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**40 CFR Parts 50, 51, and 81
8-Hour Ozone National Ambient Air
Quality Standards; Final Rules**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 81**

[OAR-2003-0083; FRL-7651-8]

RIN 2060-

Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule sets forth the air quality designations and classifications for every area in the United States, including Indian country, for the 8-hour ozone national ambient air quality standard. We are issuing this rule so that citizens will know whether the air where they live and work is healthful or unhealthful and to establish the boundaries and classifications for areas designated as nonattainment. Children are at risk when exposed to ozone pollution because their lungs are still developing, people with existing respiratory disease are at risk, and even healthy people who are active outdoors can experience difficulty breathing

when exposed to ozone pollution. In this document, EPA is also promulgating the first deferral of the effective date, to September 30, 2005, of the nonattainment designation for Early Action Compact areas that have met all milestones through March 31, 2004. Finally, we are inviting States to submit by July 15, 2004, requests to reclassify areas if their design value falls within five percent of a high or lower classification. This rule does not establish or address State and Tribal obligations for planning and control requirements which apply to nonattainment areas for the 8-hour ozone standard. Two separate rules, one of which is also published today, set forth the planning and control requirements which apply to nonattainment areas for this standard. The second rule will be published at a later date.

EFFECTIVE DATE: This final rule is effective on June 15, 2004.

ADDRESSES: EPA has established dockets for this action under Docket ID No. OAR-2003-0083 (Designations) and OAR-2003-0090 (Early Action Compacts). All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, *i.e.*, Confidential

Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742. In addition, we have placed a copy of the rule and a variety of materials regarding designations on EPA's designation Web site at: <http://www.epa.gov/oar/oaqps/glo/designations> and on the Tribal Web site at: <http://www.epa.gov/air/tribal>. Materials relevant to Early Action Compact (EAC) areas are on EPA's Web site at: http://www.epa.gov/ttn/naaqs/ozone/eac/w1040218_eac_resources.pdf. In addition, the public may inspect the rule and technical support at the following locations.

Regional offices	States
Dave Conroy, Acting Branch Chief, Air Programs Branch, EPA New England, 1 Congress Street, Suite 1100, Boston, MA 02114-2023, (617) 918-1661.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Raymond Werner, Chief, Air Programs Branch, EPA Region II, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-4249.	New Jersey, New York, Puerto Rico, and Virgin Islands.
Makeba Morris, Branch Chief, Air Quality Planning Branch, EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2187, (215) 814-2187.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
Richard A. Schutt, Chief, Regulatory Development Section, EPA Region IV, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., 12th Floor, Atlanta, GA 30303, (404) 562-9033.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Pamela Blakley, Acting Chief, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, IL 60604, (312) 886-4447.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Donna Ascenzi, Acting Associate Director, Air Programs, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202, (214) 665-2725.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Joshua A. Tapp, Chief, Air Programs Branch, EPA Region VII, 901 North 5th Street, Kansas City, Kansas 66101-2907, (913) 551-7606.	Iowa, Kansas, Missouri, and Nebraska.
Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6005.	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Steven Barhite, Air Planning Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3980.	Arizona, California, Guam, Hawaii, and Nevada.
Bonnie Thie, Manager, State and Tribal Air Programs, EPA Region X, Office of Air, Waste, and Toxics, Mail Code OAQ-107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1189.	Alaska, Idaho, Oregon, and Washington.

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I. Preamble Glossary Of Terms And Acronyms

The following are abbreviations of terms used in the preamble.

- CAA—Clean Air Act
- CFR—Code of Federal Regulations
- CBI—Confidential Business Information
- CMAQ—Congestion Mitigation Air Quality
- CMSA—Consolidated Metropolitan Statistical Area
- D.C.—District of Columbia
- EAC—Early Action Compact or Compact
- EPA—Environmental Protection Agency or Agency
- FR—Federal Register
- MPO—Metropolitan Planning Organization
- MSA—Metropolitan Statistical Area
- NAAQS—National Ambient Air Quality Standard or Standard
- NO_x—Nitrogen Oxides
- NOA—Notice of Availability
- NPR—Notice of Proposed Rulemaking
- NSR—New Source Review
- OMB—Office of Management and Budget
- PPM—Parts Per Million
- RFG—Reformulated Fuel
- RTC—Response to Comment
- SIP—State Implementation Plan
- TAR—Tribal Authority Rule
- TEA-21—Transportation Equity Act for the 21st Century
- TPY—Tons Per Year
- TSD—Technical Support Document
- U.S.—United States
- VOC—Volatile Organic Compounds

II. What Is the Purpose of This Document?

The purpose of this document is to announce and promulgate designations, classifications, and boundaries for areas of the country with respect to the 8-hour ground-level ozone National Ambient Air Quality Standard (NAAQS) in accordance with the requirements of the CAA. We took several steps to announce that this rule was available. We posted the rule on several EPA Web sites and provided a copy of the rule, which was

signed by the Administrator on April 15, 2004, to States and Tribes.

III. How Is Ground-Level Ozone Formed?

Ground-level ozone (sometimes referred to as smog) is formed by the reaction of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) in the atmosphere in the presence of sunlight. These two pollutants, often referred to as ozone precursors, are emitted by many types of pollution sources, including on-road and off-road motor vehicles and engines, power plants and industrial facilities, and smaller sources, collectively referred to as area sources. Ozone is predominately a summertime air pollutant. Changing weather patterns contribute to yearly differences in ozone concentrations from region to region. Ozone and the pollutants that form ozone also can be transported into an area from pollution sources found hundreds of miles upwind.

IV. What Are the Health Concerns Addressed by the 8-Hour Ozone Standard?

During the hot summer months, ground-level ozone reaches unhealthy levels in several parts of the country. Ozone is a significant health concern, particularly for children and people with asthma and other respiratory diseases. Ozone has also been associated with increased hospitalizations and emergency room visits for respiratory causes, school absences, and reduced activity and productivity because people are suffering from ozone-related respiratory symptoms.

Breathing ozone can trigger a variety of health problems. Ozone can irritate the respiratory system, causing coughing, throat irritation, an uncomfortable sensation in the chest, and/or pain when breathing deeply. Ozone can worsen asthma and possibly other respiratory diseases, such as bronchitis and emphysema. When ozone levels are high, more people with asthma have attacks that require a doctor's attention or the use of additional medication. Ozone can reduce lung function and make it more difficult to breathe deeply, and breathing may become more rapid and shallow than normal, thereby limiting a person's normal activity. In addition, breathing ozone can inflame and damage the lining of the lungs, which may lead to permanent changes in lung tissue, irreversible reductions in lung function, and a lower quality of life if the inflammation occurs repeatedly over a long time period (months, years, a lifetime). People who are particularly

susceptible to the effects of ozone include children and adults who are active outdoors, people with respiratory disease, such as asthma, and people with unusual sensitivity to ozone.

More detailed information on the health effects of ozone can be found at the following Web site: http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_index.html.

V. What Is the Chronology of Events Leading Up to This Rule?

This section summarizes the relevant activities leading up to today's rule, including promulgation of the 8-hour ozone NAAQS and litigation challenging that standard. The CAA establishes a process for air quality management through the NAAQS. Area designations are required after promulgation of a new or revised NAAQS. In 1979, we promulgated the 0.12 parts per million (ppm) 1-hour ozone standard, (44 Federal Register 8202, February 8, 1979). On July 18, 1997, we promulgated a revised ozone standard of 0.08 ppm, measured over an 8-hour period, *i.e.*, the 8-hour standard (62 FR 38856). The 8-hour standard is more protective of public health and more stringent than the 1-hour standard. The NAAQS rule was challenged by numerous litigants and in May 1999, the U.S. Court of Appeals for the D.C. Circuit issued a decision remanding, but not vacating, the 8-hour ozone standard. Among other things, the Court recognized that EPA is required to designate areas for any new or revised NAAQS in accordance with the CAA and addressed a number of other issues, which are not related to designations. *American Trucking Assoc. v. EPA*, 175 F.3d 1027, 1047–48, *on rehearing* 195 F.3d 4 (D.C. Cir., 1999). We sought review of two aspects of that decision in the U.S. Supreme Court. In February 2001, the Supreme Court upheld our authority to set the NAAQS and remanded the case back to the D.C. Circuit for disposition of issues the Court did not address in its initial decision. *Whitman v. American Trucking Assoc.*, 121 S. Ct. 903, 911–914, 916–919 (2001) (Whitman). The Supreme Court also remanded the 8-hour implementation strategy to EPA. In March 2002, the D.C. Circuit rejected all remaining challenges to the 8-hour ozone standard. *American Trucking Assoc. v. EPA*, 283 F.3d 355 (D.C. Cir. 2002).

The process for designations following promulgation of a NAAQS is contained in section 107(d)(1) of the CAA. For the 8-hour NAAQS, the Transportation Equity Act for the 21st Century (TEA–21) extended by 1 year

the time for EPA to designate areas for the 8-hour NAAQS.¹ Thus, EPA was required to designate areas for the 8-hour NAAQS by July 2000. However, HR3645 (EPA's appropriation bill in 2000) restricted EPA's authority to spend money to designate areas until June 2001 or the date of the Supreme Court ruling on the standard, whichever came first. As noted earlier, the Supreme Court decision was issued in February 2001. In 2003, several environmental groups filed suit in district court claiming EPA had not met its statutory obligation to designate areas for the 8-hour NAAQS. We entered into a consent decree, which requires EPA to issue the designations by April 15, 2004.

VI. What Are the Statutory Requirements for Designating Areas and What Is EPA's Policy and Guidance for Determining Nonattainment Area Boundaries for the 8-Hour Ozone NAAQS?

This section describes the statutory definition of nonattainment and EPA's guidance for determining air quality attainment and nonattainment areas for the 8-hour ozone NAAQS. In March 2000² and July 2000³ we issued designation guidance on how to determine the boundaries for nonattainment areas. In that guidance, we rely on the CAA definition of a nonattainment area that is defined in section 107(d)(1)(A)(i) as an area that is violating an ambient standard or is contributing to a nearby area that is violating the standard. If an area meets this definition, EPA is obligated to designate the area as nonattainment.

In making designations and classifications, we use the most recent 3 years of monitoring data.⁴ Therefore, today's designations and classifications are generally based on monitoring data collected in 2001–2003 although other relevant years of data may have been used in certain circumstances. Once we determine that a monitor is recording a violation, the next step is to determine if there are any nearby areas that are contributing to the violation and

include them in the designated nonattainment area.

For guidance on determining the nonattainment boundary for the 8-hour ozone standard, we look to CAA section 107(d)(4) that established the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA) presumptive boundary for more polluted areas when we promulgated our designation actions in 1991 for the 1-hour ozone standard. In our guidance on determining nonattainment area boundaries for the 8-hour ozone standard, we advised States that if a violating monitor is located in a CMSA or MSA (as defined by the Office of Management and Budget (OMB) in 1999), the larger of the 1-hour ozone nonattainment area or the CMSA or MSA should be considered in determining the boundary of a nonattainment area. The actual size of the nonattainment area may be larger or smaller, depending on air quality-related technical factors contained in our designation guidance. We start with counties in the CMSA or MSA because that area, defined by OMB, generally shares economic, transportation, population and other linkages that are similar to air quality related factors that produce ozone pollution. Also, many CMSAs and MSAs generally are associated with higher levels of ozone concentrations and ozone precursor emissions than areas that are not in or near CMSAs or MSAs.

In June 2003, OMB released a new list of statistical areas. This release was so late in the designation process that we determined that it would be disruptive and unfair to the States and Tribes to revise our guidance. However, we believe it is necessary to evaluate all counties in and around an area containing a monitor that is violating the standard, pursuant to our guidance to consider nearby areas that are contributing to a violation in determining the boundaries of the nonattainment area.

Once a CMSA, MSA or single county area is determined to contain a monitor that is violating the standard, the area can be evaluated using all applicable suggested air quality related factors in our guidance. The factors can be used to justify including counties outside the CMSA or MSA or excluding counties in the CMSA or MSA. The factors were compiled based on our experience in designating areas for the ozone standard in March 1978 and November 1991 and by looking to the CAA, section 107(d)(4), which states that the Administrator and the Governor shall consider factors such as population density, traffic congestion, commercial

¹ CAA 107(d)(1); TEA–21 § 6103(a).

² Memorandum of March 28, 2002, from John S. Seitz, "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards."

³ Memorandum of July 18, 2000, from John S. Seitz, "Guidance on 8-Hour Ozone Designations for Indian Tribes."

⁴ To determine whether an area is attaining the 8-hour ozone NAAQS, EPA considers the most recent 3 consecutive years of data in accordance with 40 Code of Federal Regulations (CFR) part 50, appendix I.

development, industrial development, meteorological conditions, and pollution transport. State and local agencies also had extensive input into compiling the factors.

The factors are:

- (1) Emissions and air quality in adjacent areas (including adjacent CMSAs and MSAs),
- (2) Population density and degree of urbanization including commercial development (significant difference from surrounding areas),
- (3) Monitoring data representing ozone concentrations in local areas and larger areas (urban or regional scale),
- (4) Location of emission sources (emission sources and nearby receptors should generally be included in the same nonattainment area),
- (5) Traffic and commuting patterns,
- (6) Expected growth (including extent, pattern and rate of growth),
- (7) Meteorology (weather/transport patterns),
- (8) Geography/topography (mountain ranges or other air basin boundaries),
- (9) Jurisdictional boundaries (e.g., counties, air districts, existing 1-hour nonattainment areas, Reservations, etc.),
- (10) Level of control of emission sources, and,
- (11) Regional emissions reductions (e.g., NO_x State Implementation Plan (SIP) Call or other enforceable regional strategies).

When evaluating the air quality factors for individual areas, we took into account our view that data recorded by an ozone air quality monitor in most cases represents air quality throughout the area in which it is located. In addition, we used the county (or in the case of parts of New England, the township) as the basic jurisdictional unit in determining the extent of the area reflected by the ozone monitor data. As a result, if an ozone monitor was violating the standard based on the 2001–2003 data, we designated the entire county as nonattainment. There were some exceptions to this rule: in cases where a county was extremely large as in the West; where a geographic feature bifurcated a county, leading to different air quality in different parts of the county; and where a mountain top monitor reflected the air quality data only on the mountain top and not in lower elevation areas.

After identifying the counties with violating monitors, we then determined which nearby counties were not monitoring violations but were nonetheless contributing to the nearby violation. We considered each of the 11 factors in making our contribution assessment, including emissions, traffic patterns, population density, and area

growth. In some cases, in considering these factors, as well as information and recommendations provided by the State, we determined that only part of a county was contributing to the nearby nonattainment area. In addition, in certain cases, we determined that a county without an ozone monitor should be designated nonattainment because contiguous counties have monitors that are violating the standard. In at least two instances, we determined that a part of a county with no monitor, but with a large emission source that did not have state-of-the-art controls, contributes to a nearby violation. In some instances, if a State had requested that we continue to use the 1-hour ozone nonattainment boundary for an area, we continued to use that boundary in determining the size of the 8-hour nonattainment area.

The EPA cannot rely on planned ozone reduction strategies in making decisions regarding nonattainment designations, even if those strategies predict that an area may attain in the future. We recognize that some areas with a violating monitor may come into attainment in the future without additional local emission controls because of State and/or national programs that will reduce ozone transport. While we cannot consider these analyses in determining designations, we intend to expedite the redesignation of the areas to attainment once they monitor clean air. We also intend to apply our policy which streamlines the planning process for nonattainment areas that are meeting the NAAQS.⁵

We believe that area-to-area variations must be considered in determining whether to include a county as contributing to a particular nonattainment problem. Thus, our guidance does not establish cut-points for how a particular factor is applied, e.g., it does not identify a set amount of VOC or NO_x emissions or a specific level of commuting population that would result in including a county in the designated nonattainment area. For example, a county with a large source or sources of NO_x emissions may be considered as a contributing county if it is upwind, rather than downwind, of a violating monitor. Additionally, a county with VOC emissions of 5,000 tons per year (tpy) might be viewed differently if the total VOC emissions of the area are 15,000 tpy rather than 30,000 tpy. We analyzed the

information provided by each State or Tribe in its recommendation letter, or subsequently submitted, along with any other pertinent information available to EPA, to determine whether a county should be designated nonattainment. We evaluated each State or Tribal designation recommendation in light of the 11 factors, bringing to bear our best technical and policy judgement. If the result of the evaluation is that a county, whether inside or outside of the CMSA or MSA, is contributing to the violation, we designated the area as nonattainment.

VII. What Are the CAA Requirements for Air Quality Designations and What Actions Has EPA Taken To Meet the Requirements?

In this part, we summarize the provisions of section 107(d)(1) of the CAA that govern the process States and EPA must undertake to recommend and promulgate designations. Following promulgation of a standard, each State Governor or Tribal leader has an opportunity to recommend air quality designations, including appropriate boundaries, to EPA. No later than 120 days prior to promulgating designations, we must notify States or Tribes if we intend to make modifications to their recommendations and boundaries as we deem necessary. States and Tribes then have an opportunity to provide a demonstration as to why the proposed modification is inappropriate. Whether or not a State or Tribe provides a recommendation, EPA must promulgate the designation it deems appropriate.

In June 2000, we asked each State and Tribal Governor or Tribal leader to submit their designation recommendations and supporting documentation to EPA. Because of the uncertainties due to the ongoing litigation on the ozone standard, we did not notify States and Tribes of any intended modifications and did not designate areas at that time. After the legal challenges to the ozone NAAQS were resolved, we requested that States and Tribes provide updated recommendations and any additional supporting documentation by July 15, 2003. EPA published a Notice of Availability (NOA) announcing the availability of the State and Tribal recommendations in the FR on September 8, 2003 (68 FR 52933). After carefully evaluating each recommendation and the supporting documentation, on December 3, 2003, we wrote a letter to each State and Tribe notifying them if we intended to make a modification to their recommendation and indicating the area with which we agreed with their recommendation. We

⁵ Memorandum of May 10, 1995, from John S. Seitz, "Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard."

provided an opportunity until February 6, 2004, for a demonstration as to why our modification was not appropriate. A NOA announcing the availability of our letters was published in the FR on December 10, 2003 (68 FR 68805). In response to our December 3, 2003 letters, we received letters and demonstrations from many States and Tribes on why our modifications were not appropriate. We evaluated each letter and all of the timely technical information provided to us before arriving at the final decisions reflected in today's rule. Some of the designations reflect our modifications to the State or Tribes' recommendations. Throughout the designation process, we have received letters from other interested parties. We have placed these letters and our responses to the substantive issues raised by them in the docket. Responses to significant comments received on EAC areas are summarized in this document.

Tribal designation activities are covered under the authority of section 301(d) of the CAA. This provision of the Act authorizes us to treat eligible Indian Tribes in the same manner as States. Pursuant to section 301(d)(2), we promulgated regulations known as the Tribal Authority Rule (TAR) on February 12, 1999, that specify those provisions of the CAA for which it is appropriate to treat Tribes as States, (63 FR 7254), codified at 40 CFR part 49 (1999). Under the TAR, Tribes may choose to develop and implement their own CAA programs, but are not required to do so. The TAR also establishes procedures and criteria by which Tribes may request from EPA a determination of eligibility for such treatment. The designations process contained in section 107(d) of the CAA is included among those provisions determined appropriate by us for treatment of Tribes in the same manner as States. As authorized by the TAR, Tribes may request an opportunity to submit designation recommendations to us. In cases where Tribes do not make their own recommendations, EPA, in consultation with the Tribes, will promulgate the designation we deem appropriate on their behalf. We invited all Tribes to submit recommendations to us. We worked with the Tribes that requested an opportunity to submit designation recommendations. Eligible Tribes could choose to submit their own recommendations and supporting

documentation. We reviewed the recommendations made by Tribes and, in consultation with the Tribes, made modifications as deemed necessary. Under the TAR, Tribes generally are not subject to the same submission schedules imposed by the CAA on States. However, we worked with Tribes in scheduling interim activities and final designation actions because of the consent decree obligating us to have a signed rule designating areas by April 15, 2004.

Today's designation action is a final rule establishing designations for all areas of the country. Today's action also sets forth the classifications for subpart 2 ozone nonattainment areas. Section 181(a) provides that areas will be classified at the time of designation. This rulemaking fulfills those requirements. Classifications are discussed below.

A. Where Can I Find Information Forming the Basis for This Rule and Exchanges Between EPA, States, and Tribes Related to This Rule?

Discussions concerning the basis for today's actions and decisions are provided in the technical support document (TSD). The TSD, along with copies of all of the above mentioned correspondence, other correspondence between the States, Tribes, interested parties, and EPA regarding this process and guidance memoranda are available for review in the EPA Docket Center listed above in the addresses section of this document and on our designation Web site at: <http://www.epa.gov/oar/oaqps/glo/designations>. State specific information is available at the EPA Regional Offices.

VIII. What Are the CAA Requirements for Air Quality Classifications?

The CAA contains two sets of provisions—subpart 1 and subpart 2—that address planning and control requirements for nonattainment areas. (Both are found in title I, part D.) Subpart 1 (which we refer to as “basic” nonattainment contains general, less prescriptive, requirements for nonattainment areas for any pollutant—including ozone—governed by a NAAQS. Subpart 2 (which we refer to as “classified” nonattainment) provides more specific requirements for ozone nonattainment areas.⁶ Some areas will be subject only to the provisions of subpart 1. Other areas will be subject to

the provisions of subpart 2. Section 172(a)(1) provides that EPA has the discretion to classify areas subject only to subpart 1. Under subpart 2, areas will be classified based on each area's design value. Control requirements are linked to each classification. Areas with more serious ozone pollution are subject to more prescribed requirements. The requirements are designed to bring areas into attainment by their specified attainment dates.

Under our 8-hour ozone implementation rule, signed on April 15, 2004, an area will be classified under subpart 2 based on its 8-hour design value⁷ if it has a 1-hour design value at or above 0.121 ppm (the lowest 1-hour design value in Table 1 of subpart 2). All other areas will be covered under subpart 1. Section 172(a)(1) provides EPA with discretion whether to classify areas under subpart 1 and we are not classifying subpart 1 areas, with one exception. As noted in EPA's final rule on implementing the 8-hour ozone standard (Phase 1 implementation rule), we are creating an overwhelming transport classification that will be available to subpart 1 areas that demonstrate they are affected by overwhelming transport of ozone and its precursors and demonstrate they meet the definition of a rural transport area in section 182(h). No subpart 1 areas are being classified in today's action; however, for informational purposes, 8-hour ozone nonattainment areas covered under subpart 1 are identified as such in the classification column in 40 CFR part 81.

Any area with a 1-hour ozone design value (based on the most recent 3 years of data) that meets or exceeds the statutory level of 0.121 ppm that Congress specified in Table 1 of section 181 is classified under subpart 2 and is subject to the control obligations associated with its classification.⁸ Subpart 2 areas are classified as marginal, moderate, serious, or severe based on the area's 8-hour design value calculated using the most recent 3 years of data.⁹ As described in the Phase 1 implementation rule, since Table 1 is based on 1-hour design values, we promulgated in that rule a regulation translating the thresholds in Table 1 of section 181 from 1-hour values to 8-hour values. (See Table 1, below, “Classification for 8-Hour NAAQS” from 40 CFR 51.903.)

⁶ State Implementation Plans; General Preamble for the Implementation of Title I of the CAA Amendments of 1990; Proposed Rule.” April 16, 1992 (57 FR 13498 at 13501 and 13510).

⁷ For the 1-hour ozone NAAQS, design value is defined at 40 CFR 51.900(c). For the 8-hour ozone

NAAQS, design value is defined at 40 CFR 51.900(d).

⁸ In the Phase 2 implementation rule, we will address the control obligations that apply to areas under both subpart 1 and subpart 2.

⁹ At this time, there are no areas with design values in the extreme classification for the 8-hour ozone standard.

TABLE 1.—CLASSIFICATION FOR 8-HOUR OZONE NAAQS

Area class		8-hour design value ppm ozone)	Maximum period for Attainment dates in State plans (years after effective date of nonattainment designation for 8-hour NAAQS)
Marginal	from	0.085	3
	up to*	0.092	
Moderate	from	0.092	6
	up to*	0.107	
Serious	from	0.107	9
	up to*	0.120	
Severe-15	from	0.120	15
	up to*	0.127	
Severe-17	from	0.127	17
	up to*	0.187	
Extreme	equal to or above	0.187	20

*But not including.

Five Percent Bump Down

Under section 181(a)(4), an ozone nonattainment area may be reclassified "if an area classified under paragraph (1) (Table 1) would have been classified in another category if the design value in the area were 5 percent greater or 5 percent less than the level on which such classification was based." The section also states that "In making such adjustment, the Administrator may consider the number of exceedances of the national primary ambient air quality standard for ozone in the area, the level of pollution transport between the area and other affected areas, including both intrastate and interstate transport, and the mix of sources and air pollutants in the area.

As noted in the November 6, 1991, FR on designating and classifying areas, the section 181(a)(4) provisions grant the Administrator broad discretion in making or determining not to make, a reclassification (56 FR 56698). As part of the 1991 action, EPA developed criteria (see list below) to evaluate whether it is appropriate to reclassify a particular area. In 1991, EPA approved reclassifications when the area met the first requirement (a request by the State to EPA) and at least some of the other criteria (emissions, reductions, trends, etc.). We intend to use this method and these criteria once again to evaluate reclassification requests under section 181(a)(4), with the minor changes noted below. Because section 181(b)(3) provides that an area may request a higher classification and EPA must grant it, these criteria primarily focus on how we will assess requests for a lower classification. We further discuss bump ups below.

Request by State: The EPA does not intend to exercise its authority to bump down areas on EPA's own initiative. Rather, EPA intends to rely on the State to submit a request for a bump down. A Tribe may also submit such a request and, in the case of a multi-state nonattainment area, all affected States must submit the reclassification request.

Discontinuity: A five percent reclassification must not result in an illogical or excessive discontinuity relative to surrounding areas. In particular, in light of the area-wide nature of ozone formation, a reclassification should not create a "donut hole" where an area of one classification is surrounded by areas of higher classification.

Attainment: Evidence should be available that the proposed area would be able to attain by the earlier date specified by the lower classification in the case of a bump down.

Emissions reductions: Evidence should be available that the area would be very likely to achieve the appropriate total percent emission reduction necessary in order to attain in the shorter time period for a bump down.

Trends: Near- and long-term trends in emissions and air quality should support a reclassification. Historical air quality data should indicate substantial air quality improvement for a bump down. Growth projections and emission trends should support a bump down. In addition, we will consider whether vehicle miles traveled and other indicators of emissions are increasing at higher than normal rates.

Years of data: For the 8-hour ozone standard, the 2001–2003 period is central to determining classification. This criterion has been updated to reflect the latest air quality data

available to make the determinations within the statute's 90 day limitation.

Limitations on Bump Downs

An area may only be reclassified to the next lower classification. An area cannot present data from other years as justification to be reclassified to an even lower classification. In addition, section 181(a)(4) does not permit moving areas from subpart 2 into subpart 1.

The EPA applied these criteria in 1991. For example, our action to bump down one area from severe to serious considered trends in population and emissions data, similarities to a nearby serious area, disparity with a nearby moderate area, the logical gradation of attainment deadlines proceeding outward from large metropolitan areas upwind, and the likelihood that the area would be able to attain the NAAQS in the shorter time frame. In approving a bump down to marginal, we noted that air quality trends showed improvement and recent air quality data indicated a marginal status. In denying a bump down, we analyzed local air quality trends and emission sources and considered long range transport from an area with a much later attainment deadline, which together made it unlikely the candidate area could attain the standard in the shorter time frame associated with the lower classification. Requests to bump down areas were also denied due, in part, to concern that transport of emissions from these areas would make it less likely that downwind nonattainment areas could attain the standards in a timely fashion. For additional information, see section 5, "Areas requesting a 5% downshift per § 181(a)(4) and EPA's response to those requests," of the Technical Support Document, October 1991 for the 1991 rule. [Docket A-90-42A.]

Five Percent Bump Up

An ozone nonattainment area may also be reclassified under section 181(a)(4) to the next higher classification. For the reasons described below ("Other Reasons to Consider Bump Ups"), we believe some areas with design values close to the next higher classification may not be able to attain within the period allowed by their classification. We encourage States to request reclassification upward where the State finds that an area may need more time to attain than their classification would permit. In addition, EPA will consider bumping up areas subject to the five percent provision on our own initiative where there is evidence that an area is unlikely to attain within the period allowed by their classification. In making this determination, EPA would consider criteria similar to that listed above (adjusted to consider bump ups rather than bump downs) regarding discontinuity, attainment, emissions reduction and trends. The following areas have design values based on 2001–2003 data that fall within five percent of the next higher classification:

Marginal areas within five percent of Moderate

Portland, ME; Atlanta, GA; Beaumont-Port Arthur, TX; and Norfolk, VA

Moderate areas within five percent of Serious

New York-New Jersey-Long Island, NY-NJ-CT; Los Angeles-San Bernardino Counties (W. Mojave), CA; Baltimore, MD; Cleveland-Akron-Lorain, OH; and Houston-Galveston-Brazoria, TX

Serious areas within five percent of Severe-15

San Joaquin Valley, CA

Calculation of Five Percent

For an area to be eligible for a bump down (or bump up) under section 181(a)(4), the area's design value must be within five percent of the next lower (or higher) classification. For example, an area with a moderate design value of 0.096 ppm (or less) would be eligible to request a bump down because five percent less than 0.096 ppm is 0.091 ppm, a marginal design value.¹⁰ An area with a moderate design value of 0.102 ppm (or more) would be eligible for a bump up because five percent more than 0.102 ppm is 0.107 ppm, a serious design value. As a result, the following areas may be eligible to request a bump down: moderate areas with a design value of 0.096 ppm or less; serious areas

with a design value of 0.112 ppm or less; and severe-17 areas with a design value of 0.133 ppm or less. Similarly, for bump ups, the following areas may be eligible: marginal areas with a design value of 0.088 ppm or more; moderate areas with a design value of 0.102 ppm or more; and serious areas with a design value of 0.115 ppm or more.

Timing of the Five Percent Reclassifications

The notice of availability for this rule permits States to submit five percent reclassification requests within 30 days of the effective date of the designations and classifications. The effective date is June 15 which means that reclassification requests must be submitted by July 15, 2004. This relatively short time frame is necessary because section 181(a)(4) only authorizes the Administrator to make such reclassifications within 90 days after the initial classification. Thus, the Governor or eligible Tribal governing body of any area that wishes to pursue a reclassification should submit all requests and supporting documentation to the EPA Regional office by July 15, 2004. We will make a decision by September 15, 2004.

Other Reasons To Consider Bump Ups

We encourage States to consider a voluntary bump up in cases where the State finds that an area may need more time to attain the 8-hour NAAQS than its classification would permit. In addition to the reclassification provision of section 181(a)(4), a State can request a higher classification under section 181(b)(3) of the CAA. This provision directs EPA to grant a State's request for a higher classification and to publish notice of the request and EPA's approval. In addition, we are interpreting section 181(b)(3) to allow a State with an area covered under subpart 1 to request a reclassification to a subpart 2 classification.

We note that it is difficult to determine when an area will be able to attain the NAAQS in advance of State development of attainment plans. These plans are based on high-resolution local air quality modeling, refined emissions inventories, use of later air quality data, and detailed analyses of the impacts and costs of potential local control measures. As noted earlier, we are classifying nonattainment areas subject to subpart 2 based on the most recent ozone design values at the time of designation, the 2001–2003 period. Because of year-to-year variations in meteorology, this snapshot in time may not be representative of the normal

magnitude of problems that some areas may face.

The EPA's analysis in the proposed Interstate Air Quality Rule (IAQR) uses design values taken from the 2000–2002 period, rather than the 2001–2003 data used in the classification process. At the time the IAQR modeling was completed, 2000–2002 was the latest period which was available for determining designation compliance with the NAAQS. Concentrations of ozone in 2010 were estimated by applying the relative change in model predicted ozone from 2001 to 2010 with the 8-hour ozone design values (2000–2002). The IAQR base case analysis (which assumes existing control requirements only) projects ozone values in 2010 for several areas—for example, Baltimore, Houston, New York and Philadelphia—that are high enough to suggest that the areas may be unable to attain by 2010, given our current information on the potential for additional controls. Yet, as a result of their classification, these areas are required to adopt a plan to attain the 8-hour ozone standard earlier than the 2010 ozone season. Atlanta has a projected 2010 ozone value much closer to the standard, but has an attainment date prior to the 2007 ozone season. Thus, the IAQR analysis, based on the 2000–2002 period, suggests that States should evaluate whether certain areas may need more time to attain. States should consider in their local air quality modeling whether an area's projected air quality level would be higher if the projection were based on different three-year base periods. While we recognize that future local analyses for specific nonattainment areas may show different results than the regional IAQR analysis, we encourage States to consider requesting a higher classification for areas that the State believes need more time to attain, especially in cases where existing modeling analysis and information on potential controls suggests more time is needed than their classification would permit.

IX. What Action Is EPA Taking To Defer the Effective Date of Nonattainment Designations for EAC Areas?

This section discusses EPA's final action with respect to deferring the effective date of nonattainment designations for areas of the country that do not meet the 8-hour ozone NAAQS and are participating in the EAC program. By December 31, 2002, we entered into compacts with 33 communities. To receive this deferral, these EAC areas have agreed to reduce ground-level ozone pollution earlier

¹⁰ See EPA's "Guideline on Data Handling Conventions for the 8-Hour Ozone NAAQS" (12–98) and appendix I to 40 CFR part 50.

than the CAA would require. This final rule for compact areas addresses several key aspects of the proposed rule, including deferral of the effective date of nonattainment designation for certain compact areas; progress of compact areas toward completing their milestones; final action for compact areas; EPA's schedule for taking further action to continue to defer the effective date of nonattainment designations, if appropriate; and consequences for compact areas that do not meet a milestone. In this action, we have added regulatory text to clarify specific requirements in part 81 for compact

areas and to identify actions that we will take to address any failed milestones. Finally, we have responded to the significant comments on the proposed rule.

A. When Did EPA Propose the First Deferred Effective Date of Nonattainment Designations?

On December 16, 2003 (68 FR 70108), we published a proposed rule to defer the effective date of air quality nonattainment designations for EAC areas that do not meet the 8-hour ozone NAAQS. The proposal also described the compact approach, the requirements for areas participating in the program,

and the impacts of the program on these areas. Compact areas have agreed to reduce ground-level ozone pollution earlier than the CAA would require. Please refer to the proposed rule for a detailed discussion and background information on the development of the compact program, what compact areas are required to do, and the impacts of the program.

Table 2 describes the milestones and submissions that compact areas are required to complete to continue eligibility for a deferred effective date of nonattainment designation for the 8-hour ozone standard.

TABLE 2.—EARLY ACTION COMPACT MILESTONES

Submittal date	Compact milestone
December 31, 2002	Submit Compact for EPA signature.
June 16, 2003	Submit preliminary list and description of potential local control measures under consideration.
March 31, 2004	Submit complete local plan to State (includes specific, quantified and permanent control measures to be adopted).
December 31, 2004	State submits adopted local measures to EPA as a SIP revision that, when approved, will be federally enforceable.
2005 Ozone Season (or no later than December 31, 2005).	Implement SIP control measures.
June 30, 2006	State reports on implementation of measures and assessment of air quality improvement and reductions in NO _x and VOC emissions to date
December 31, 2007	Area attains 8-hour ozone NAAQS.

B. What Progress Are Compact Areas Making Toward Completing Their Milestones?

In this section we describe the status of the compact areas' progress toward meeting their compact milestones. In general, these areas have made satisfactory progress toward timely completion of their milestones. As reported in the December 16, 2003 proposal, all 33 communities met the June 16, 2003 milestone, which required areas to submit a list and description of local control measures each area considered for adoption and implementation. A compiled list, as well as highlights, of these local measures is found on EPA's Web site for compact areas at <http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm#EACsummary>. By December 31, 2003, compact areas reported the status of these measures by identifying the local measures still under consideration at that time, the estimated emissions reductions expected from these measures, and the schedule for implementation. A summary of the local measures as reported in December 2003 is presented on EPA's EAC Web site at http://www.epa.gov/ttn/naaqs/ozone/eac/20031231_eac_measures_full_list.pdf.

By March 31, 2004, compact areas submitted local plans, which included measures for adoption that are specific, quantified, and permanent, and if approved by EPA, will be federally enforceable as part of the SIP. These plans also included specific implementation dates for the local controls, as well as a technical assessment of whether the area could attain the 8-hour ozone NAAQS by the December 31, 2007 milestone, which is described in Table 2. The local plans for all compact areas are posted on the EAC Web site at: <http://www.epa.gov/ttn/naaqs/ozone/eac/#List>.

The EPA reviewed all of the local plans submitted by March 31, 2004 and determined that most of the plans were acceptable. With respect to control strategies, a number of areas are relying on measures to be adopted by the State, and are committed to implement these measures by 2005. In many cases, particularly in the southeast, the MAC areas demonstrated that they can attain the 8-hour ozone standard by December 2007 without implementation of local controls. In general, the technical demonstrations of attainment were acceptable; however, some of the 33 communities did not project attainment in 2007 (the attainment test) based on modeling, unless they considered additional factors to supplement their

analysis (*i.e.*, weight of evidence). In evaluating a State's weight of evidence determination for an area, we consider the results of the modeled, attainment test—for all EAC areas, a demonstration of attainment in 2007—along with additional information, such as predicted air quality improvement, meteorological influences, and additional measures not modeled. Our modeling guidance indicates that the farther an area is from the level of the standard, the more compelling the additional information needs to be in order to demonstrate that the area will attain the standard. Based on our analysis of the technical information provided, we believe that some areas did not present as strong a case as other areas to demonstrate attainment by December 2007. Three areas in Tennessee, Knoxville, Memphis and Chattanooga each developed attainment demonstrations that generally conform to our modeling guidance. However, in reviewing and analyzing the local plans for these areas, we determined that Knoxville, Memphis and Chattanooga did not pass the modeled attainment test and the predicted air quality improvement test. In addition, our review of meteorological influences for the three areas was inconclusive; and these areas did not provide additional measures not already modeled. In

addition to the technical analysis, we reviewed the strength of the control strategies each EAC area proposed in their March 31, 2004 plans. We determined that the control measures submitted by these three areas could have been strengthened, and the Agency expected more local measures. Therefore, EPA determined that the States' technical assessments for each of these areas and their suite of measures were not acceptable. The only other two compact areas that did not pass the modeled attainment test, the Denver, Colorado area and the Triad (Greensboro-Winston-Salem-High Point), North Carolina area, provided more meaningful local control measures than the three Tennessee compact areas.

Based on our review and evaluation of these local plans, we have determined that Knoxville, Memphis and Chattanooga do not meet the March 31, 2004 milestone. In accordance with the Early Action Protocol and agency guidance, all EAC areas must meet all compact milestones, including this most recent one, to be eligible for the deferred effective date of designation. Consequently, today, these three areas are being designated nonattainment, effective June 15, 2004, and are subject to full planning requirements of title I, part D of the CAA. For the other EAC areas not meeting the 8-hour ozone standard, which we determined have complied with the March 2004 milestone, are being designated nonattainment with a deferred effective

date of September 30, 2005. By that date, we intend to take notice and comment rulemaking and promulgate approval or disapproval of these plans as SIP revisions. The local plans that are approved at that time will be eligible for an extension of the deferred effective date. If EPA disapproves any local plans at that time, the nonattainment designation will become effective immediately. Our evaluations of all local plans submitted by March 31, 2004, are included in the TSD for this rulemaking.

Table 3 lists the EAC areas and their air quality designation for the 8-hour ozone standard by county. The table in Part 81 lists 8-hour ozone designations for all areas of the country.

TABLE 3.—DESIGNATION OF COUNTIES PARTICIPATING IN EARLY ACTION COMPACTS

State	Compact area (designated area)	County	Designation	Effective date	
EPA Region 3					
VA	Northern Shenandoah Valley Region (Frederick County, VA), adjacent to Washington, DC-MD-VA.	Winchester City	Nonattainment-deferred	9/30/2005	
VA		Frederick County	Nonattainment-deferred	9/30/2005	
VA	Roanoke Area (Roanoke, VA)	Roanoke County	Nonattainment-deferred	9/30/2005	
		Botetourt County	Nonattainment-deferred	9/30/2005	
		Roanoke City	Nonattainment-deferred	9/30/2005	
		Salem City	Nonattainment-deferred	9/30/2005	
		Washington County	Nonattainment-deferred	9/30/2005	
MD	Washington County (Washington County (Hagerstown), MD), adjacent to Washington, DC-MD-VA.	Washington County	Nonattainment-deferred	9/30/2005	
WV	The Eastern Pan Handle Region (Berkeley & Jefferson Counties, WV), Martinsburg area.	Berkeley County	Nonattainment-deferred	9/30/2005	
		Jefferson County	Nonattainment-deferred	9/30/2005	
EPA Region 4					
NC	Mountain Area of Western NC (includes Asheville).	Buncombe County	Unclassifiable/Attainment	6/15/2004	
		Haywood County (part)	Unclassifiable/Attainment	6/15/2004	
		Henderson County (opt out) ¹ ..	Unclassifiable/Attainment	6/15/2004	
		Madison County	Unclassifiable/Attainment	6/15/2004	
		Transylvania County (opt out) ¹ ..	Unclassifiable/Attainment	6/15/2004	
NC	Unifour (Hickory-Morganton-Lenoir, NC)	Catawba County	Nonattainment-deferred	9/30/2005	
		Alexander County	Nonattainment-deferred	9/30/2005	
		Burke County (part)	Nonattainment-deferred	9/30/2005	
		Caldwell County (part)	Nonattainment-deferred	9/30/2005	
NC	Triad (Greensboro-Winston-Salem-High Point, NC).	Surry County	Unclassifiable/Attainment	6/15/2004	
		Yadkin County	Unclassifiable/Attainment	6/15/2004	
		Randolph County	Nonattainment-deferred	9/30/2005	
		Forsyth County	Nonattainment-deferred	9/30/2005	
		Davie County	Nonattainment-deferred	9/30/2005	
		Alamance County	Nonattainment-deferred	9/30/2005	
		Caswell County	Nonattainment-deferred	9/30/2005	
		Davidson County	Nonattainment-deferred	9/30/2005	
		Stokes County	Unclassifiable/Attainment	6/15/2004	
		Guilford County	Nonattainment-deferred	9/30/2005	
		Rockingham County	Nonattainment-deferred	9/30/2005	
NC		Fayetteville (Fayetteville, NC)	Cumberland County	Nonattainment-deferred	9/30/2005
SC		Appalachian—A (Greenville-Spartanburg-Anderson, SC).	Cherokee County	Unclassifiable/Attainment	6/15/2004
			Spartanburg County	Nonattainment-deferred	9/30/2005
			Greenville County	Nonattainment-deferred	9/30/2005
	Pickens County		Unclassifiable/Attainment	6/15/2004	
		Anderson County	Nonattainment-deferred	9/30/2005	

TABLE 3.—DESIGNATION OF COUNTIES PARTICIPATING IN EARLY ACTION COMPACTS—Continued

State	Compact area (designated area)	County	Designation	Effective date
SC	Catawba—B Part of York County, SC is in the Charlotte-Gastonia-Rock Hill, NC-SC non-attainment area.	Oconee County	Unclassifiable/Attainment	6/15/2004
		York County (part) ²	Nonattainment	6/15/2004
SC	Pee Dee—C Florence area	Chester County	Unclassifiable/Attainment	6/15/2004
		Lancaster County	Unclassifiable/Attainment	6/15/2004
		Union County	Unclassifiable/Attainment	6/15/2004
		Florence County	Unclassifiable/Attainment	6/15/2004
		Chesterfield County	Unclassifiable/Attainment	6/15/2004
		Darlington County	Unclassifiable/Attainment	6/15/2004
		Dillon County	Unclassifiable/Attainment	6/15/2004
SC	Waccamaw—D Myrtle Beach area	Marion County	Unclassifiable/Attainment	6/15/2004
		Marlboro County	Unclassifiable/Attainment	6/15/2004
		Williamsburg County	Unclassifiable/Attainment	6/15/2004
SC	Santee Lynches—E Sumter area	Georgetown County	Unclassifiable/Attainment	6/15/2004
		Horry County	Unclassifiable/Attainment	6/15/2004
		Clarendon County	Unclassifiable/Attainment	6/15/2004
SC	Berkeley-Charleston-Dorchester—F Charleston-North Charleston area.	Lee County	Unclassifiable/Attainment	6/15/2004
		Sumter County	Unclassifiable/Attainment	6/15/2004
		Kershaw County	Unclassifiable/Attainment	6/15/2004
SC	Low Country—G Beaufort area	Dorchester County	Unclassifiable/Attainment	6/15/2004
		Berkeley County	Unclassifiable/Attainment	6/15/2004
SC	Lower Savannah-Augusta part of Augusta-Aiken, GA-SC area.	Charleston County	Unclassifiable/Attainment	6/15/2004
		Beaufort County	Unclassifiable/Attainment	6/15/2004
SC/GA	Lower Savannah-Augusta part of Augusta-Aiken, GA-SC area.	Colleton County	Unclassifiable/Attainment	6/15/2004
		Hampton County	Unclassifiable/Attainment	6/15/2004
		Jasper County	Unclassifiable/Attainment	6/15/2004
		Aiken County, SC	Unclassifiable/Attainment	6/15/2004
		Orangeburg County, SC	Unclassifiable/Attainment	6/15/2004
		Barnwell County, SC	Unclassifiable/Attainment	6/15/2004
		Calhoun County, SC	Unclassifiable/Attainment	6/15/2004
		Allendale County, SC	Unclassifiable/Attainment	6/15/2004
		Bamberg County, SC	Unclassifiable/Attainment	6/15/2004
		Richmond County, GA	Unclassifiable/Attainment	6/15/2004
SC	Central Midlands—I Columbia area	Columbia County, GA	Unclassifiable/Attainment	6/15/2004
		Richland County (part)	Nonattainment-deferred	9/30/2005
		Lexington County (part)	Nonattainment-deferred	9/30/2005
		Newberry County	Unclassifiable/Attainment	6/15/2004
SC	Upper Savannah Abbeville-Greenwood area	Fairfield County	Unclassifiable/Attainment	6/15/2004
		Abbeville County	Unclassifiable/Attainment	6/15/2004
		Edgefield County	Unclassifiable/Attainment	6/15/2004
		Laurens County	Unclassifiable/Attainment	6/15/2004
		Saluda County	Unclassifiable/Attainment	6/15/2004
TN/GA	Chattanooga (Chattanooga, TN-GA) County, TN.	Greenwood County	Unclassifiable/Attainment	6/15/2004
		Hamilton County, TN	Nonattainment	6/15/2004
		Meigs County, TN	Nonattainment	6/15/2004
		Marion County, TN	Unclassifiable/Attainment	6/15/2004
TN	Knoxville (Knoxville, TN)	Walker County, GA	Unclassifiable/Attainment	6/15/2004
		Catoosa County, GA	Nonattainment	6/15/2004
		Knox County	Nonattainment	6/15/2004
		Anderson County	Nonattainment	6/15/2004
TN	Nashville (Nashville, TN)	Union County	Unclassifiable/Attainment	6/15/2004
		Loudon County	Nonattainment	6/15/2004
		Blount County	Nonattainment	6/15/2004
		Sevier County	Nonattainment	6/15/2004
		Jefferson County	Nonattainment	6/15/2004
		Davidson County	Nonattainment-deferred	9/30/2005
		Rutherford County	Nonattainment-deferred	9/30/2005
		Williamson County	Nonattainment-deferred	9/30/2005
		Wilson County	Nonattainment-deferred	9/30/2005
		Sumner County	Nonattainment-deferred	9/30/2005
TN/AR/MS	Memphis, (Memphis, TN-AR-MS)	Robertson County	Attainment	6/15/2004
		Cheatham County	Attainment	6/15/2004
		Dickson County	Attainment	6/15/2004
		Shelby County, TN	Nonattainment	6/15/2004
		Tipton County, TN	Unclassifiable/Attainment	6/15/2004
		Fayette County, TN	Unclassifiable/Attainment	6/15/2004

TABLE 3.—DESIGNATION OF COUNTIES PARTICIPATING IN EARLY ACTION COMPACTS—Continued

State	Compact area (designated area)	County	Designation	Effective date	
TN	Haywood County adjacent to Memphis & Jackson areas.	DeSoto County, MS	Unclassifiable/Attainment	6/15/2004	
		Crittenden County, AR	Nonattainment	6/15/2004	
		Haywood County	Unclassifiable/Attainment	6/15/2004	
TN	Putnam County central TN, between Nashville and Knoxville.	Putnam County	Unclassifiable/Attainment	6/15/2004	
TN	Johnson City-Kingsport-Bristol Area (TN portion only).	Sullivan Co, TN	Nonattainment-deferred	9/30/2005	
		Hawkins County, TN	Nonattainment-deferred	9/30/2005	
		Washington Co, TN	Unclassifiable/Attainment	6/15/2004	
		Unicoi County, TN	Unclassifiable/Attainment	6/15/2004	
		Carter County, TN	Unclassifiable/Attainment	6/15/2004	
		Johnson County, TN	Unclassifiable/Attainment	6/15/2004	
EPA Region 6					
TX	Austin/San Marcos	Travis County	Unclassifiable/Attainment	6/15/2004	
		Williamson County	Unclassifiable/Attainment	6/15/2004	
		Hays County	Unclassifiable/Attainment	6/15/2004	
TX	Northeast Texas Longview-Marshall-Tyler area	Bastrop County	Unclassifiable/Attainment	6/15/2004	
		Caldwell County	Unclassifiable/Attainment	6/15/2004	
		Gregg County	Unclassifiable/Attainment	6/15/2004	
		Harrison County	Unclassifiable/Attainment	6/15/2004	
		Rusk County	Unclassifiable/Attainment	6/15/2004	
		Smith County	Unclassifiable/Attainment	6/15/2004	
TX	San Antonio	Upshur County	Unclassifiable/Attainment	6/15/2004	
		Bexar County	Nonattainment-deferred	9/30/2005	
		Wilson County	Unclassifiable/Attainment	6/15/2004	
OK	Oklahoma City	Comal County	Nonattainment-deferred	9/30/2005	
		Guadalupe County	Nonattainment-deferred	9/30/2005	
		Canadian County	Unclassifiable/Attainment	6/15/2004	
OK	Tulsa	Cleveland County	Unclassifiable/Attainment	6/15/2004	
		Logan County	Unclassifiable/Attainment	6/15/2004	
		McClain County	Unclassifiable/Attainment	6/15/2004	
		Oklahoma County	Unclassifiable/Attainment	6/15/2004	
		Pottawatomie Co	Unclassifiable/Attainment	6/15/2004	
		Tulsa County	Unclassifiable/Attainment	6/15/2004	
LA	Shreveport-Bossier City	Creek County	Unclassifiable/Attainment	6/15/2004	
		Osage County	Unclassifiable/Attainment	6/15/2004	
		Rogers County	Unclassifiable/Attainment	6/15/2004	
NM	San Juan County Farmington area	Wagoner County	Unclassifiable/Attainment	6/15/2004	
		Bossier Parish	Unclassifiable/Attainment	6/15/2004	
LA	Shreveport-Bossier City	Caddo Parish	Unclassifiable/Attainment	6/15/2004	
		Webster Parish	Unclassifiable/Attainment	6/15/2004	
CO	(Denver-Boulder-Greeley-Ft. Collins-Love, CO)	San Juan County	Unclassifiable/Attainment	6/15/2004	
		EPA Region 8			
		Denver County	Nonattainment-deferred	9/30/2005	
		Boulder County (includes part of Rocky Mtn National Park).	Nonattainment-deferred	9/30/2005	
		Jefferson County	Nonattainment-deferred	9/30/2005	
		Douglas County	Nonattainment-deferred	9/30/2005	
		Broomfield	Nonattainment-deferred	9/30/2005	
		Adams County	Nonattainment-deferred	9/30/2005	
		Arapahoe County	Nonattainment-deferred	9/30/2005	
		Larimer County (part)	Nonattainment-deferred	9/30/2005	
Weld County (part)	Nonattainment-deferred	9/30/2005			

¹ Henderson and Transylvania Counties opted out of the Mountain Area of Western NC compact and are no longer participating.

² The part of York County, SC that includes the portion within the Metropolitan Planning Organization (MPO) is designated nonattainment and is part of the Charlotte-Gastonia-Rock Hill, NC-SC nonattainment area, effective June 15, 2004. The remaining part of York County, SC is designated unclassifiable/attainment.

Note: Ozone designations for EAC counties are either "Unclassifiable/Attainment" (effective June 15, 2004); "Nonattainment" (effective June 15, 2004, if EAC area fails to meet the March 31, 2004 milestone); or "Nonattainment" (effective date deferred

until September 30, 2005). Name of designated 8-hour ozone nonattainment area is in parentheses.

C. What Is Today's Final Action for Compact Areas?

Today, we are issuing the first of three deferrals of the effective date of the nonattainment designation for any

compact area that does not meet the 8-hour ozone NAAQS and would otherwise be designated nonattainment, but has met all compact milestones through the March 31, 2004 submission.¹¹ We are deferring until September 30, 2005, the effective date of the 8-hour ozone nonattainment designation for these compact area counties which are listed in 40 CFR part 81 (included at the end of this document).

As described earlier in this notice, we analyzed information provided by the States to determine whether a county should be included as part of a designated nonattainment area. This information included such factors as population density, traffic congestion, meteorological conditions, and pollution transport. We analyzed the factors for each county participating in an EAC to determine whether a county should be included in the nonattainment area. Therefore, some portions of compact areas are designated unclassifiable/attainment and some are designated nonattainment.

The EAC areas that EPA is designating in today's rule as attainment for the 8-hour ozone NAAQS have agreed to continue participating in their compacts and meet their obligations on a voluntary basis. However, two of the five counties in the compact for the Mountain Area of Western North Carolina have decided to withdraw because the area is monitoring attainment. The remaining three counties are continuing to participate in the agreement.

D. What Is EPA's Schedule for Taking Further Action To Continue To Defer the Effective Date of Nonattainment Designation for Compact Areas?

As discussed in the proposed rule, prior to the time the first deferral expires, we intend to take further action to propose and, as appropriate, promulgate a second deferred effective date of the nonattainment designation for those areas that continue to fulfill all compact obligations. Prior to the time the second deferral expires, we would propose and, as appropriate, promulgate a third deferral for those areas that continue to meet all compact milestones. Before the third deferral expires shortly after December 31, 2007, we intend to determine whether the compact areas have attained the 8-hour ozone NAAQS and have met all compact milestones. By April 2008, we

will issue our determination. If the area has not attained the standard, the nonattainment designation will take effect. If it has attained the standard, EPA will issue an attainment designation for the area. Any compact area that has not attained the NAAQS and has an effective nonattainment designation will be subject to full planning requirements of title I, part D of the CAA, and the area will be required to submit a revised attainment demonstration SIP within 1 year of the effective date of the designation.

E. What Action Will EPA Take if a Compact Area Does Not Meet a Milestone?

As described in the December 16, 2003 proposed rule (68 FR 70111), the compact program was based on a number of principles as described in the EAC protocol.¹² One of these principles is to provide safeguards to return areas to traditional SIP requirements for nonattainment areas should an area fail to comply with the terms of the compact. For example, if a compact area with a deferred effective date fails to meet one of the milestones, we would take steps immediately to remove the deferred effective date of its nonattainment designation.

Today, we are promulgating regulatory text, which specifies the milestones that EAC areas are required to complete to be eligible for the deferred effective date, as well as certain actions that the Administrator will take when EAC areas either comply, or do not comply, with the terms of the compact.

F. What Comments Did EPA Receive on the December 16, 2003 Proposal and on the June 2, 2003 Proposed Implementation Rule Specific to Compacts?

We received a number of comments on the proposed rule for compact areas. We have responded to the significant comments in this section. Our responses address various aspects of the compact program: (1) Legal concerns; (2) the designations process for EAC areas, including the anticipated schedule for removal of the deferred effective date of the nonattainment designation for any compact area that fails to meet a milestone; (3) concerns about the compact process; (4) transportation/

fuels-related comments; and (5) need for regulatory language. Other compact-related comments not addressed in this document are included in the RTC document, which is located in the docket for this rulemaking (OAR-2003-0090) and on EPA's technical Web site for early action compacts at: <http://www.epa.gov/ttn/naaqs/ozone/eac/#RMNotices>.

In addition, we received a number of EAC-related comments on the June 2, 2003 proposal for implementing the 8-hour ozone standard. We have addressed these comments in the same EAC RTC document, which may be found at the location noted above.

1. Support for and Opposition to Early Action Compacts

Comment: Many commenters expressed support for the compact process, the goal of clean air sooner, the incentives and flexibility the program provides for encouraging early reductions of ozone-forming pollution, and the deferred effective date of nonattainment designation. However, a number of commenters opposed the EAC program. Several of these commenters expressed concern about the legality of the program and primarily about the deferral of the effective date of the nonattainment designation for these areas. Although all of these commenters were supportive of the goal of addressing proactively the public health concerns associated with ozone pollution, the commenters state that the EAC program is not authorized by the CAA. All of these commenters indicated that EPA lacks authority under the CAA to defer the effective date of a nonattainment designation. In addition, these commenters state that EPA lacks authority to enter into EACs areas and lacks authority to allow areas to be relieved of obligations under title I, part D of the CAA while these areas are violating the 8-hour ozone standard or are designated nonattainment for that standard.

Response: We continue to believe that the compact program, as designed, gives local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the participating communities are serious in their commitment to control emissions from local sources earlier than the CAA would otherwise require. By involving diverse stakeholders, including representatives from industry, local and State governments, and local environmental and citizens' groups, a number of communities are discussing for the first time the need for regional cooperation in solving air quality problems that affect the health and

¹¹ In a few instances, some of the counties participating in EACs were determined not to be part of the nonattainment area and were designated attainment. In such cases, the effective date of the attainment designation is not deferred.

¹² "Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-hour Ozone Standard", Texas Commission on Environmental Quality (TCEQ), March 2002 (Protocol). The EPA endorsed the Protocol in a letter dated June 19, 2002, from Gregg Cooke, Administrator, EPA Region VI, to Robert Huston, TCEQ. The Protocol was revised December 11, 2002 based on comments from EPA.

welfare of its citizens. People living in these areas that realize reductions in pollution levels sooner will enjoy the health benefits of cleaner air sooner than might otherwise occur. In today's rule we are codifying the specific requirements in part 81 of the CFR to clarify what is required of compact areas to be eligible for deferral of the effective date of their nonattainment designation and what actions EPA intends to take in response to areas that meet the milestones and areas that do not meet the milestones.

As discussed earlier in this notice, EPA and nine environmental organizations entered into a Consent Decree on March 13, 2003, which requires EPA to issue the designations by April 15, 2004. Related to that agreement, we have been discussing with these parties the actions that compact areas have committed to take to implement measures on an accelerated schedule to attain the 8-hour ozone standard by December 31, 2007. On April 5, 2004, these environmental organizations and EPA entered into a joint stipulation to modify the deadline in the consent decree. The parties agreed to extend the deadline for the effective date of designations with respect to each area which EPA determines meets the requirements of the Protocol and EPA guidance.

Comment: One commenter expressed concern about the health impact and the effect on air quality of delaying the effectiveness of nonattainment.

Response: The compact areas that are violating the standard are designated nonattainment (with deferred effective date), which means EPA is acknowledging the air quality problem of the area and the health impact on the community. However, these areas are committed to early reductions and early implementation of control measures that make sense for the local area. The Agency believes this proactive approach involving multiple, diverse stakeholders is beneficial to the citizens of the area by raising awareness of the need to adopt and implement measures that will reduce emissions and improve air quality.

2. Designations Process for Compact Areas

Comment: Several commenters expressed concern about EPA's process for designating areas that are participating in a compact. In addition, a number of commenters also were confused about the following statement in the June 2, 2003 proposed 8-hour implementation rule: "States are advised that if EPA determines that any portion of a compact area should

become part of an 8-hour ozone nonattainment area, that portion would no longer be eligible for participation in the Early Action Compact, and the effective date of the nonattainment designation would not be deferred" (68 FR 32860, June 2, 2003). Some of these commenters noted that the language, as written, could be interpreted to mean if any EAC area becomes designated as nonattainment for the 8-hour ozone standard, the EAC is no longer valid. A number of commenters submitted recommendations to EPA for either including or excluding certain participating EAC counties from the designated area.

Response: In determining the boundary for the designated area, we applied the same procedure as we did for areas that are not participating in an EAC, as described elsewhere in this document. The commenters are referring to language in section VIII.A.3 of the June 2, 2003 proposed rule for implementing the 8-hour ozone standard at 68 FR 32860. At the time we entered into compact agreements with the local communities by December 2002, and at the time we proposed the 8-hour implementation rule, we had not made a decision as to which participating counties would be included in a nonattainment area. Therefore, at that time we were not able to determine the appropriate boundary for the area that would be eligible for a deferral of the effective date of nonattainment designation. We agree with the commenters that the preamble language in the proposed 8-hour implementation rule is not clear. The language was intended to be applied to a portion of a compact area that is adjacent to or part of an area that is violating the 1-hour ozone standard (or otherwise did not qualify for participation in a compact), and subsequently is designated nonattainment for the 8-hour ozone standard.

An example is the Catawba EAC, which includes York County, SC, as well as Chester, Lancaster and Union Counties, SC. York County, which has one monitor that is attaining the 8-hour standard, is in the Charlotte-Gastonia-Rock Hill MSA. We have examined all applicable air quality-related factors in our guidance and concluded that part of the county is contributing to a violation in the MSA. Based on our analysis, therefore, we are designating this county as a partial county nonattainment area, in the 8-hour ozone nonattainment area for Charlotte-Gastonia-Rock Hill. As we noted earlier, nonattainment is defined in the CAA as an area that is violating the NAAQS or is contributing to a

nearby area that is violating the NAAQS. York County ranks high in population growth (25 percent) and the predicted growth from 2000 to 2010 is 12 percent, approximately 20,000 additional population. York County ranks second and third for VOC and NO_x emissions in the CMSA, and 94 percent of its population of workers drives to work within the CMSA. York County may continue in the Catawba compact along with the other three counties as a voluntary participant; however, the nonattainment portion of York County is not eligible for a deferred effective date. Moreover, because the other counties in the Charlotte-Gastonia-Rock Hill nonattainment area are not participating in the EAC process, the Charlotte area, which includes York County, is not eligible for a deferred effective date. In no way does EPA intend for the Catawba compact to be revoked. For EPA's responses to comments regarding designation and boundary issues for specific EAC areas, see the RTC document and the TSD for this rulemaking.

Comment: A number of commenters recommended that EPA clarify exactly when a compact area would be designated nonattainment if it fails to meet a milestone.

Response: Today, we have determined that a number of compact areas have met the March 31, 2004 milestone (plan of local measures); therefore, the effective date of nonattainment designation for these areas is deferred until September 30, 2005. In Table 3 we have listed the air quality designations and the effective dates for all counties participating in EACs. In addition, today, we have determined that some compact areas have not met the March 31, 2004 milestone. A discussion of our assessment of these local plans is provided elsewhere in this document. We are designating these areas as nonattainment, which is effective June 15, 2004.

In another section of this document, we are promulgating regulatory text that clarifies the actions we would take in the event a compact area does not meet subsequent milestones. We have summarized those actions below.

If an EAC area fails to meet a milestone, in accordance with our guidance, we intend to take action as soon as practicable to remove the deferral, which would trigger the effective date of the nonattainment designation. If a State fails to submit a SIP revision for a compact area, consisting of the adopted local plan and the demonstration of attainment by December 31, 2004, we intend to take

action as soon as practicable (e.g., January 2005) to remove the deferral for that area, which would trigger the effective date of the nonattainment designation and, thus, also the classification, rather than letting the designation take effect automatically on September 30, 2005. The State would be required to submit a revised attainment demonstration within 1 year of the effective date of the nonattainment designation.

Assuming EPA takes rulemaking action to continue to defer the effective date of the nonattainment designation for compact areas, if a compact area fails the December 31, 2005 milestone (complete implementation of local measures), we would take action as soon as practicable (e.g., by March 31, 2006) to remove the deferral which would trigger the effective date of their nonattainment designation and, thus, also their classification, rather than letting the designation take effect automatically at the next deferred date. The State would be required to submit a revised attainment demonstration within 1 year of the effective date of the nonattainment designation.

Similarly, for any area that does not meet the June 30, 2006 milestone (assessment of air quality improvement and emissions reductions from implementation of measures), we would take action as soon as practicable (e.g., by September 30, 2006) to remove the deferral which would trigger the effective date of their nonattainment designation and, thus, also their classification. If the area, based on the most recent 3 years of quality-assured monitoring data, is not attaining the 8-hour ozone standard by December 31, 2007, we would take action by April 15, 2008, to remove the deferral which would trigger the effective date of their nonattainment designation and, where applicable, classification.

Comment: Some commenters strongly recommended that if the compact measures fail to be implemented or fail to achieve targeted emissions reductions, the compact area should immediately be designated as nonattainment with a subpart 2 classification and be required to comply with all applicable obligations within the original timeframe.

Response: In another section of this document, we are promulgating regulatory text that clarifies the actions we intend to take in the event a compact area does not meet subsequent milestones. Compact areas are designated as nonattainment and the effective date of that designation is deferred. The deferral for any areas that do not meet or fail any milestone will

be removed as soon as practicable which would trigger the effective date of their nonattainment designation and, thus, also the classification consistent with the final 8-hour implementation rule. If called for by the area's classification, these areas will be required to submit a revised attainment demonstration within 1 year of the effective date of designation and will be subject to all applicable requirements of title I, part D of the CAA, to be implemented within a time frame consistent with the area's classification.

Comment: One commenter believes the second rolling deferred effective date is not necessary and should be eliminated. According to the commenter, there should be only two separate deferral dates promulgated for nonattainment designations for areas where controls would be implemented by September 30, 2005, and no other milestones (the June 2006 progress assessment) would be needed between implementation of controls and attainment.

Response: The June 2006 milestone, which is one of the compact requirements that would be subject to the second deferred effective date (December 31, 2006), provides that States report progress of EAC areas in implementing adopted measures and assess improvements in air quality and reductions in NO_x and VOC emissions. The second deferral is a checkpoint that is needed to ensure that areas are making progress toward attainment. This milestone can be one of the progress reports, but it is considered a milestone because EPA believes it is important to have a checkpoint between implementation of measures by December 2005 and attainment in December 2007.

Comment: A number of commenters were concerned about EPA's statement in the proposal that the Agency would commit to not redesignate areas that subsequently violate the 8-hour ozone NAAQS to nonattainment, provided the area continues to meet all compact milestones and requirements.

Response: In the proposed rule at FR 68 70113, EPA did state its intention to commit to not redesignate EAC areas to nonattainment that are designated attainment in April 2004. We realize that our shorthand phrasing did not properly convey our intent. To clarify, in deciding whether to redesignate an EAC area to nonattainment, EPA will consider the factors in section 107(d)(3)(a) of the CAA. If an EAC area continues to meet its compact milestones, EPA believes those factors should weigh in favor of not redesignating the area to nonattainment

immediately, but rather waiting to see if the programs the area puts in place will bring it back into attainment.

3. Transportation/Fuels-Related Comments

Comment: The EPA received a number of comments expressing concern that lack of transportation conformity in EAC areas will negatively impact air quality in these areas. In addition, several commented that since EAC areas are not eligible to receive Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, projects to reduce congestion and, thereby, reduce mobile source emissions, would not occur. Another commenter suggested that EPA work with the U.S. Department of Transportation (DOT) to revise the TEA-21 so that EAC areas are eligible to receive CMAQ funding.

Response: The commenters are correct that EAC areas violating the 8-hour ozone standard, which would otherwise have a nonattainment date effective June 1, 2004, will not be subject to transportation or general conformity requirements for the 8-hour standard in 2005. The EAC protocol does not require EAC areas to meet CAA transportation conformity requirements, since, as noted, these requirements apply one year after the 8-hour nonattainment designation becomes effective.

However, continuing to defer 8-hour conformity requirements is contingent upon the area's ability to demonstrate adherence to the compact. Consistent with 40 CFR 93.102(d) and CAA section 176(c)(6), conformity for the 8-hour ozone standard will not apply, provided the area meets all of the terms and milestones of its compact between 2004 and 2007. At any point, if a milestone is missed, the nonattainment designation becomes effective and conformity for the 8-hour standard will be required one year after the effective date of EPA's nonattainment designation.

The EAC areas that are maintenance areas for the 1-hour standard will be subject to conformity until 1 year after the effective date of designation of the 8-hour standard. At that time the 1-hour standard will be revoked. Thus, for an EAC area that meets all of its milestones and whose deferral is lifted in April 2008, the 8-hour attainment designation would become effective in April 2008, and the 1-hour standard would be revoked 1 year later or, April 2009. For an EAC area that is also a 1-hour maintenance area under § 175A, the area would be subject to both its 1-hour maintenance plan and 1-hour

transportation conformity until April 2009.

Finally, EPA would like to clarify that transportation conformity is not a control measure similar to voluntary control programs funded through CMAQ dollars. Rather, it establishes a process for state and local governments to consider the broader emissions impacts of planned highway and transit activities to ensure that Federal funding and approval goes to those transportation activities that are consistent with air quality goals.

Comment: One commenter stated that they were reluctant to enter into a compact agreement knowing that they would not receive CMAQ funds. Several commenters also suggested that EPA provide EAC areas with tangible financial incentives to proactively improve their air quality, as well as work with the DOT to revise the Transportation Efficiency Act (TEA) so that it allows EAC areas to receive CMAQ funding.

Response: The commenters are correct that EAC areas are not eligible to receive CMAQ funding under current law. The CMAQ apportionment formula in TEA-21 contains no provisions to allow inclusion of EAC areas into the formula and thus into the authorized CMAQ levels for each state. Thus, until and unless the 8-hour ozone nonattainment designation is effective, areas cannot be eligible for CMAQ funding, absent a change in the law.

The primary incentive for many areas entering into an EAC is deferral of a nonattainment designation and major requirements, such as transportation conformity and NSR. It is true that compact areas are subject to SIP requirements, but not to other such major requirements. The EPA's interpretation is that Congress intended to link the obligations that come with a nonattainment designation to CMAQ funding. The purpose of the CMAQ program is to help those areas burdened with the significant obligations of the CAA attain the NAAQS as expeditiously as possible. Under the current CMAQ program, an EAC area would not be able to receive CMAQ funds because it would not be designated as a nonattainment or maintenance area.

Since TEA-21 has not been reauthorized as of this writing, EPA cannot postulate on whether it will contain a new provision allowing compact areas to receive CMAQ funding. The reauthorization bills passed by the Senate and House contain no such provision.

Comment: A number of EAC areas are considering the addition of cetane additives to fuel for increased fuel

efficiency. Several commenters expressed concern about the focus on diesel cetane. They have expressed these concerns in detail in earlier correspondence with both the Agency and the Ozone Transport Commission.

Response: Clean fuel programs have been an integral part of the nation's strategy to reduce smog-forming emissions and other harmful pollutants, including air toxics from our nation's air. For example, the Federal reformulated gasoline program (RFG) and lower volatility fuels have been cost effective and have provided significant and immediate reductions in air pollution levels throughout the nation.

The CAA also allows States, under specified circumstances, to design and implement their own clean fuel programs. Several EAC areas are considering such programs including cetane improvement programs. Cetane improvement programs have the potential to contribute emission reductions needed for progress toward attainment and maintenance of the NAAQS. (See EPA Technical Report entitled, "The Effect of Cetane Number Increase Due to Additives on NO_x Emissions from Heavy-Duty Highway Engines", EPA-420-R-03-002, February 2003. This document can be downloaded from: <http://www.epa.gov/otaq/models/analysis.htm>. The EPA is now in the process of developing guidance to help States properly quantify the benefits of cetane improvement programs for their areas.

In selecting possible clean fuel programs and other potential ozone control measures, states will engage in a careful and extensive process. It is during this process that States should properly consider and evaluate their air quality needs, the air quality benefits of specific measures, costs, ease of implementation, enforceability and other issues and factors like those the commenter raises with respect to cetane programs. In addition, the States must involve the public in the selection of control measures, through hearings and opportunities to comment.

4. Regulatory Text

Comment: Several commenters strongly recommended that EPA include regulatory text in the final rule. One commenter, in particular, suggested that EPA do the following:

1. Codify the rolling deferred effective date so that it is enforceable and that areas are held accountable if they miss a milestone;
2. include in the final rule all deadlines and milestones specified in our EAC guidance;

3. codify the September 30, 2005 deadline for EPA action to approve/disapprove SIP submittals;

4. codify the December 31, 2008 deadline for States to submit a revised attainment demonstration SIP for EAC areas that fail to attain by December 31, 2007.

Response: Based on the recommendations of several commenters, we have added regulatory text to the final rule. This language codifies the EAC program into part 81 of the CFR. In addition, the regulatory text clarifies what is required of compact areas and the consequences to these areas if they do not meet a milestone.

X. How Do Designations Affect Indian Country?

All counties, partial counties or Air Quality Control Regions listed in the table at the end of this document are designated as indicated, and include Indian country geographically located within such areas, except as otherwise indicated.

As mentioned earlier in this document, EPA's guidance for determining nonattainment area boundaries presumes that the larger of the 1-hour nonattainment area, CMSA or MSA with a violating monitor forms the bounds of the nonattainment area but that the size of the area can be larger or smaller depending on contribution to the violation from nearby areas and other air quality-related technical factors. In general, and consistent with relevant air quality information, EPA intends to include Indian country encompassed within these areas as within the boundaries of the area for designation purposes to best protect public health and welfare. The EPA anticipates that in most cases relevant air quality information will indicate that areas of Indian country located within CMSAs or MSAs should have the same designation as the surrounding area. However, based on the factors outlined in our guidance, there may be instances where a different designation is appropriate.

A state recommendation for a designation of an area that surrounds Indian country does not dictate the designation for Indian county. However, the conditions that support a State's designation recommendation, such as air quality data and the location of sources, may indicate the likelihood that similar conditions exist for the Indian county located in that area. States generally have neither the responsibility nor the authority for planning and regulatory activities under the CAA in Indian country.

XI. Statutory and Executive Order Reviews

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate areas as attaining or not attaining that NAAQS. The CAA then specifies requirements for areas based on whether such areas are attaining or not attaining the NAAQS. In this final rule, we assign designations to areas as required. We also indicate the classifications that apply as a matter of law for areas designated nonattainment. This rule also provides flexibility for areas that have entered into a compact and take early action to achieve emissions reductions necessary to attain the 8-hour ozone standard. This action defers the effective date of the nonattainment designation for these areas and establishes regulations governing future actions with respect to these areas.

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a "significant regulatory action" because none of the above factors applies. As such, this final rule was not formally submitted to OMB for review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule responds to the requirement to

promulgate air quality designations after promulgation of a NAAQS. This requirement is prescribed in the CAA section 107 of Title 1. The present final rule does not establish any new information collection burden apart from that required by law. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's final rule on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the U.S. Small Business Administration (SBA) size standards. (See 13 CFR 121.); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

The portion of this rule designating areas for the 8-hour ozone NAAQS indicating the classification for each subpart 2 area designated nonattainment, is not subject to the RFA

because it was not subject to notice and comment rulemaking requirements. See CAA section 107(d)(2)(B). This rule also defers the effective date of the nonattainment designation for areas that implement control measures and achieve emissions reductions earlier than otherwise required by the CAA in order to attain the 8-hour ozone NAAQS. The deferral of the effective date will not impose any requirements on small entities. States and local areas that have entered into compacts with EPA have the flexibility to decide which sources to regulate in their communities.

After considering the economic impacts of today's final rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and

informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's final action does not include a Federal mandate within the meaning of UMRA that may result in expenditures of \$100 million or more in any one year by either State, local, or Tribal governments in the aggregate or to the private sector, and therefore, is not subject to the requirements of sections 202 and 205 of the UMRA. It does not create any additional requirements beyond those of the 8-hour National Ambient Air Quality Standards (NAAQS) for Ozone (62 FR 38894; July 18, 1997), therefore, no UMRA analysis is needed. This rule establishes the application of the 8-hour ozone standard and the designation for each area of the country for the 8-hour NAAQS for Ozone. The CAA requires States to develop plans, including control measures, based on their designations and classifications. In this rule, EPA is also deferring the effective date of nonattainment designations for certain areas that have entered into compacts with us and is promulgating regulations governing future actions with respect to these areas.

One mandate that may apply as a consequence of this action to all designated nonattainment areas is the requirement under CAA section 176(c) and associated regulations to demonstrate conformity of Federal actions to SIPs. These rules apply to Federal agencies and Metropolitan Planning Organizations (MPOs) making conformity determinations. The EPA concludes that such conformity determinations will not cost \$100 million or more in the aggregate.

The EPA believes that any new controls imposed as a result of this action will not cost in the aggregate \$100 million or more annually. Thus, this Federal action will not impose mandates that will require expenditures of \$100 million or more in the aggregate in any one year.

Nonetheless, EPA carried out consultations with governmental entities affected by this rule, including States, Tribal governments, and local air pollution control agencies.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include

regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the scheme whereby States take the lead in developing plans to meet the NAAQS. This rule will not modify the relationship of the States and EPA for purposes of developing programs to implement the NAAQS. Thus, Executive Order 13132 does not apply to this rule.

Although Executive Order 13132 does not apply to this rule, EPA discussed the designation process and compact program with representatives of State and local air pollution control agencies, and Tribal governments, as well as the Clean Air Act Advisory Committee, which is also composed of State and local representatives. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed rule for deferring the effective date of nonattainment designations from State and local officials. The portion of this rule that assigns designations is not subject to notice and comment under section 107(d)(2)(B) of the CAA and, therefore, no proposed rulemaking was prepared which specifically solicited comment on the designations. However, section 107(d)(1)(A) establishes a process whereby States first recommends the designations for areas in their States. In addition, the Agency has consulted extensively with representatives of State, Tribal and local governments, including elected officials regarding the designations. The EPA also notified national organizations of State and local officials and made EPA staff available to discuss the action with the organization staff and their members.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by

tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have "Tribal implications" as specified in Executive Order 13175. This rule concerns the classification and designation of areas as attainment or nonattainment of areas for the 8-hour ozone standard and deferral of the effective date of the nonattainment designation for areas participating in the early action compact process and that have met all milestones. The CAA provides for States to develop plans to regulate emissions of air pollutants within their jurisdictions. The TAR gives Tribes the opportunity to develop and implement CAA programs such as programs to attain and maintain the 8-hour ozone NAAQS, but it leaves to the discretion of the Tribe whether to develop these programs and which programs, or appropriate elements of a program, they will adopt. Early Action Compact areas that would be affected by this final rule would be required to develop and submit local plans for adoption and implementation of the 8-hour ozone standard earlier than the CAA requires. These plans would be submitted to EPA as SIP revisions in December 2004. No early action compact areas include Tribal land.

This final rule does not have Tribal implications as defined by Executive Order 13175. It does not have a substantial direct effect on one or more Indian Tribes, since no Tribe has implemented a CAA program to attain the 8-hour ozone NAAQS at this time or has participated in a compact. Furthermore, this rule does not affect the relationship or distribution of power and responsibilities between the Federal government and Indian Tribes. The CAA and the TAR establish the relationship of the Federal government and Tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Because this rule does not have Tribal implications, Executive Order 13175 does not apply.

Although Executive Order 13175 does not apply to this rule, EPA did outreach to Tribal representatives regarding the designations and to inform them about the compact program and its impact on designations. The EPA supports a national "Tribal Designations and Implementation Work Group" which provides an open forum for all Tribes to voice concerns to EPA about the designation and implementation process for the NAAQS, including the 8-hour ozone standard. These discussions informed EPA about key Tribal concerns regarding designations as the rule was under development.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045: "Protection of Children From Environmental Health and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The final rule is not subject to Executive Order 13045 because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health risks or safety risks addressed by this rule present a disproportionate risk to children. Nonetheless, we have evaluated the environmental health or safety effects of the 8-hour ozone NAAQS on children. The results of this risk assessment are contained in the National Ambient Air Quality Standards for Ozone, Final Rule (62 FR 38855-38896; specifically, 62 FR 38854, 62 FR 38860 and 62 FR 38865).

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions That Significantly Affect Energy Supply, Distribution, or Use," (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Information on the methodology and data regarding the assessment of potential energy impacts is found in Chapter 6 of U.S. EPA 2002, *Cost, Emission Reduction, Energy, and Economic Impact Assessment of the Proposed Rule Establishing the Implementation Framework for the 8-Hour, 0.08 ppm Ozone National Ambient Air Quality Standard*, prepared by the Innovative Strategies and Economics Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC April 24, 2003.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law No. 104-

113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve technical standards. Therefore, EPA did not consider the use of any VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective June 15, 2004.

K. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by EPA. This Section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of "nationally applicable regulations promulgated, or final actions taken, by the Administrator," or (ii) when such action is locally or regionally applicable, if "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."

This rule designating areas for the 8-hour ozone standard is "nationally applicable" within the meaning of section 307(b)(1). This rule establishes designations for all areas of the United States for the 8-hour ozone NAAQS. At the core of this rulemaking is EPA's

interpretation of the definition of nonattainment under section 107(d)(1) of the Clean Air Act. In determining which areas should be designated nonattainment (or conversely, should be designated unclassifiable/attainment), EPA used a set of 11 factors that it applied consistently across the United States.

For the same reasons, the Administrator also is determining that the final designations are of nationwide scope and effect for purposes of section 307(b)(1). This is particularly appropriate because in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of "nationwide scope or effect" would be appropriate for any action that has "scope or effect beyond a single judicial circuit." H.R. Rep. No. 95-294 at 323, 324, *reprinted in* 1977 U.S.C.C.A.N. 1402-03. Here, the scope and effect of this rulemaking extend to numerous judicial circuits since the designations apply to all areas of the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the rule to be of "nationwide scope or effect" and for venue to be in the D.C. Circuit.

Thus, any petitions for review of final designations must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 15, 2004.

Michael O. Leavitt,
Administrator.

■ For the reasons set forth in the preamble, 40 CFR part 81, subpart C is amended as follows:

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.300 is amended by adding paragraph (e) to read as follows:

§ 81.300 Scope.

* * * * *

(e) Provisions for Early Action Compact Areas with Deferred Effective Date of Nonattainment Designation.

(1) *Definitions.* The following definitions apply for purposes of this subpart. Any term not defined herein shall have the meaning as defined in 40 CFR 51.100 and § 81.1

(i) *Early Action Compact.* The term "early action compact" ("compact") means an agreement entered into on or before December 31, 2002, by—

- (A) The Administrator;
 - (B) A State;
 - (C) An official of a county, parish, or town that—
- (1) Is designated attainment for the 1-hour national ambient air quality standard for ozone;

(2) Has monitored data representing the most recent 3 years of quality-assured data that meets the 1-hour national ambient air quality standard for ozone; and

(3) May or may not be meeting the 8-hour national ambient air quality standard for ozone.

(ii) *State.* The term "State" has the meaning given the term in section 302 of the Clean Air Act (42 U.S.C. 7602).

(iii) *Area.* The term "area" means one or more counties, parishes, or towns that are participating in an early action compact.

(iv) *State Implementation Plan.* The term "State implementation plan" ("SIP") means a plan required to be submitted to the Administrator by a State under section 110 of the Clean Air Act (42 U.S.C. 7410).

(v) *8-hour National Ambient Air Quality Standard* means the air quality standards under the Clean Air Act (42 U.S.C. 7401 *et seq.*) codified at 40 CFR 50.10.

(2) *What Are Early Action Compact Areas Required To Do?*

(i) Not later than June 16, 2003, the local area shall—

(A) Submit to the Administrator a list identifying and describing the local control measures that are being considered for adoption during the local planning process; and

(B) Provide to the public clear information on the measures under consideration;

(ii) Not later than March 31, 2004, the local plan shall be completed and submitted to the State (with a copy of the local plan provided to the Administrator), which shall include—

(A) One or more locally adopted measures that are specific, quantified, and permanent and that, if approved by the Administrator, will be enforceable as part of the State implementation plan;

(B) Specific implementation dates for the adopted control measures;

(C) Sufficient documentation to ensure that the Administrator will be

able to make a preliminary technical assessment based on control measures demonstrating attainment of the 8-hour ozone national ambient air quality standard under the Clean Air Act not later than December 31, 2007;

(iii) Not later than December 31, 2004, the State shall submit to the Administrator a revision to the SIP consisting of the local plan, including all adopted control measures, and a demonstration that the applicable area will attain the 8-hour ozone national ambient air quality standard not later than December 31, 2007;

(iv) The area subject to the early action compact shall implement expeditiously, but not later than December 31, 2005, the local control measures that are incorporated in the SIP;

(v) Not later than June 30, 2006, the State shall submit to the Administrator a report describing the progress of the local area since December 31, 2005, that includes—

(A) A description of whether the area continues to implement its control measures, the emissions reductions being achieved by the control measures, and the improvements in air quality that are being made; and

(B) Sufficient information to ensure that the Administrator will be able to make a comprehensive assessment of air quality progress in the area; and

(vi) Not later than December 31, 2007, the area subject to a compact shall attain the 8-hour ozone national ambient air quality standard.

(3) *What Action Shall the Administrator Take To Promulgate Designations for an Early Action Compact Area That Does Not Meet (or That Contributes to Ambient Air Quality in a Nearby Area That Does Not Meet) the 8-Hour Ozone National Ambient Air Quality Standard?*

(i) *General.* Notwithstanding clauses (i) through (iv) of section 107(d)(1)(B) of the Clean Air Act (42 U.S.C.

7407(d)(1)(B)), the Administrator shall defer until September 30, 2005, the effective date of a nonattainment designation of any area subject to a compact that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the 8-hour ozone national ambient air quality standard if the Administrator determines that the area subject to a compact has met the requirements in paragraphs (e)(2)(i) and (ii) of this section.

(ii) *Requirements not met.*

(A) If the Administrator determines that an area subject to a compact has not met the requirements in paragraphs (e)(2)(i) and (ii) of this section, the

nonattainment designation will become effective June 15, 2004.

(B) Prior to expiration of the deferred effective date on September 30, 2005, if the Administrator determines that an area or the State subject to a compact has not met either requirement in paragraphs (e)(2)(ii) and (iii) of this section, the nonattainment designation shall become effective as of the deferred effective date, unless EPA takes affirmative rulemaking action to further extend the deadline.

(C) If the Administrator determines that an area subject to a compact and/or State has not met any requirement in paragraphs (e)(2)(iii)–(vi) of this section, the nonattainment designation shall become effective as of the deferred effective date, unless EPA takes affirmative rulemaking action to further extend the deadline.

(D) Not later than 1 year after the effective date of the nonattainment designation, the State shall submit to the Administrator a revised attainment demonstration SIP.

(iii) *All Requirements Met.* If the Administrator determines that an area subject to a compact has met all of the requirements under subparagraph (e)(2) of this section—

(A) The Administrator shall designate the area as attainment under section 107(d)(1)(B) of the Clean Air Act; and

(B) The designation shall become effective no later than April 15, 2008.

(4) *What Action Shall the Administrator Take To Approve or Disapprove a Revision to the SIP Submitted by a Compact Area on or Before December 31, 2004?*

(i) Not later than September 30, 2005, the Administrator shall take final action to approve or disapprove a revision to the SIP, in accordance with paragraph (e)(2)(iii) of this section, that is submitted by a compact area on or before December 31, 2004.

(ii) If the Administrator approves the SIP revision, the area will continue to be eligible for a deferral of the effective date of nonattainment designation.

(iii) If the Administrator disapproves the SIP revision, the nonattainment designation shall become effective on September 30, 2005.

(iv) If the area's nonattainment designation applies, the State shall comply with paragraph (e)(3)(ii)(D) of this section.

PART 81—[AMENDED]

■ 2a. In § 81.301, the table entitled "Alabama—Ozone (8-Hour Standard)" is added to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Birmingham, AL:				
Jefferson County	Nonattainment .....	.....	Subpart 1.
Shelby County	Nonattainment .....	.....	Subpart 1.
Rest of State	Unclassifiable/Attainment.		
Autauga County				
Baldwin County				
Barbour County				
Bibb County				
Blount County				
Bullock County				
Butler County				
Calhoun County				
Chambers County				
Cherokee County				
Chilton County				
Choctaw County				
Clarke County				
Clay County				
Cleburne County				
Coffee County				
Colbert County				
Conecuh County				
Coosa County				
Covington County				
Crenshaw County				
Cullman County				
Dale County				
Dallas County				
DeKalb County				
Elmore County				
Escambia County				
Etowah County				
Fayette County				
Franklin County				
Geneva County				
Greene County				
Hale County				
Henry County				
Houston County				
Jackson County				
Lamar County				
Lauderdale County				
Lawrence County				
Lee County				
Limestone County				
Lowndes County				
Macon County				
Madison County				
Marengo County				
Marion County				
Marshall County				
Mobile County				
Monroe County				
Montgomery County				
Morgan County				
Perry County				
Pickens County				
Pike County				
Randolph County				
Russell County				
St. Clair County				
Sumter County				
Talladega County				
Tallapoosa County				
Tuscaloosa County				
Walker County				
Washington County				
Wilcox County				
Winston County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 3. In § 81.302, the table entitled **§ 81.302 Alaska.** “Alaska—Ozone (8-Hour Standard)” is added to read as follows: * * * * *

ALASKA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 08 Cook Inlet Intrastate	Unclassifiable/Attainment.		
Anchorage Borough				
Kenai Peninsula Borough				
Matanuska-Susitna Borough				
AQCR 09 Northern Alaska Intrastate	Unclassifiable/Attainment.		
Denali Borough				
Fairbanks North Star Borough				
Nome Census Area				
North Slope Borough				
Northwest Arctic Borough				
Southeast Fairbanks Census Area				
Yukon-Koyukuk Census Area				
AQCR 10 South Central Alaska Intrastate	Unclassifiable/Attainment.		
Aleutians East Borough				
Aleutians West Census Area				
Bethel Census Area				
Bristol Bay Borough				
Dillingham Census Area				
Kodiak Island Borough				
Lake and Peninsula Borough				
Valdez-Cordova Census Area				
Wade Hampton Census Area				
AQCR 11 Southeastern Alaska Intrastate	Unclassifiable/Attainment.		
Haines Borough				
Juneau Borough				
Ketchikan Gateway Borough				
Prince of Wales-Outer Ketchikan Census Area				
Sitka Borough				
Skagway-Hoonah-Angoon Census Area				
Wrangell-Petersburg Census Area				
Yakutat Borough				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 4. In § 81.303, the table entitled **§ 81.303 Arizona.** “Arizona—Ozone (8-Hour Standard)” is added to read as follows: * * * * *

ARIZONA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Phoenix-Mesa, AZ:				
Maricopa County (part)		Nonattainment		Subpart 1
T1N, R1E (except that portion in Indian Country);				
T1N, R2E; T1N, R3E; T1N, R4E; T1N, R5E;				
T1N, R6E; T1N, R7E; T1N, R1W; T1N, R2W;				
T1N, R3W; T1N, R4W; T1N, R5W; T1N, R6W;				
T2N, R1E; T2N, R2E; T2N, R3E; T2N, R4E;				
T2N, R5E; T2N, R6E; T2N, R7E; T2N, R8E;				
T2N, R9E; T2N, R10E; T2N, R11E; T2N, R12E				
(except that portion in Gila County); T2N, R13E				
(except that portion in Gila County); T2N, R1W;				
T2N, R2W; T2N, R3W; T2N, R4W; T2N, R5W;				
T2N, R6W; T2N, R7W; T3N, R1E; T3N, R2E;				
T3N,				
R3E; T3N, R4E; T3N, R5E; T3N, R6E; T3N, R7E;				
T3N, R8E; T3N, R9E; T3N, R10E (except that				
portion in Gila County);.				

ARIZONA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
<p>T3N, R11E (except that portion in Gila County); T3N, R12E (except that portion in Gila County); T3N, R1W; T3N, R2W; T3N, R3W; T3N, R4W; T3N, R5W; T3N, R6W; T4N, R1E; T4N, R2E; T4N, R3E; T4N, R4E; T4N, R5E; T4N, R6E; T4N, R7E; T4N, R8E; T4N, R9E; T4N, R10E (except that portion in Gila County); T4N, R11E (except that portion in Gila County); T4N, R12E (except that portion in Gila County); T4N, R1W; T4N, R2W; T4N, R3W; T4N, R4W; T4N, R5W; T4N, R6W; T5N, R1E; T5N, R2E; T5N, R3E; T5N, R4E; T5N, R5E; T5N, R6E; T5N, R7E; T5N, R8E; T5N, R9E (except that portion in Gila County); T5N, R10E (except that portion in Gila County); T5N, R1W; T5N, R2W; T5N, R3W; T5N, R4W; T5N, R5W; T6N, R1E (except that portion in Yavapai County); T6N, R2E; T6N, R3E; T6N, R4E; T6N, R5E; T6N, R6E; T6N, R7E; T6N, R8E; T6N, R9E (except that portion in Gila County); T6N, R10E (except that portion in Gila County); T6N, R1W (except that portion in Yavapai County); T6N, R2W; T6N, R3W; T6N, R4W; T6N, R5W; T7N, R1E (except that portion in Yavapai County); T7N, R2E; (except that portion in Yavapai County); T7N, R3E; T7N, R4E; T7N, R5E; T7N, R6E; T7N, R7E; T7N, R8E; T7N, R9E (except that portion in Gila County); T7N, R1W (except that portion in Yavapai County); T7N, R2W (except that portion in Yavapai County); T8N, R2E (except that portion in Yavapai County); T8N, R3E (except that portion in Yavapai County); T8N, R4E (except that portion in Yavapai County); T8N, R5E (except that portion in Yavapai County); T8N, R6E (except that portion in Yavapai County); T8N, R7E (except that portion in Yavapai County); T8N, R8E (except that portion in Yavapai and Gila Counties); T8N, R9E (except that portion in Yavapai and Gila Counties); T1S, R1E (except that portion in Indian Country); T1S, R2E (except that portion in Pinal County and in Indian Country); T1S, R3E; T1S, R4E; T1S, R5E; T1S, R6E; T1S, R7E; T1S, R1W; T1S, R2W; T1S, R3W; T1S, R4W; T1S, R5W; T1S, R6W; T2S, R1E (except that portion in Indian Country); T2S, R5E; T2S, R6E; T2S, R7E; T2S, R1W; T2S, R2W; T2S, R3W; T2S, R4W; T2S, R5W; T3S, R1E; T3S, R1W; T3S, R2W; T3S, R3W; T3S, R4W; T3S, R5W; T4S, R1E; T4S, R1W; T4S, R2W; T4S, R3W; T4S, R4W; T4S, R5W.</p> <p>Pinal County (part) Apache Junction: T1N, R8E; T1S, R8E (Sections 1 through 12)</p> <p>Rest of State</p>				
		Nonattainment		Subpart 1
		Unclassifiable/Attainment		

ARIZONA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Apache County Cochise County Coconino County Gila County Graham County Greenlee County La Paz County Maricopa County (part) remainder Mohave County Navajo County Pima County Pinal County (part) remainder Santa Cruz County Yavapai County Yuma County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 5. In § 81.304, the table entitled **§ 81.304 Arkansas.** "Arkansas-Ozone (8-Hour Standard)" is * * * * * added to read as follows:

ARKANSAS—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Memphis, TN—AR: (AQCR 018 Metropolitan Memphis Interstate) Crittenden County		Nonattainment		Subpart 2/Moderate.
AQCR 016 Central Arkansas Intrastate (part)		Unclassifiable/Attainment.		
Pulaski County AQCR 016 Central Arkansas Intrastate (remainder of)		Unclassifiable/Attainment.		
Chicot County Clark County Cleveland County Conway County Dallas County Desha County Drew County Faulkner County Garland County Grant County Hot Spring County Jefferson County Lincoln County Lonoke County Perry County Pope County Saline County Yell County				
AQCR 017 Metropolitan Fort Smith Interstate		Unclassifiable/Attainment.		
Benton County Crawford County Sebastian County Washington County				
AQCR 019 Monroe-El Dorado Interstate		Unclassifiable/Attainment.		
Ashley County Bradley County Calhoun County Nevada County Ouachita County Union County				
AQCR 020 Northeast Arkansas Intrastate		Unclassifiable/Attainment.		
Arkansas County Clay County Craighead County Cross County				

ARKANSAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Greene County				
Independence County				
Jackson County				
Lawrence County				
Lee County				
Mississippi County				
Monroe County				
Phillips County				
Poinsett County				
Prairie County				
Randolph County				
St. Francis County				
Sharp County				
White County				
Woodruff County				
AQCR 021 Northwest Arkansas Intrastate	Unclassifiable/Attainment.		
Baxter County				
Boone County				
Carroll County				
Cleburne County				
Franklin County				
Fulton County				
Izard County				
Johnson County				
Logan County				
Madison County				
Marion County				
Montgomery County				
Newton County				
Pike County				
Polk County				
Scott County				
Searcy County				
Stone County				
Van Buren County				
AQCR 022 Shreveport-Texarkana-Tyler Interstate.	Unclassifiable/Attainment.		
Columbia County				
Hempstead County				
Howard County				
Lafayette County				
Little River County				
Miller County				
Sevier County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 6. In § 81.305, the table entitled **§ 81.305 California.** "California—Ozone (8-Hour Standard)" * * * * * is added to read as follows:

CALIFORNIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Amador and Calaveras Cos., CA: (Central Mountain Cos.)				
Amador County	Nonattainment .....	.....	Subpart 1.
Calaveras County	Nonattainment .....	.....	Subpart 1.
Chico, CA:				
Butte County	Nonattainment .....	.....	Subpart 1.
Kern County (Eastern Kern), CA	Nonattainment .....	.....	Subpart 1.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
<p>Kern County (part) That portion of Kern County (with the exception of that portion in Hydrologic Unit Number 18090205—the Indian Wells Valley) east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.</p>				
Imperial Co., CA:				
Imperial County	Nonattainment .....	.....	Subpart 2/Marginal.
Los Angeles—South Coast Air Basin, CA:	Nonattainment .....	.....	Subpart 2/Severe 17.
Los Angeles County (part)	Nonattainment .....	.....	Subpart 2/Severe 17.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
That portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
Orange County	Nonattainment .....	.....	Subpart 2/Severe 17.
Riverside County (part)	Nonattainment .....	.....	Subpart 2/Severe 17.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
That portion of Riverside County which lies to the west of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line.				
San Bernardino County (part)	Nonattainment .....	.....	Subpart 2/Severe 17.
That portion of San Bernardino County which lies south and west of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino-Los Angeles County boundary.				
Los Angeles-San Bernardino Cos.(W Mojave Desert), CA:	Nonattainment .....	.....	Subpart 2/Moderate.
Los Angeles County (part)	Nonattainment .....	.....	Subpart 2/Moderate.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
That portion of Los Angeles County which lies north and east of a line described as follows: Beginning at the Los Angeles—San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles—Kern County boundary.				
San Bernardino County (part)	Nonattainment .....	.....	Subpart 2/Moderate.
That portion of San Bernardino County which lies north and east of a line described as follows: Beginning at the San Bernardino—Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino— Los Angeles County boundary; And that portion of San Bernardino County which lies south and west of a line described as follows: latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.				
Mariposa and Tuolumne Cos., CA: (Southern Mountain Counties)				
Mariposa County	Nonattainment .....	.....	Subpart 1.
Tuolumne County	Nonattainment .....	.....	Subpart 1.
Riverside Co. (Coachella Valley), CA;	Nonattainment .....	.....	Subpart 2/Serious.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
<p>Riverside County (part) That portion of Riverside County which lies to the east of a line described as follows: Beginning at the Riverside—San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line. And that portion of Riverside County which lies to the west of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside—Imperial County boundary and running north along the range line common to Range 17 East and Range 16 East, San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through Township 8 South, Range 16 East and Township 7 South, Range 16 East, until the Black Butte Mountain, elevation 4504'; then west and northwest along the ridge line to the southwest corner of Township 5 South, Range 14 East; then north along the range line common to Range 14 East and Range 13 East; then west and northwest along the ridge line to Monument Mountain, elevation 4834'; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814'; then northwest along the ridge line to the Riverside—San Bernardino County line.</p>				
<p>Sacramento Metro, CA</p> <p>El Dorado County (part) All portions of the county except that portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.</p> <p>Placer County (part)</p>	Nonattainment .....	.....	Subpart 2/Serious. Subpart 2/Serious.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
All portions of the county except that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: Commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian, and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.				
Sacramento County	Nonattainment .....	.....	Subpart 2/Serious.
Solano County (part)	Nonattainment .....	.....	Subpart 2/Serious.
That portion of Solano County which lies north and east of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34; Township 6 North, Range 2 West, Mount Diablo Base and Meridian, thence east along said ¼ section line to the east boundary of Section 36, Township 6 North, Range 2 West, thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, Township 5 North, Range 1 West, thence east along a line common to Township 5 North and Township 6 North to the northeast corner of Section 3, Township 5 North, Range 1 East, thence south along section lines to the southeast corner of Section 10, Township 3 North, Range 1 East, thence east along section lines to the south ¼ corner of Section 8, Township 3 North, Range 2 East, thence east to the boundary between Solano and Sacramento Counties.				
Sutter County (part)	Nonattainment .....	.....	Subpart 2/Serious.
Portion south of a line connecting the northern border of Yolo County to the SW tip of Yuba County and continuing along the southern Yuba County border to Placer County.				
Yolo County	Nonattainment .....	.....	Subpart 2/Serious.
San Diego, CA	Nonattainment .....	.....	Subpart 1.
San Diego County (part)				
That portion of San Diego County that excludes the areas listed below: La Posta Areas #1 and #2 ^b , Cuyapaipe Area ^b , Manzanita Area ^b , Campo Areas #1 and #2 ^b				
San Francisco Bay Area, CA	Nonattainment .....	.....	Subpart 2/Marginal.
Alameda County	Nonattainment .....	.....	Subpart 2/Marginal.
Contra Costa County	Nonattainment .....	.....	Subpart 2/Marginal.
Marin County	Nonattainment .....	.....	Subpart 2/Marginal.
Napa County	Nonattainment .....	.....	Subpart 2/Marginal.
San Francisco County	Nonattainment .....	.....	Subpart 2/Marginal.
San Mateo County	Nonattainment .....	.....	Subpart 2/Marginal.
Santa Clara County	Nonattainment .....	.....	Subpart 2/Marginal.
Solano County (part)	Nonattainment .....	.....	Subpart 2/Marginal.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
<p>Portion of Solano County which lies south and west of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the 1/4 section line running east and west through the center of Section 34, T6N, R2W, M.D.B. & M., thence east along said 1/4 section line to the east boundary of Section 36, T6N, R2W, thence south 1/2 mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T5N, R1W, thence east along a line common to T5N and T6N to the northeast corner of Section 3, T5N, R1E, thence south along section lines to the southeast corner of Section 10, T3N, R1E, thence east along section lines to the south 1/4 corner of Section 8, T3N, R2E, thence east to the boundary between Solano and Sacramento Counties.</p>				
<p>Sonoma County (part)</p> <p>That portion of Sonoma County which lies south and east of a line described as follows: Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties.</p>	Nonattainment .....	.....	Subpart 2/Marginal.
<p>San Joaquin Valley, CA:</p> <p>Fresno County</p> <p>Kern County (part)</p>	Nonattainment .....	.....	Subpart 2/Serious. Subpart 2/Serious.

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.				
Kings County		Nonattainment		Subpart 2/Serious.
Madera County		Nonattainment		Subpart 2/Serious.
Merced County		Nonattainment		Subpart 2/Serious.
San Joaquin County		Nonattainment		Subpart 2/Serious.
Stanislaus County		Nonattainment		Subpart 2/Serious.
Tulare County		Nonattainment		Subpart 2/Serious.
Sutter County (part), CA:				
Sutter County (part)		Nonattainment		Subpart 1.
(Sutter Buttes) That portion of the Sutter Buttes mountain range at or above 2,000 feet in elevation.				
Remainder of County		Unclassifiable/Attainment.		
Ventura County, CA:				
Ventura County (part)		Nonattainment		Subpart 2/Moderate.
That part of Ventura County excluding the Channel Islands of Anacapa and San Nicolas Islands.				
Remainder of County		Unclassifiable/Attainment.		
Nevada County (Western part), CA		Nonattainment		Subpart 1.
Nevada County (part)				
That portion of Nevada County, which lies west of a line, described as follows: beginning at the Nevada-Placer County boundary and running north along the western boundaries of Sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Nevada-Sierra County boundary.				
Santa Barbara-Santa Maria-Lompoc, CA:				
Santa Barbara County		Unclassifiable/Attainment.		
Mohave Desert Air Basin:				
Riverside County (part) remainder		Unclassifiable/Attainment.		
San Bernardino County (part) remainder		Unclassifiable/Attainment.		
Great Basin Valleys Air Basin		Unclassifiable/Attainment.		

CALIFORNIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Alpine County				
Inyo County				
Mono County				
Lake County Air Basin		Unclassifiable/Attainment.		
Lake County				
Lake Tahoe Air Basin		Unclassifiable/Attainment.		
El Dorado County (part)				
Lake Tahoe Area: As described under 40 CFR 81.275.				
Placer County (part)				
Lake Tahoe Area: As described under 40 CFR 81.275.				
Monterey Bay Area		Unclassifiable/Attainment.		
Monterey County				
San Benito County				
Santa Cruz County				
Mountain Counties Air Basin (remainder of):				
Nevada County (part) remainder		Unclassifiable/Attainment.		
Plumas County		Unclassifiable/Attainment.		
Sierra County		Unclassifiable/Attainment.		
North Coast Air Basin		Unclassifiable/Attainment.		
Del Norte County				
Humboldt County				
Mendocino County				
Sonoma County (part) remainder				
Trinity County				
Northeast Plateau Air Basin		Unclassifiable/Attainment.		
Lassen County				
Modoc County				
Siskiyou County				
Sacramento Valley Air Basin (remainder of):				
Colusa County		Unclassifiable/Attainment.		
Glenn County		Unclassifiable/Attainment.		
Shasta County		Unclassifiable/Attainment.		
Tehama County		Unclassifiable/Attainment.		
Yuba County		Unclassifiable/Attainment.		
South Central Coast Air Basin:				
(remainder of)				
Channel Islands		Unclassifiable/Attainment.		
San Luis Obispo County		Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

^b The boundaries for these designated areas are based on coordinates of latitude and longitude derived from EPA Region 9's GIS database and are illustrated in a map entitled "Eastern San Diego County Attainment Areas for the 8-Hour Ozone NAAQS," dated March 9, 2004, including an attached set of coordinates. The map and attached set of coordinates are available at EPA's Region 9 Air Division office. The designated areas roughly approximate the boundaries of the reservations for these tribes, but their inclusion in this table is intended for CAA planning purposes only and is not intended to be a federal determination of the exact boundaries of the reservations. Also, the specific listing of these tribes in this table does not confer, deny, or withdraw Federal recognition of any of the tribes so listed nor any of the tribes not listed.

¹ This date is June 15, 2004, unless otherwise noted.

■ 7. In § 81.306, the table entitled **§ 81.306 Colorado.** "Colorado-Ozone (8-Hour Standard)" is added to read as follows:

COLORADO—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Denver-Boulder-Greeley-Ft.Collins-Love., CO:				
Adams County	(2)	Nonattainment	(2)	Subpart 1.
Arapahoe County	(2)	Nonattainment	(2)	Subpart 1.
Boulder County (includes part of Rocky Mtn. Nat. Park).	(2)	Nonattainment	(2)	Subpart 1.
Broomfield County	(2)	Nonattainment	(2)	Subpart 1.
Denver County	(2)	Nonattainment	(2)	Subpart 1.
Douglas County	(2)	Nonattainment	(2)	Subpart 1.
Jefferson County	(2)	Nonattainment	(2)	Subpart 1.

COLORADO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Larimer County (part) (includes part of Rocky Mtn. Nat. Park). That portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, and 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.	(2)	Nonattainment	(2)	Subpart 1.
Weld County (part) That portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.	(2)	Nonattainment	(2)	Subpart 1.
State AQCR 01 Logan County Phillips County Sedgwick County Washington County Yuma County	.....	Unclassifiable/Attainment	.....
State AQCR 03 (remainder of) Clear Creek County Gilpin County	.....	Unclassifiable/Attainment	.....
State AQCR 11 Garfield County Mesa County Moffat County Rio Blanco County	.....	Unclassifiable/Attainment	.....
Rest of State Alamosa County Archuleta County Baca County Bent County Chaffee County Cheyenne County Conejos County Costilla County Crowley County Custer County Delta County Dolores County Eagle County El Paso County Elbert County Fremont County Grand County (includes portion of W. Rocky Mtn. Nat. Park) Gunnison County Hinsdale County Huerfano County Jackson County Kiowa County Kit Carson County La Plata County Lake County	.....	Unclassifiable/Attainment	.....

COLORADO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Larimer County (part) remainder				
Las Animas County				
Lincoln County				
Mineral County				
Montezuma County				
Montrose County				
Morgan County				
Otero County				
Ouray County				
Park County				
Pitkin County				
Prowers County				
Pueblo County				
Rio Grande County				
Routt County				
Saguache County				
San Juan County				
San Miguel County				
Summit County				
Teller County				
Weld County (part) remainder				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 8. In § 81.307, the table entitled **§ 81.307 Connecticut.**

“Connecticut—Ozone (8-Hour Standard)” is added to read as follows:

CONNECTICUT—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Greater Connecticut, CT:				
Hartford County		Nonattainment		Subpart 2/Moderate.
Litchfield County		Nonattainment		Subpart 2/Moderate.
New London County		Nonattainment		Subpart 2/Moderate.
Tolland County		Nonattainment		Subpart 2/Moderate.
Windham County		Nonattainment		Subpart 2/Moderate.
New York–N. New Jersey–Long Island, NY–NJ–CT:				
Fairfield County		Nonattainment		Subpart 2/Moderate.
Middlesex County		Nonattainment		Subpart 2/Moderate.
New Haven County		Nonattainment		Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 9. In § 81.308, the table entitled **§ 81.308 Delaware.**

“Delaware—Ozone (8-Hour Standard)” is added to read as follows:

DELAWARE—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Philadelphia–Wilmington–Atlantic Ci, PA–NJ–MD–DE:				
Kent County		Nonattainment		Subpart 2/Moderate.
New Castle County		Nonattainment		Subpart 2/Moderate.
Sussex County		Nonattainment		Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 10. In § 81.309, the table entitled “District of Columbia—Ozone (8-Hour Standard)” is added to read as follows: **§ 81.309 District of Columbia.**
 * * * * *

DISTRICT OF COLUMBIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Washington, DC—MD—VA: District of Columbia	Nonattainment .....	.....	Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 11. In § 81.310, the table entitled “Florida—Ozone (8-Hour Standard)” is added to read as follows: **§ 81.310 Florida.**
 * * * * *

FLORIDA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable/Attainment		
Alachua County				
Baker County				
Bay County				
Bradford County				
Brevard County				
Broward County				
Calhoun County				
Charlotte County				
Citrus County				
Clay County				
Collier County				
Columbia County				
DeSoto County				
Dixie County				
Duval County				
Escambia County				
Flagler County				
Franklin County				
Gadsden County				
Gilchrist County				
Glades County				
Gulf County				
Hamilton County				
Hardee County				
Hendry County				
Hernando County				
Highlands County				
Hillsborough County				
Holmes County				
Indian River County				
Jackson County				
Jefferson County				
Lafayette County				
Lake County				
Lee County				
Leon County				
Levy County				
Liberty County				
Madison County				
Manatee County				
Marion County				
Martin County				
Miami-Dade County				
Monroe County				
Nassau County				
Okaloosa County				
Okeechobee County				
Orange County				

FLORIDA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Osceola County				
Palm Beach County				
Pasco County				
Pinellas County				
Polk County				
Putnam County				
St. Johns County				
St. Lucie County				
Santa Rosa County				
Sarasota County				
Seminole County				
Sumter County				
Suwannee County				
Taylor County				
Union County				
Volusia County				
Wakulla County				
Walton County				
Washington County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 12. In § 81.311, the table entitled **§ 81.311 Georgia.** "Georgia—Ozone (8-Hour Standard)" is * * * * * added to read as follows:

GEORGIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Atlanta, GA:				
Barrow County		Nonattainment		Subpart 2/Marginal.
Bartow County		Nonattainment		Subpart 2/Marginal.
Carroll County		Nonattainment		Subpart 2/Marginal.
Cherokee County		Nonattainment		Subpart 2/Marginal.
Clayton County		Nonattainment		Subpart 2/Marginal.
Cobb County		Nonattainment		Subpart 2/Marginal.
Coweta County		Nonattainment		Subpart 2/Marginal.
DeKalb County		Nonattainment		Subpart 2/Marginal.
Douglas County		Nonattainment		Subpart 2/Marginal.
Fayette County		Nonattainment		Subpart 2/Marginal.
Forsyth County		Nonattainment		Subpart 2/Marginal.
Fulton County		Nonattainment		Subpart 2/Marginal.
Gwinnett County		Nonattainment		Subpart 2/Marginal.
Hall County		Nonattainment		Subpart 2/Marginal.
Henry County		Nonattainment		Subpart 2/Marginal.
Newton County		Nonattainment		Subpart 2/Marginal.
Paulding County		Nonattainment		Subpart 2/Marginal.
Rockdale County		Nonattainment		Subpart 2/Marginal.
Spalding County		Nonattainment		Subpart 2/Marginal.
Walton County		Nonattainment		Subpart 2/Marginal.
Macon, GA:				
Bibb County		Nonattainment		Subpart 1.
Monroe County (part)		Nonattainment		Subpart 1.
From the point where Bibb and Monroe Counties meet at the Ocmulgee River, follow the Ocmulgee River boundary north to 33 degrees, 05 minutes, due west to 83 degrees, 50 minutes, due south to the intersection with Georgia Hwy 18, east along Georgia Hwy 18 to US Hwy 23/ Georgia Hwy 87, south on US Hwy 23/ Georgia Hwy 87 to the Monro/Bibb County line, and east to the intersection with the Ocmulgee River				
Chattanooga, TN-GA:				
Catoosa County		Nonattainment		Subpart 1.

GEORGIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Murray Co (Chattahoochee Nat Forest), GA:				
Murray County (part)	Nonattainment .....	.....	Subpart 1.
Rest of State	Unclassifiable/Attainment		
Appling County.				
Atkinson County				
Bacon County				
Baker County				
Baldwin County				
Banks County				
Ben Hill County				
Berrien County				
Bleckley County				
Brantley County				
Brooks County				
Bryan County				
Bulloch County				
Burke County				
Butts County				
Calhoun County				
Camden County				
Candler County				
Charlton County				
Chatham County				
Chattahoochee County				
Chattooga County				
Clarke County				
Clay County				
Clinch County				
Coffee County				
Colquitt County				
Columbia County				
Cook County				
Crawford County				
Crisp County				
Dade County				
Dawson County				
Decatur County				
Dodge County				
Dooly County				
Dougherty County				
Early County				
Echols County				
Effingham County				
Elbert County				
Emanuel County				
Evans County				
Fannin County				
Floyd County				
Franklin County				
Gilmer County				
Glascock County				
Glynn County				
Gordon County				
Grady County				
Greene County				
Habersham County				
Hancock County				
Haralson County				
Harris County				
Hart County				
Heard County				
Houston County				
Irwin County				
Jackson County				
Jasper County				
Jeff Davis County				
Jefferson County				
Jenkins County				
Johnson County				
Jones County				

GEORGIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Lamar County				
Lanier County				
Laurens County				
Lee County				
Liberty County				
Lincoln County				
Long County				
Lowndes County				
Lumpkin County				
Macon County				
Madison County				
Marion County				
McDuffie County				
McIntosh County				
Meriwether County				
Miller County				
Mitchell County				
Monroe County (part) remainder				
Montgomery County				
Morgan County				
Murray County (part) remainder				
Muscogee County				
Oconee County				
Oglethorpe County				
Peach County				
Pickens County				
Pierce County				
Pike County				
Polk County				
Pulaski County				
Putnam County				
Quitman County				
Rabun County				
Randolph County				
Richmond County				
Schley County				
Screven County				
Seminole County				
Stephens County				
Stewart County				
Sumter County				
Talbot County				
Taliaferro County				
Tattnall County				
Taylor County				
Telfair County				
Terrell County				
Thomas County				
Tift County				
Toombs County				
Towns County				
Treutlen County				
Troup County				
Turner County				
Twiggs County				
Union County				
Upson County				
Walker County				
Ware County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
White County				
Whitfield County				
Wilcox County				
Wilkes County				
Wilkinson County				

GEORGIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Worth County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 13. In § 81.312, the table entitled **§ 81.312 Hawaii.**
 “Hawaii—Ozone (8-Hour Standard)” is * * * * *
 added to read as follows:

HAWAII—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable Attainment		
Hawaii County				
Honolulu County				
Kalawao County				
Kauai County				
Maui County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 14. In § 81.313, the table entitled **§ 81.313 Idaho.**
 “Idaho—Ozone (8-Hour Standard)” is * * * * *
 added to read as follows:

IDAHO—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 61 Eastern Idaho Intrastate	Unclassifiable/Attainment		
Bannock County				
Bear Lake County				
Bingham County				
Bonneville County				
Butte County				
Caribou County				
Clark County				
Franklin County				
Fremont County				
Jefferson County				
Madison County				
Oneida County				
Power County				
Teton County				
AQCR 62 E Washington-N Idaho Interstate	Unclassifiable/Attainment		
Benewah County				
Kootenai County				
Latah County				
Nez Perce County				
Shoshone County				
AQCR 63 Idaho Intrastate	Unclassifiable/Attainment		
Adams County				
Blaine County				
Boise County				
Bonner County				
Boundary County				
Camas County				
Cassia County				
Clearwater County				
Custer County				
Elmore County				
Gem County				
Gooding County				

IDAHO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Idaho County				
Jerome County				
Lemhi County				
Lewis County				
Lincoln County				
Minidoka County				
Owyhee County				
Payette County				
Twin Falls County				
Valley County				
Washington County				
AQCR 64 Metropolitan Boise Interstate	Unclassifiable/Attainment		
Ada County				
Canyon County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 15. In § 81.314, the table entitled **§ 81.314 Illinois.**
 “Illinois—Ozone (8-Hour Standard)” is * * * * *
 added to read as follows:

ILLINOIS—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Chicago-Gary-Lake County, IL-IN:				
Cook County		Nonattainment		Subpart 2/Moderate.
DuPage County		Nonattainment		Subpart 2/Moderate.
Grundy County (part)		Nonattainment		Subpart 2/Moderate.
Aux Sable Township				
Goose Lake Township				
Kane County		Nonattainment		Subpart 2/Moderate.
Kendall County (part)		Nonattainment		Subpart 2/Moderate.
Oswego Township				
Lake County		Nonattainment		Subpart 2/Moderate.
McHenry County		Nonattainment		Subpart 2/Moderate.
Will County		Nonattainment		Subpart 2/Moderate.
St. Louis, MO-IL:				
Jersey County		Nonattainment		Subpart 2/Moderate.
Madison County		Nonattainment		Subpart 2/Moderate.
Monroe County		Nonattainment		Subpart 2/Moderate.
St. Clair County		Nonattainment		Subpart 2/Moderate.
Rest of State				
Adams County		Unclassifiable/Attainment.		
Alexander County		Unclassifiable/Attainment.		
Bond County		Unclassifiable/Attainment.		
Boone County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Bureau County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Champaign County		Unclassifiable/Attainment.		
Christian County		Unclassifiable/Attainment.		
Clark County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Coles County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
De Witt County		Unclassifiable/Attainment.		
DeKalb County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Edgar County		Unclassifiable/Attainment.		
Edwards County		Unclassifiable/Attainment.		
Effingham County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Ford County		Unclassifiable/Attainment.		

ILLINOIS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Franklin County	Unclassifiable/Attainment.		
Fulton County	Unclassifiable/Attainment.		
Gallatin County	Unclassifiable/Attainment.		
Greene County	Unclassifiable/Attainment.		
Grundy County (part)	Unclassifiable/Attainment.		
All townships except Aux Sable and Goose Lake.				
Hamilton County	Unclassifiable/Attainment.		
Hancock County	Unclassifiable/Attainment.		
Hardin County	Unclassifiable/Attainment.		
Henderson County	Unclassifiable/Attainment.		
Henry County	Unclassifiable/Attainment.		
Iroquois County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Jasper County	Unclassifiable/Attainment.		
Jefferson County	Unclassifiable/Attainment.		
Jo Daviess County	Unclassifiable/Attainment.		
Johnson County	Unclassifiable/Attainment.		
Kankakee County	Unclassifiable/Attainment.		
Kendall County (part)	Unclassifiable/Attainment.		
All townships except Oswego				
Knox County	Unclassifiable/Attainment.		
La Salle County	Unclassifiable/Attainment.		
Lawrence County	Unclassifiable/Attainment.		
Lee County	Unclassifiable/Attainment.		
Livingston County	Unclassifiable/Attainment.		
Logan County	Unclassifiable/Attainment.		
Macon County	Unclassifiable/Attainment.		
Macoupin County	Unclassifiable/Attainment.		
Marion County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
Mason County	Unclassifiable/Attainment.		
Massac County	Unclassifiable/Attainment.		
McDonough County	Unclassifiable/Attainment.		
McLean County	Unclassifiable/Attainment.		
Menard County	Unclassifiable/Attainment.		
Mercer County	Unclassifiable/Attainment.		
Montgomery County	Unclassifiable/Attainment.		
Morgan County	Unclassifiable/Attainment.		
Moultrie County	Unclassifiable/Attainment.		
Ogle County	Unclassifiable/Attainment.		
Peoria County	Unclassifiable/Attainment.		
Perry County	Unclassifiable/Attainment.		
Piatt County	Unclassifiable/Attainment.		
Pike County	Unclassifiable/Attainment.		
Pope County	Unclassifiable/Attainment.		
Pulaski County	Unclassifiable/Attainment.		
Putnam County	Unclassifiable/Attainment.		
Randolph County	Unclassifiable/Attainment.		
Richland County	Unclassifiable/Attainment.		
Rock Island County	Unclassifiable/Attainment.		
Saline County	Unclassifiable/Attainment.		
Sangamon County	Unclassifiable/Attainment.		
Schuyler County	Unclassifiable/Attainment.		
Scott County	Unclassifiable/Attainment.		
Shelby County	Unclassifiable/Attainment.		
Stark County	Unclassifiable/Attainment.		
Stephenson County	Unclassifiable/Attainment.		
Tazewell County	Unclassifiable/Attainment.		
Union County	Unclassifiable/Attainment.		
Vermilion County	Unclassifiable/Attainment.		
Wabash County	Unclassifiable/Attainment.		
Warren County	Unclassifiable/Attainment.		
Washington County	Unclassifiable/Attainment.		
Wayne County	Unclassifiable/Attainment.		
White County	Unclassifiable/Attainment.		
Whiteside County	Unclassifiable/Attainment.		
Williamson County	Unclassifiable/Attainment.		
Winnebago County	Unclassifiable/Attainment.		
Woodford County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 16. In § 81.315, the table entitled § 81.315 Indiana. "Indiana—Ozone (8-Hour Standard)" is added to read as follows:

INDIANA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Chicago-Gary-Lake County, IL-IN:				
Lake County		Nonattainment		Subpart 2/Moderate.
Porter County		Nonattainment		Subpart 2/Moderate.
Cincinnati-Hamilton, OH-KY-IN:				
Dearborn County (part)		Nonattainment		Subpart 1.
Lawrenceburg Township				
Evansville, IN:				
Vanderburgh County		Nonattainment		Subpart 1.
Warrick County		Nonattainment		Subpart 1.
Fort Wayne, IN:				
Allen County		Nonattainment		Subpart 1.
Greene Co., IN:				
Greene County		Nonattainment		Subpart 1.
Indianapolis, IN:				
Boone County		Nonattainment		Subpart 1.
Hamilton County		Nonattainment		Subpart 1.
Hancock County		Nonattainment		Subpart 1.
Hendricks County		Nonattainment		Subpart 1.
Johnson County		Nonattainment		Subpart 1.
Madison County		Nonattainment		Subpart 1.
Marion County		Nonattainment		Subpart 1.
Morgan County		Nonattainment		Subpart 1.
Shelby County		Nonattainment		Subpart 1.
Jackson Co., IN:				
Jackson County		Nonattainment		Subpart 1.
La Porte Co., IN:				
La Porte County		Nonattainment		Subpart 2/Moderate.
Louisville, KY-IN:				
Clark County		Nonattainment		Subpart 1.
Floyd County		Nonattainment		Subpart 1.
Muncie, IN:				
Delaware County		Nonattainment		Subpart 1.
South Bend-Elkhart, IN:				
Elkhart County		Nonattainment		Subpart 1.
St. Joseph County		Nonattainment		Subpart 1.
Terre Haute, IN:				
Vigo County		Nonattainment		Subpart 1.
Rest of State				
Adams County		Unclassifiable/Attainment.		
Bartholomew County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Blackford County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Daviess County		Unclassifiable/Attainment.		
De Kalb County		Unclassifiable/Attainment.		
Dearborn County (part) remainder		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
Dubois County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Fountain County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Gibson County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Howard County		Unclassifiable/Attainment.		
Huntington County		Unclassifiable/Attainment.		

INDIANA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Jasper County	Unclassifiable/Attainment.		
Jay County	Unclassifiable/Attainment.		
Jefferson County	Unclassifiable/Attainment.		
Jennings County	Unclassifiable/Attainment.		
Knox County	Unclassifiable/Attainment.		
Kosciusko County	Unclassifiable/Attainment.		
LaGrange County	Unclassifiable/Attainment.		
Lawrence County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
Martin County	Unclassifiable/Attainment.		
Miami County	Unclassifiable/Attainment.		
Monroe County	Unclassifiable/Attainment.		
Montgomery County	Unclassifiable/Attainment.		
Newton County	Unclassifiable/Attainment.		
Noble County	Unclassifiable/Attainment.		
Ohio County	Unclassifiable/Attainment.		
Orange County	Unclassifiable/Attainment.		
Owen County	Unclassifiable/Attainment.		
Parke County	Unclassifiable/Attainment.		
Perry County	Unclassifiable/Attainment.		
Pike County	Unclassifiable/Attainment.		
Posey County	Unclassifiable/Attainment.		
Pulaski County	Unclassifiable/Attainment.		
Putnam County	Unclassifiable/Attainment.		
Randolph County	Unclassifiable/Attainment.		
Ripley County	Unclassifiable/Attainment.		
Rush County	Unclassifiable/Attainment.		
Scott County	Unclassifiable/Attainment.		
Spencer County	Unclassifiable/Attainment.		
Starke County	Unclassifiable/Attainment.		
Steuben County	Unclassifiable/Attainment.		
Sullivan County	Unclassifiable/Attainment.		
Switzerland County	Unclassifiable/Attainment.		
Tippecanoe County	Unclassifiable/Attainment.		
Tipton County	Unclassifiable/Attainment.		
Union County	Unclassifiable/Attainment.		
Vermillion County	Unclassifiable/Attainment.		
Wabash County	Unclassifiable/Attainment.		
Warren County	Unclassifiable/Attainment.		
Warrick County	Unclassifiable/Attainment.		
Washington County	Unclassifiable/Attainment.		
Wayne County	Unclassifiable/Attainment.		
Wells County	Unclassifiable/Attainment.		
White County	Unclassifiable/Attainment.		
Whitley County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 17. In § 81.316, the table entitled “Iowa—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.316 Iowa.

* * * * *

IOWA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable/Attainment.		
Adair County				
Adams County				
Allamakee County				
Appanoose County				
Audubon County				
Benton County				
Black Hawk County				
Boone County				
Bremer County				

IOWA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Buchanan County				
Buena Vista County				
Butler County				
Calhoun County				
Carroll County				
Cass County				
Cedar County				
Cerro Gordo County				
Cherokee County				
Chickasaw County				
Clarke County				
Clay County				
Clayton County				
Clinton County				
Crawford County				
Dallas County				
Davis County				
Decatur County				
Delaware County				
Des Moines County				
Dickinson County				
Dubuque County				
Emmet County				
Fayette County				
Floyd County				
Franklin County				
Fremont County				
Greene County				
Grundy County				
Guthrie County				
Hamilton County				
Hancock County				
Hardin County				
Harrison County				
Henry County				
Howard County				
Humboldt County				
Ida County				
Iowa County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Jones County				
Keokuk County				
Kossuth County				
Lee County				
Linn County				
Louisa County				
Lucas County				
Lyon County				
Madison County				
Mahaska County				
Marion County				
Marshall County				
Mills County				
Mitchell County				
Monona County				
Monroe County				
Montgomery County				
Muscatine County				
O'Brien County				
Osceola County				
Page County				
Palo Alto County				
Plymouth County				
Pocahontas County				
Polk County				
Pottawattamie County				
Poweshiek County				

IOWA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Ringgold County				
Sac County				
Scott County				
Shelby County				
Sioux County				
Story County				
Tama County				
Taylor County				
Union County				
Van Buren County				
Wapello County				
Warren County				
Washington County				
Wayne County				
Webster County				
Winnebago County				
Winneshiek County				
Woodbury County				
Worth County				
Wright County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 18. In § 81.317, the table entitled “Kansas—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.317 Kansas.

* * * * *

KANSAS—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Kansas City, KS—MO:				
Johnson County		Unclassifiable ^b .		
Linn County		Unclassifiable ^b .		
Miami County		Unclassifiable ^b .		
Wyandotte County		Unclassifiable ^b .		
Rest of State:				
Allen County		Unclassifiable/Attainment.		
Anderson County		Unclassifiable/Attainment.		
Atchison County		Unclassifiable/Attainment.		
Barber County		Unclassifiable/Attainment.		
Barton County		Unclassifiable/Attainment.		
Bourbon County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Butler County		Unclassifiable/Attainment.		
Chase County		Unclassifiable/Attainment.		
Chautauqua County		Unclassifiable/Attainment.		
Cherokee County		Unclassifiable/Attainment.		
Cheyenne County		Unclassifiable/Attainment.		
Clark County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Cloud County		Unclassifiable/Attainment.		
Coffey County		Unclassifiable/Attainment.		
Comanche County		Unclassifiable/Attainment.		
Cowley County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
Dickinson County		Unclassifiable/Attainment.		
Doniphan County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Edwards County		Unclassifiable/Attainment.		
Elk County		Unclassifiable/Attainment.		
Ellis County		Unclassifiable/Attainment.		
Ellsworth County		Unclassifiable/Attainment.		
Finney County		Unclassifiable/Attainment.		
Ford County		Unclassifiable/Attainment.		

KANSAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Franklin County	Unclassifiable/Attainment.		
Geary County	Unclassifiable/Attainment.		
Gove County	Unclassifiable/Attainment.		
Graham County	Unclassifiable/Attainment.		
Grant County	Unclassifiable/Attainment.		
Gray County	Unclassifiable/Attainment.		
Greeley County	Unclassifiable/Attainment.		
Greenwood County	Unclassifiable/Attainment.		
Hamilton County	Unclassifiable/Attainment.		
Harper County	Unclassifiable/Attainment.		
Harvey County	Unclassifiable/Attainment.		
Haskell County	Unclassifiable/Attainment.		
Hodgeman County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Jefferson County	Unclassifiable/Attainment.		
Jewell County	Unclassifiable/Attainment.		
Kearny County	Unclassifiable/Attainment.		
Kingman County	Unclassifiable/Attainment.		
Kiowa County	Unclassifiable/Attainment.		
Labette County	Unclassifiable/Attainment.		
Lane County	Unclassifiable/Attainment.		
Leavenworth County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Logan County	Unclassifiable/Attainment.		
Lyon County	Unclassifiable/Attainment.		
Marion County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
McPherson County	Unclassifiable/Attainment.		
Meade County	Unclassifiable/Attainment.		
Mitchell County	Unclassifiable/Attainment.		
Montgomery County	Unclassifiable/Attainment.		
Morris County	Unclassifiable/Attainment.		
Morton County	Unclassifiable/Attainment.		
Nemaha County	Unclassifiable/Attainment.		
Neosho County	Unclassifiable/Attainment.		
Ness County	Unclassifiable/Attainment.		
Norton County	Unclassifiable/Attainment.		
Osage County	Unclassifiable/Attainment.		
Osborne County	Unclassifiable/Attainment.		
Ottawa County	Unclassifiable/Attainment.		
Pawnee County	Unclassifiable/Attainment.		
Phillips County	Unclassifiable/Attainment.		
Pottawatomie County	Unclassifiable/Attainment.		
Pratt County	Unclassifiable/Attainment.		
Rawlins County	Unclassifiable/Attainment.		
Reno County	Unclassifiable/Attainment.		
Republic County	Unclassifiable/Attainment.		
Rice County	Unclassifiable/Attainment.		
Riley County	Unclassifiable/Attainment.		
Rooks County	Unclassifiable/Attainment.		
Rush County	Unclassifiable/Attainment.		
Russell County	Unclassifiable/Attainment.		
Saline County	Unclassifiable/Attainment.		
Scott County	Unclassifiable/Attainment.		
Sedgwick County	Unclassifiable/Attainment.		
Seward County	Unclassifiable/Attainment.		
Shawnee County	Unclassifiable/Attainment.		
Sheridan County	Unclassifiable/Attainment.		
Sherman County	Unclassifiable/Attainment.		
Smith County	Unclassifiable/Attainment.		
Stafford County	Unclassifiable/Attainment.		
Stanton County	Unclassifiable/Attainment.		
Stevens County	Unclassifiable/Attainment.		
Sumner County	Unclassifiable/Attainment.		
Thomas County	Unclassifiable/Attainment.		
Trego County	Unclassifiable/Attainment.		
Wabaunsee County	Unclassifiable/Attainment.		
Wallace County	Unclassifiable/Attainment.		
Washington County	Unclassifiable/Attainment.		
Wichita County	Unclassifiable/Attainment.		

KANSAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Wilson County	Unclassifiable/Attainment.		
Woodson County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

^b This area is given an "Unclassifiable" designation. EPA will review all available information and make an attainment or nonattainment decision after reviewing the 2004 data.

¹ This date is June 15, 2004, unless otherwise noted.

■ 19. In § 81.318, the table entitled **§ 81.318 Kentucky.**
 "Kentucky—Ozone (8-Hour Standard)" * * * * *
 is added to read as follows:

KENTUCKY—OZONE (8-HOUR STANDARD)

Designation	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Cincinnati-Hamilton, OH-KY-IN:				
Boone County	Nonattainment .....	.....	Subpart 1.
Campbell County	Nonattainment .....	.....	Subpart 1.
Kenton County	Nonattainment .....	.....	Subpart 1.
Clarkesville-Hopkinsville, TN-KY:				
Christian County	Nonattainment .....	.....	Subpart 1.
Louisville, KY-IN:				
Bullitt County	Nonattainment .....	.....	Subpart 1.
Jefferson County	Nonattainment .....	.....	Subpart 1.
Oldham County	Nonattainment .....	.....	Subpart 1.
Huntington-Ashland, WV-KY:				
Boyd County	Nonattainment .....	.....	Subpart 1.
Rest of State				
Adair County	Unclassifiable/Attainment.		
Allen County	Unclassifiable/Attainment.		
Anderson County	Unclassifiable/Attainment.		
Ballard County	Unclassifiable/Attainment.		
Barren County	Unclassifiable/Attainment.		
Bath County	Unclassifiable/Attainment.		
Bell County	Unclassifiable/Attainment.		
Bourbon County	Unclassifiable/Attainment.		
Boyle County	Unclassifiable/Attainment.		
Bracken County	Unclassifiable/Attainment.		
Breathitt County	Unclassifiable/Attainment.		
Breckinridge County	Unclassifiable/Attainment.		
Butler County	Unclassifiable/Attainment.		
Caldwell County	Unclassifiable/Attainment.		
Calloway County	Unclassifiable/Attainment.		
Carlisle County	Unclassifiable/Attainment.		
Carroll County	Unclassifiable/Attainment.		
Carter County	Unclassifiable/Attainment.		
Casey County	Unclassifiable/Attainment.		
Clark County	Unclassifiable/Attainment.		
Clay County	Unclassifiable/Attainment.		
Clinton County	Unclassifiable/Attainment.		
Crittenden County	Unclassifiable/Attainment.		
Cumberland County	Unclassifiable/Attainment.		
Daviess County	Unclassifiable/Attainment.		
Edmonson County	Unclassifiable/Attainment.		
Elliott County	Unclassifiable/Attainment.		
Estill County	Unclassifiable/Attainment.		
Fayette County	Unclassifiable/Attainment.		
Fleming County	Unclassifiable/Attainment.		
Floyd County	Unclassifiable/Attainment.		
Franklin County	Unclassifiable/Attainment.		
Fulton County	Unclassifiable/Attainment.		
Gallatin County	Unclassifiable/Attainment.		
Garrard County	Unclassifiable/Attainment.		
Grant County	Unclassifiable/Attainment.		
Graves County	Unclassifiable/Attainment.		
Grayson County	Unclassifiable/Attainment.		
Green County	Unclassifiable/Attainment.		

KENTUCKY—OZONE (8-HOUR STANDARD)—Continued

Designation	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Greenup County	Unclassifiable/Attainment.		
Hancock County	Unclassifiable/Attainment.		
Hardin County	Unclassifiable/Attainment.		
Harlan County	Unclassifiable/Attainment.		
Harrison County	Unclassifiable/Attainment.		
Hart County	Unclassifiable/Attainment.		
Henderson County	Unclassifiable/Attainment.		
Henry County	Unclassifiable/Attainment.		
Hickman County	Unclassifiable/Attainment.		
Hopkins County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Jessamine County	Unclassifiable/Attainment.		
Johnson County	Unclassifiable/Attainment.		
Knott County	Unclassifiable/Attainment.		
Knox County	Unclassifiable/Attainment.		
Larue County	Unclassifiable/Attainment.		
Laurel County	Unclassifiable/Attainment.		
Lawrence County	Unclassifiable/Attainment.		
Lee County	Unclassifiable/Attainment.		
Leslie County	Unclassifiable/Attainment.		
Letcher County	Unclassifiable/Attainment.		
Lewis County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Livingston County	Unclassifiable/Attainment.		
Logan County	Unclassifiable/Attainment.		
Lyon County	Unclassifiable/Attainment.		
Madison County	Unclassifiable/Attainment.		
Magoffin County	Unclassifiable/Attainment.		
Marion County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
Martin County	Unclassifiable/Attainment.		
Mason County	Unclassifiable/Attainment.		
McCracken County	Unclassifiable/Attainment.		
McCreary County	Unclassifiable/Attainment.		
McLean County	Unclassifiable/Attainment.		
Meade County	Unclassifiable/Attainment.		
Menifee County	Unclassifiable/Attainment.		
Mercer County	Unclassifiable/Attainment.		
Metcalfe County	Unclassifiable/Attainment.		
Monroe County	Unclassifiable/Attainment.		
Montgomery County	Unclassifiable/Attainment.		
Morgan County	Unclassifiable/Attainment.		
Muhlenberg County	Unclassifiable/Attainment.		
Nelson County	Unclassifiable/Attainment.		
Nicholas County	Unclassifiable/Attainment.		
Ohio County	Unclassifiable/Attainment.		
Owen County	Unclassifiable/Attainment.		
Owsley County	Unclassifiable/Attainment.		
Pendleton County	Unclassifiable/Attainment.		
Perry County	Unclassifiable/Attainment.		
Pike County	Unclassifiable/Attainment.		
Powell County	Unclassifiable/Attainment.		
Pulaski County	Unclassifiable/Attainment.		
Robertson County	Unclassifiable/Attainment.		
Rockcastle County	Unclassifiable/Attainment.		
Rowan County	Unclassifiable/Attainment.		
Russell County	Unclassifiable/Attainment.		
Scott County	Unclassifiable/Attainment.		
Shelby County	Unclassifiable/Attainment.		
Simpson County	Unclassifiable/Attainment.		
Spencer County	Unclassifiable/Attainment.		
Taylor County	Unclassifiable/Attainment.		
Todd County	Unclassifiable/Attainment.		
Trigg County	Unclassifiable/Attainment.		
Trimble County	Unclassifiable/Attainment.		
Union County	Unclassifiable/Attainment.		
Warren County	Unclassifiable/Attainment.		
Washington County	Unclassifiable/Attainment.		
Wayne County	Unclassifiable/Attainment.		
Webster County	Unclassifiable/Attainment.		

KENTUCKY—OZONE (8-HOUR STANDARD)—Continued

Designation	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Whitley County	Unclassifiable/Attainment.		
Wolfe County	Unclassifiable/Attainment.		
Woodford County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 20. In § 81.319, the table entitled **§ 81.319 Louisiana.**
 “Louisiana—Ozone (8-Hour Standard)” * * * * *
 is added to read as follows:

LOUISIANA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Baton Rouge, LA:				
Ascension Parish	Nonattainment .....	.....	Subpart 2/Marginal.
East Baton Rouge Parish	Nonattainment .....	.....	Subpart 2/Marginal.
Iberville Parish	Nonattainment .....	.....	Subpart 2/Marginal.
Livingston Parish	Nonattainment .....	.....	Subpart 2/Marginal.
West Baton Rouge Parish	Nonattainment .....	.....	Subpart 2/Marginal.
Beauregard Parish Area, LA:				
Beauregard Parish	Unclassifiable/Attainment.		
Grant Parish Area:				
Grant Parish	Unclassifiable/Attainment.		
Lafayette Area:				
Lafayette Parish	Unclassifiable/Attainment.		
Lafourche Parish Area:				
Lafourche Parish	Unclassifiable/Attainment.		
Lake Charles Area:				
Calcasieu Parish	Unclassifiable/Attainment.		
New Orleans Area:				
Jefferson Parish	Unclassifiable/Attainment.		
Orleans Parish	Unclassifiable/Attainment.		
St. Bernard Parish	Unclassifiable/Attainment.		
St. Charles Parish	Unclassifiable/Attainment.		
Pointe Coupee Area:				
Pointe Coupee Parish	Unclassifiable/Attainment.		
St. James Parish Area:				
St. James Parish	Unclassifiable/Attainment.		
St. Mary Parish Area:				
St. Mary Parish	Unclassifiable/Attainment.		
AQCR 019 Monroe-El Dorado Interstate	Unclassifiable/Attainment.		
Caldwell Parish				
Catahoula Parish				
Concordia Parish				
East Carroll Parish				
Franklin Parish				
La Salle Parish				
Madison Parish				
Morehouse Parish				
Ouachita Parish				
Richland Parish				
Tensas Parish				
Union Parish				
West Carroll Parish				
AQCR 022 Shreveport-Texarkana-Tyler Interstate	Unclassifiable/Attainment.		
Bienville Parish				
Bossier Parish				
Caddo Parish				
Claiborne Parish				
De Soto Parish				
Jackson Parish				
Lincoln Parish				
Natchitoches Parish				
Red River Parish				
Sabine Parish				
Webster Parish				

LOUISIANA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Winn Parish				
AQCR 106 S. Louisiana-S.E. Texas Interstate:				
St. John the Baptist Parish	Unclassifiable/Attainment.		
AQCR 106 S. Louisiana-S.E. Texas Interstate	Unclassifiable/Attainment.		
Acadia Parish				
Allen Parish				
Assumption Parish				
Avoyelles Parish				
Cameron Parish				
East Feliciana Parish				
Evangeline Parish				
Iberia Parish				
Jefferson Davis Parish				
Plaquemines Parish				
Rapides Parish				
St. Helena Parish				
St. Landry Parish				
St. Martin Parish				
St. Tammany Parish				
Tangipahoa Parish				
Terrebonne Parish				
Vermilion Parish				
Vernon Parish				
Washington Parish				
West Feliciana Parish				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 21. In § 81.320, the table entitled **§ 81.320 Maine.**
 “Maine—Ozone (8-Hour Standard)” is * * * * *
 added to read as follows:

MAINE—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Hancock, Knox, Lincoln and Waldo Cos., ME:				
Hancock County (part)	Nonattainment .....	.....	Subpart 1.
(includes only the following cities and towns): Bar Harbor, Blue Hill, Brooklin, Brooksville, Cranberry Isle, Deer Isle, Frenchboro, Gouldsboro, Hancock, Lamoine, Mount Desert, Sedgwick, Sorrento, Southwest Harbor, Stonington, Sullivan, Surry, Swans Island, Tremont, Trenton, and Winter Harbor				
Knox County (part)	Nonattainment .....	.....	Subpart 1.
(includes only the following cities and towns): Camden, Criehaven, Cushing, Friendship, Isle au Haut, Matinicus Isle, Muscle Ridge Shoals, North Haven, Owls Head, Rockland, Rockport, St. George, South Thomaston, Thomaston, Vinalhaven, and Warren				
Lincoln County (part)	Nonattainment .....	.....	Subpart 1.
(includes only the following cities and towns): Alna, Boothbay, Boothbay Harbor, Breman, Bristol, Damariscotta, Dresden, Edgecomb, Monhegan, Newcastle, Nobleboro, South Bristol, Southport, Waldoboro, Westport, and Wiscasset				
Waldo County (part)	Nonattainment .....	.....	Subpart 1.
(includes only the following town): Islesboro				
Portland, ME:				
Androscoggin County (part)	Nonattainment .....	.....	Subpart 2/Marginal.
(includes only the following town): Durham				
Cumberland County (part)	Nonattainment .....	.....	Subpart 2/Marginal.

MAINE—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
(includes only the following cities and towns): Brunswick, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Harpswell, Long Island, New Gloucester, North Yarmouth, Portland, Pownal, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, and Yarmouth				
Sagadahoc County		Nonattainment		Subpart 2/Marginal.
(includes all cities & towns)				
York County (part)		Nonattainment		Subpart 2/Marginal.
(includes only the following cities and towns): Alfred, Arundel, Berwick, Biddeford, Buxton, Dayton, Elliot, Hollis, Kennebunk, Kennebunkport, Kittery, Limington, Lyman, North Berwick, Ogunquit, Old Orchard Beach, Saco, Sanford, South Berwick, Wells, and York				
Rest of State		Unclassifiable Attainment.		
Androscoggin County (part) remainder				
Aroostook County				
Cumberland County (part) remainder				
Franklin County				
Hancock County (part) remainder				
Kennebec County				
Knox County (part) remainder				
Lincoln County (part) remainder				
Oxford County				
Penobscot County				
Piscataquis County				
Somerset County				
Waldo County (part) remainder				
Washington County				
York County (part) remainder				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 22. In § 81.321, the table entitled “Maryland—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Baltimore, MD:				
Anne Arundel County		Nonattainment		Subpart 2/Moderate.
City of Baltimore		Nonattainment		Subpart 2/Moderate.
Baltimore County		Nonattainment		Subpart 2/Moderate.
Carroll County		Nonattainment		Subpart 2/Moderate.
Harford County		Nonattainment		Subpart 2/Moderate.
Howard County		Nonattainment		Subpart 2/Moderate.
Kent and Queen Anne’s Cos., MD:				
Kent County		Nonattainment		Subpart 2/Moderate.
Queen Anne’s County		Nonattainment		Subpart 2/Moderate.
Washington Co. (Hagerstown), MD:				
Washington County	(²)	Nonattainment	(²)	Subpart 1.
Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE:				
Cecil County		Nonattainment		Subpart 2/Moderate.
Washington, DC-MD-VA:				
Calvert County		Nonattainment		Subpart 2/Moderate.
Charles County		Nonattainment		Subpart 2/Moderate.
Frederick County		Nonattainment		Subpart 2/Moderate.
Montgomery County		Nonattainment		Subpart 2/Moderate.
Prince George’s County		Nonattainment		Subpart 2/Moderate.
AOCR 113 Cumberland-Keyser Interstate		Unclassifiable/Attainment.		
Allegany County.				
Garrett County.				

MARYLAND—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 114 Eastern Shore Interstate (remainder of)	Unclassifiable/Attainment.		
Caroline County.				
Dorchester County.				
Somerset County.				
Talbot County.				
Wicomico County.				
Worcester County.				
AQCR 116 Southern Maryland Intrastate (remainder of)	Unclassifiable/Attainment.		
St. Mary's County.				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.
² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 23. In § 81.322, the table entitled **§ 81.322 Massachusetts.**
 "Massachusetts—Ozone (8-Hour Standard)" is added to read as follows:

MASSACHUSETTS—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Boston-Lawrence-Worcester (E. Mass), MA:				
Barnstable County	Nonattainment .....	.....	Subpart 2/Moderate.
Bristol County	Nonattainment .....	.....	Subpart 2/Moderate.
Dukes County	Nonattainment .....	.....	Subpart 2/Moderate.
Essex County	Nonattainment .....	.....	Subpart 2/Moderate.
Middlesex County	Nonattainment .....	.....	Subpart 2/Moderate.
Nantucket County	Nonattainment .....	.....	Subpart 2/Moderate.
Norfolk County	Nonattainment .....	.....	Subpart 2/Moderate.
Plymouth County	Nonattainment .....	.....	Subpart 2/Moderate.
Suffolk County	Nonattainment .....	.....	Subpart 2/Moderate.
Worcester County	Nonattainment .....	.....	Subpart 2/Moderate.
Springfield (W. Mass), MA:				
Berkshire County	Nonattainment .....	.....	Subpart 2/Moderate.
Franklin County	Nonattainment .....	.....	Subpart 2/Moderate.
Hampden County	Nonattainment .....	.....	Subpart 2/Moderate.
Hampshire County	Nonattainment .....	.....	Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 24. In § 81.323, the table entitled **§ 81.323 Michigan.**
 "Michigan—Ozone (8-Hour Standard)" is added to read as follows:

MICHIGAN—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Allegan Co., MI:				
Allegan County	Nonattainment .....	.....	Subpart 1.
Barry County Area:				
Barry County	Unclassifiable/Attainment.		
Benton Harbor, MI:				
Berrien County	Nonattainment .....	.....	Subpart 1.
Benzie Co., MI:				
Benzie County	Nonattainment .....	.....	Subpart 1.
Branch County Area:				
Branch County	Unclassifiable/Attainment.		
Cass County, MI:				
Cass County	Nonattainment .....	.....	Subpart 2/Moderate.
Detroit-Ann Arbor, MI:				
Lenawee County	Nonattainment .....	.....	Subpart 2/Moderate.

MICHIGAN—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Livingston County		Nonattainment		Subpart 2/Moderate.
Macomb County		Nonattainment		Subpart 2/Moderate.
Monroe County		Nonattainment		Subpart 2/Moderate.
Oakland County		Nonattainment		Subpart 2/Moderate.
St Clair County		Nonattainment		Subpart 2/Moderate.
Washtenaw County		Nonattainment		Subpart 2/Moderate.
Wayne County		Nonattainment		Subpart 2/Moderate.
Flint, MI:				
Genesee County		Nonattainment		Subpart 1.
Lapeer County		Nonattainment		Subpart 1.
Grand Rapids, MI:				
Kent County		Nonattainment		Subpart 1.
Ottawa County		Nonattainment		Subpart 1.
Gratiot County Area:				
Gratiot County		Unclassifiable/Attainment.		
Hillsdale County Area:				
Hillsdale County		Unclassifiable/Attainment.		
Huron Co, MI:				
Huron County		Nonattainment		Subpart 1.
Ionia County Area:				
Ionia County		Unclassifiable/Attainment.		
Jackson Area:				
Jackson County		Unclassifiable/Attainment.		
Kalamazoo-Battle Creek, MI:				
Calhoun County		Nonattainment		Subpart 1.
Kalamazoo County		Nonattainment		Subpart 1.
Van Buren County		Nonattainment		Subpart 1.
Lansing-East Lansing, MI:				
Clinton County		Nonattainment		Subpart 1.
Eaton County		Nonattainment		Subpart 1.
Ingham County		Nonattainment		Subpart 1.
Mason Co, MI:				
Mason County		Nonattainment		Subpart 1.
Montcalm Area:				
Montcalm County		Unclassifiable/Attainment.		
Muskegon, MI:				
Muskegon County		Nonattainment		Subpart 2/Moderate.
Saginaw-Bay City-Midland Area:				
Bay County		Unclassifiable/Attainment.		
Midland County		Unclassifiable/Attainment.		
Saginaw County		Unclassifiable/Attainment.		
Sanilac County Area:				
Sanilac County		Unclassifiable/Attainment.		
Shiawassee County Area:				
Shiawassee County		Unclassifiable/Attainment.		
St Joseph County Area:				
St Joseph County		Unclassifiable/Attainment.		
Tuscola County Area:				
Tuscola County		Unclassifiable/Attainment.		
AQCR 122 Central Michigan Intrastate (remainder of)		Unclassifiable/Attainment.		
Arenac County				
Clare County				
Gladwin County				
Iosco County				
Isabella County				
Lake County				
Mecosta County				
Newaygo County				
Oceana County				
Ogemaw County				
Osceola County				
Roscommon County				
AQCR 126 Upper Michigan Intrastate (part)		Unclassifiable/Attainment.		
Marquette County				
AQCR 126 Upper Michigan Intrastate (remainder of)		Unclassifiable/Attainment.		
Alcona County				
Alger County				
Alpena County				
Antrim County				
Baraga County				

MICHIGAN—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Charlevoix County				
Cheboygan County				
Chippewa County				
Crawford County				
Delta County				
Dickinson County				
Emmet County				
Gogebic County				
Grand Traverse County				
Houghton County				
Iron County				
Kalkaska County				
Keweenaw County				
Leelanau County				
Luce County				
Mackinac County				
Manistee County				
Menominee County				
Missaukee County				
Montmorency County				
Ontonagon County				
Oscoda County				
Otsego County				
Presque Isle County				
Schoolcraft County				
Wexford County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 25. In § 81.324, the table entitled **§ 81.324 Minnesota.**
 “Minnesota—Ozone (8-Hour Standard)” * * * * *
 is added to read as follows:

MINNESOTA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Minneapolis-Saint Paul Area:				
Anoka County		Unclassifiable/Attainment.		
Carver County		Unclassifiable/Attainment.		
Dakota County		Unclassifiable/Attainment.		
Hennepin County		Unclassifiable/Attainment.		
Ramsey County		Unclassifiable/Attainment.		
Scott County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Rest of State		Unclassifiable/Attainment.		
Aitkin County		Unclassifiable/Attainment.		
Becker County		Unclassifiable/Attainment.		
Beltrami County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Big Stone County		Unclassifiable/Attainment.		
Blue Earth County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carlton County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Chippewa County		Unclassifiable/Attainment.		
Chisago County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clearwater County		Unclassifiable/Attainment.		
Cook County		Unclassifiable/Attainment.		
Cottonwood County		Unclassifiable/Attainment.		
Crow Wing County		Unclassifiable/Attainment.		
Dodge County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Faribault County		Unclassifiable/Attainment.		
Fillmore County		Unclassifiable/Attainment.		

MINNESOTA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Freeborn County	Unclassifiable/Attainment.		
Goodhue County	Unclassifiable/Attainment.		
Grant County	Unclassifiable/Attainment.		
Houston County	Unclassifiable/Attainment.		
Hubbard County	Unclassifiable/Attainment.		
Isanti County	Unclassifiable/Attainment.		
Itasca County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Kanabec County	Unclassifiable/Attainment.		
Kandiyohi County	Unclassifiable/Attainment.		
Kittson County	Unclassifiable/Attainment.		
Koochiching County	Unclassifiable/Attainment.		
Lac qui Parle County	Unclassifiable/Attainment.		
Lake County	Unclassifiable/Attainment.		
Lake of the Woods County	Unclassifiable/Attainment.		
Le Sueur County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Lyon County	Unclassifiable/Attainment.		
Mahnomen County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
Martin County	Unclassifiable/Attainment.		
McLeod County	Unclassifiable/Attainment.		
Meeker County	Unclassifiable/Attainment.		
Mille Lacs County	Unclassifiable/Attainment.		
Morrison County	Unclassifiable/Attainment.		
Mower County	Unclassifiable/Attainment.		
Murray County	Unclassifiable/Attainment.		
Nicollet County	Unclassifiable/Attainment.		
Nobles County	Unclassifiable/Attainment.		
Norman County	Unclassifiable/Attainment.		
Olmsted County	Unclassifiable/Attainment.		
Otter Tail County	Unclassifiable/Attainment.		
Pennington County	Unclassifiable/Attainment.		
Pine County	Unclassifiable/Attainment.		
Pipestone County	Unclassifiable/Attainment.		
Polk County	Unclassifiable/Attainment.		
Pope County	Unclassifiable/Attainment.		
Red Lake County	Unclassifiable/Attainment.		
Redwood County	Unclassifiable/Attainment.		
Renville County	Unclassifiable/Attainment.		
Rice County	Unclassifiable/Attainment.		
Rock County	Unclassifiable/Attainment.		
Roseau County	Unclassifiable/Attainment.		
St. Louis County	Unclassifiable/Attainment.		
Sherburne County	Unclassifiable/Attainment.		
Sibley County	Unclassifiable/Attainment.		
Stearns County	Unclassifiable/Attainment.		
Steele County	Unclassifiable/Attainment.		
Stevens County	Unclassifiable/Attainment.		
Swift County	Unclassifiable/Attainment.		
Todd County	Unclassifiable/Attainment.		
Traverse County	Unclassifiable/Attainment.		
Wabasha County	Unclassifiable/Attainment.		
Wadena County	Unclassifiable/Attainment.		
Waseca County	Unclassifiable/Attainment.		
Watonwan County	Unclassifiable/Attainment.		
Wilkin County	Unclassifiable/Attainment.		
Winona County	Unclassifiable/Attainment.		
Wright County	Unclassifiable/Attainment.		
Yellow Medicine County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 26. In § 81.325, the table entitled “Mississippi—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.325 Mississippi.

* * * * *

MISSISSIPPI—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable/Attainment.		
Adams County				
Alcorn County				
Amite County				
Attala County				
Benton County				
Bolivar County				
Calhoun County				
Carroll County				
Chickasaw County				
Choctaw County				
Claiborne County				
Clarke County				
Clay County				
Coahoma County				
Copiah County				
Covington County				
DeSoto County				
Forrest County				
Franklin County				
George County				
Greene County				
Grenada County				
Hancock County				
Harrison County				
Hinds County				
Holmes County				
Humphreys County				
Issaquena County				
Itawamba County				
Jackson County				
Jasper County				
Jefferson County				
Jefferson Davis County				
Jones County				
Kemper County				
Lafayette County				
Lamar County				
Lauderdale County				
Lawrence County				
Leake County				
Lee County				
Leflore County				
Lincoln County				
Lowndes County				
Madison County				
Marion County				
Marshall County				
Monroe County				
Montgomery County				
Neshoba County				
Newton County				
Noxubee County				
Oktibbeha County				
Panola County				
Pearl River County				
Perry County				
Pike County				
Pontotoc County				
Prentiss County				
Quitman County				
Rankin County				
Scott County				
Sharkey County				
Simpson County				
Smith County				
Stone County				
Sunflower County				
Tallahatchie County				
Tate County				

MISSISSIPPI—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Tippah County				
Tishomingo County				
Tunica County				
Union County				
Walthall County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wilkinson County				
Winston County				
Yalobusha County				
Yazoo County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 27. In § 81.326, the table entitled § 81.326 Missouri. "Missouri—Ozone (8-Hour Standard)" is * * * * * added to read as follows:

MISSOURI—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Kansas City, MO—KS:				
Cass County		Unclassifiable ^b .		
Clay County		Unclassifiable ^b .		
Jackson County		Unclassifiable ^b .		
Platte County		Unclassifiable ^b .		
St. Louis, MO—IL:				
Franklin County		Nonattainment		Subpart 2/Moderate.
Jefferson County		Nonattainment		Subpart 2/Moderate.
St. Charles County		Nonattainment		Subpart 2/Moderate.
St. Louis City		Nonattainment		Subpart 2/Moderate.
St. Louis County		Nonattainment		Subpart 2/Moderate.
AQCR 094 Metro Kansas City Interstate		Unclassifiable/Attainment.		
Buchanan County				
Ray County				
AQCR 137 N. Missouri Intrastate (part)				
Pike County		Unclassifiable/Attainment.		
Ralls County		Unclassifiable/Attainment.		
AQCR 137 N. Missouri Intrastate (remainder of)		Unclassifiable/Attainment.		
Adair County				
Andrew County				
Atchison County				
Audrain County				
Boone County				
Caldwell County				
Callaway County				
Carroll County				
Chariton County				
Clark County				
Clinton County				
Cole County				
Cooper County				
Daviss County				
DeKalb County				
Gentry County				
Grundy County				
Harrison County				
Holt County				
Howard County				
Knox County				
Lewis County				
Lincoln County				
Linn County				
Livingston County				

MISSOURI—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Macon County				
Marion County				
Mercer County				
Moniteau County				
Monroe County				
Montgomery County				
Nodaway County				
Osage County				
Putnam County				
Randolph County				
Saline County				
Schuyler County				
Scotland County				
Shelby County				
Sullivan County				
Warren County				
Worth County				
Rest of State:		Unclassifiable/Attainment		
Barry County				
Barton County				
Bates County				
Benton County				
Bollinger County				
Butler County				
Camden County				
Cape Girardeau County				
Carter County				
Cedar County				
Christian County				
Crawford County				
Dade County				
Dallas County				
Dent County				
Douglas County				
Dunklin County				
Gasconade County				
Greene County				
Henry County				
Hickory County				
Howell County				
Iron County				
Jasper County				
Johnson County				
Laclede County				
Lafayette County				
Lawrence County				
Madison County				
Maries County				
McDonald County				
Miller County				
Mississippi County				
Morgan County				
New Madrid County				
Newton County				
Oregon County				
Ozark County				
Pemiscot County				
Perry County				
Pettis County				
Phelps County				
Polk County				
Pulaski County				
Reynolds County				
Ripley County				
St. Clair County				
St. Francois County				
Ste. Genevieve County				
Scott County				
Shannon County				
Stoddard County				

MISSOURI—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Stone County				
Taney County				
Texas County				
Vernon County				
Washington County				
Wayne County				
Webster County				
Wright County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

^b This area is given an "Unclassifiable" designation. EPA will review all available information and make an attainment or nonattainment decision after reviewing the 2004 data.

¹ This date is June 15, 2004, unless otherwise noted.

■ 28. In § 81.327, the table entitled **§ 81.327 Montana.**
 "Montana—Ozone(8-Hour Standard)" is * * * * *
 added to read as follows:

MONTANA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide:				
Beaverhead County		Unclassifiable/Attainment.		
Big Horn County		Unclassifiable/Attainment.		
Blaine County		Unclassifiable/Attainment.		
Broadwater County		Unclassifiable/Attainment.		
Carbon County		Unclassifiable/Attainment.		
Carter County		Unclassifiable/Attainment.		
Cascade County		Unclassifiable/Attainment.		
Chouteau County		Unclassifiable/Attainment.		
Custer County		Unclassifiable/Attainment.		
Daniels County		Unclassifiable/Attainment.		
Dawson County		Unclassifiable/Attainment.		
Deer Lodge County		Unclassifiable/Attainment.		
Fallon County		Unclassifiable/Attainment.		
Fergus County		Unclassifiable/Attainment.		
Flathead County		Unclassifiable/Attainment.		
Gallatin County		Unclassifiable/Attainment.		
Garfield County		Unclassifiable/Attainment.		
Glacier County		Unclassifiable/Attainment.		
Golden Valley County		Unclassifiable/Attainment.		
Granite County.		Unclassifiable/Attainment.		
Hill County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Judith Basin County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Lewis and Clark County		Unclassifiable/Attainment.		
Liberty County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
McCone County		Unclassifiable/Attainment.		
Meagher County		Unclassifiable/Attainment.		
Mineral County		Unclassifiable/Attainment.		
Missoula County		Unclassifiable/Attainment.		
Musselshell County		Unclassifiable/Attainment.		
Park County		Unclassifiable/Attainment.		
Petroleum County		Unclassifiable/Attainment.		
Phillips County		Unclassifiable/Attainment.		
Pondera County		Unclassifiable/Attainment.		
Powder River County		Unclassifiable/Attainment.		
Powell County		Unclassifiable/Attainment.		
Prairie County		Unclassifiable/Attainment.		
Ravalli County		Unclassifiable/Attainment.		
Richland County		Unclassifiable/Attainment.		
Roosevelt County		Unclassifiable/Attainment.		
Rosebud County		Unclassifiable/Attainment.		
Sanders County		Unclassifiable/Attainment.		

MONTANA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Sheridan County	Unclassifiable/Attainment.		
Silver Bow County	Unclassifiable/Attainment.		
Stillwater County	Unclassifiable/Attainment.		
Sweet Grass County	Unclassifiable/Attainment.		
Teton County	Unclassifiable/Attainment.		
Toole County	Unclassifiable/Attainment.		
Treasure County	Unclassifiable/Attainment.		
Valley County	Unclassifiable/Attainment.		
Wheatland County	Unclassifiable/Attainment.		
Wibaux County	Unclassifiable/Attainment.		
Yellowstone County	Unclassifiable/Attainment.		
Yellowstone Natl Park	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 29. In § 81.328, the table entitled “Nebraska—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.328 Nebraska.

* * * * *

NEBRASKA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide:	Unclassifiable/Attainment.		
Adams County				
Antelope County				
Arthur County				
Banner County				
Blaine County				
Boone County				
Box Butte County				
Boyd County				
Brown County				
Buffalo County				
Burt County				
Butler County				
Cass County				
Cedar County				
Chase County				
Cherry County				
Cheyenne County				
Clay County				
Colfax County				
Cuming County				
Custer County				
Dakota County				
Dawes County				
Dawson County				
Deuel County				
Dixon County				
Dodge County				
Douglas County				
Dundy County				
Fillmore County				
Franklin County				
Frontier County				
Furnas County				
Gage County				
Garden County				
Garfield County				
Gosper County				
Grant County				
Greeley County				
Hall County				
Hamilton County				
Harlan County				
Hayes County				

NEBRASKA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Hitchcock County				
Holt County				
Hooker County				
Howard County				
Jefferson County				
Johnson County				
Kearney County				
Keith County				
Keya Paha County				
Kimball County				
Knox County				
Lancaster County				
Lincoln County				
Logan County				
Loup County				
Madison County				
McPherson County				
Merrick County				
Morrill County				
Nance County				
Nemaha County				
Nuckolls County				
Otoe County				
Pawnee County				
Perkins County				
Phelps County				
Pierce County				
Platte County				
Polk County				
Red Willow County				
Richardson County				
Rock County				
Saline County				
Sarpy County				
Saunders County				
Scotts Bluff County				
Seward County				
Sheridan County				
Sherman County				
Sioux County				
Stanton County				
Thayer County				
Thomas County				
Thurston County				
Valley County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
York County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 30. In § 81.329, the table entitled **§ 81.329 Nevada.** “Nevada—Ozone (8-Hour Standard)” is added to read as follows: * * * * *

NEVADA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Las Vegas, NV:				
Clark County	Nonattainment .....	.....	Subpart 1
Rest of State:	Unclassifiable/Attainment.		
Carson City				
Churchill County				

NEVADA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Douglas County				
Elko County				
Esmeralda County				
Eureka County				
Humboldt County				
Lander County				
Lincoln County				
Lyon County				
Mineral County				
Nye County				
Pershing County				
Storey County				
Washoe County (Reno Area)				
White Pine County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 31. In § 81.330, the table entitled “New Hampshire—Ozone (8-Hour Standard)” is added to read as follows:

NEW HAMPSHIRE—OZONE (8-HOUR STANDARD)

Designated area	Designated ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Boston-Manchester-Portsmouth (SE), NH:				
Hillsborough County (part) Amherst Town, Bedford Town, Brookline Town, Goffstown Town, Hollis Town, Hudson Town, Litchfield Town, Manchester City, Merrimack Town, Milford Town, Nashua City, Pelham Town	Nonattainment .....	.....	Subpart 2/Moderate.
Merrimack County (part) Hooksett Town	Nonattainment .....	.....	Subpart 2/Moderate.
Rockingham County (part) Atkinson Town, Auburn Town, Brentwood Town, Candia Town, Chester Town, Danville Town, Derry Town, E. Kingston Town, Epping Town, Exeter Town, Fremont Town, Greenland Town, Hampstead Town, Hampton Town, Hampton Falls Town, Kensington Town, Kingston Town, Londonderry Town, New Castle Town, Newfields Town, Newington Town, Newmarket Town, Newton Town, North Hampton Town, Plaistow Town, Portsmouth City, Raymond Town, Rye Town, Salem Town, Sandown Town, Seabrook Town, South Hampton Town, Stratham Town, Windham Town	Nonattainment .....	.....	Subpart 2/Moderate.
Strafford County (part) Dover City, Durham Town, Rochester City, Rollinsford Town, and Somersworth City	Nonattainment .....	.....	Subpart 2/Moderate.
Rest of State: Belknap County Carroll County Cheshire County Coos County Grafton County Hillsborough County (part) remainder Merrimack County (part) remainder Rockingham County (part) remainder Strafford County (part) remainder Sullivan County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 32. In § 81.331, the table entitled “New Jersey—Ozone (8-Hour Standard)” is added to read as follows:

NEW JERSEY—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
New York-N. New Jersey-Long Island, NY-NJ-CT:				
Bergen County		Nonattainment		Subpart 2/Moderate.
Essex County		Nonattainment		Subpart 2/Moderate.
Hudson County		Nonattainment		Subpart 2/Moderate.
Hunterdon County		Nonattainment		Subpart 2/Moderate.
Middlesex County		Nonattainment		Subpart 2/Moderate.
Monmouth County		Nonattainment		Subpart 2/Moderate.
Morris County		Nonattainment		Subpart 2/Moderate.
Passaic County		Nonattainment		Subpart 2/Moderate.
Somerset County		Nonattainment		Subpart 2/Moderate.
Sussex County		Nonattainment		Subpart 2/Moderate.
Union County		Nonattainment		Subpart 2/Moderate.
Warren County		Nonattainment		Subpart 2/Moderate.
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE:				
Atlantic County		Nonattainment		Subpart 2/Moderate.
Burlington County		Nonattainment		Subpart 2/Moderate.
Camden County		Nonattainment		Subpart 2/Moderate.
Cape May County		Nonattainment		Subpart 2/Moderate.
Cumberland County		Nonattainment		Subpart 2/Moderate.
Gloucester County		Nonattainment		Subpart 2/Moderate.
Mercer County		Nonattainment		Subpart 2/Moderate.
Ocean County		Nonattainment		Subpart 2/Moderate.
Salem County		Nonattainment		Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 33. In § 81.332, the table entitled “New Mexico—Ozone (8-Hour Standard)” is added to read as follows:

NEW MEXICO—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 012 New Mexico-Southern Border Intrastate		Unclassifiable/Attainment.		
Grant County				
Hidalgo County				
Luna County				
AQCR 014 Four Corners Interstate (see 40 CFR 81.121)		Unclassifiable/Attainment.		
McKinley County (part)				
Río Arriba County (part)				
San Juan County				
Sandoval County (part)				
Valencia County (part)				
AQCR 152 Albuquerque-Mid Rio Grande Intrastate		Unclassifiable/Attainment.		
Bernalillo County (part)				
AQCR 152 Albuquerque-Mid Rio Grande		Unclassifiable/Attainment.		
Sandoval County (part) see 40 CFR 81.83				
Valencia County (part) see 40 CFR 81.83				
AQCR 153 El Paso-Las Cruces-Alamogordo		Unclassifiable/Attainment.		
Doña Ana County (part) (Sunland Park Area) The Area bounded by the New Mexico-Texas State line on the east, the New Mexico-Mexico international line on the south, the Range 3E-Range 2E line on the west, and the N3200 latitude line on the north.				
Doña Ana County (part) remainder		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Otero County		Unclassifiable/Attainment.		
Sierra County		Unclassifiable/Attainment.		
AQCR 154 Northeastern Plains Intrastate		Unclassifiable/Attainment.		
Colfax County				
Guadalupe County				

NEW MEXICO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Harding County Mora County San Miguel County Torrance County Union County				
AQCR 155 Pecos-Permian Basin Intrastate		Unclassifiable/Attainment.		
Chaves County Curry County De Baca County Eddy County Lea County Quay County Roosevelt County				
AQCR 156 SW Mountains-Augustine Plains		Unclassifiable/Attainment.		
Catron County Cibola County McKinley County (part) see 40 CFR 81.241 Socorro County Valencia County (part) see 40 CFR 81.241				
AQCR 157 Upper Rio Grande Valley Intrastate		Unclassifiable/Attainment.		
Los Alamos County Río Arriba County (part) see 40 CFR 81.239 Santa Fe County Taos County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 34. In § 81.333, the table entitled “New York—Ozone (8-Hour Standard)” is added to read as follows:

NEW YORK—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Albany-Schenectady-Troy, NY:				
Albany County		Nonattainment		Subpart 1.
Greene County		Nonattainment		Subpart 1.
Montgomery County		Nonattainment		Subpart 1.
Rensselaer County		Nonattainment		Subpart 1.
Saratoga County		Nonattainment		Subpart 1.
Schenectady County		Nonattainment		Subpart 1.
Schoharie County		Nonattainment		Subpart 1.
Buffalo-Niagara Falls, NY:				
Erie County		Nonattainment		Subpart 1.
Niagara County		Nonattainment		Subpart 1.
Essex County (Whiteface Mtn.), NY:				
Essex County (part) The portion of Whiteface Mountain above 1,900 feet in elevation in Essex County.		Nonattainment		Subpart 1.
Essex County (remainder)		Unclassifiable/Attainment.		
Jamestown, NY:				
Chautauqua County		Nonattainment		Subpart 1.
Jefferson County, NY:				
Jefferson County		Nonattainment		Subpart 2/Moderate.
New York-N. New Jersey-Long Island, NY-NJ-CT:				
Bronx County		Nonattainment		Subpart 2/Moderate.
Kings County		Nonattainment		Subpart 2/Moderate.
Nassau County		Nonattainment		Subpart 2/Moderate.
New York County		Nonattainment		Subpart 2/Moderate.
Queens County		Nonattainment		Subpart 2/Moderate.
Richmond County		Nonattainment		Subpart 2/Moderate.
Rockland County		Nonattainment		Subpart 2/Moderate.
Suffolk County		Nonattainment		Subpart 2/Moderate.
Westchester County		Nonattainment		Subpart 2/Moderate.
Poughkeepsie, NY:				
Dutchess County		Nonattainment		Subpart 2/Moderate.

NEW YORK—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Orange County	Nonattainment .....	.....	Subpart 2/Moderate.
Putnam County	Nonattainment .....	.....	Subpart 2/Moderate.
Syracuse, NY:				
Cayuga County	Unclassifiable ^b .		
Madison County	Unclassifiable ^b .		
Onondaga County	Unclassifiable ^b .		
Oswego County	Unclassifiable ^b .		
Rochester, NY:				
Genesee County	Nonattainment .....	.....	Subpart 1.
Livingston County	Nonattainment .....	.....	Subpart 1.
Monroe County	Nonattainment .....	.....	Subpart 1.
Ontario County	Nonattainment .....	.....	Subpart 1.
Orleans County	Nonattainment .....	.....	Subpart 1.
Wayne County	Nonattainment .....	.....	Subpart 1.
AQCR 158 Central New York Intrastate (remainder of)	Unclassifiable/Attainment.		
Cortland County				
Herkimer County				
Lewis County				
Oneida County				
AQCR 159 Champlain Valley Interstate (remainder of)	Unclassifiable/Attainment.		
Clinton County				
Franklin County				
Hamilton County				
St. Lawrence County				
Warren County				
Washington County				
AQCR 160 Finger Lake Intrastate	Unclassifiable/Attainment.		
Seneca County				
Wyoming County				
Yates County				
AQCR 161 Hudson Valley Intrastate (remainder of)	Unclassifiable/Attainment.		
Columbia County.				
Fulton County				
Ulster County				
AQCR 163 Southern Tier East Intrastate	Unclassifiable/Attainment.		
Broome County				
Chenango County				
Delaware County				
Otsego County				
Sullivan County				
Tioga County				
AQCR 164 Southern Tier West Intrastate	Unclassifiable/Attainment.		
Allegany County				
Cattaraugus County				
Chemung County				
Schuyler County				
Steuben County				
Tompkins County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

^b This area is given an "Unclassifiable" designation. EPA will review all available information and make an attainment or nonattainment decision after reviewing the 2004 data.

¹ This date is June 15, 2004, unless otherwise noted.

■ 35. In § 81.334, the table entitled **§ 81.334 North Carolina.**
 "North Carolina—Ozone (8-Hour Standard)" is added to read as follows:

NORTH CAROLINA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Charlotte-Gastonia-Rock Hill, NC-SC	Nonattainment .....	.....	Subpart 2/Moderate.
Cabarrus County	Nonattainment .....	.....	Subpart 2/Moderate.
Gaston County	Nonattainment .....	.....	Subpart 2/Moderate.
Iredell County (part).				

NORTH CAROLINA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Davidson Township, Coddle Creek Township	.....	Nonattainment .....	.....	Subpart 2/Moderate.
Lincoln County .....	.....	Nonattainment .....	.....	Subpart 2/Moderate.
Mecklenburg County .....	.....	Nonattainment .....	.....	Subpart 2/Moderate.
Rowan County .....	.....	Nonattainment .....	.....	Subpart 2/Moderate.
Union County .....	.....	Nonattainment .....	.....	Subpart 2/Moderate.
Fayetteville, NC: Cumberland County	(2)	Nonattainment	(2)	Subpart 1.
Greensboro-Winston-Salem-High Point, NC:				
Alamance County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Caswell County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Davidson County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Davie County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Forsyth County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Guilford County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Randolph County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Rockingham County	(2)	Nonattainment	(2)	Subpart 2/Moderate.
Haywood and Swain Cos. (Great Smoky NP), NC:				
Haywood County (part) .....	.....	Nonattainment .....	.....	Subpart 1.
Swain County (part) .....	.....	Nonattainment .....	.....	Subpart 1.
Hickory-Morganton-Lenoir, NC:				
Alexander County	(2)	Nonattainment	(2)	Subpart 1.
Burke County (part)	(2)	Nonattainment	(2)	Subpart 1.
Unifour Metropolitan Planning Organization Boundary				
Caldwell County (part)	(2)	Nonattainment	(2)	Subpart 1.
Unifour Metropolitan Planning Organization Boundary				
Catawba County	(2)	Nonattainment	(2)	Subpart 1.
Raleigh-Durham-Chapel Hill, NC:				
Chatham County (part) .....	.....	Nonattainment .....	.....	Subpart 1.
Baldwin Township, Center Township, New Hope Township, Williams Township				
Durham County .....	.....	Nonattainment .....	.....	Subpart 1.
Franklin County .....	.....	Nonattainment .....	.....	Subpart 1.
Granville County .....	.....	Nonattainment .....	.....	Subpart 1.
Johnston County .....	.....	Nonattainment .....	.....	Subpart 1.
Orange County .....	.....	Nonattainment .....	.....	Subpart 1.
Person County .....	.....	Nonattainment .....	.....	Subpart 1.
Wake County .....	.....	Nonattainment .....	.....	Subpart 1.
Rocky Mount, NC:				
Edgecombe County .....	.....	Nonattainment .....	.....	Subpart 1.
Nash County .....	.....	Nonattainment .....	.....	Subpart 1.
Rest of State: .....	.....	Unclassifiable/Attainment.	.....
Alleghany County				
Anson County				
Ashe County				
Avery County				
Beaufort County				
Bertie County				
Bladen County				
Brunswick County				
Buncombe County				
Burke County (part) remainder				
Caldwell County (part) remainder				
Camden County				
Carteret County				
Chatham County (part) remainder				
Cherokee County				
Chowan County				
Clay County				
Cleveland County				
Columbus County				
Craven County				
Currituck County				
Dare County				
Duplin County				
Gates County				
Graham County				
Greene County				
Halifax County				
Harnett County				

NORTH CAROLINA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Haywood County (part) remainder				
Henderson County				
Hertford County				
Hoke County				
Hyde County				
Iredell County (part) remainder				
Jackson County				
Jones County				
Lee County				
Lenoir County				
Macon County				
Madison County				
Martin County				
McDowell County				
Mitchell County				
Montgomery County				
Moore County				
New Hanover County				
Northampton County				
Onslow County				
Pamlico County				
Pasquotank County				
Pender County				
Perquimans County				
Pitt County				
Polk County				
Richmond County				
Robeson County				
Rutherford County				
Sampson County				
Scotland County				
Stanly County				
Stokes County				
Surry County				
Swain County (part) remainder				
Transylvania County				
Tyrrell County				
Vance County				
Warren County				
Washington County				
Watauga County				
Wayne County				
Wilkes County				
Wilson County				
Yadkin County				
Yancey County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 36. In § 81.335, the table entitled **§ 81.335 North Dakota.**

“North Dakota—Ozone(8-Hour Standard)” is added to read as follows:

NORTH DAKOTA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 130 Metropolitan Fargo-Moorhead Interstate:				
Cass County	Unclassifiable/Attainment.		
Rest of State, AQCR 172	Unclassifiable/Attainment.		
Adams County				
Barnes County				
Benson County				
Billings County				
Bottineau County				

NORTH DAKOTA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Bowman County				
Burke County				
Burleigh County				
Cavalier County				
Dickey County				
Divide County				
Dunn County				
Eddy County				
Emmons County				
Foster County				
Golden Valley County				
Grand Forks County				
Grant County				
Griggs County				
Hettinger County				
Kidder County				
LaMoure County				
Logan County				
McHenry County				
McIntosh County				
McKenzie County				
McLean County				
Mercer County				
Morton County				
Mountrail County				
Nelson County				
Oliver County				
Pembina County				
Pierce County				
Ramsey County				
Ransom County				
Renville County				
Richland County				
Rolette County				
Sargent County				
Sheridan County				
Sioux County				
Slope County				
Stark County				
Steele County				
Stutsman County				
Towner County				
Traill County				
Walsh County				
Ward County				
Wells County				
Williams County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 37. In § 81.336, the table entitled “Ohio—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Canton-Massillon, OH: Stark County	Nonattainment .....	.....	Subpart 1.
Cincinnati-Hamilton, OH-KY-IN:				
Butler County	Nonattainment .....	.....	Subpart 1.
Clermont County	Nonattainment .....	.....	Subpart 1.
Clinton County	Nonattainment .....	.....	Subpart 1.
Hamilton County	Nonattainment .....	.....	Subpart 1.
Warren County	Nonattainment .....	.....	Subpart 1.
Cleveland-Akron-Lorain, OH	Nonattainment .....	.....	Subpart 2/Moderate.

OHIO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Ashtabula County				
Cuyahoga County				
Geauga County				
Lake County				
Lorain County				
Medina County				
Portage County				
Summit County				
Columbus, OH:				
Delaware County		Nonattainment		Subpart 1.
Fairfield County		Nonattainment		Subpart 1.
Franklin County		Nonattainment		Subpart 1.
Knox County		Nonattainment		Subpart 1.
Licking County		Nonattainment		Subpart 1.
Madison County		Nonattainment	Subpart 1.	
Dayton-Springfield, OH:				
Clark County		Nonattainment		Subpart 1.
Greene County		Nonattainment		Subpart 1.
Miami County		Nonattainment		Subpart 1.
Montgomery County		Nonattainment		Subpart 1.
Lima, OH: Allen County		Nonattainment		Subpart 1.
Parkersburg-Marietta, WV—OH: Washington County.		Nonattainment		Subpart 1.
Steubenville-Weirton, OH—WV: Jefferson County.		Nonattainment		Subpart 1.
Toledo, OH:				
Lucas County		Nonattainment		Subpart 1.
Wood County		Nonattainment		Subpart 1.
Wheeling, WV—OH: Belmont County		Nonattainment		Subpart 1.
Youngstown-Warren-Sharon, PA—OH:				
Columbiana County		Nonattainment		Subpart 1.
Mahoning County		Nonattainment		Subpart 1.
Trumbull County		Nonattainment		Subpart 1.
Rest of State:				
Adams County		Unclassifiable/Attainment.		
Ashland County		Unclassifiable/Attainment.		
Athens County.				
Auglaize County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Champaign County		Unclassifiable/Attainment.		
Coshocton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Darke County		Unclassifiable/Attainment.		
Defiance County		Unclassifiable/Attainment.		
Erie County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Gallia County		Unclassifiable/Attainment.		
Guernsey County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Hardin County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Highland County		Unclassifiable/Attainment.		
Hocking County		Unclassifiable/Attainment.		
Holmes County		Unclassifiable/Attainment.		
Huron County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
Logan County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Meigs County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		
Morgan County		Unclassifiable/Attainment.		
Morrow County		Unclassifiable/Attainment.		
Muskingum County		Unclassifiable/Attainment.		
Noble County		Unclassifiable/Attainment.		
Ottawa County		Unclassifiable/Attainment.		

OHIO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Paulding County	Unclassifiable/Attainment.		
Perry County	Unclassifiable/Attainment.		
Pickaway County	Unclassifiable/Attainment.		
Pike County	Unclassifiable/Attainment.		
Preble County	Unclassifiable/Attainment.		
Putnam County	Unclassifiable/Attainment.		
Richland County	Unclassifiable/Attainment.		
Ross County	Unclassifiable/Attainment.		
Sandusky County	Unclassifiable/Attainment.		
Scioto County	Unclassifiable/Attainment.		
Seneca County	Unclassifiable/Attainment.		
Shelby County	Unclassifiable/Attainment.		
Tuscarawas County	Unclassifiable/Attainment.		
Union County	Unclassifiable/Attainment.		
Van Wert County	Unclassifiable/Attainment.		
Vinton County	Unclassifiable/Attainment.		
Wayne County	Unclassifiable/Attainment.		
Williams County	Unclassifiable/Attainment.		
Wyandot County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 38. In § 81.337, the table entitled **§ 81.337 Oklahoma.**
 "Oklahoma—Ozone (8-Hour Standard)" * * * * *
 is added to read as follows:

OKLAHOMA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 017 Metropolitan Fort Smith Interstate	Unclassifiable/Attainment.		
Adair County				
Cherokee County				
Le Flore County				
Sequoyah County				
AQCR 022 Shreveport-Texarkana-Tyler Intrastate: McCurtain County.	Unclassifiable/Attainment		
AQCR 184 Central Oklahoma Intrastate (part):				
Cleveland County	Unclassifiable/Attainment.		
Oklahoma County	Unclassifiable/Attainment.		
AQCR 184 Central Oklahoma Intrastate (remainder of)	Unclassifiable/Attainment.		
Canadian County				
Grady County				
Kingfisher County				
Lincoln County				
Logan County				
McClain County				
Pottawatomie County				
AQCR 185 North Central Oklahoma Intrastate	Unclassifiable/Attainment.		
Garfield County				
Grant County				
Kay County				
Noble County				
Payne County				
AQCR 186 Northeastern Oklahoma Intrastate	Unclassifiable/Attainment.		
Craig County				
Creek County				
Delaware County				
Mayes County				
Muskogee County				
Nowata County				
Okmulgee County				
Osage County				
Ottawa County				
Pawnee County				
Rogers County				

OREGON—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation area ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Clackamas County (part) Multnomah County (part) Washington County (part) Salem Area: (Salem Area Transportation Study) Marion County (part)		Unclassifiable/Attainment..		
Polk County		Unclassifiable/Attainment..		
AQCR 190 Central Oregon Intrastate (remainder of)		Unclassifiable/Attainment..		
Crook County Deschutes County Hood River County Jefferson County Klamath County Lake County Sherman County Wasco County				
AQCR 191 Eastern Oregon Intrastate		Unclassifiable/Attainment..		
Baker County Gilliam County Grant County Harney County Malheur County Morrow County Umatilla County Union County Wallowa County Wheeler County				
AQCR 192 Northwest Oregon Intrastate		Unclassifiable/Attainment..		
Clatsop County Lincoln County Tillamook County				
AQCR 193 Portland Interstate (part)		Unclassifiable/Attainment..		
Lane County (part) Eugene Springfield Air Quality Maintenance Area				
AQCR 193 Portland Interstate (remainder of)		Unclassifiable/Attainment..		
Benton County Clackamas County (part) remainder Columbia County Lane County (part) remainder Linn County Marion County (part) The area outside the Salem Area Transportation Study Multnomah County (part) remainder Polk County (part) The area outside the Salem Area Transportation Study Washington County (part) remainder Yamhill County				
AQCR 194 Southwest Oregon Intrastate (part) Jackson County (part) Medford-Ashland Air Quality Maintenance Area.		Unclassifiable/Attainment..		
AQCR 194 Southwest Oregon Intrastate (remainder of)		Unclassifiable/Attainment..		
Coos County Curry County Douglas County Jackson County (part) remainder Josephine County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 40. In § 81.339, the table entitled “Pennsylvania—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Allentown-Bethlehem-Easton, PA:				
Carbon County		Nonattainment		Subpart 1.
Lehigh County		Nonattainment		Subpart 1.
Northampton County		Nonattainment		Subpart 1.
Altoona, PA: Blair County		Nonattainment		Subpart 1.
Clearfield & Indiana Cos., PA:				
Clearfield County		Nonattainment		Subpart 1.
Indiana County		Nonattainment		Subpart 1.
Erie, PA: Erie County		Nonattainment		Subpart 1.
Franklin Co., PA: Franklin County		Nonattainment		Subpart 1.
Greene Co., PA: Greene County		Nonattainment		Subpart 1.
Harrisburg-Lebanon-Carlisle, PA:				
Cumberland County		Nonattainment		Subpart 1.
Dauphin County		Nonattainment		Subpart 1.
Lebanon County		Nonattainment		Subpart 1.
Perry County		Nonattainment		Subpart 1.
Johnstown, PA: Cambria County		Nonattainment		Subpart 1.
Lancaster, PA: Lancaster County		Nonattainment		Subpart 2/Moderate.
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE:				
Bucks County		Nonattainment		Subpart 2/Moderate.
Chester County		Nonattainment		Subpart 2/Moderate.
Delaware County		Nonattainment		Subpart 2/Moderate.
Montgomery County		Nonattainment		Subpart 2/Moderate.
Philadelphia County		Nonattainment		Subpart 2/Moderate.
Pittsburgh-Beaver Valley, PA:				
Allegheny County		Nonattainment		Subpart 1.
Armstrong County		Nonattainment		Subpart 1.
Beaver County		Nonattainment		Subpart 1.
Butler County		Nonattainment		Subpart 1.
Fayette County		Nonattainment		Subpart 1.
Washington County		Nonattainment		Subpart 1.
Westmoreland County		Nonattainment		Subpart 1.
Reading, PA: Berks County		Nonattainment		Subpart 1.
Scranton-Wilkes-Barre, PA:				
Lackawanna County		Nonattainment		Subpart 1.
Luzerne County		Nonattainment		Subpart 1.
Monroe County		Nonattainment		Subpart 1.
Wyoming County		Nonattainment		Subpart 1.
State College, PA: Centre County		Nonattainment		Subpart 1.
Tioga Co., PA: Tioga County		Nonattainment		Subpart 1.
Williamsport, PA: Lycoming County		Unclassifiable/Attainment.		
York, PA:				
Adams County		Nonattainment		Subpart 1.
York County		Nonattainment		Subpart 1.
Youngstown-Warren-Sharon, PA-OH: Mercer County		Nonattainment		Subpart 1.
AQCR 151 NE Pennsylvania Intrastate (remainder of):				
Bradford County		Unclassifiable/Attainment.		
Sullivan County		Unclassifiable/Attainment.		
AQCR 178 NW Pennsylvania Interstate (remainder of):				
Cameron County		Unclassifiable/Attainment.		
Clarion County		Unclassifiable/Attainment.		
Elk County		Unclassifiable/Attainment.		
Forest County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
McKean County		Unclassifiable/Attainment.		
Potter County		Unclassifiable/Attainment.		
Venango County		Unclassifiable/Attainment.		
AQCR 195 Central Pennsylvania Intrastate (remainder of):				
Bedford County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Huntingdon County		Unclassifiable/Attainment.		
Mifflin County		Unclassifiable/Attainment.		
Montour County		Unclassifiable/Attainment.		
Union County		Unclassifiable/Attainment.		

PENNSYLVANIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Rest of State		Unclassifiable/Attainment.		
Columbia County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Juniata County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
Northumberland County		Unclassifiable/Attainment.		
Pike County		Unclassifiable/Attainment.		
Schuylkill County		Unclassifiable/Attainment.		
Snyder County		Unclassifiable/Attainment.		
Somerset County		Unclassifiable/Attainment.		
Susquehanna County		Unclassifiable/Attainment.		
Warren County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 41. In § 81.340, the table entitled **§ 81.340 Rhode Island.**
 “Rhode Island—Ozone (8-Hour Standard)” is added to read as follows:

RHODE ISLAND—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Providence (all of RI), RI:				
Bristol County		Nonattainment		Subpart 2/Moderate.
Kent County		Nonattainment		Subpart 2/Moderate.
Newport County		Nonattainment		Subpart 2/Moderate.
Providence County		Nonattainment		Subpart 2/Moderate.
Washington County		Nonattainment		Subpart 2/Moderate.

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 42. In § 81.341, the table entitled **§ 81.341 South Carolina.**
 “South Carolina—Ozone (8-Hour Standard)” is added to read as follows:

SOUTH CAROLINA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Columbia, SC:				
Lexington County (part)	(2)	Nonattainment	(2)	Subpart 1.
Portion along MPO lines				
Richland County (part)	(2)	Nonattainment	(2)	Subpart 1.
Portion along MPO lines				
Greenville-Spartanburg-Anderson, SC:				
Anderson County	(2)	Nonattainment	(2)	Subpart 1.
Greenville County	(2)	Nonattainment	(2)	Subpart 1.
Spartanburg County	(2)	Nonattainment	(2)	Subpart 1.
Charlotte-Gastonia-Rock Hill, NC-SC:				
York County (part)		Nonattainment		Subpart 2/Moderate.
Portion along MPO lines				
Rest of State:		Unclassifiable/Attainment.		
Abbeville County				
Aiken County				
Allendale County				
Bamberg County				
Barnwell County				
Beaufort County				
Berkeley County				
Calhoun County				
Charleston County				

SOUTH CAROLINA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Cherokee County				
Chester County				
Chesterfield County				
Clarendon County				
Colleton County				
Darlington County				
Dillon County				
Dorchester County				
Edgefield County				
Fairfield County				
Florence County				
Georgetown County				
Greenwood County				
Hampton County				
Horry County				
Jasper County				
Kershaw County				
Lancaster County				
Laurens County				
Lee County				
Lexington County (part) remainder				
Marion County				
Marlboro County				
McCormick County				
Newberry County				
Oconee County				
Orangeburg County				
Pickens County				
Richland County (part) remainder				
Saluda County				
Sumter County				
Union County				
Williamsburg County				
York County (part) remainder				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 43. In § 81.342, the table entitled **§ 81.342 South Dakota.** “South Dakota—Ozone (8-Hour Standard)” is added to read as follows:

SOUTH DAKOTA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide		Unclassifiable/Attainment.		
Aurora County		Unclassifiable/Attainment.		
Beadle County		Unclassifiable/Attainment.		
Bennett County		Unclassifiable/Attainment.		
Bon Homme County		Unclassifiable/Attainment.		
Brookings County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Brule County		Unclassifiable/Attainment.		
Buffalo County		Unclassifiable/Attainment.		
Butte County		Unclassifiable/Attainment.		
Campbell County		Unclassifiable/Attainment.		
Charles Mix County		Unclassifiable/Attainment.		
Clark County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Codington County		Unclassifiable/Attainment.		
Corson County		Unclassifiable/Attainment.		
Custer County		Unclassifiable/Attainment.		
Davison County		Unclassifiable/Attainment.		
Day County		Unclassifiable/Attainment.		
Deuel County		Unclassifiable/Attainment.		

SOUTH DAKOTA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Dewey County	Unclassifiable/Attainment.		
Douglas County	Unclassifiable/Attainment.		
Edmunds County	Unclassifiable/Attainment.		
Fall River County	Unclassifiable/Attainment.		
Faulk County	Unclassifiable/Attainment.		
Grant County	Unclassifiable/Attainment.		
Gregory County	Unclassifiable/Attainment.		
Haakon County	Unclassifiable/Attainment.		
Hamlin County	Unclassifiable/Attainment.		
Hand County	Unclassifiable/Attainment.		
Hanson County	Unclassifiable/Attainment.		
Harding County	Unclassifiable/Attainment.		
Hughes County	Unclassifiable/Attainment.		
Hutchinson County	Unclassifiable/Attainment.		
Hyde County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Jerauld County	Unclassifiable/Attainment.		
Jones County	Unclassifiable/Attainment.		
Kingsbury County	Unclassifiable/Attainment.		
Lake County	Unclassifiable/Attainment.		
Lawrence County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Lyman County	Unclassifiable/Attainment.		
Marshall County	Unclassifiable/Attainment.		
McCook County	Unclassifiable/Attainment.		
McPherson County	Unclassifiable/Attainment.		
Meade County	Unclassifiable/Attainment.		
Mellette County	Unclassifiable/Attainment.		
Miner County	Unclassifiable/Attainment.		
Minnehaha County	Unclassifiable/Attainment.		
Moody County	Unclassifiable/Attainment.		
Pennington County	Unclassifiable/Attainment.		
Perkins County	Unclassifiable/Attainment.		
Potter County	Unclassifiable/Attainment.		
Roberts County	Unclassifiable/Attainment.		
Sanborn County	Unclassifiable/Attainment.		
Shannon County	Unclassifiable/Attainment.		
Spink County	Unclassifiable/Attainment.		
Stanley County	Unclassifiable/Attainment.		
Sully County	Unclassifiable/Attainment.		
Todd County	Unclassifiable/Attainment.		
Tripp County	Unclassifiable/Attainment.		
Turner County	Unclassifiable/Attainment.		
Union County	Unclassifiable/Attainment.		
Walworth County	Unclassifiable/Attainment.		
Yankton County	Unclassifiable/Attainment.		
Ziebach County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 44. In § 81.343, the table entitled **§ 81.343 Tennessee.** "Tennessee—Ozone (8-Hour Standard)" * * * * * is added to read as follows:

TENNESSEE—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Chattanooga, TN-GA:				
Hamilton County .....	.....	Nonattainment .....	.....	Subpart 1.
Meigs County .....	.....	Nonattainment .....	.....	Subpart 1.
Clarkesville-Hopkinsville, TN-KY:				
Montgomery County .....	.....	Nonattainment .....	.....	Subpart 1.
Johnson City-Kingsport-Bristol, TN:				
Hawkins County	(2)	Nonattainment	(2)	Subpart 1.
Sullivan County	(2)	Nonattainment	(2)	Subpart 1.

TENNESSEE—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Knoxville, TN:				
Anderson County		Nonattainment		Subpart 1.
Blount County		Nonattainment		Subpart 1.
Cocke County (part)		Nonattainment		Subpart 1.
(Great Smoky Mtn Park)				
Jefferson County		Nonattainment		Subpart 1.
Knox County		Nonattainment		Subpart 1.
Loudon County		Nonattainment		Subpart 1.
Sevier County		Nonattainment		Subpart 1.
Memphis, TN-AR:				
Shelby County		Nonattainment		Subpart 2/Moderate.
Nashville, TN:				
Davidson County	(2)	Nonattainment	(2)	Subpart 1.
Rutherford County	(2)	Nonattainment	(2)	Subpart 1.
Sumner County	(2)	Nonattainment	(2)	Subpart 1.
Williamson County	(2)	Nonattainment	(2)	Subpart 1.
Wilson County	(2)	Nonattainment	(2)	Subpart 1.
Rest of State		Unclassifiable/Attainment.		
Bedford County				
Benton County				
Bledsoe County				
Bradley County				
Campbell County				
Cannon County				
Carroll County				
Carter County				
Cheatham County				
Chester County				
Claiborne County				
Clay County				
Cocke County (part) remainder				
Coffee County				
Crockett County				
Cumberland County				
Decatur County				
DeKalb County				
Dickson County				
Dyer County				
Fayette County				
Fentress County				
Franklin County				
Gibson County				
Giles County				
Grainger County				
Greene County				
Grundy County				
Hamblen County				
Hancock County				
Hardeman County				
Hardin County				
Haywood County				
Henderson County				
Henry County				
Hickman County				
Houston County				
Humphreys County				
Jackson County				
Johnson County				
Lake County				
Lauderdale County				
Lawrence County				
Lewis County				
Lincoln County				
Macon County				
Madison County				
Marion County				
Marshall County				
Maury County				
McMinn County				
McNairy County				

TENNESSEE—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Monroe County				
Moore County				
Morgan County				
Obion County				
Overton County				
Perry County				
Pickett County				
Polk County				
Putnam County				
Rhea County				
Roane County				
Robertson County				
Scott County				
Sequatchie County				
Smith County				
Stewart County				
Tipton County				
Trousdale County				
Unicoi County				
Union County				
Van Buren County				
Warren County				
Washington County				
Wayne County				
Weakley County				
White County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

45. In § 81.344, the table entitled “Texas—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.344 Texas.

* * * * *

TEXAS—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Beaumont/Port Arthur, TX:				
Hardin County		Nonattainment		Subpart 2/Marginal.
Jefferson County		Nonattainment		Subpart 2/Marginal.
Orange County		Nonattainment		Subpart 2/Marginal.
Dallas-Fort Worth, TX:				
Collin County		Nonattainment		Subpart 2/Moderate.
Dallas County		Nonattainment		Subpart 2/Moderate.
Denton County		Nonattainment		Subpart 2/Moderate.
Ellis County		Nonattainment		Subpart 2/Moderate.
Johnson County		Nonattainment		Subpart 2/Moderate.
Kaufman County		Nonattainment		Subpart 2/Moderate.
Parker County		Nonattainment		Subpart 2/Moderate.
Rockwall County		Nonattainment		Subpart 2/Moderate.
Tarrant County		Nonattainment		Subpart 2/Moderate.
Houston-Galveston-Brazoria, TX:				
Brazoria County		Nonattainment		Subpart 2/Moderate.
Chambers County		Nonattainment		Subpart 2/Moderate.
Fort Bend County		Nonattainment		Subpart 2/Moderate.
Galveston County		Nonattainment		Subpart 2/Moderate.
Harris County		Nonattainment		Subpart 2/Moderate.
Liberty County		Nonattainment		Subpart 2/Moderate.
Montgomery County		Nonattainment		Subpart 2/Moderate.
Waller County		Nonattainment		Subpart 2/Moderate.
San Antonio, TX:				
Bexar County	(2)	Nonattainment	(2)	Subpart 1.
Comal County	(2)	Nonattainment	(2)	Subpart 1.
Guadalupe County	(2)	Nonattainment	(2)	Subpart 1.
Victoria Area:				

TEXAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Victoria County	Unclassifiable/Attainment.		
AQCR 022 Shreveport-Texarkana-Tyler Interstate	Unclassifiable/Attainment.		
Anderson County				
Bowie County				
Camp County				
Cass County				
Cherokee County				
Delta County				
Franklin County				
Gregg County				
Harrison County				
Hopkins County				
Lamar County				
Marion County				
Morris County				
Panola County				
Rains County				
Red River County				
Rusk County				
Smith County				
Titus County				
Upshur County				
Van Zandt County				
Wood County				
AQCR 106 S Louisiana-SE Texas Interstate (remainder of)	Unclassifiable/Attainment.		
Angelina County				
Houston County				
Jasper County				
Nacogdoches County				
Newton County				
Polk County				
Sabine County				
San Augustine County				
San Jacinto County				
Shelby County				
Trinity County				
Tyler County				
AQCR 153 El Paso-Las Cruces-Alamogordo Interstate	Unclassifiable/Attainment.		
Brewster County				
Culberson County				
El Paso County				
Hudspeth County				
Jeff Davis County				
Presidio County				
AQCR 210 Abilene-Wichita Falls Intrastate	Unclassifiable/Attainment.		
Archer County				
Baylor County				
Brown County				
Callahan County				
Clay County				
Coleman County				
Comanche County				
Cottle County				
Eastland County				
Fisher County				
Foard County				
Hardeman County				
Haskell County				
Jack County				
Jones County				
Kent County				
Knox County				
Mitchell County				
Montague County				
Nolan County				
Runnels County				
Scurry County				
Shackelford County				
Stephens County				

TEXAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Stonewall County				
Taylor County				
Throckmorton County				
Wichita County				
Wilbarger County				
Young County				
AQCR 211 Amarillo-Lubbock Intrastate	Unclassifiable/Attainment.		
Armstrong County				
Bailey County				
Briscoe County				
Carson County				
Castro County				
Childress County				
Cochran County				
Collingsworth County				
Crosby County				
Dallam County				
Deaf Smith County				
Dickens County				
Donley County				
Floyd County				
Garza County				
Gray County				
Hale County				
Hall County				
Hansford County				
Hartley County				
Hemphill County				
Hockley County				
Hutchinson County				
King County				
Lamb County				
Lipscomb County				
Lubbock County				
Lynn County				
Moore County				
Motley County				
Ochiltree County				
Oldham County				
Parmer County				
Potter County				
Randall County				
Roberts County				
Sherman County				
Swisher County				
Terry County				
Wheeler County				
Yoakum County				
AQCR 212 Austin-Waco Intrastate	Unclassifiable/Attainment.		
Bastrop County				
Bell County				
Blanco County				
Bosque County				
Brazos County				
Burleson County				
Burnet County				
Caldwell County				
Coryell County				
Falls County				
Fayette County				
Freestone County				
Grimes County				
Hamilton County				
Hays County				
Hill County				
Lampasas County				
Lee County				
Leon County				
Limestone County				
Llano County				

TEXAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Madison County				
McLennan County				
Milam County				
Mills County				
Robertson County				
San Saba County				
Travis County				
Washington County				
Williamson County				
AQCR 213 Brownsville-Laredo Intrastate	Unclassifiable/Attainment.		
Cameron County				
Hidalgo County				
Jim Hogg County				
Starr County				
Webb County				
Willacy County				
Zapata County				
AQCR 214 Corpus Christi-Victoria Intrastate (remainder of).	Unclassifiable/Attainment.		
Aransas County				
Bee County				
Brooks County				
Calhoun County				
DeWitt County				
Duval County				
Goliad County				
Gonzales County				
Jackson County				
Jim Wells County				
Kenedy County				
Kleberg County				
Lavaca County				
Live Oak County				
McMullen County				
Refugio County				
San Patricio County				
AQCR 214 Corpus Christi-Victoria Intrastate (part)	Unclassifiable/Attainment.		
Nueces County				
AQCR 215 Metro Dallas-Fort Worth Intrastate (remainder of).	Unclassifiable/Attainment.		
Cooke County				
Erath County				
Fannin County				
Grayson County				
Henderson County				
Hood County				
Hunt County				
Navarro County				
Palo Pinto County				
Somervell County				
Wise County				
AQCR 216 Metro Houston-Galveston Intrastate (remainder of).	Unclassifiable/Attainment.		
Austin County				
Colorado County				
Matagorda County				
Walker County				
Wharton County				
AQCR 217 Metro San Antonio Intrastate (remainder of)	Unclassifiable/Attainment.		
Atascosa County				
Bandera County				
Dimmit County				
Edwards County				
Frio County				
Gillespie County				
Karnes County				
Kendall County				
Kerr County				
Kinney County				
La Salle County				

TEXAS—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Maverick County				
Medina County				
Real County				
Uvalde County				
Val Verde County				
Wilson County				
Zavala County				
AQCR 218 Midland-Odessa-San Angelo Intrastate (part) Ector County	Unclassifiable/Attainment.		
AQCR 218 Midland-Odessa-San Angelo Intrastate (re- mainder of).	Unclassifiable/Attainment.		
Andrews County				
Borden County				
Coke County				
Concho County				
Crane County				
Crockett County				
Dawson County				
Gaines County				
Glasscock County				
Howard County				
Irion County				
Kimble County				
Loving County				
Martin County				
Mason County				
McCulloch County				
Menard County				
Midland County				
Pecos County				
Reagan County				
Reeves County				
Schleicher County				
Sterling County				
Sutton County				
Terrell County				
Tom Green County				
Upton County				
Ward County				
Winkler County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 46. In § 81.345, the table entitled “Utah—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Salt Lake City Area:				
Davis County	Unclassifiable/Attainment.		
Salt Lake County	Unclassifiable/Attainment.		
Rest of State:	Unclassifiable/Attainment.		
Beaver County				
Box Elder County				
Cache County				
Carbon County				
Daggett County				
Duchesne County				
Emery County				
Garfield County				
Grand County				
Iron County				

UTAH—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Juab County Kane County Millard County Morgan County Piute County Rich County San Juan County Sanpete County Sevier County Summit County Tooele County Uintah County Utah County Wasatch County Washington County Wayne County Weber County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 47. In § 81.346, the table entitled **§ 81.346 Vermont.** “Vermont—Ozone (8-Hour Standard)” is * * * * * added to read as follows:

VERMONT—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
AQCR 159 Champlain Valley Interstate (part) Addison County Chittenden County		Unclassifiable/Attainment.		
AQCR 159 Champlain Valley Interstate (remainder of) ... Franklin County Grand Isle County Rutland County		Unclassifiable/Attainment.		
AQCR 221 Vermont Intrastate (part) Windsor County		Unclassifiable/Attainment.		
AQCR 221 Vermont Intrastate (remainder of) Bennington County Caledonia County Essex County Lamoille County Orange County Orleans County Washington County Windham County		Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 48. In § 81.347, the table entitled **§ 81.347 Virginia.** “Virginia—Ozone (8-Hour Standard)” is * * * * * added to read as follows:

VIRGINIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Frederick Co., VA: Frederick County	(2)	Nonattainment	(2)	Subpart 1.
Winchester City	(2)	Nonattainment	(2)	Subpart 1.
Fredericksburg, VA: City of Fredericksburg		Nonattainment		Subpart 2/Moderate.

VIRGINIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Spotsylvania County		Nonattainment		Subpart 2/Moderate.
Stafford County		Nonattainment		Subpart 2/Moderate.
Madison & Page Cos. (Shenandoah NP), VA:				
Madison County (part)		Nonattainment		Subpart 1.
Page County (part)		Nonattainment		Subpart 1.
Norfolk-Virginia Beach-Newport News (Hampton Roads), VA:				
Chesapeake City		Nonattainment		Subpart 2/Marginal.
Gloucester County		Nonattainment		Subpart 2/Marginal.
Hampton City		Nonattainment		Subpart 2/Marginal.
Isle of Wight County		Nonattainment		Subpart 2/Marginal.
James City County		Nonattainment		Subpart 2/Marginal.
Newport News City		Nonattainment		Subpart 2/Marginal.
Norfolk City		Nonattainment		Subpart 2/Marginal.
Poquoson City		Nonattainment		Subpart 2/Marginal.
Portsmouth City		Nonattainment		Subpart 2/Marginal.
Suffolk City		Nonattainment		Subpart 2/Marginal.
Virginia Beach City		Nonattainment		Subpart 2/Marginal.
Williamsburg City		Nonattainment		Subpart 2/Marginal.
York County		Nonattainment		Subpart 2/Marginal.
Richmond-Petersburg, VA:				
Charles City County		Nonattainment		Subpart 2/Moderate.
Chesterfield County		Nonattainment		Subpart 2/Moderate.
Colonial Heights City		Nonattainment		Subpart 2/Moderate.
Hanover County		Nonattainment		Subpart 2/Moderate.
Henrico County		Nonattainment		Subpart 2/Moderate.
Hopewell City		Nonattainment		Subpart 2/Moderate.
Petersburg City		Nonattainment		Subpart 2/Moderate.
Prince George County		Nonattainment		Subpart 2/Moderate.
Richmond City		Nonattainment		Subpart 2/Moderate.
Roanoke, VA:				
Botetourt County	(2)	Nonattainment	(2)	Subpart 1.
Roanoke City	(2)	Nonattainment	(2)	Subpart 1.
Roanoke County	(2)	Nonattainment	(2)	Subpart 1.
Salem City	(2)	Nonattainment	(2)	Subpart 1.
Washington, DC-MD-VA:				
Alexandria City		Nonattainment		Subpart 2/Moderate.
Arlington County		Nonattainment		Subpart 2/Moderate.
Fairfax City		Nonattainment		Subpart 2/Moderate.
Fairfax County		Nonattainment		Subpart 2/Moderate.
Falls Church City		Nonattainment		Subpart 2/Moderate.
Loudoun County		Nonattainment		Subpart 2/Moderate.
Manassas City		Nonattainment		Subpart 2/Moderate.
Manassas Park City		Nonattainment		Subpart 2/Moderate.
Prince William County		Unattainment		Subpart 2/Moderate.
AOCR 207 Eastern Tennessee-SW Virginia Interstate (remainder of).		Unclassifiable/Attainment.		
Bland County				
Bristol City				
Buchanan County				
Carroll County				
Dickenson County				
Galax City				
Grayson County				
Lee County				
Norton City				
Russell County				
Scott County				
Smyth County				
Tazewell County				
Washington County				
Wise County				
Wythe County				
AOCR 222 Central Virginia Intrastate		Unclassifiable/Attainment.		
Amelia County				
Amherst County				
Appomattox County				
Bedford City				
Bedford County				
Brunswick County				

VIRGINIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Buckingham County				
Campbell County				
Charlotte County				
Cumberland County				
Danville City				
Franklin County				
Halifax County				
Henry County				
Lunenburg County				
Lynchburg City				
Martinsville City				
Mecklenburg County				
Nottoway County				
Patrick County				
Pittsylvania County				
Prince Edward County				
AQCR 223 Hampton Roads Intrastate (remainder of)	Unclassifiable/Attainment.		
Franklin City				
Southampton County				
AQCR 224 NE Virginia Intrastate (remainder of)	Unclassifiable/Attainment.		
Accomack County				
Albemarle County				
Caroline County				
Charlottesville City				
Culpeper County				
Essex County				
Fauquier County				
Fluvanna County				
Greene County				
King and Queen County				
King George County				
King William County				
Lancaster County				
Louisa County				
Madison County (part) remainder				
Mathews County				
Middlesex County				
Nelson County				
Northampton County				
Northumberland County				
Orange County				
Rappahannock County				
Richmond County				
Westmoreland County				
AQCR 225 State Capital Intrastate (remainder of)	Unclassifiable/Attainment.		
Dinwiddie County				
Emporia City				
Goochland County				
Greensville County				
New Kent County				
Petersburg City				
Powhatan County				
Surry County				
Sussex County				
AQCR 226 Valley of Virginia Intrastate	Unclassifiable/Attainment.		
Alleghany County				
Augusta County				
Bath County				
Buena Vista City				
Clarke County				
Covington City				
Craig County				
Floyd County				
Giles County				
Harrisonburg City				
Highland County				
Lexington City				
Montgomery County				
Page County (part) remainder				
Pulaski County				

VIRGINIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Radford City Rockbridge County Rockingham County Shenandoah County Staunton City Warren County Waynesboro City				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 49. In § 81.348, the table entitled “Washington—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.348 Washington.

* * * * *

WASHINGTON—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Portland-Vancouver AQMA Area: Clark County (part) Air Quality Maintenance Area	Unclassifiable/Attainment.		
Seattle-Tacoma Area:	Unclassifiable/Attainment.		

WASHINGTON—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
The following boundary includes all of Pierce County, and all of King County except a small portion on the north-east corner and the western portion of Snohomish County: Starting at the mouth of the Nisqually river extend northwesterly along the Pierce County line to the southernmost point of the west county line of King County; thence northerly along the county line to the southernmost point of the west county line of Snohomish County; thence northerly along the county line to the intersection with SR 532; thence easterly along the north line of SR 532 to the intersection of I-5, continuing east along the same road now identified as Henning Rd., to the intersection with SR 9 at Bryant; thence continuing easterly on Bryant East Rd. and Rock Creek Rd., also identified as Grandview Rd., approximately 3 miles to the point at which it is crossed by the existing BPA electrical transmission line; thence southeasterly along the BPA transmission line approximately 8 miles to point of the crossing of the south fork of the Stillaguamish River; thence continuing in a southeasterly direction in a meander line following the bed of the River to Jordan Road; southerly along Jordan Road to the north city limits of Granite Falls; thence following the north and east city limits to 92nd St. NE., and Menzel Lake Rd.; thence south-southeasterly along the Menzel Lake Rd., and the Lake Roesiger Rd., a distance of approximately 6 miles to the northernmost point of Lake Roesiger; thence southerly along a meander line following the middle of the Lake and Roesiger Creek to Woods Creek; thence southerly along a meander line following the bed of the Creek approximately 6 miles to the point the Creek is crossed by the existing BPA electrical transmission line; thence easterly along the BPA transmission line approximately 0.2 miles; thence southerly along the BPA Chief Joseph-Covington electrical transmission line approximately 3 miles to the north line of SR 2; thence southeasterly along SR 2 to the intersection with the east county line of King County; thence south along the county line to the northernmost point of the east county line of Pierce County; thence along the county line to the point of beginning at the mouth of the Nisqually River.				
AQCR 062 E Washington-N Idaho Interstate (part)	Unclassifiable/Attainment.		
Spokane County	Unclassifiable/Attainment.		
AQCR 062 E Washington-N Idaho Interstate (remainder of).	Unclassifiable/Attainment.		
Adams County				
Asotin County				
Columbia County				
Garfield County				
Grant County				
Lincoln County				
Whitman County				
AQCR 193 Portland Interstate (remainder of)	Unclassifiable/Attainment.		
Clark County (part) remainder				
Cowlitz County				
Lewis County				
Skamania County				
Wahkiakum County				
AQCR 227 Northern Washington Intrastate	Unclassifiable/Attainment.		
Chelan County				
Douglas County				
Ferry County				
Okanogan County				
Pend Oreille County				
Stevens County				
AQCR 228 Olympic-Northwest Washington Intrastate	Unclassifiable/Attainment.		

WASHINGTON—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Clallam County				
Grays Harbor County				
Island County				
Jefferson County				
Mason County				
Pacific County				
San Juan County				
Skagit County				
Thurston County				
Whatcom County				
AQCR 229 Puget Sound Intrastate (remainder of)	Unclassifiable/Attainment.		
King County (part) remainder				
Kitsap County				
Snohomish County (part) remainder				
AQCR 230 South Central Washington Intrastate	Unclassifiable/Attainment.		
Benton County				
Franklin County				
Kittitas County				
Klickitat County				
Walla Walla County				
Yakima County				

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 50. In § 81.349, the table entitled “West Virginia—Ozone (8-Hour Standard)” is added to read as follows:

WEST VIRGINIA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Berkeley & Jefferson Cos, WV:				
Berkeley County	(2)	Nonattainment	(2)	Subpart 1.
Jefferson County	(2)	Nonattainment	(2)	Subpart 1.
Charleston, WV:				
Kanawha County		Nonattainment		Subpart 1.
Putnam County		Nonattainment		Subpart 1.
Huntington-Ashland, WV-KY:				
Cabell County		Nonattainment		Subpart 1.
Wayne County		Nonattainment		Subpart 1.
Parkersburg-Marietta, WV-OH:				
Wood County		Nonattainment		Subpart 1.
Wheeling, WV-OH:				
Marshall County		Nonattainment		Subpart 1.
Ohio County		Nonattainment		Subpart 1.
Steubenville-Weirton, OH-WV:				
Brooke County		Nonattainment		Subpart 1.
Hancock County		Nonattainment		Subpart 1.
Rest of State		Unclassifiable/Attainment.		
Barbour County				
Boone County				
Braxton County				
Calhoun County				
Clay County				
Doddridge County				
Fayette County				
Gilmer County				
Grant County				
Greenbrier County				
Hampshire County				
Hardy County				
Harrison County				
Jackson County				
Lewis County				
Lincoln County				

WEST VIRGINIA—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Logan County				
Marion County				
Mason County				
McDowell County				
Mercer County				
Mineral County				
Mingo County				
Monongalia County				
Monroe County				
Morgan County				
Nicholas County				
Pendleton County				
Pleasants County				
Pocahontas County				
Preston County				
Raleigh County				
Randolph County				
Ritchie County				
Roane County				
Summers County				
Taylor County				
Tucker County				
Tyler County				
Upshur County				
Webster County				
Wetzel County				
Wirt County				
Wyoming County				

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

² Early Action Compact Area, effective date deferred until September 30, 2005.

■ 51. In § 81.350, the table entitled **§ 81.350 Wisconsin.**
 “Wisconsin—Ozone (8-Hour Standard)” * * * * *
 is added to read as follows:

WISCONSIN—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Door County, WI:				
Door County		Nonattainment		Subpart 1.
Kewaunee County, WI:				
Kewaunee County		Nonattainment		Subpart 1.
Manitowoc County, WI:				
Manitowoc County		Nonattainment		Subpart 1.
Milwaukee-Racine, WI:				
Kenosha County		Nonattainment		Subpart 2/Moderate.
Milwaukee County		Nonattainment		Subpart 2/Moderate.
Ozaukee County		Nonattainment		Subpart 2/Moderate.
Racine County		Nonattainment		Subpart 2/Moderate.
Washington County		Nonattainment		Subpart 2/Moderate.
Waukesha County		Nonattainment		Subpart 2/Moderate.
Sheboygan, WI:				
Sheboygan County		Nonattainment		Subpart 2/Moderate.
Rest of State:				
Adams County		Unclassifiable/Attainment.		
Ashland County		Unclassifiable/Attainment.		
Barron County		Unclassifiable/Attainment.		
Bayfield County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Buffalo County		Unclassifiable/Attainment.		
Burnett County		Unclassifiable/Attainment.		
Calumet County		Unclassifiable/Attainment.		
Chippewa County		Unclassifiable/Attainment.		
Clark County		Unclassifiable/Attainment.		

WISCONSIN—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Columbia County	Unclassifiable/Attainment.		
Crawford County	Unclassifiable/Attainment.		
Dane County	Unclassifiable/Attainment.		
Dodge County	Unclassifiable/Attainment.		
Douglas County	Unclassifiable/Attainment.		
Dunn County	Unclassifiable/Attainment.		
Eau Claire County	Unclassifiable/Attainment.		
Florence County	Unclassifiable/Attainment.		
Fond du Lac County	Unclassifiable/Attainment.		
Forest County	Unclassifiable/Attainment.		
Grant County	Unclassifiable/Attainment.		
Green County	Unclassifiable/Attainment.		
Green Lake County	Unclassifiable/Attainment.		
Iowa County	Unclassifiable/Attainment.		
Iron County	Unclassifiable/Attainment.		
Jackson County	Unclassifiable/Attainment.		
Jefferson County	Unclassifiable/Attainment.		
Juneau County	Unclassifiable/Attainment.		
La Crosse County	Unclassifiable/Attainment.		
Lafayette County	Unclassifiable/Attainment.		
Langlade County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Marathon County	Unclassifiable/Attainment.		
Marinette County	Unclassifiable/Attainment.		
Marquette County	Unclassifiable/Attainment.		
Menominee County	Unclassifiable/Attainment.		
Monroe County	Unclassifiable/Attainment.		
Oconto County	Unclassifiable/Attainment.		
Oneida County	Unclassifiable/Attainment.		
Outagamie County	Unclassifiable/Attainment.		
Pepin County	Unclassifiable/Attainment.		
Pierce County	Unclassifiable/Attainment.		
Polk County	Unclassifiable/Attainment.		
Portage County	Unclassifiable/Attainment.		
Price County	Unclassifiable/Attainment.		
Richland County	Unclassifiable/Attainment.		
Rock County	Unclassifiable/Attainment.		
Rusk County	Unclassifiable/Attainment.		
St. Croix County	Unclassifiable/Attainment.		
Sauk County	Unclassifiable/Attainment.		
Sawyer County	Unclassifiable/Attainment.		
Shawano County	Unclassifiable/Attainment.		
Taylor County	Unclassifiable/Attainment.		
Trempealeau County	Unclassifiable/Attainment.		
Vernon County	Unclassifiable/Attainment.		
Vilas County	Unclassifiable/Attainment.		
Walworth County	Unclassifiable/Attainment.		
Washburn County	Unclassifiable/Attainment.		
Waupaca County	Unclassifiable/Attainment.		
Waushara County	Unclassifiable/Attainment.		
Winnebago County	Unclassifiable/Attainment.		
Wood County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.

¹ This date is June 15, 2004, unless otherwise noted.

■ 52. In § 81.351, the table entitled “Wyoming—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.351 Wyoming.
* * * * *

WYOMING—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable/Attainment.		
Albany County	Unclassifiable/Attainment.		
Big Horn County	Unclassifiable/Attainment.		

WYOMING—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Campbell County	Unclassifiable/Attainment.		
Carbon County	Unclassifiable/Attainment.		
Converse County	Unclassifiable/Attainment.		
Crook County	Unclassifiable/Attainment.		
Fremont County	Unclassifiable/Attainment.		
Goshen County	Unclassifiable/Attainment.		
Hot Springs County	Unclassifiable/Attainment.		
Johnson County	Unclassifiable/Attainment.		
Laramie County	Unclassifiable/Attainment.		
Lincoln County	Unclassifiable/Attainment.		
Natrona County	Unclassifiable/Attainment.		
Niobrara County	Unclassifiable/Attainment.		
Park County	Unclassifiable/Attainment.		
Platte County	Unclassifiable/Attainment.		
Sheridan County	Unclassifiable/Attainment.		
Sublette County	Unclassifiable/Attainment.		
Sweetwater County	Unclassifiable/Attainment.		
Teton County	Unclassifiable/Attainment.		
Uinta County	Unclassifiable/Attainment.		
Washakie County	Unclassifiable/Attainment.		
Weston County	Unclassifiable/Attainment.		

^a Includes Indian Country located in each county or area, except as otherwise specified.
¹ This date is June 15, 2004, unless otherwise noted.

■ 53. In § 81.352, the table entitled **§ 81.352 American Samoa.**
 “American Samoa—Ozone (8-Hour Standard)” is added to read as follows:

AMERICAN SAMOA—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide:	Unclassifiable/Attainment.		

¹ This date is June 15, 2004, unless otherwise noted.

■ 54. In § 81.353, the table entitled **§ 81.353 Guam.**
 “Guam—Ozone (8-Hour Standard)” is added to read as follows:

GUAM—OZONE (8-HOUR STANDARD)

Designated area	Designation ^a		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide:	Unclassifiable/Attainment.		

¹ This date is June 15, 2004, unless otherwise noted.

■ 55. In § 81.354, the table entitled **§ 81.354 Northern Mariana Islands.**
 “Northern Mariana Islands—Ozone (8-Hour Standard)” is added to read as follows:

NORTHERN MARIANA ISLANDS—OZONE (8-HOUR STANDARD)

Designated area	Designation		Category/classification	
	Date ¹	Type	Date ¹	Type
Whole State	Unclassifiable/Attainment.		

¹ This date is June 15, 2004, unless otherwise noted.

■ 56. In § 81.355, the table entitled **§ 81.355 Puerto Rico.**
 “Puerto Rico—Ozone (8-Hour Standard)” is added to read as follows:
 * * * * *

PUERTO RICO—OZONE (8-HOUR STANDARD)

Designated area	Designation		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide	Unclassifiable/Attainment.		
Adjuntas Municipio				
Aguada Municipio				
Aguadilla Municipio				
Aguas Buenas Municipio				
Aibonito Municipio				
Añasco Municipio				
Arecibo Municipio				
Arroyo Municipio				
Barceloneta Municipio				
Barranquitas Municipio				
Bayamón County				
Cabo Rojo Municipio				
Caguas Municipio				
Camuy Municipio				
Canóvanas Municipio				
Carolina Municipio				
Cataño County				
Cayey Municipio				
Ceiba Municipio				
Ciales Municipio				
Cidra Municipio				
Coamo Municipio				
Comerío Municipio				
Corozal Municipio				
Culebra Municipio				
Dorado Municipio				
Fajardo Municipio				
Florida Municipio				
Guánica Municipio				
Guayama Municipio				
Guayanilla Municipio				
Guaynabo County				
Gurabo Municipio				
Hatillo Municipio				
Hormigueros Municipio				
Humacao Municipio				
Isabela Municipio				
Jayuya Municipio				
Juana Díaz Municipio				
Juncos Municipio				
Lajas Municipio				
Lares Municipio				
Las Mariás Municipio				
Las Piedras Municipio				
Loíza Municipio				
Luquillo Municipio				
Manatí Municipio				
Maricao Municipio				
Maunabo Municipio				
Mayagüez Municipio				
Moca Municipio				
Morovis Municipio				
Naguabo Municipio				
Naranjito Municipio				
Orocovis Municipio				
Patillas Municipio				
Peñuelas Municipio				
Ponce Municipio				
Quebradillas Municipio				
Rincón Municipio				
Río Grande Municipio				
Sabana Grande Municipio				
Salinas Municipio				
San Germán Municipio				
San Juan Municipio				

PUERTO RICO—OZONE (8-HOUR STANDARD)—Continued

Designated area	Designation		Category/classification	
	Date ¹	Type	Date ¹	Type
San Lorenzo Municipio San Sebastián Municipio Santa Isabel Municipio Toa Alta Municipio Toa Baja County Trujillo Alto Municipio Utua Municipio Vega Alta Municipio Vega Baja Municipio Vieques Municipio Villalba Municipio Yabucoa Municipio Yauco Municipio				

¹ This date is June 15, 2004, unless otherwise noted.

■ 57. In § 81.356, the table entitled “Virgin Islands—Ozone (8-Hour Standard)” is added to read as follows:

§ 81.356 Virgin Islands.
* * * * *

VIRGIN ISLANDS—OZONE (8-HOUR STANDARD)

Designated area	Designation		Category/classification	
	Date ¹	Type	Date ¹	Type
Statewide St. Croix St. John St. Thomas	Unclassifiable/Attainment.		

¹ This date is June 15, 2004, unless otherwise noted.

[FR Doc. 04–9152 Filed 4–29–04; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51 and 81
[OAR 2003–0079, FRL–7651–7]
RIN 2060–AJ99

Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: In this document, EPA is taking final action on key elements of the program to implement the 8-hour ozone national ambient air quality standard (NAAQS or standard). This final rule addresses the following topics: classifications for the 8-hour NAAQS; revocation of the 1-hour NAAQS (*i.e.*, when the 1-hour NAAQS will no longer apply); how anti-backsliding principles will ensure continued progress toward attainment of the 8-hour ozone NAAQS; attainment dates; and the timing of

emissions reductions needed for attainment. We are issuing this rule so that States and Tribes will know how we plan to classify areas and transition from implementation of the 1-hour NAAQS to implementation of the 8-hour NAAQS. The intended effect of the rule is to provide certainty to States and Tribes regarding classifications for the 8-hour NAAQS and their continued obligations with respect to existing requirements. This document is Phase 1 of the program to implement the 8-hour ozone NAAQS. We plan to issue a second rule, Phase 2, within the next several months which will address the remaining 8-hour implementation issues, *e.g.*, requirements for reasonable further progress (RFP), requirements for modeling and attainment demonstrations, and requirements for reasonably available control measures (RACM) and reasonably available control technology (RACT).

DATES: Effective Date: This rule is effective on June 15, 2004.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. OAR–2003–0079. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>.

Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742.

In addition, we have placed a variety of earlier materials regarding implementation of the 8-hour ozone NAAQS on the Web site: <http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr>.

FOR FURTHER INFORMATION CONTACT: Mr. John Silvasi, Office of Air Quality