

Technical Support Document (TSD)
for the Final 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
Final Federal Implementation Plan Addressing Regional
Ozone Transport for the 2015 Ozone National Ambient
Air Quality Standards

Final 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 final rule. This document describes actions taken by EPA on CAA section 110(a)(2)(D)(i)(I) SIP submissions for the 2015 ozone NAAQS from these states:

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

The facts presented in this technical support document (TSD) support EPA’s conclusion that it currently has a legal obligation and the legal authority to finalize each of the good neighbor federal implementation plans (FIPs) for the 2015 ozone NAAQS in the Final Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards.

EPA notes that the timing of final action on several good neighbor SIP submissions addressing the 2015 ozone NAAQS described below met a deadline for final action of January 31, 2023, established in one or more consent decrees. The consent decrees resolved litigation alleging EPA missed statutory deadlines to take final action on good neighbor SIP submissions for the 2015 ozone NAAQS from various states. *Our Children’s Earth Foundation v. EPA*, No. 20-8232 (S.D.N.Y.) (New York), *New York et al. v. Regan, et al.*, No. 1:21-CV-00252 (S.D.N.Y.) (Indiana, Kentucky, Michigan, Ohio, Texas, and West Virginia), and *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal.) (Arkansas, California, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Texas, West Virginia, and Wisconsin).

There are three states that were included in this TSD at proposal but are not included in the final rule and are not included in this final TSD: Delaware, Tennessee, and Wyoming.

On May 1, 2020, EPA published a notice finalizing approval of Delaware’s good neighbor SIP for the 2015 ozone NAAQS. 85 FR 25307 (May 1, 2020). As the EPA noted in the preamble for this final rule, the Agency is not finalizing the proposed error correction for Delaware.

On September 17, 2018, the state of Tennessee submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS. EPA has not taken final action on Tennessee's SIP submission. EPA is subject to a consent decree deadline to take final action to approve, disapprove, or partially approve and partially disapprove the SIP submission for the 2015 ozone NAAQS from Tennessee by December 15, 2023. *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal.).

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. EPA has not taken final action on Wyoming's SIP submission. EPA is subject to a consent decree deadline to take final action to approve, disapprove, or partially approve and partially disapprove the good neighbor SIP submissions for the 2015 ozone NAAQS from Wyoming by December 15, 2023. *Downwinders at Risk et al. v. Regan*, No. 21-cv-03551 (N.D. Cal.).

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

Alabama

On June 21, 2022, Alabama submitted a SIP submission to address the requirements of CAA section 110(a)(2)(D)(i)(I). 87 FR 64412 (October 25, 2022). On October 17, 2022, EPA signed a notice proposing disapproval of the June 2022 SIP submission. *Id.* On January 31, 2023, EPA signed a notice finalizing the disapproval of Alabama’s SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Arkansas’ good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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. On May 15, 2022, EPA signed a notice proposing disapproval of California’s good neighbor SIP submission. 87 FR 31443 (May 24, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of California’s good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Illinois’ good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Indiana's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

Kentucky

On January 11, 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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Kentucky's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Louisiana's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Maryland's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

Michigan

On March 5, 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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Michigan's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Minnesota's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

Mississippi

On September 3, 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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Mississippi's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Missouri's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

The EPA received a second good neighbor SIP submission addressing the 2015 ozone NAAQS from Missouri on November 1, 2022. Although Missouri identified this submission as a "supplement," the EPA noted in a comment letter to Missouri on a draft version of the submission that we view this submission

as a separate SIP submission, which does not impact our pre-existing obligation (subject to a court-ordered deadline) to act on Missouri's original June 10, 2019, SIP submission.

Nevada

On October 1, 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. On May 16, 2022, EPA signed a notice proposing disapproval of the SIP submission. 87 FR 31485 (May 24, 2022). On January 31, 2023, EPA signed a notice finalizing disapproval of Nevada's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of New Jersey's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of New York's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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). On January 31, 2023, EPA signed a notice finalizing the disapproval of Ohio's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Oklahoma's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (December 5, 2019, effective January 6, 2020). Therefore, 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.

The EPA notes that the Agency is also subject to a consent decree deadline of March 15, 2023, for EPA to (1) promulgate a FIP, (2) approve a SIP, or (3) partially approve a SIP/promulgate a partial FIP for Pennsylvania. *Sierra Club, et al. v. Regan*, No. 3:22-cv01992-JD (N.D. Cal.).

Texas

On August 17, 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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Texas' good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

Utah

On October 24, 2019, 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 (October 2019 SIP submission). On December 5, 2019, the EPA determined that the October 2019 SIP submission was incomplete and 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 (December 5, 2019, effective January 6, 2020).

On January 29, 2020, the state of Utah submitted another SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS (January 2020 SIP submission). On May 16, 2022, EPA signed a notice proposing disapproval of the January 2020 SIP submission. 87 FR 31470 (May 24, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Utah's good neighbor SIP submission. 88 FR 9336 (February 13, 2023).

Therefore, the provisions of CAA section 110(c)(1) establish that the Administrator shall promulgate a FIP for the state of Utah addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

The EPA notes that the Agency is also subject to a consent decree deadline of March 15, 2023, for EPA to (1) promulgate a FIP, (2) approve a SIP, or (3) partially approve a SIP/promulgate a partial FIP for Utah. *Sierra Club, et al. v. Regan*, No. 3:22-cv01992-JD (N.D. Cal.).

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 (December 5, 2019, effective January 6, 2020). Therefore, 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.

The EPA notes that the Agency is also subject to a consent decree deadline of March 15, 2023, for EPA to (1) promulgate a FIP, (2) approve a SIP, or (3) partially approve a SIP/promulgate a partial FIP for Virginia. *Sierra Club, et al. v. Regan*, No. 3:22-cv01992-JD (N.D. Cal.).

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of West Virginia's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.

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 (February 22, 2022). On January 31, 2023, EPA signed a notice finalizing the disapproval of Wisconsin's good neighbor SIP submission. 88 FR 9336 (February 13, 2023). Therefore, 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.