

Technical Support Document (TSD)
for the Revised CSAPR Update for the 2008 Ozone NAAQS
Docket ID No. EPA-HQ-OAR-2020-0272

Status of CAA Section 110(a)(2)(D)(i)(I) SIPs for the 2008
Ozone NAAQS for States Covered by the Proposed
Revised CSAPR Update
Proposed Rule TSD

U.S Environmental Protection Agency

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Summary

This document describes the Clean Air Act (CAA) section 110(a)(2)(D)(i)(I) (good neighbor provision) state implementation plan (SIP) status with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS) for each state covered by the proposed Revised CSAPR Update: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin. The descriptions include any findings of failure to submit good neighbor SIPs made by EPA and any actions taken by EPA on good neighbor SIP submissions. The descriptions also include the actions taken by EPA to implement Federal implementation plans (FIPs) in the Cross-State Air Pollution Rule (CSAPR) Update (81 FR 74504 (Oct. 26, 2016)) and the determinations made by EPA in the CSAPR Close-Out (83 FR 65878 (Dec. 21, 2018)). In addition, each description indicates the legal effect of the holdings of *Wisconsin v. EPA*, 938 F.3d 303 (D.C. Cir. 2019) (*Wisconsin*) and *New York v. EPA*, 781 F. App'x 4 (D.C. Cir. 2019) (*New York*) with respect to the state. The facts presented in this document support EPA's conclusion that it currently has a legal obligation pursuant to CAA section 110(c) to take an action that fully addresses CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS for each of these states.¹

¹ In the proposed Revised CSAPR Update, EPA is proposing new or revised FIPs for Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. EPA is also proposing to make a determination that the FIPs promulgated under the CSAPR Update fully address good neighbor obligations for Arkansas, Iowa, Kansas, Mississippi, Oklahoma, Texas, and Wisconsin. EPA is also proposing to make a determination that the SIPs approved for Alabama and Missouri to replace the states' CSAPR Update FIPs fully address the states' good neighbor obligations.

Status of 2008 Ozone NAAQS Transport SIPs for States Covered by the Proposed Revised CSAPR Update

Alabama

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Alabama (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a good neighbor FIP for Alabama in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On October 6, 2017, EPA published its approval of a SIP revision to replace the CSAPR Update FIP for Alabama and found that the SIP partially satisfies Alabama's good neighbor obligation for the 2008 ozone NAAQS (82 FR 46674). The SIP revision incorporated the CSAPR Update trading program for ozone season NO_x into the Alabama SIP. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that EPA continued to have an obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Alabama due to the July 13, 2015 finding (83 FR at 65883). EPA also determined in the CSAPR Close-Out that the good neighbor SIP approved on October 6, 2017 for Alabama fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the SIP approved on October 6, 2017, cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Arkansas

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Arkansas (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Arkansas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Arkansas fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Illinois

On December 31, 2012, Illinois submitted a SIP revision to address the requirements of CAA section 110(a)(2) with respect to the 2008 ozone NAAQS, the 2010 NO₂ NAAQS and the 2010

SO₂ NAAQS. On June 11, 2014, Illinois clarified that its SIP revision was not intended to address good neighbor SIP requirements for the 2008 ozone NAAQS. On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Illinois (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a good neighbor FIP for Illinois in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the CSAPR Update FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Illinois fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP for Illinois cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Indiana

On December 12, 2012, Indiana submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On June 15, 2016, EPA published its disapproval of Indiana's good neighbor SIP (81 FR 38957, effective July 15, 2016). On October 26, 2016, EPA published a good neighbor FIP for Indiana in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the CSAPR Update good neighbor FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On March 29, 2018, Indiana submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the CSAPR Update good neighbor FIP; the state withdrew that SIP revision on July 9, 2019. On December 17, 2018, EPA published its approval of a SIP revision to replace the CSAPR Update FIP for Indiana and found that the SIP partially satisfies Indiana's good neighbor obligation for the 2008 ozone NAAQS (83 FR 64472). The SIP revision incorporated the CSAPR Update trading program for ozone season NO_x into the Indiana SIP. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that EPA continued to have an obligation to fully address the good neighbor provision requirements for the 2008 ozone NAAQS with respect to Indiana due to the June 15, 2016 disapproval of the state's good neighbor SIP (83 FR at 65883). EPA also determined in the CSAPR Close-Out that the good neighbor SIP approved on December 17, 2018 for Indiana fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the SIP approved on December 21, 2018, cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the June 15, 2016 disapproval.

Iowa

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone

NAAQS for Iowa (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Iowa in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Iowa fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP for Iowa cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Kansas

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Kansas (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Kansas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Kansas fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP for Kansas cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Kentucky

On July 17, 2012, Kentucky submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On March 7, 2013, EPA published its disapproval of the state's good neighbor SIP (78 FR 14681, effective April 8, 2013). On October 26, 2016, EPA published a FIP for Kentucky in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On May 10, 2018 Kentucky submitted a SIP revision intended to address the remaining good neighbor obligations after implementation of the FIP. On July 17, 2018, EPA published an approval of Kentucky's SIP revision stating it fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 33730). The SIP approval relied on the emissions reductions from the CSAPR Update FIP for Kentucky and the same rationale and technical analysis eventually used in the CSAPR Close-Out for the determination that the remaining CSAPR Update FIP states fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. On September 13, 2018, Kentucky submitted a subsequent SIP revision intended to replace the CSAPR Update FIP for Kentucky; and on July 30, 2019, EPA proposed approval of the SIP revision (84 FR 36852), but has not yet taken final

action on it. As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the Kentucky SIP approved on July 17, 2018 cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the March 7, 2013 disapproval. As explained in the preamble, EPA proposes an error correction under CAA section 110(k)(6) with respect to its approval of the Kentucky SIP revision published on July 17, 2018.

Louisiana

On June 7, 2013, Louisiana submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, EPA published its disapproval of the state's good neighbor SIP (81 FR 53308, effective September 12, 2016). On October 26, 2016, EPA published a FIP for Louisiana in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the CSAPR Update FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Louisiana fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the August 12, 2016 SIP disapproval.

Maryland

On December 31, 2012, Maryland submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On April 20, 2016, Maryland withdrew its good neighbor SIP submission. On July 20, 2016, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Maryland (81 FR 47040, effective August 19, 2016). On October 26, 2016, EPA published a FIP for Maryland in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the CSAPR Update FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On August 8, 2018, Maryland submitted a subsequent SIP revision intended to address the good neighbor requirements with respect to the 2008 ozone NAAQS, but EPA has not yet taken action on it. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Maryland fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 20, 2016 finding of failure to submit.

Michigan

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Michigan (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Michigan in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the CSAPR Update FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Michigan fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Mississippi

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Mississippi (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Mississippi in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Mississippi fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Missouri

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Missouri (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a good neighbor FIP for Missouri in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Missouri fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP could not be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit. On December 4, 2019, EPA published its approval of a SIP

revision to replace the CSAPR Update FIP for Missouri and found that the SIP revision partially satisfies Missouri's good neighbor obligation for the 2008 ozone NAAQS (84 FR 66316). The SIP revision incorporated the CSAPR Update trading program for ozone season NO_x into the Missouri SIP.

New Jersey

On October 17, 2014, New Jersey submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On March 30, 2016, New Jersey withdrew its good neighbor SIP submission. On June 15, 2016, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for New Jersey (81 FR 38963, effective July 15, 2016). On October 26, 2016, EPA published a FIP for New Jersey in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for New Jersey fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). On May 13, 2019, New Jersey submitted a subsequent SIP revision intended to address the good neighbor requirements with respect to the 2008 ozone NAAQS, but EPA has not yet taken action on it. As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 15, 2016 finding of failure to submit.

New York

On April 4, 2013, New York submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 26, 2016, EPA published its disapproval of New York's good neighbor SIP (81 FR 58849, effective September 26, 2016). On October 26, 2016, EPA published a FIP for New York in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On September 25, 2018, New York submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the FIP, but EPA has not yet taken action on it. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for New York fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the August 26, 2016 disapproval.

Ohio

On December 27, 2012, Ohio submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On June 15, 2016, EPA

published its disapproval of Ohio's good neighbor SIP (81 FR 38957, effective July 15, 2016). On October 26, 2016, EPA published a FIP for Ohio in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On April 17, 2018, Ohio submitted a subsequent SIP revision intended to address the remaining deficiency after implementation of the FIP; Ohio withdrew that SIP revision on January 8, 2019. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Ohio fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the June 15, 2016 disapproval.

Oklahoma

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Oklahoma (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Oklahoma in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Oklahoma fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Pennsylvania

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Pennsylvania (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Pennsylvania in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Pennsylvania fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Texas

On December 13, 2012, Texas submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, EPA published its disapproval of Texas's good neighbor SIP (81 FR 53284, effective Sept. 12, 2016). On October 26, 2016, EPA published a FIP for Texas in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Texas fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the August 12, 2016 disapproval of the Texas good neighbor SIP.

Virginia

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for Virginia (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for Virginia in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On August 27, 2018, Virginia submitted a SIP revision intended to address the good neighbor requirements with respect to the 2008 ozone NAAQS, but EPA has not yet taken action on it. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Virginia fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

West Virginia

On July 13, 2015, EPA published a finding of failure to submit a complete good neighbor SIP to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS for West Virginia (80 FR 39961, effective August 12, 2015). On October 26, 2016, EPA published a FIP for West Virginia in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(i)(I). On March 27, 2018, West Virginia submitted a SIP revision intended to address the remaining deficiency after implementation of the FIP. On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for West Virginia fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). On June 5, 2019, West Virginia submitted a SIP revision

intended to replace the CSAPR Update FIP for West Virginia. On August 16, 2019, EPA proposed approval of the March 27, 2018 and June 5, 2019 SIP revisions (84 FR 41944), but EPA has not yet taken final action on either one. As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the July 13, 2015 finding of failure to submit.

Wisconsin

On June 20, 2013, Wisconsin submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. On August 12, 2016, EPA published its partial disapproval of Wisconsin's good neighbor SIP as it pertains to interference with maintenance (81 FR 53309, effective Sept. 12, 2016). On October 26, 2016, EPA published a FIP for Wisconsin in the CSAPR Update addressing the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS. However, EPA did not determine that the FIP fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I). On December 21, 2018, EPA published a determination in the CSAPR Close-Out that the CSAPR Update FIP for Wisconsin fully addressed the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (83 FR 65878, effective February 19, 2019). As noted in the preamble to the proposed Revised CSAPR Update, following the D.C. Circuit decisions in *Wisconsin* and *New York* to remand the CSAPR Update and vacate the CSAPR Close-Out, the CSAPR Update FIP cannot be said to correct the CAA section 110(a)(2)(D)(i)(I) deficiency identified in the August 12, 2016 partial disapproval.