Federal Implementation Plan (FIP) within two years of the effective date of the triggering action.

Sanctions and FIP Clocks

Nonattainment New Source Review (NSR) Sanctions

The first sanction clock that starts on the effective date of a triggering action relates to the emission offset requirement under the nonattainment new source review program. This sanction applies 18 months after the effective date of the triggering action if the SIP deficiency has not been resolved. Specifically, a ratio of at least 2-to-1 will be required for emissions reductions to be achieved within the nonattainment area to offset emissions from new or modified major facilities (as required under section 173).

Federal Highway Funding Sanctions

The second sanction clock that starts on the effective date of a triggering action relates to the imposition of certain restrictions on highway funding. This sanction applies 24 months after the effective date of the triggering action if the SIP deficiency has not been resolved. Specifically, EPA may impose a prohibition on the approval by the Secretary of Transportation of certain projects, or the awarding of certain grants.

Federal Implementation Plans (FIPs)

A Federal Implementation Plan (FIP) is an air quality plan that EPA is obligated to develop on behalf of a state or tribe under certain circumstances. EPA is required to promulgate a FIP within two years of a SIP disapproval action or a finding of failure to submit.

Clean Data Policy/Determinations

In designated nonattainment areas where monitored data (or modeling in limited instances) demonstrates that the NAAQS have been achieved, EPA interprets certain requirements of the CAA to no longer be applicable for so long as air quality continues to meet the relevant standard.

Under the Clean Data Policy, EPA may issue a determination of attainment (known informally as a Clean Data Determination (CDD)), after public notice and comment rulemaking, determining that a specific area is attaining the relevant NAAQS. For such areas the requirements to submit certain SIP elements related to attaining the NAAQS are suspended for so long as the area continues to attain the standard. A CDD will defer or stay the relevant sanctions clocks, based on the effective date of the final action.