

ORAL ARGUMENT HELD SEPTEMBER 14, 2017

DECISION ISSUED FEBRUARY 16, 2018

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 15-1115 (and consolidated case No. 15-1123)

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,
Respondents.

Petition for Review of Final Administrative Actions of the
United States Environmental Protection Agency

**ENVIRONMENTAL PETITIONERS' RESPONSE TO RESPONDENTS'
PETITION FOR PANEL REHEARING**

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DATED: August 1, 2018

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INTRODUCTION AND SUMMARY OF ARGUMENT

Per this Court's Orders of June 20, 2018, and June 25, 2018, Environmental Petitioners hereby respond to EPA's request in its petition for panel rehearing ("Pet.") that the Court amend its decision by remanding without vacatur the portions of the challenged rule ("Implementation Rule" or "Rule") that (1) exempt orphan nonattainment areas from anti-backsliding measures and (2) exempt orphan maintenance areas from transportation conformity requirements.¹ Because EPA offers no valid explanation (and there is none) for its failure to argue against vacatur before the rehearing stage, the Court should deny the agency's request. If the Court entertains EPA's belatedly requested relief, it should deny EPA's request because EPA's action is unsalvageably illegal and because remand without vacatur would substantially undermine the Clean Air Act protections at issue.

Environmental Petitioners would not oppose a stay—until February 16, 2019—of the vacatur of the above portions of the Rule solely insofar as they exempt orphan areas from transportation conformity. Such a stay provides

¹ Standing alone, EPA's request is phrased ambiguously as to which portions of the Implementation Rule it would like remanded without vacatur. The context provided by the remainder of EPA's petition makes clear that the portions at issue are those portions that exempt orphan areas from certain requirements. If the Court were to grant EPA's request—which it should not do—Environmental Petitioners respectfully request that the Court make clear that the affected portions of the Implementation Rule are those that exempt orphan areas from certain requirements.

Environmental Petitioners and the public assurance that important public health protections will go back into effect consistent with the Clean Air Act, and it also provides EPA, states, and other entities adequate time—by the Clean Air Act’s express terms and their own estimates—to expeditiously undertake the necessary steps. But Environmental Petitioners oppose any stay of the vacatur regarding any of the other invalid aspects of the Rule, for EPA has provided no defensible basis for delaying their vacatur.

ARGUMENT

I. THE COURT SHOULD DENY EPA’S REQUEST TO REMAND PORTIONS OF THE IMPLEMENTATION RULE WITHOUT VACATUR.

A. EPA’s Request Comes Too Late to Be Entertained.

EPA’s opposition to vacatur is untimely, and under this Court’s case law, the Court should deny its request on that basis alone. Although Environmental Petitioners expressly requested in their opening brief (at 64) that this Court vacate the challenged aspects of the Implementation Rule, EPA failed to make any response in its brief, despite having ample opportunity to do so, *compare* EPA Br. 63 (brief contains 14,707 words), *with* Order of Dec. 18, 2015, at 1 (Doc. #1589462) (word limit for EPA’s brief is 19,000 words). It did not oppose the requested vacatur at oral argument either. EPA provides no reason why it failed to request remand without vacatur earlier, and the panel rehearing stage is too late to

raise the issue. *Town of Stratford v. FAA*, 292 F.3d 251, 253 (D.C. Cir. 2002) (refusing to entertain “at the petition for rehearing stage” new issues and arguments that could have been raised earlier).

B. If the Court Considers EPA’s Request, It Fails on the Merits.

Vacatur is the ordinary and proper remedy here because these portions of the Rule contravene the Clean Air Act and thus are not salvageable. *NRDC v. EPA*, 571 F.3d 1245, 1276 (D.C. Cir. 2009) (“When this court remands a rule to an agency...with little or no prospect of the rule’s being readopted upon the basis of a more adequate explanation of the agency’s reasoning, the practice of the court is ordinarily to vacate the rule.”) (alteration in original; quoting *Ill. Pub. Telecomms. Ass’n v. FCC*, 123 F.3d 693, 693 (D.C. Cir. 1997)). Indeed, EPA’s request for remand without vacatur hinges entirely on purported disruptive consequences of vacatur²—not on a claim that these portions might be readopted. Pet. 13-14. This Court has explained that in general the disruptive effects “factor is weighty only insofar as the agency may be able to rehabilitate its rationale for the regulation.” *Comcast Corp. v. FCC*, 579 F.3d 1, 9 (D.C. Cir. 2009).

EPA’s apparent assumption that the threat of any type of “disruptive consequences” alone can justify remand without vacatur is not supported by the

² As discussed below, EPA seriously exaggerates these consequences.

sole case it cites. When a rule violates the Act, this Court regularly remands without vacatur “where vacatur ‘would at least temporarily defeat...the enhanced protection of the environmental values covered by [the EPA rule at issue].’” *North Carolina v. EPA*, 550 F.3d 1176, 1178 (D.C. Cir. 2008) (cited in Pet. 13) (alterations in original; emphasis added; quoting *EDF v. Adm’r*, 898 F.2d 183, 190 (D.C. Cir. 1990)); *see, e.g., id.* 1178-79 (Rogers, J., concurring) (noting Court’s “traditional position where vacating would have serious adverse implications for public health and the environment” that it typically does not vacate (emphasis added)); *see also Ctr. for Biological Diversity v. EPA*, 861 F.3d 174, 188 (D.C. Cir. 2017) (for the same reason, remanding without vacatur EPA action taken under Federal Insecticide, Fungicide and Rodenticide Act where EPA violated Endangered Species Act); *cf. South Coast Air Quality Mgmt. Dist. v. EPA*, 489 F.3d 1245, 1248 (D.C. Cir. 2007) (“complete vacatur of a partially valid rule would only serve to stall progress where it is most needed.”). In such circumstances, vacatur would undermine the statutory command Congress gave EPA: ensure better protections for public health and the environment. *See Am. Farm Bureau Fed’n v. EPA*, 559 F.3d 512, 528 (D.C. Cir. 2009) (“vacating a standard because it may be insufficiently protective would sacrifice such protection as it now provides, making the best an enemy of the good.”). But here, the purported disruptive effects of vacatur EPA relies on would not increase protection

of public health and the environment, and not vacating would at least temporarily defeat enhanced protection of health and the environment. Leaving the invalid portions of the rule in effect would itself undermine Congress's mandate to EPA. Thus, vacatur is called for here.

Moreover, remand without vacatur would, in practice, allow long-term evasion of statutorily mandated protections. EPA routinely take years or even decades to respond to remands.³ Such routine agency inaction in cases like this one “effectively nullifie[s]” the Court’s decisions. *In re Core Commc’ns*, 531 F.3d 849, 856 (D.C. Cir. 2008) (by failing “to respond to our own remand..., the agency has effectively nullified our determination that its...rules are invalid”). Remand

³ *E.g.*, *Med. Waste Inst. v. EPA*, 645 F.3d 420, 423-24 (D.C. Cir. 2011) (EPA took 8 years to propose response to Court’s remand of regulations for toxic air emissions from medical waste incinerators, and 10 years total to finalize them); *Envtl. Def. v. EPA*, 489 F.3d 1320, 1333 (D.C. Cir. 2007) (Rogers, J., concurring) (referring to “the fifteen years between this court’s remand in [case from 1990] and promulgation of the 2005 Rule” under review that responded to court’s remand); *NRDC v. EPA*, 489 F.3d 1250, 1265 (D.C. Cir. 2007) (Rogers, J., concurring in part and dissenting in part) (giving examples where EPA took 10-15 years to respond to remands); 78 FR 3086, 3093/2-3 (2013) (responding, in rule signed in December 2012, to Court’s remand, in February 2009, of 2006 national ambient air quality standards for particulate matter); *see, e.g.*, Order, *Conservation Law Foundation v. EPA*, No. 13-1233 (D.C. Cir. Sept. 23, 2015) (remanding certain aspects of regulations for toxic air emissions from stationary engines; no final action has been taken on remand), attach.1; Order, *Sierra Club v. EPA*, No. 06-1250 (D.C. Cir. Feb. 15, 2008) (remanding regulations for toxic air emissions from large municipal waste combustors; no final action has been taken on remand), attach.2.

without vacatur would thereby delay indefinitely the reinstatement of key public health protections required by the Act.

Though mandamus would eventually lie, that course would be deeply inefficient for the parties and the Court, and would cause needless delay and uncertainty. During all that time, pollution controls required by the Act would not be in place, contrary to Congress's intent.

II. ENVIRONMENTAL PETITIONERS DO NOT OPPOSE A TIME-LIMITED STAY OF THE VACATUR OF PORTIONS OF THE RULE INsofar AS THE RULE EXEMPTS ORPHAN AREAS FROM TRANSPORTATION CONFORMITY, BUT OPPOSE STAYING ANY OTHER ASPECT OF THE VACATUR.

As explained below, the protections potentially affected by a stay of the vacatur ensure, in orphan nonattainment areas, that harmful emissions will actually decrease when large sources of air pollution are constructed or modified, and, in all orphan areas, that expansions of transportation systems will not worsen air pollution to unhealthy levels. These protections are so important that Congress required them for areas that have had unhealthy levels of air pollution. Thus, any delay in applying these protections is no trivial matter. *See Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833, 1845-46 (2018) (where Congress embodies in statute its judgment about importance of certain action, courts “have no authority to dismiss [its] considered judgment”); *Friends of the Earth v. Laidlaw Envtl. Servs.*, 528 U.S. 167, 185 (2000) (Congress found that imposition of civil penalties

against violators of pollution limits “deter future violations,” and that “congressional determination warrants judicial attention and respect”).

A. Environmental Petitioners Do Not Oppose Staying the Vacatur of Portions of the Rule Insofar as They Exempt Orphan Areas from Transportation Conformity Until February 16, 2019.

Environmental Petitioners do not oppose staying vacatur of the portions of the Implementation Rule that are at issue insofar as they exempt orphan areas (i.e., both orphan nonattainment and orphan maintenance areas) from transportation conformity, provided that stay expires and the mandate issues February 16, 2019. *Cf.* Order of Aug. 29, 2016 (Doc. #1632634) (vacating provisions of Implementation Rule “insofar as the provisions apply” to one prior ozone standard, but leaving them otherwise in effect).

Such a stay would well strike a balance between ensuring the important transportation conformity protection resumes effect expeditiously and providing governmental entities adequate time to make conformity determinations. Staying this aspect of the vacatur for one year from the date of the Court’s decision accords with Congress’s decision to provide newly-designated nonattainment areas a one-year grace period before transportation conformity applies. 42 U.S.C. §7506(c)(6). Further, here, the relevant federal agencies themselves explain that making conformity determinations in orphan areas “may take up to a year,” and support that explanation with a detailed, month-by-month timeline of how a conformity

determination in an orphan area would be completed in a year. Waidelich Decl. ¶9; *id.* ex.1; *see also* Welbes Decl. ¶10 (citing Waidelich Declaration for same estimate). The Federal Highway Administration avers that it has already taken steps “to implement this Court’s decision,” including creating a “technical support team...to serve as a partial resource for affected stakeholders to use over the next twelve months,” indicating that the federal agencies believe 12 months is adequate time. Waidelich Decl. ¶14 (emphasis added). By contrast, they provide no evidence to support the speculation that more time might be required. *See id.* ¶9; Welbes Decl. ¶10.

State and local stakeholders apparently also agree that “twelve months from the date of the Court decision” is a fair and adequate time to make a conformity determination in an orphan area, for they asked EPA to agree that conformity determinations would only be required after that point. Wehrum Decl. attach.1 at 3 (Letter from Bud Wright, Exec. Dir., AASHTO, and DeLania Hardy, Exec. Dir., AMPO, to Scott Pruitt, EPA Adm’r (Mar. 16, 2017)). Thus, staying the vacatur of the at-issue portions of the Rule insofar as they exempt orphan areas from transportation conformity until February 16, 2019, would be consistent with the Act and provide affected areas and agencies adequate time to expeditiously carry out their legal obligations, while simultaneously providing certainty that the Act’s important health and environmental protections will be reinstated swiftly.

Although a twelve-month stay would be more than sufficient, we also note that EPA overstates the purportedly disruptive effects of transportation conformity's protections applying again. For example, EPA's rules exempt from conformity a variety of critical road projects, including safety measures, emergency repair projects responding to natural disasters and "catastrophic failure from any external cause," 23 U.S.C. §125, and repair projects. 40 C.F.R. §§93.126-.127. For mass transit, various maintenance and replacement activities for buses and trains, as well as funding the transit's operations, are exempt. *Id.* For both, planning and studies are also exempt. *Id.* None of the EPA-provided evidence describes the extent to which activities may proceed because they are exempt from conformity.

Further weakening the force of EPA's claims, the federal agencies' warnings about the impacts of reinstating transportation conformity are tempered with equivocation, warning of what "could" or "may" result. *E.g.*, Pet. 16 ("could be frozen or lost"); Wehrum Decl. ¶12 (same, and "could be subject to substantial harm"); Waidelich Decl. ¶12 ("could be impacted"); Welbes Decl. ¶¶9, 11 ("could potentially lapse" and "could potentially be impacted").

B. EPA Has Not Justified Staying Any Other Aspect of the Vacatur.

EPA hasn't shown any harms from immediate vacatur of the other portions of the Rule exempting orphan nonattainment areas from anti-backsliding

protections. It baselessly contends that orphan nonattainment areas are subject to purported burdensome requirements that would have been lifted except that states “were prevented from seeking...redesignation” due to EPA’s position that it cannot redesignate areas under revoked standards, Pet. 14-15. This contention fails twice over. First, states had years to seek redesignation of orphan nonattainment areas, but apparently chose not to, and EPA provides no evidence that they are now clamoring for such redesignation. All the orphan nonattainment areas timely attained the 1997 standard by 2011, from four to eight years before the Implementation Rule became effective. Wehrum Decl. ¶17 & tbl.5. EPA provides no evidence to indicate why states containing these areas chose not to seek redesignation in that period.⁴ Nor does EPA provide any evidence to indicate that they would like to seek redesignation now. Thus, EPA’s claim that the orphan nonattainment areas “have not sought [redesignation] because EPA took the

⁴ EPA has never issued a proposal to redesignate any of them, nor does it appear any of them submitted a redesignation request. *See* https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca_areabypoll.html#ozone-8hr__1997_, attach.3; https://www3.epa.gov/airquality/urbanair/sipstatus/reports/de_areabypoll.html#ozone-8hr__1997_, attach.4; https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ma_areabypoll.html#ozone-8hr__1997_, attach.5; https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ny_areabypoll.html#ozone-8hr__1997_, attach.6; https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ri_areabypoll.html#ozone-8hr__1997_, attach.7.

position” that EPA could not redesignate areas under a revoked standard is unsupported speculation, *id.* ¶17 (emphasis added); *accord* Pet. 15.

Second, EPA’s evidence of the purportedly severe burdens post-vacatur boils down effectively to the reinstatement of transportation conformity—which redesignation under the 1997 standard would not have eliminated, *see* 42 U.S.C. §7506(c)(5) (conformity applies in maintenance areas)—with three areas also again subject to new source review. Even under the Rule, orphan nonattainment areas still had to implement most controls: thus, such controls are hardly “new” purported burdens that would flow from vacatur. 40 C.F.R. §51.1105(a)(3); 80 FR 12,264, 12,302/1-2 (Mar. 6, 2015), JA0181. Indeed, EPA provides no evidence of “significant burden” of any requirement other than transportation conformity. As EPA says (at 14), all orphan nonattainment areas have “Clean Data Determinations” in effect, and all attained timely. Clean Data Determinations exempt nonattainment areas from obligations to adopt implementation plans for attainment, 40 C.F.R. §51.918; *see NRDC*, 571 F.3d at 1258-59, and timely attainment means areas are not “bumped up” and subject to requirements to adopt new implementation plans, *see* 42 U.S.C. §7511(b)(2). Thus, even after vacatur, these areas will not be subject to new requirements—just those requirements they were subject to pre-revocation.

Among those requirements is the nonattainment new source review permitting program—which the Rule illegally eliminated for orphan nonattainment areas—but the Rule had the effect of doing so only for the three orphan nonattainment areas that are outside the “Ozone Transport Region.”⁵ Wehrum Decl. ¶8 tbls.3-4. All three such areas are designated nonattainment under the 2015 ozone standard and thus are subject to the nonattainment new source review permitting program anyhow, although several have a more protective classification under the 1997 standard. *Compare* Wehrum Decl. ¶8 tbls.3-4, *and* 40 C.F.R. §81.305 (identifying the three areas and their classifications), *with* 83 FR 25,776, 25,786, 25,790-91 (June 4, 2018) (to be codified at 40 C.F.R. §81.305) (designating same three areas nonattainment and classifying all as marginal). Thus, immediate vacatur of the elements of the Implementation Rule that exempt orphan nonattainment areas from these protections will not significantly burden them, but it will restore the protections Congress intended people to have against harmful air pollution.

⁵ New source review applies to all areas in the Ozone Transport Region—essentially, the northeastern United States—even if the areas are designated attainment. 80 FR 12,304/1-2 & n.92, JA0183; *see* 42 U.S.C. §7511c(a), (b)(2). The three other areas are all single counties or portions thereof in California. *See* Wehrum Decl. ¶8 tbls.3-4.

CONCLUSION

For the foregoing reasons, the Court should reject EPA's request for remand without vacatur, and Environmental Petitioners do not oppose staying the vacatur until February 16, 2019, of the portions of the Rule at issue solely insofar as they exempt orphan areas from transportation conformity.

DATED: August 1, 2018

Respectfully submitted,

/s/Seth L. Johnson

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Counsel hereby certifies, in accordance with Federal Rules of Appellate Procedure 32(g)(1) and the Court's Order of June 20, 2018, that the foregoing **Environmental Petitioners' Response to Respondents' Petition for Panel Rehearing** contains 2446 words, as counted by counsel's word processing system, and thus complies with the 3900 word limit.

Further, this document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) & (a)(6) because this document has been prepared in a proportionally spaced typeface using **Microsoft Word 2016** using **size 14 Times New Roman** font.

DATED: August 1, 2018

/s/Seth L. Johnson
Seth L. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2018, I have served the foregoing **Environmental Petitioners' Response to Respondents' Petition for Panel Rehearing** on all registered counsel through the court's electronic filing system (ECF).

/s/Seth L. Johnson
Seth L. Johnson

ORAL ARGUMENT HELD SEPTEMBER 14, 2017

DECISION ISSUED FEBRUARY 16, 2018

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 15-1115 (and consolidated case No. 15-1123)

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,
Respondents.

Petition for Review of Final Administrative Actions of the
United States Environmental Protection Agency

**ADDENDUM TO ENVIRONMENTAL PETITIONERS' RESPONSE TO
RESPONDENTS' PETITION FOR PANEL REHEARING**

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DATED: August 1, 2018

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT,)	
)	
<i>Petitioner,</i>)	
)	
v.)	No. 15-1115
)	(and consolidated case No. 15-1123)
U.S. ENVIRONMENTAL PROTECTION AGENCY, <i>et al.</i> ,)	
)	
<i>Respondents.</i>)	

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Sierra Club, Conservation Law Foundation, Downwinders at Risk, and Physicians for Social Responsibility – Los Angeles make the following disclosures:

Sierra Club

Non-Governmental Corporate Party to this Action: Sierra Club.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party’s Stock: None.

Party’s General Nature and Purpose: Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

Conservation Law Foundation

Non-Governmental Corporate Party to this Action: Conservation Law Foundation.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Conservation Law Foundation is a nongovernmental corporate entity headquartered in Boston, Massachusetts. It works on behalf of its New England-wide membership and with other environmental and community-based organizations and individuals to protect the public health and environment for the benefit of all people in New England.

Downwinders at Risk

Non-Governmental Corporate Party to this Action: Downwinders at Risk.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Downwinders at Risk, a nonprofit corporation organized and existing under the laws of the State of Texas, is a diverse grassroots citizens group dedicated to protecting public health and the environment from air pollution in North Texas.

Physicians for Social Responsibility – Los Angeles

Non-Governmental Corporate Party to this Action: Physicians for Social Responsibility – Los Angeles.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purpose: Physicians for Social Responsibility – Los Angeles, a corporation organized and existing under the laws of the State of California, is a California nonprofit organization dedicated to advocating for policies and practices that improve public health, eliminate environmental threats, and address health inequalities.

DATED: August 1, 2018

Respectfully submitted,

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Attachment 1

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1233

September Term, 2015

EPA-78FR6674
EPA-79FR48072

Filed On: September 23, 2015

Conservation Law Foundation, et al.,

Petitioners

v.

Environmental Protection Agency,

Respondent

Electric Power Supply Association, et al.,
Intervenors

Consolidated with 14-1199

BEFORE: Henderson, Rogers, and Pillard, Circuit Judges

ORDER

Upon consideration of the motion for voluntary remand without vacatur, the responses thereto, the reply, and the motion for a stay of the briefing schedule pending the court's decision regarding EPA's motion for remand, it is

ORDERED that the motion for voluntary remand without vacatur be granted and that the record be remanded for further proceedings in light of Delaware Department of Natural Resources and Environmental Control v. EPA, 785 F.3d 1 (D.C. Cir. 2015). The parties are directed to file status reports within 90 days of the date of this order and at 90-day intervals thereafter. The parties are further directed to file motions to govern future proceedings within 30 days after completion of the proceedings on remand. It is

FURTHER ORDERED that the motion for a stay of the briefing schedule pending the court's decision regarding EPA's motion for remand be dismissed as moot.

Per Curiam

Attachment 2

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-1250

September Term, 2007

Filed On: February 15, 2008

[1099358]
Sierra Club,
Petitioner

v.

Environmental Protection Agency and Stephen L.
Johnson, Administrator,
Respondents

York County Solid Waste and Refuse Authority and
Integrated Waste Services Association,
Intervenors

BEFORE: Randolph, Tatel, and Garland, Circuit Judges

ORDER

Upon consideration of the motion for voluntary remand, the opposition thereto, and the reply, it is

ORDERED that the motion for voluntary remand be granted to allow the Environmental Protection Agency to review its “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors.” 71 Fed. Reg. 27,324. The agency is not required to admit legal error as a precondition for remand. See *Ethyl Corp. v. Browner*, 989 F.2d 522, 524 (D.C. Cir. 1993). Further, the appropriate remedy for an agency’s delay in issuing a final decision is mandamus. See *Natural Resources Defense Council v. EPA*, 489 F.3d 1364, 1375 (D.C. Cir. 2007).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:
Deputy Clerk

Attachment 3



You are here: EPA Home > Air Quality Implementation Plans > SIP Status Reports > Status of California Designated Areas

Status of California Designated Areas

California Areas by NAAQS

As of 07/29/2018

Jump to California section for: CO (1971) Lead (1978) Lead (2008) NO2 (1971) Ozone-1Hr (1979) Ozone-8Hr (1997) Ozone-8Hr (2008) PM-10 (1987) PM-2.5 (1997) PM-2.5 (2006) PM-2.5 (2012) SO2 (1971) SO2 (2010)

California CO (1971) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Bakersfield Area	Maintenance	11/15/1990	Not Classified	468,092	2016	0.9	Yes	1 / 0	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Chico Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	86,963	2016	1.3	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Fresno Area	Maintenance	11/15/1990	Moderate > 12.7ppm	631,483	2016	1.7	Yes	6 / 5	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Lake Tahoe North Shore Area	Maintenance	11/15/1990	Not Classified	16,132	2016		No Data	0 / 0	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Lake Tahoe South Shore Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	43,110	2016		No Data	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Los Angeles-South Coast Air Basin Area	Maintenance	11/15/1990	Serious	15,799,134	2016	3.6	Yes	7 / 7	06/11/2007 72 FR 26718	02/24/2006	06/11/2007 72 FR 26718
	Modesto Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	320,707	2016	1.4	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Sacramento Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	1,530,116	2016	1.7	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	San Diego Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	2,909,194	2016	1.5	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	San Francisco-Oakland-San Jose Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	4,296,499	2016	2	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
	Stockton Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	373,545	2016	1.2	Yes	4 / 3	06/01/1998 63 FR 15305	07/03/1996	06/01/1998 63 FR 15305
California Lead (1978) Areas Return to map												
No designated areas for this pollutant.												
California Lead (2008) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (µg/m³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Los Angeles County-South Coast Air Basin	Nonattainment	12/31/2010		9,436,927	2014-2016	0.07	Yes	6 / 6			
California NO2 (1971) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppb) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Los Angeles-South Coast Air Basin Area	Maintenance	11/15/1990		15,799,134	2016	31	Yes	0 / 0	09/22/1998 63 FR 39747	02/05/1997	09/22/1998 63 FR 39747
California Ozone-1Hr (1979) Areas Return to map												

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Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	East Kern County Area	Maintenance (NAAQS revoked)	12/10/2001	Serious	141,398	2014-2016	0.103	Yes	27 / 26	06/21/2004 69 FR 21731		06/21/2004 69 FR 21731
	Los Angeles-South Coast Air Basin Area	Nonattainment (NAAQS revoked)	11/15/1990	Extreme	15,798,191	2014-2016	0.141	No	42 / 37			
	Monterey Bay Area	Maintenance (NAAQS revoked)	11/15/1990	Moderate	732,708	2014-2016	0.086	Yes	20 / 11	02/16/2010 74 FR 66916	07/14/1994	03/18/1997 62 FR 2597
	Morongo Band of Mission Indians	Nonattainment (NAAQS revoked)	11/15/1990	Severe-17	913	2014-2016	0.124	Yes	0 / 0			
	Sacramento Metro Area	Nonattainment (NAAQS revoked)	11/15/1990	Severe-15	2,336,542	2014-2016	0.107	Yes	71 / 47	11/19/2012 77 FR 64036		
	San Diego Area	Maintenance (NAAQS revoked)	11/15/1990	Serious	3,095,313	2014-2016	0.099	Yes	33 / 33	07/28/2003 68 FR 37976	12/20/2002	07/28/2003 68 FR 37976
	San Francisco Bay Area	Nonattainment (NAAQS revoked)	07/10/1998	Other	6,896,958	2014-2016	0.094	Yes	26 / 23	05/24/2004 69 FR 21717		
	San Joaquin Valley Area	Nonattainment (NAAQS revoked)	11/15/1990	Extreme	3,830,257	2014-2016	0.116	Yes	36 / 30	08/17/2016 81 FR 46608		
	Santa Barbara-Santa Maria-Lompoc Area	Maintenance (NAAQS revoked)	11/15/1990	Serious	423,895	2014-2016	0.091	Yes	22 / 22	08/08/2003 68 FR 40789	02/21/2003	08/08/2003 68 FR 40789
	Southeast Desert Modified AQMA Area	Nonattainment (NAAQS revoked)	11/15/1990	Severe-17	1,194,366	2014-2016	0.129	No	42 / 29	05/15/2015		
	Ventura County Area	Nonattainment (NAAQS revoked)	11/15/1990	Severe-15	823,318	2014-2016	0.093	Yes	29 / 21	07/27/2009 74 FR 25153		

California Ozone-8Hr (1997) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Amador and Calaveras Cos. (Central Mountain Cos.)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	83,669	2014-2016	0.076	Yes	52 / 0	01/02/2013 77 FR 71551		
	Chico	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	220,000	2014-2016	0.075	Yes	3 / 0	01/02/2013 77 FR 71551		
	Imperial County Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	174,528	2014-2016	0.075	Yes	53 / 46	12/22/2014 79 FR 63332		
	Kern County (Eastern Kern)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	95,314	2014-2016	0.084	Yes	52 / 0	01/02/2013 77 FR 71551		
	Los Angeles and San Bernardino Counties (Western Mojave Desert)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Severe 15	868,350	2014-2016	0.091	No	108 / 60			
	Los Angeles-South Coast Air Basin Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Extreme	15,715,184	2014-2016	0.108	No	61 / 46			
	Mariposa and Tuolumne Cos. (Southern Mountain Counties)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	73,616	2014-2016	0.079	Yes	52 / 0	01/02/2013 77 FR 71551		
	Morongo Band of Mission Indians	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Severe 17	913	2014-2016	0.097	No	57 / 0			
	Nevada County (Western part)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	82,393	2014-2016	0.084	Yes	52 / 45	01/02/2013 77 FR 71551		
	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	Maintenance (NAAQS revoked)	06/15/2004	Subpart 2/Severe 17	2,844	2014-2016	0.077	Yes	57 / 0	04/03/2015 80 FR 18120		04/03/2015 80 FR 18120
	Riverside County (Coachella Valley) Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Severe 15	425,425	2014-2016	0.087	No	60 / 43			

ADD010

Sacramento Metro Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Severe 15	2,243,911	2014-2016	0.085	No	256 / 172			
San Diego	Maintenance (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	3,093,345	2014-2016	0.081	Yes	53 / 1	07/05/2013 78 FR 33230	12/28/2012	07/05/2013 78 FR 33230
San Francisco Bay Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	6,970,997	2014-2016	0.074	Yes	3 / 0			
San Joaquin Valley Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Extreme	3,842,586	2014-2016	0.094	No	61 / 58			
Sutter County (part) (Sutter Buttes)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	33	2014-2016	0.075	Yes	3 / 0	01/02/2013 77 FR 71551		
Ventura County (part) Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Serious	823,360	2014-2016	0.077	Yes	59 / 39	01/02/2013 77 FR 71551		

California Ozone-8Hr (2008) Areas [Return to map](#)

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Calaveras County	Nonattainment	07/20/2012	Marginal	45,578	2014-2016	0.076	No	3 / 1	06/03/2016 81 FR 26697		
Chico (Butte County)	Nonattainment	07/20/2012	Marginal	220,000	2014-2016	0.075	Yes	3 / 2	06/03/2016 81 FR 26697		
Imperial County	Nonattainment	07/20/2012	Moderate	174,528	2014-2016	0.076	No	54 / 2			
Kern County (Eastern Kern)	Nonattainment	07/20/2012	Moderate	95,176	2014-2016	0.084	No	54 / 0			
Los Angeles-San Bernardino Counties (West Mojave Desert)	Nonattainment	07/20/2012	Severe 15	868,380	2014-2016	0.091	No	107 / 75			
Los Angeles-South Coast Air Basin	Nonattainment	07/20/2012	Extreme	15,719,485	2014-2016	0.108	No	59 / 46			
Mariposa County	Nonattainment	07/20/2012	Moderate	18,251	2014-2016	0.074	Yes	54 / 0	03/21/2017 81 FR 93624		
Morongo Band of Mission Indians	Nonattainment	07/20/2012	Serious	913	2014-2016	0.097	No	53 / 0			
Nevada County (Western part)	Nonattainment	07/20/2012	Moderate	82,107	2014-2016	0.084	No	54 / 0			
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	Nonattainment	07/20/2012	Moderate	2,844	2014-2016	0.077	No	53 / 0			
Riverside County (Coachella Valley)	Nonattainment	07/20/2012	Severe 15	425,806	2014-2016	0.087	No	58 / 46			
Sacramento Metro	Nonattainment	07/20/2012	Severe 15	2,241,057	2014-2016	0.085	No	254 / 93			
San Diego County	Nonattainment	07/20/2012	Moderate	3,095,199	2014-2016	0.081	No	55 / 0			
San Francisco Bay Area	Nonattainment	07/20/2012	Marginal	6,973,020	2014-2016	0.074	Yes	3 / 1	06/03/2016 81 FR 26697		
San Joaquin Valley	Nonattainment	07/20/2012	Extreme	3,842,365	2014-2016	0.094	No	59 / 0			
San Luis Obispo (Eastern San Luis Obispo)	Nonattainment	07/20/2012	Marginal	1,649	2014-2016	0.073	Yes	3 / 1	01/20/2017 81 FR 93620		
Tuscan Buttes	Nonattainment	07/20/2012	Marginal	0	2014-2016	0.079	No	3 / 0	06/03/2016 81 FR 26697		
Ventura County	Nonattainment	07/20/2012	Serious	823,262	2014-2016	0.077	No	54 / 46			

California PM-10 (1987) Areas [Return to map](#)

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Coso Junction	Maintenance	11/15/1990	Moderate	7,333	2014-2016		No	3 / 0	06/18/2010 75 FR 27944	07/14/2010	10/04/2010 75 FR 54031
East Kern County Area	Nonattainment	11/15/1990	Serious	125,950	2014-2016		Insufficient Data	4 / 3			

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Imperial County; Imperial Valley planning area	Nonattainment	11/15/1990	Serious	146,905	2014-2016		No	4 / 1			
Indian Wells	Maintenance	11/15/1990	Moderate	15,449	2014-2016		Yes	3 / 2	06/06/2003 68 FR 24368		06/06/2003 68 FR 24368
Inyo County; Owens Valley planning area	Nonattainment	11/15/1990	Serious	7,333	2014-2016		No	4 / 3			
Mono County; Mammoth Lake planning area	Maintenance	11/15/1990	Moderate	7,133	2014-2016		Yes	3 / 2	11/04/2015 80 FR 60049	09/11/1991	11/04/2015 80 FR 60049
Mono County; Mono Basin	Nonattainment	12/29/1993	Moderate	285	2014-2016		No	3 / 0			
Riverside County; Coachella Valley planning area	Nonattainment	11/15/1990	Serious	257,794	2014-2016		No	3 / 2		03/29/2010	
Riverside, Los Angeles, Orange, and San Bernardino Counties; South Coast Air Basin	Maintenance	11/15/1990	Serious	15,799,134	2014-2016		No	3 / 3	07/26/2013 78 FR 38223	04/28/2010	07/26/2013 78 FR 38223
Sacramento County	Maintenance	01/20/1994	Moderate	1,418,788	2014-2016		Yes	3 / 0	03/18/2002 67 FR 7082		10/28/2013 78 FR 59261
San Bernardino County (part), excluding Searles Valley Planning area and South Coast Air Basin	Nonattainment	01/20/1994	Moderate	237,418	2014-2016		Yes	3 / 0	03/18/2002 67 FR 7082		
San Joaquin Valley Air Basin; Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare Counties	Maintenance	11/15/1990	Serious	3,830,257	2014-2016		No	3 / 3	12/12/2008 73 FR 66759	08/19/2003	12/12/2008 73 FR 66759
Trona	Nonattainment	11/15/1990	Moderate	4,167	2014-2016		Yes	3 / 0	09/05/2002 67 FR 50805		

California PM-2.5 (1997) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (µg/m ³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Los Angeles-South Coast Air Basin	Nonattainment	04/05/2005	Moderate	15,716,335	2014-2016	14.5	Yes	8 / 6	08/24/2016 81 FR 48350		
San Joaquin Valley	Nonattainment	04/05/2005	Serious	3,842,165	2014-2016	22.0	No	22 / 8			

California PM-2.5 (2006) Areas [Return to map](#)

Area designated nonattainment for the 24-hour standard

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value 24-Hr (µg/m ³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Chico	Nonattainment	12/14/2009	Moderate	217,626	2014-2016	26	Yes	7 / 1	06/09/2017 82 FR 21711	12/18/2017	08/10/2018 83 FR 32064
Imperial County	Nonattainment	12/14/2009	Moderate	154,061	2014-2016	35	Yes	7 / 2	06/09/2017 82 FR 21711		
Los Angeles-South Coast Air Basin	Nonattainment	12/14/2009	Serious	15,716,242	2014-2016	43	No	15 / 6			
Sacramento	Nonattainment	12/14/2009	Moderate	2,206,060	2014-2016	31	Yes	10 / 2	06/09/2017 82 FR 21711		
San Francisco Bay Area	Nonattainment	12/14/2009	Moderate	6,971,067	2014-2016	25	Yes	7 / 1	06/09/2017 82 FR 21711		
San Joaquin Valley	Nonattainment	12/14/2009	Serious	3,842,165	2014-2016	72	No	15 / 6			
Yuba City-Marvsville	Maintenance	12/14/2009	Moderate	164,955	2014-2016	26	Yes	6 / 5	02/11/2013 78 FR 2211	05/23/2013	01/08/2015 79 FR 72981

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Document #1743574

Filed: 08/01/2018

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California PM-2.5 (2012) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual ($\mu\text{g}/\text{m}^3$) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Imperial County	Nonattainment	04/15/2015	Moderate	154,061	2014-2016	12.9	No	7 / 1			
Los Angeles-South Coast Air Basin	Nonattainment	04/15/2015	Moderate	15,716,242	2014-2016	14.5	No	7 / 0			
Plumas County	Nonattainment	04/15/2015	Moderate	5,843	2014-2016	15.0	No	7 / 0			
San Joaquin Valley	Nonattainment	04/15/2015	Moderate	3,842,165	2014-2016	22.0	No	7 / 0			

California SO2 (1971) Areas [Return to map](#)

No designated areas for this pollutant.

California SO2 (2010) Areas [Return to map](#)

No designated areas for this pollutant.

We have made our best effort to ensure that the data contained in these reports is accurate. We note that there may be brief delays in updating the reports as we receive new state submissions and we take rulemaking action on plans. In order to assist us in providing accurate information, we request that you contact us by clicking on the "Contact Us" link near the top of this page with any comments regarding or corrections to the posted information, including concerns about whether the entries reflect the most recent status.

Current and historical design value data can be found on the EPA Air Quality Design Values website and the EPA Green Book contains comprehensive nonattainment area, designation status, and historical information.

The level of the 1-hour NAAQS for sulfur dioxide is 75 parts per billion (ppb) calculated as the 3-year average of the 99th percentile of the annual distribution of daily maximum 1-hour average concentrations.

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2018-07-29

Attachment 4



You are here: EPA Home > Air Quality Implementation Plans > SIP Status Reports > Status of Delaware Designated Areas

Status of Delaware Designated Areas

Delaware Areas by NAAQS

As of 07/29/2018

Jump to Delaware section for: CO (1971) Lead (1978) Lead (2008) NO2 (1971) Ozone-1Hr (1979) Ozone-8Hr (1997) Ozone-8Hr (2008) PM-10 (1987) PM-2.5 (1997) PM-2.5 (2006) PM-2.5 (2012) SO2 (1971) SO2 (2010)

Delaware CO (1971) Areas Return to map											
No designated areas for this pollutant.											
Delaware Lead (1978) Areas Return to map											
No designated areas for this pollutant.											
Delaware Lead (2008) Areas Return to map											
No designated areas for this pollutant.											
Delaware NO2 (1971) Areas Return to map											
No designated areas for this pollutant.											
Delaware Ozone-1Hr (1979) Areas Return to map											
Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Philadelphia-Wilmington-Trenton Area	Nonattainment (NAAQS revoked)	11/15/1990	Severe-15	700,789	2014-2016	0.101	Yes	30 / 29	08/25/2008 73 FR 43360		
Sussex County Area	Nonattainment (NAAQS revoked)	01/06/1992	Marginal	197,145	2014-2016	0.081	Yes	8 / 8	03/20/1995 60 FR 3349		
OTR 1990								5 / 5			
OTR								13 / 13			
Delaware Ozone-8Hr (1997) Areas Return to map											
Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Philadelphia-Wilmington-Atlantic City Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	897,934	2014-2016	0.077	Yes	53 / 53	04/25/2012 77 FR 17341		
OTR								46 / 46			
Delaware Ozone-8Hr (2008) Areas Return to map											
Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Philadelphia-Wilmington-Atlantic City	Nonattainment	07/20/2012	Marginal	538,479	2014-2016	0.077	No	3 / 1	12/04/2017 82 FR 50814		
Seaford	Nonattainment	07/20/2012	Marginal	197,145	2014-2016	0.069	Yes	3 / 1	06/03/2016 81 FR 26697		
OTR								47 / 0			
Delaware PM-10 (1987) Areas Return to map											
No designated areas for this pollutant.											

Delaware PM-2.5 (1997) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (µg/m ³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Philadelphia-Wilmington	Maintenance (NAAQS revoked)	04/05/2005	Moderate	538,479	2014-2016	11.5	Yes	6 / 5	06/15/2012 77 FR 28782	12/14/2012	09/04/2014 79 FR 45350

Delaware PM-2.5 (2006) Areas [Return to map](#)

Area designated nonattainment for the 24-hour standard

Click on the Area name to view SIP Required Elements Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value 24-Hr (µg/m ³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Philadelphia-Wilmington	Maintenance	12/14/2009	Moderate	538,479	2014-2016	27	Yes	6 / 2	01/07/2013 78 FR 882	12/14/2012	09/04/2014 79 FR 45350

Delaware PM-2.5 (2012) Areas [Return to map](#)

No designated areas for this pollutant.

Delaware SO2 (1971) Areas [Return to map](#)

No designated areas for this pollutant.

Delaware SO2 (2010) Areas [Return to map](#)

No designated areas for this pollutant.

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Attachment 5



You are here: EPA Home > Air Quality Implementation Plans > SIP Status Reports > Status of Massachusetts Designated Areas

Status of Massachusetts Designated Areas

Massachusetts Areas by NAAQS

As of 07/29/2018

Jump to Massachusetts section for: CO (1971) Lead (1978) Lead (2008) NO2 (1971) Ozone-1Hr (1979) Ozone-8Hr (1997) Ozone-8Hr (2008) PM-10 (1987) PM-2.5 (1997) PM-2.5 (2006) PM-2.5 (2012) SO2 (1971) SO2 (2010)

Massachusetts CO (1971) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Boston Area	Maintenance	11/15/1990	Moderate <= 12.7ppm	1,135,003	2016	1.2	Yes	4 / 4	04/01/1996 61 FR 2918	12/12/1994	04/01/1996 61 FR 2918
	Lowell Area	Maintenance	11/15/1990	Not Classified	106,519	2016		No Data	0 / 0	04/22/2002 67 FR 7272	05/25/2001	04/22/2002 67 FR 7272
	Springfield Area	Maintenance	11/15/1990	Not Classified	153,060	2016	1.5	Yes	0 / 0	04/22/2002 67 FR 7272	05/25/2001	04/22/2002 67 FR 7272
	Waltham Area	Maintenance	11/15/1990	Not Classified	60,632	2016		No Data	0 / 0	04/22/2002 67 FR 7272	05/25/2002	04/22/2002 67 FR 7272
	Worcester Area	Maintenance	11/15/1990	Not Classified	181,045	2016	1.1	Yes	0 / 0	04/22/2002 67 FR 7272	05/25/2001	04/22/2002 67 FR 7272
Massachusetts Lead (1978) Areas Return to map												
No designated areas for this pollutant.												
Massachusetts Lead (2008) Areas Return to map												
No designated areas for this pollutant.												
Massachusetts NO2 (1971) Areas Return to map												
No designated areas for this pollutant.												
Massachusetts Ozone-1Hr (1979) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Boston-Lawrence-Worcester (E. Mass) Area	Nonattainment (NAAQS revoked)	11/15/1990	Serious	5,723,468	2014-2016	0.086	Yes	26 / 26	06/28/2012 77 FR 31496		
	Springfield (W. Mass) Area	Nonattainment (NAAQS revoked)	11/15/1990	Serious	824,161	2014-2016	0.095	Yes	26 / 26	05/30/2012 77 FR 25362		
	OTR 1990								5 / 5			
	OTR								13 / 13			
Massachusetts Ozone-8Hr (1997) Areas Return to map												
Click on the Area name to view SIP Required Elements	Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
	Boston-Lawrence-Worcester (E. Mass) Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	5,723,468	2014-2016	0.068	Yes	53 / 39	06/28/2012 77 FR 31496		
	Springfield (W. Mass) Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	824,161	2014-2016	0.069	Yes	53 / 39	07/19/2012 77 FR 36404		
	OTR								46 / 34			
Massachusetts Ozone-8Hr (2008) Areas Return to map												

ADD018

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Dukes County	Nonattainment	07/20/2012	Marginal	16,535	2014-2016		Insufficient Data	3 / 0	06/03/2016 81 FR 26697		
OTR								47 / 0			

Massachusetts PM-10 (1987) Areas [Return to map](#)

No designated areas for this pollutant.

Massachusetts PM-2.5 (1997) Areas [Return to map](#)

No designated areas for this pollutant.

Massachusetts PM-2.5 (2006) Areas [Return to map](#)

No designated areas for this pollutant.

Massachusetts PM-2.5 (2012) Areas [Return to map](#)

No designated areas for this pollutant.

Massachusetts SO2 (1971) Areas [Return to map](#)

No designated areas for this pollutant.

Massachusetts SO2 (2010) Areas [Return to map](#)

No designated areas for this pollutant.

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Attachment 6



You are here: EPA Home > Air Quality Implementation Plans > SIP Status Reports > Status of New York Designated Areas

Status of New York Designated Areas

New York Areas by NAAQS

As of 07/29/2018

Jump to New York section for: CO (1971) Lead (1978) Lead (2008) NO2 (1971) Ozone-1Hr (1979) Ozone-8Hr (1997) Ozone-8Hr (2008) PM-10 (1987) PM-2.5 (1997) PM-2.5 (2006) PM-2.5 (2012) SO2 (1971) SO2 (2010)

New York CO (1971) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
New York-N. New Jersey-Long Island Area	Maintenance	11/15/1990	Moderate > 12.7ppm	10,463,778	2016	2.5	Yes	7 / 7	05/20/2002 67 FR 19337	08/30/1999	05/20/2002 67 FR 19337
Syracuse Area; Onondaga County	Maintenance	11/15/1990	Moderate <= 12.7ppm	467,026	2016		No Data	0 / 0	09/29/1993 58 FR 50851	11/12/1992	09/29/1993 58 FR 50851

New York Lead (1978) Areas [Return to map](#)

No designated areas for this pollutant.

New York Lead (2008) Areas [Return to map](#)

No designated areas for this pollutant.

New York NO2 (1971) Areas [Return to map](#)

No designated areas for this pollutant.

New York Ozone-1Hr (1979) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Albany-Schenectady-Troy Area	Nonattainment (NAAQS revoked)	01/06/1992	Marginal	937,407	2014-2016	0.087	Yes	7 / 7	11/07/1994 59 FR 50848		
Buffalo-Niagara Falls Area	Nonattainment (NAAQS revoked)	01/06/1992	Marginal	1,135,509	2014-2016	0.080	Yes	7 / 7	11/07/1994 59 FR 50848		
Essex County Area; Whiteface Mountain	Nonattainment (NAAQS revoked)	01/06/1992	Rural Transport (Marginal)	0	2014-2016	0.077	Yes	7 / 7	11/07/1994 59 FR 50848		
Jefferson County Area	Nonattainment (NAAQS revoked)	01/06/1992	Marginal	116,229	2014-2016	0.073	Yes	7 / 7	11/07/1994 59 FR 50848		
New York-N. New Jersey-Long Island Area	Nonattainment (NAAQS revoked)	11/15/1990	Severe-17	12,398,270	2014-2016	0.114	Yes	30 / 29	07/18/2012 77 FR 36163		
Poughkeepsie Area	Nonattainment (NAAQS revoked)	01/06/1992	Moderate	640,556	2014-2016	0.093	Yes	8 / 8	01/06/2010 74 FR 63993		
OTR 1990								5 / 2			
OTR								13 / 12			

New York Ozone-8Hr (1997) Areas [Return to map](#)

Click on the Area name to view SIP Required Elements	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Albany-Schenectady-Troy	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	970,156	2014-2016	0.064	Yes	3 / 3	03/25/2008 73 FR 15672		

Buffalo-Niagara Falls	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	1,135,509	2014-2016	0.069	Yes	53 / 50	01/06/2010 74 FR 63993		
Essex County (Whiteface Mtn.)	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	465	2014-2016	0.067	Yes	3 / 3	01/06/2010 74 FR 63993		
Jamestown	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	134,905	2014-2016	0.068	Yes	52 / 48	01/06/2010 74 FR 63993		
Jefferson County Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	116,229	2014-2016	0.064	Yes	53 / 49	03/25/2008 73 FR 15672		
New York-N. New Jersey-Long Island Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	12,268,815	2014-2016	0.083	Yes	53 / 51	07/18/2012 77 FR 36163		
Poughkeepsie Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	770,011	2014-2016	0.068	Yes	53 / 50	01/06/2010 74 FR 63993		
Rochester	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Marginal	1,114,402	2014-2016	0.064	Yes	3 / 3	03/25/2008 73 FR 15672		
OTR								46 / 45			

New York Ozone-8Hr (2008) Areas [Return to map](#)

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Jamestown	Nonattainment	07/20/2012	Marginal	134,905	2014-2016		Insufficient Data	3 / 1	06/03/2016 81 FR 26697		
New York-N. New Jersey-Long Island	Nonattainment	07/20/2012	Moderate	12,268,815	2014-2016	0.083	No	55 / 2			
OTR								47 / 46			

New York PM-10 (1987) Areas [Return to map](#)

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (µg/m³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
New York County	Nonattainment	01/20/1994	Moderate	1,585,873	2014-2016		No Data	3 / 1	01/02/2014 78 FR 72032		

New York PM-2.5 (1997) Areas [Return to map](#)

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (µg/m³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
New York-N. New Jersey-Long Island	Maintenance (NAAQS revoked)	04/05/2005	Former Subpart 1	12,641,628	2014-2016	10.2	Yes	5 / 1	12/15/2010 75 FR 69589	06/27/2013	04/18/2014 79 FR 21857

New York PM-2.5 (2006) Areas [Return to map](#)

Area designated nonattainment for the 24-hour standard

Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value 24-Hr (µg/m³) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
New York-N. New Jersey-Long Island	Maintenance	12/14/2009	Former Subpart 1	12,641,628	2014-2016	24	Yes	6 / 2	12/31/2012 77 FR 76867	06/27/2013	04/18/2014 79 FR 21857

New York PM-2.5 (2012) Areas [Return to map](#)

No designated areas for this pollutant.

New York SO2 (1971) Areas [Return to map](#)

No designated areas for this pollutant.

New York SO2 (2010) Areas [Return to map](#)

No designated areas for this pollutant.

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Attachment 7



You are here: EPA Home > Air Quality Implementation Plans > SIP Status Reports > Status of Rhode Island Designated Areas

Status of Rhode Island Designated Areas

Rhode Island Areas by NAAQS

As of 07/29/2018

Jump to Rhode Island section for: CO (1971) Lead (1978) Lead (2008) NO2 (1971) Ozone-1Hr (1979) Ozone-8Hr (1997) Ozone-8Hr (2008) PM-10 (1987) PM-2.5 (1997) PM-2.5 (2006) PM-2.5 (2012) SO2 (1971) SO2 (2010)

Rhode Island CO (1971) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island Lead (1978) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island Lead (2008) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island NO2 (1971) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island Ozone-1Hr (1979) Areas Return to map											
Click on the Area name to view SIP Required Elements											
Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Providence (all of RI) Area	Nonattainment (NAAQS revoked)	11/15/1990	Serious	1,052,567	2014-2016	0.090	Yes	26 / 26			
OTR 1990								5 / 5			
OTR								13 / 13			
Rhode Island Ozone-8Hr (1997) Areas Return to map											
Click on the Area name to view SIP Required Elements											
Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value Annual (ppm) (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
Providence (all of RI) Area	Nonattainment (NAAQS revoked)	06/15/2004	Subpart 2/Moderate	1,052,567	2014-2016	0.069	Yes	53 / 41	11/22/2010 75 FR 64949		
OTR								46 / 36			
Rhode Island Ozone-8Hr (2008) Areas Return to map											
Click on the Area name to view SIP Required Elements											
Area	Status	Designation Date	Classification	2010 Population (state portion)	Meets NAAQS Basis	Design Value (entire area)	Meets NAAQS	SIP Requirements Original/ Approved	Clean Air Determination Citation Effective Date Click to view FR notice	Redesignation Request Date	Redesignation Citation Effective Date Click to view FR notice
OTR								47 / 0			
Rhode Island PM-10 (1987) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island PM-2.5 (1997) Areas Return to map											
No designated areas for this pollutant.											
Rhode Island PM-2.5 (2006) Areas Return to map											
No designated areas for this pollutant.											

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Document #1743574

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Rhode Island PM-2.5 (2012) Areas [Return to map](#)

No designated areas for this pollutant.

Rhode Island SO₂ (1971) Areas [Return to map](#)

No designated areas for this pollutant.

Rhode Island SO₂ (2010) Areas [Return to map](#)

No designated areas for this pollutant.

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