MARICOPA ASSOCIATION of GOVERNMENTS

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SPECIAL NOTICE REGARDING PUBLIC MEETINGS

Due to the risks to public health caused by the possible spread of the COVID-19 virus at public gatherings, the Maricopa Association of Governments has determined that public meetings will be indefinitely held through technological means. Meetings will be open to the public through technological means. In reliance on, and compliance with the March 13, 2020 Opinion issued by Attorney General Mark Brnovich, the Maricopa Association of Governments provides this special advance notice of the technological means through which public meetings may be accessed. While this special notice is in effect, public comment at meetings will only be accepted through written submissions, which may or may not be read aloud during meetings.

To attend the meeting noticed below by technological means, members of the public may follow the steps below:

1. To watch a live video stream of the meeting, go to MAG's YouTube channel at https://www.youtube.com/channel/UCPYm3GwUIqFxbIzTabenoVA
2. Members of the public may submit written comments relating to this meeting to azmag.gov/comment within one hour of the posted start time for the meeting.

If any member of the public has difficulty connecting to the meeting, please contact MAG at (602) 254-6300 for support.

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August 20, 2020

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Jon Sherrill, Chandler, Chair

SUBJECT: NOTIFICATION OF THE MEETING AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, August 27, 2020 - 1:30 p.m.
VIRTUAL MEETING

The MAG Air Quality Technical Advisory Committee has been scheduled at the time noted above. The meeting will be **held as a virtual meeting only**, with no in-person attendance options available at this time. Instructions on how to participate will be provided via email to members of the committee. Members of the public will be able to view and listen to the meeting via a live video stream. You can watch the meeting online by clicking here https://www.youtube.com/channel/UCPYm3GwUIqFxbIzTabenoVA to go to MAG's YouTube channel. Public comments can be provided in written format through the MAG website at azmag.gov/comment. If you have questions, please contact the MAG office at (602) 254-6300.

In 1996, the Regional Council approved a simple majority quorum for all MAG advisory committees. If the MAG Air Quality Technical Advisory Committee does not meet the quorum requirement, members who have joined the meeting will be notified that a legal meeting cannot occur and the meeting will end. Your participation in the meeting is strongly encouraged.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Kelly Taft at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions regarding the meeting, please contact MAG at (602) 254-6300.

MAG Air Quality Technical Advisory Committee

TENTATIVE AGENDA

August 27, 2020

1. Call to Order

2. Approval of the May 21, 2020 Meeting Minutes

Action Requested:
Review and approve the May 21, 2020 meeting minutes.

3. EPA Final Rule on Finding of Failure to Attain the PM-10 Standard in the West Pinal County Nonattainment Area

On June 24, 2020, the Environmental Protection Agency (EPA) published a final rule to determine that the West Pinal County Nonattainment Area did not attain the PM-10 standard by the December 31, 2018 attainment date and is reclassified as a Serious Area, effective July 24, 2020. The attainment date for Serious Areas is December 31, 2022. The Clean Air Act requires that a Serious Area Plan be submitted within 18 months of the effective date of the reclassification, which is January 24, 2022. Please refer to the enclosed material.

Action Requested:
For information and discussion.

4. Tentative Schedule for the 2022 Serious Area Particulate Plan for PM-10 for the West Pinal County Nonattainment Area

In accordance with the Clean Air Act, a Serious Area Particulate Plan for PM-10 for the West Pinal County Nonattainment Area is required to be submitted to EPA by January 24, 2022. The plan is required to include Best Available Control Measures that are designed to achieve the maximum degree of emissions reduction from a particulate source. The Best Available Control Measures are

required to be implemented no later than four years after the reclassification effective date or by July 24, 2024. The definition of major source is changed from 100 tons to 70 tons.

For Serious Areas, the Clean Air Act also allows the Environmental Protection Agency to extend the attainment date for up to five years if the following requirements are met: attainment by December 31, 2022 is impracticable; compliance with all requirements and commitments in the plan; plan includes the Most Stringent Measures that are included in the plan of any State or are achieved in practice in any State, and can be feasibly implemented in the area; and attainment no later than December 31, 2027. A preliminary draft Tentative Schedule for the 2022 Serious Area Particulate Plan for PM-10 for the West Pinal County Nonattainment Area has been prepared. Please refer to the enclosed material.

Action Requested:
Information and discussion.

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5. Valley Metro Update on the New Share The Ride System and Solar Canopies

Valley Metro has a new Share The Ride System. Commute solutions will be unveiling a freshly branded and new platform/app that promises to revolutionize commute options. It's better, faster, and easier than ever. The new system helps users to organize carpools, check traffic, select transit routes, participate in challenges, and win rewards in the process. Upon request, custom subsites will be available for each employer. Information kits will be distributed and webinar training announcements will be forthcoming.

In addition, Valley Metro has activated 3,500 new solar panels to enable Valley Metro maintenance facilities to rely on solar power. The canopies help buses to quickly cool down allowing more efficient operations and reducing fuel costs. In partnership with Standard Solar and Veregy, the project began construction in June 2019 and the panels started producing energy in May 2020. A presentation by Valley Metro will be provided.

Action Requested:
Information and discussion.

6. EPA Final Action on the MAG 2017 Eight-Hour Ozone Moderate Area Plan

On June 2, 2020, the Environmental Protection Agency (EPA) published a final rule to approve the portions of the MAG 2017 Eight-Hour Ozone Moderate Area Plan (for the 2008 standard) that address the requirements for emissions inventories, a demonstration of attainment by the applicable attainment date, reasonably available control measures, reasonable further progress, motor vehicle emission budgets for transportation conformity, vehicle inspection and maintenance programs, new source review rules, and offsets. Since EPA determined that the standard had been met by the attainment date in a separate finding, EPA determined that the requirement for contingency measures no longer applied. EPA finalized the disapproval of the contingency measures as they were not compliant with the U.S. Ninth Circuit Court ruling against early implementation. Finally, EPA is approving the new source review rules and offset element for the MAG 2014 Eight-Hour Ozone Plan-Submittal of Marginal Area Requirements (for the 2008 standard). Please refer to the enclosed material.

Action Requested:
Information and discussion.

7. Request for Future Agenda Items

Topics or issues of interest that the Air Quality Technical Advisory Committee would like to have considered for discussion at a future meeting will be requested. The next meeting of the Committee has been tentatively scheduled for Thursday, September 24, 2020.

Action Requested:
Information and discussion.

8. Adjournment

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, May 21, 2020
Web Conference
Phoenix, Arizona

MEMBERS ATTENDING

Jon Sherrill, Chandler, Chair
Megan Sheldon, Glendale, Vice Chair
* Vacant, Avondale
# Robert van den Akker, Buckeye
# Derek Castaneda, El Mirage
* Benjamin Bitter, Florence
* Hondo Judd, Gilbert
# Mario Saldamando, Goodyear
# Peter Margoliner for Benjamin Cereceres, Maricopa
* Aaron Chavez, Mesa
* Rhonda Humbles, Peoria
# Nancy Allen, Phoenix
# Scott DiBiase, Pinal County
# Ramona Simpson, Queen Creek
# Stan Belone, Salt River Pima-Maricopa Indian Community
# Sam Brown for Tim Conner, Scottsdale
* Martin Lucero, Surprise
# Oddvar Tveit, Tempe
* Youngtown
# Walter Bouchard, American Lung Association of Arizona
# Bill McClellan, Salt River Project
* Southwest Gas Corporation
# Michael Denby, Arizona Public Service
# Susie Stevens, Western States Petroleum Association
# Robert Forrest, Valley Metro/RPTA
* Dave Berry, Arizona Motor Transport Association
# Liz Foster, Maricopa County Farm Bureau
# Steve Trussell, Arizona Rock Products
* Greater Phoenix Chamber of Commerce
# Amanda McGennis, Associated General Contractors
* Spencer Kamps, Homebuilders Association of Central Arizona
* Mannie Carpenter, Arizona Forward
# Kai Umeda, University of Arizona Cooperative Extension
# Beverly Chenausky, Arizona Department of Transportation
# Joseph Martini, Arizona Department of Environmental Quality
* Environmental Protection Agency
# Kimberly Butler, Maricopa County Air Quality Department
# Michelle Wilson, Arizona Department of Agriculture, Weights and Measures
*@ Ed Stillings, Federal Highway Administration
# JC Porter, Arizona State University

* Members neither present nor represented by proxy.
# Participated via telephone conference call.
+ Participated via video conference call.
@ Ex-Officio member, non-voting member.

OTHERS PRESENT

Lindy Bauer, MAG
Julie Hoffman, MAG
Matt Poppen, MAG
Dean Giles, MAG
Taejoo Shin, MAG
Randy Sedlacek, MAG
Lesa Young, MAG
Alison Walker, MAG
Adam Xia, MAG
Matthew Potzler, City of Phoenix
Joonwon Joo, Arizona Department of Transportation
Tim Hogan, Arizona Center for Law in the Public Interest
Katrina Gerster, City of Phoenix
Erin Stone, Arizona Republic
Laura Jardieanu, Maricopa County
Earl Ratledge, Citizen
Vince Wolpert, Arizona Department of Agriculture, Weights and Measures

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on May 21, 2020. Jon Sherrill, City of Chandler, Chair, called the meeting to order at approximately 1:30 p.m.

2. Approval of the January 23, 2020 Meeting Minutes

The Committee reviewed the minutes from the January 23, 2020 meeting. Megan Sheldon, City of Glendale, moved to approve the January 23, 2020 meeting minutes. Michael Denby, Arizona Public Service, seconded, and the motion passed unanimously with Nancy Allen, City of Phoenix, Stan Belone, Salt River Pima-Maricopa Indian Community, Walter Bouchard, American Lung Association of Arizona, Kim Butler, Maricopa County Air Quality Department, Derek Castaneda, City of El Mirage, Beverly Chenausky, Arizona Department of Transportation, Sam Brown, City of Scottsdale, Mr. Denby, Scott DiBiase, Pinal County, Robert Forrest, Valley Metro, Liz Foster, Maricopa County Farm Bureau, Bill McClellan, Salt River Project, Amanda McGennis, Arizona Chapter of Associated General Contractors, JC Porter, Arizona State University, Mario Saldamando, City of Goodyear, Ms. Sheldon, Chair Jon Sherrill, City of Chandler, Ramona Simpson, Town of Queen Creek, Susie Stevens, Western States Petroleum Association, Steve Trussell, Arizona Rock Products Association, Oddvar Tveit, City of Tempe, Kai Umeda, University of Arizona Cooperative Extension, Robert van den Akker, City of Buckeye, and Michelle Wilson, Arizona Department of Agriculture, Weights and Measures voting in favor of the motion. Peter Margoliner, City of Maricopa, and Joseph Martini, Arizona Department of Environmental Quality, were not present for the vote.

3. Draft MAG 2020 Eight-Hour Ozone Plan – Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area.

Matt Poppen, Maricopa Association of Governments, presented the Draft MAG 2020 Eight-Hour Ozone Plan – Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area. Mr. Poppen stated the Maricopa nonattainment area was classified as a Marginal Area (the lowest level) for the 2015 ozone standard effective August 3, 2018. This is the newest ozone standard of 0.070 parts per million. The attainment date is August 3, 2021 for that standard. He added that since the attainment date is in the middle of the summer ozone season, the Marginal Area will be required to show attainment of the standard in the prior 2020 ozone season dated from years 2018, 2019, and 2020. The Marginal Area Plan for the Maricopa nonattainment area is due to EPA by August 3, 2020.

Mr. Poppen presented a map of the nonattainment area and explained that the nonattainment area was expanded from the prior 2008 ozone standard to include the Queen Valley monitor in Pinal County and also expanded into Gila County to include the Tonto National Monument monitor.

Mr. Poppen stated that since this is the lowest level of ozone classification there are limited requirements that Marginal Areas need to meet. The most significant requirement is a baseline emissions inventory and for this plan that is the 2017 Periodic Emissions Inventory that was completed and finalized by Maricopa County Air Quality Department in November 2019. That inventory is included as an appendix to this plan. Other requirements that are in the plan are requirements to meet the emissions statement rule and requirements to do periodic emission inventory updates every three years. Also, there are requirements to address the Nonattainment New Source Review (NNSR) program or how those will be addressed in the future. He added that the emission offset ratio for marginal area for major sources is 1.1 to 1 and that the plan also addresses transportation conformity requirements.

Mr. Poppen explained that because we are a Marginal Area which is the lowest level, the area is not required to submit an attainment demonstration, reasonably available control technologies and measures, reasonable further progress demonstrations or contingency measures. EPA assumes that Marginal Areas will be able to attain the standard (0.070 parts per million) within three years of designation without any additional control measures because the area is very near the standard to begin with. Currently, the region already has 93 existing federal, state, and local control measures approved by EPA to reduce ozone.

Mr. Poppen reviews the schedule to submit the plan. On April 6 and 7, 2020, the draft plan was made available for a 30-day public review and a public notice was published to announce an opportunity for public comment and/or request a public meeting. May 7, 2020 ended the 30-day public review period and no comments were received nor any requests for a public hearing. He added that MAG posted on its website an announcement that stated requests for a public hearing were not received; therefore, a public hearing would not be conducted. The MAG Air Quality Technical Advisory Committee may make a recommendation for the Management Committee and the Regional Council to adopt the plan on May 21, 2020. On June 10, 2020 the Management Committee may make a recommendation to adopt the plan and on June 24, 2020 the Regional Council may adopt the plan. Once the plan is adopted, MAG will submit the plan to the Arizona Department of Environmental Quality and EPA in July 2020 before the August 3, 2020 submittal deadline.

Mr. Denby, Arizona Public Service, asked if the MAG Air Quality Technical Advisory Committee (AQTAC) received an opportunity to review the plan before the Committee's meeting on May 21, 2020. Mr. Poppen responded that several avenues were used to make the plan available for review including: Presentations to the AQTAC in 2019 explaining Marginal Area requirements; a notification letter explaining the availability of the draft plan and public review period was sent to MAG Air Quality Interested Parties which includes AQTAC members; and the plan was included in the Committee meeting agenda packet which was sent to

Committee members prior to the meeting.

Chair Sherrill requested a motion to recommend the adoption of the Draft MAG 2020 Eight-Hour Ozone Plan – Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area. Ms. Sheldon moved to approve the motion. Mr. van den Akker, seconded, and the motion passed with Ms. Allen, Mr. Belone, Ms. Butler, Mr. Castaneda, Ms. Chenausky, Mr. Brown, Mr. DiBiase, Mr. Forrest, Ms. Foster, Mr. McClellan, Ms. McGennis, Mr. Porter, Mr. Saldamando, Ms. Sheldon, Chair Sherrill, Ms. Simpson, Ms. Stevens, Mr. Tveit, Mr. van den Akker, and Ms. Wilson, voting in favor of the motion. Mr. Bouchard and Mr. Denby abstained. Mr. Margoliner, Mr. Martini, and Mr. Trussell were not present for the vote.

4. CMAQ Annual Report

Dean Giles, Maricopa Association of Governments, provided the 2019 Congestion Mitigation and Air Quality Improvement (CMAQ) Program Annual Report for the year ending September 30, 2019. Federal Highway Administration CMAQ Guidance requires that an annual report be prepared that specifies the projects that are obligated in the prior federal fiscal year and the expected air quality benefits. MAG worked closely with the Arizona Department of Transportation and the Federal Highway Administration (FHWA) Arizona Division Office staff on the report. In February 2020, the report was submitted to the FHWA Arizona Division Office.

Mr. Giles stated the 2019 CMAQ Annual Report contains 21 projects. Each project includes a project description, cost information, and the estimated emission reductions for VOC, CO, NOx, and PM-10 in kilograms per day. Also, included is the PM-2.5 emission reduction for projects that are in the West Central Pinal PM-2.5 nonattainment area. He noted there are other PM-2.5 nonattainment areas. The Arizona Department of Transportation (ADOT) has included a project for the Nogales, Arizona area. Mr. Giles added that these projects have previously been before the Committee. Before these projects are added to the TIP, the Committee reviews the estimated emission reductions prior to being selected for funding. MAG staff calculates the estimated emission reductions using the project data submitted by MAG member agencies in the project applications.

Mr. Giles highlighted two projects in the report: a Maricopa County project to pave a one-mile section of Miller Road and a City of Phoenix project to pave 29 miles of alleys.

5. How COVID-19 is Affecting Traffic and Emissions

Taejoo Shin, Maricopa Association of Governments, and Mr. Poppen provided a presentation on the effect of telecommuting and stay-at-home restrictions for the COVID-19 pandemic and the noticeable impact on traffic.

Mr. Poppen stated that in response to the interest in how the COVID-19 restrictions are affecting both traffic and emissions that can affect air quality, MAG set up a dedicated webpage which contains graphics to track the impacts of COVID 19 restrictions on traffic and on emissions. The baseline for comparing the effects of COVID-19 restrictions is based on "normal" conditions as observed on March 1, 2020. Currently, comparison data is available through May 15, 2020 to show the impact of COVID-19 restrictions on regional freeways and arterial road traffic.

Mr. Poppen indicated that overall, the data shows there is less congestion and higher average speeds which means faster travel times and less delay. In terms of actual measured traffic volume, the lowest decrease in average weekday traffic volume was seen in the second week of April where traffic volumes were 63 percent of the March 1, 2020 baseline. Since then, there has been a steady upward trend and as of May 15, 2020 the data shows 77 percent of the March 1 baseline. He added that COVID-19 restrictions have not stopped freight deliveries. Unlike commute traffic, daily traffic for heavy trucks has remained consistent.

Mr. Poppen stated that the COVID-19 impact on average weekday vehicle speeds during morning rush hour and afternoon rush hour (referred to as AM peak and PM peak) shows an increase in average speed on freeways and arterial roads. This does not mean people are driving faster; rather, it means there is less congestion and people can drive the speed limit.

Mr. Poppen indicated that data shows a reduction in traffic congestion delays in Maricopa County's freeways and arterial roads. The data is measured in the amount of hours people spend in traffic congestion delays during their commutes. Using the baseline of March 1 up to the early weeks of April, the amount of hours decreased from 70,000 to 30,000 hours. It has since remained low.

Mr. Poppen discussed the average weekday traffic volume compared to normal conditions in Maricopa County. The traffic volume data is provided by the Arizona Department of Transportation (ADOT) on selected automatic traffic recorders on freeways and arterial streets in Maricopa County and is a week-by-week comparison. Assuming Week 1, March 2 to March 6 is a normal condition at 100 percent, there was a decrease to 63 percent of baseline levels in Week 6, April 6 to April 10. For Week 11, May 11 to May 15 of COVID-19 restrictions, the traffic volume is 77 percent of the baseline of March 1 levels.

Mr. Poppen explained an additional graphic for the average weekday traffic activity compared to normal conditions in Maricopa County. He stated the data comes from sensors deployed by MAG. The sensors use Anonymous Wireless Address Matching (AWAM) technology to detect vehicles with enabled networking devices. Assuming Week 1, March 2 to March 6, as a normal condition at 100 percent, the interstate freeway showed a decrease to 73 percent of baseline levels in Week 10, May 4 to May 8. Other non-interstate freeways showed a decrease to 64 percent in Week 10,

and Sky Harbor ground traffic showed a decrease to 35 percent of baseline levels.

The data used for the chart entitled Average Weekday Daily Traffic of Heavy Trucks Compared to Normal Condition in Maricopa County was provided by ADOT on selected automatic traffic recorders on freeways and arterial streets in Maricopa County and was explained by Mr. Poppen. Heavy trucks are defined as a truck with single-trailer or multi-trailer and more than two axles. The percentage is calculated as an average weekday daily traffic of heavy trucks compared to average weekday daily traffic of heavy trucks during normal conditions in Week 1 of March 2020. Mr. Poppen stated that the data shows a relatively consistent level throughout the period. There was a slight increase of in Week 11 (five percent), May 11 to May 15, compared to baseline levels in Week 1, March 2 to March 6.

Mr. Poppen mentioned that the graph information discussed in the Committee meeting is on the MAG website and is updated week by week by the MAG Transportation Department. He stated that on the website there is one graph in particular that deals with measured emissions. The graph is entitled Satellite Measured NO_2 Emissions Over the Phoenix Metropolitan Area Before and After COVID-19 Lockdowns. The MAG Environmental Division Air Quality Modeling Group was able to look at satellite data for the period of March 16 to April 21, 2019 and March 16 to April 21, 2020 to measure nitrogen dioxide (NO_2) emissions. Data shows that during the measured period there was a 17 percent reduction in nitrogen dioxide emissions. Mr. Poppen added that there are some caveats with satellite data. It can be highly affected by cloud cover; on a cloudy day, a good NO_2 measurement is not necessarily obtained. Also, NO_2 is not only a local pollutant, but is transportable. It can have long range transport as well as being emitted locally. Therefore, there are several factors to consider when examining satellite data.

Mr. Poppen referred to an article that was published on May 19, 2020 by National Public Radio (NPR) entitled Traffic is Way Down Because of Lockdown, But Air Pollution? Not So Much. A link to the article was provided. He stated the trend of a reduction in traffic but not necessarily air pollution is being observed nationally. Even though traffic has reduced quite a bit, ozone levels have not come down as much as expected. Mr. Poppen highlighted some quotes from the article that discuss how the large reduction in traffic has not translated into a large reduction in air pollution. The quotes discuss reasons why this may be the case including the importance of other emission sources such as factories, refineries, and power plants and also the complex role nitrogen oxides can have in producing and reducing ozone. He added that the article in particular highlighted the areas of Los Angeles, Houston and Pittsburgh, but also discusses national trends and includes a map that shows ozone reductions for the entire country.

Mr. Shin discussed the high ozone episode experienced during the period of April 28 to May 6, 2020. There were three ozone monitor exceedances on April 28, 2020 according to the 2015 ozone standard. The ozone exceedance data was collected

from the ozone monitors located at Falcon Field, Blue Point, and Apache Junction. During this six-day period, the lowest ozone exceedance was recorded on April 30 at 0.071 parts per million. The highest exceedance was recorded on May 6 at 0.084 parts per million. He noted that in April 2019 there were no ozone exceedances.

Mr. Shin stated that for the April 28 through May 6, 2020 early summer high ozone episode in Phoenix, meteorological conditions (synoptic scale air pressures, temperatures, and winds) are critical in order to track elevated ozone concentrations. During the high ozone episode period, higher temperatures were observed. Specifically, on April 28, 2020 the synoptic scale air pressure indicated a higher air pressure in Arizona. Higher air pressure contributed to an accumulation of air pollution in this area. In addition, lower wind speed and static air mass were contributing factors to the elevated ozone concentration in this area on April 28.

Mr. Shin discussed the synoptic scale temperatures and winds on April 28 and 29, 2020 for the southwestern part of the United States; specifically, the areas of southern California and Arizona. Two area graphs were compared, one for April 28 and one for April 29, to show the similarities of high temperatures over 100 degrees and wind directions on April 28 and 29, 2020. The wind directions indicated were generally blowing from the southern border of California, west to east; this wind directions facilitate air pollutant transport from California to Maricopa County in Arizona.

Mr. Shin explained the biogenic volatile organic compounds (VOC) daily emissions in Maricopa County during the period of April 20 through April 29, 2020. Biogenic emissions are emissions from vegetation such as trees and plants. From April 20 to April 29, biogenic emissions more than doubled in tons per day.

Mr. Shin discussed atmospheric nitrogen oxides (NOx) photochemistry. He stated that anthropogenic (man-made) nitrogen oxides (NOx) emissions are generally composed of about 80 percent of nitric oxide (NO) and 20 percent of nitrogen dioxide (NO_2). Nitric oxide (NO) breaks down ozone (O_3) while nitrogen dioxide (NO_2) generates ozone in the troposphere. He noted the nitric oxide is very unstable in the air.

Mr. Shin explained atmospheric NOx and volatile organic compounds (VOC) photochemistry and stated when volatile organic compounds (VOC) emissions are higher, nitric oxide (NO) generates ozone (O_3) and increases the ambient ozone (ozone formation mechanism). When VOC emissions are lower, NO breaks down ozone (ozone destruction mechanism). Biogenic VOC emissions increase during summer and may contribute to high ozone episodes.

Mr. Shin compared East Asia carbon monoxide (CO) transport to the United States during the period of April 22 through April 28, using two separate graphs one for the year 2019 and one for the year 2020. He stated that during the early summer

season, East Asia air pollution transport tends to be more predominate. East Asia transport in 2019 was much less than 2020. He noted that during April 2019, there were no ozone exceedances recorded in Maricopa County; but, in April 2020 there was a more elevated ozone concentration. Mr. Shin also compared East Asia carbon monoxide (CO) transport to the United States during the period of April 29 through May 5 using two separate graphs, one for the year 2019 and one for the year 2020. He noted that in the year 2019 there was a higher intensity of air pollution in the East Asia area; but, transport to the West Coast of the United States was not high.

Mr. Shin discussed satellite nitrogen dioxide (NO_2) emission measurements over the Phoenix metropolitan area for the period of April 16 through April 25, 2020 versus the measurement period of April 26 through May 5, 2020. He noted a 22.6 percent increase in NO_2 in the April 26 through May 5 period. He compared the period of April 26 through May 5, 2019 to April 26 through May 5, 2020 and noted there was a 12.5 percent increase of NO_2 in the year 2020.

Mr. Shin discussed satellite daily NO_2 measurements in Phoenix for April 26 through May 5, 2020. He stated there was an increase of NO_2 from April 27 to April 28 with a higher NO_2 emission in the central area of Phoenix. The measurement was lower on April 30 through May 3, but there was another increase on May 4 and May 5. Mr. Shin further discussed satellite daily NO_2 measurements for Los Angeles for the period of April 28 through May 7, 2020 and noted a high NO_2 emission measurement and elevated ozone concentration during the early summer ozone episode period in 2020. He added that this is not only a Phoenix problem but also California experienced the exact same high NO_2 emissions exceedances during this period.

Mr. Shin mentioned hourly NO_2 surface concentrations for the period of April 23 through May 6, 2020. He stated that satellite measurement can be different from surface monitor data; therefore, surface monitor data is also used to measure hourly NO_2 concentrations. Data used for measurements for the subject time period was taken from three monitor locations: Buckeye, West Phoenix, and Thirty-Third Avenue. The Buckeye and West Phoenix monitors showed similar data; but, the Thirty-Third Avenue monitor data was significantly different. Mr. Shin stated this particular monitor is located near I-10 and appears to be affected by I-10 traffic and heavy duty truck emissions. The West Phoenix power plant is located two miles south of the monitor and would affect the NO_2 concentrations at the monitor depending on wind directions. He mentioned data from the Thirty-Third Avenue monitor for the same time period for the year 2019 was compared to 2020 and there was a slight increase in NO_2 concentrations.

Mr. Shin summarized by stating early summer high ozone episodes in Phoenix during the period April 28 through May 6, 2020 may be affected by the following:

- Meteorological conditions were conducive to ozone formation (high air

pressure and temperature, stagnant air mass, and strong sunlight).

- Background ozone increased due to transport from California and Mexico, East Asia transport, and biogenic VOC emission increase.
- NOx and VOC photochemical reactions affected ozone formation in the troposphere.
- Local emissions contributions to ozone for the period were not clear due to limited data (e.g., power plant's continuous emission monitoring system (CEMS) data, industrial and commercial emission data, nonroad mobile source emissions, etc.).

Earl Ratledge asked if there is any seasonality that should be accounted for on the traffic speed/volume analysis. For example, winter visitor decrease, school spring breaks, etc. Mr. Poppen responded that the MAG Transportation Division may have historical information to help answer the question. He added that there is a normal reduction in traffic during the summer months from school breaks and the people taking vacations, but definitely not the level that has been seen this year. The reductions seen currently are mostly dominated by COVID-19 restrictions.

Mr. Denby asked if we know what the reduction in aviation emissions has been during the same period of time. Mr. Shin responded that for aviation emissions, MAG uses an aviation model called ADT to see the impact of any aviation emission control measuring impact on aircraft emissions. Aviation control measures were not reviewed; rather, the model's emission characterizations. Mr. Poppen added that we know air travel is way down; therefore, we would assume emissions would be lower compared to last year. He stated the Federal Aviation Administration (FAA) may have data on what is called landings and take-offs which is normally an input that is used in the model Mr. Shin mentioned. Also, it is unknown as to how soon the data could be available, but it is something MAG can look into to try to get a quantification of what the reduction has been. Mr. Poppen mentioned that specific aviation modeling for this period has not yet been performed. Mr. Shin stated that usually FAA provides the landing and takeoff activity data on their website, but the data listed is for the previous year. For the year 2020, the data would be available at the end of the year. He added that it takes time to get data for modeling analysis.

Mr. Denby stated there was a study conducted after September 11, 2001 (9-11) that theorized for the week after 9-11 when there were no flights in the United States, the lack of artificial cloud cover created by air travel may have contributed to higher pollution levels. He asked if there is a way to look at that to see if a similar impact has occurred. Mr. Shin responded that once the data from the FAA is available a modeling analysis can be done to assess reductions in aircraft emissions. He noted that the airports spend a lot of time to collect necessary data to develop airport emission estimates.

Erin Stone, Arizona Republic, asked if there is an understanding of how much heavy freight traffic contributes to our pollution and is the pollution from a significant

chunk of our ozone precursors rather than passenger traffic. Mr. Poppen responded that we use the EPA MOVES model to calculate emissions from onroad vehicles and the MOVES model can separate emissions from heavy trucks and passenger cars as they are different vehicle types. In order to run that model for the COVID-19 restriction period a transportation network that represents current traffic volumes and speeds by vehicle types is needed. Transportation networks are usually developed on an annual basis, and a network for this restriction period is currently not available. The latest available public information would be in the County's 2017 Periodic Emission Inventory in the Onroad Chapter which separates emissions by vehicle type. For the particular period in discussion more analysis is required to get a transportation network that represents the COVID-19 restrictions.

Mr. Poppen clarified that there is not a one-to-one relationship between emissions and ozone concentration. For example, if NOx or VOC emissions are reduced by five percent, that does not mean that ozone will be reduced by five percent. The productions of ozone is a very complex process and is controlled by many factors beyond the amount of NOx and VOC emissions in a particular day. Mr. Shin added that ozone is generated by chemical reactions, by VOC, by NOx, even with carbon monoxide emissions. The meteorological condition is a critical driving force to generate ozone in the air; if you consider the winter, the anthropogenic NOx emissions are not so different between winter and summer. The major difference is lower temperature in winter. Because of lower temperature during the winter, biogenic VOC emissions are much lower than the summer. As a result, ozone concentrations in winter are lower than summer. From our air quality modeling analysis results, even though we remove entire anthropogenic emissions we cannot see any big impact on ozone when the transported and background ozone and precursor emission impact on local ozone is higher. In the case of the higher background and transport impacts on local ozone, we have a very small margin of the local anthropogenic emission reduction to lower ozone. When developing ozone control measures, we have to consider many factors which impact ozone concentrations. We cannot simply expect ozone decrease due to small emission reductions because there are many factors which affect ozone concentrations in local areas.

Ms. Butler requested a follow up to the discussion be conducted once more of the data has come through when we are on the other side of the COVID-19 timeframe to see more data on how it adjusted things and what changes occurred. Mr. Shin stated that when more information is available that an updated presentation can be provided to the Committee.

6. EPA Proposed Finding of Failure to Attain the PM-10 Standard in the West Pinal County Nonattainment Area

Lindy Bauer, Maricopa Association of Governments, stated that on April 7, 2020 EPA published a proposed rulemaking to determine that the West Pinal County

Nonattainment Area has failed to meet the PM-10 standard by the December 31, 2018 attainment date and will be reclassified as a Serious Area. The attainment date for Serious Areas is December 31, 2022. The Serious Area Plan would be due within 18 months of the effective date of the reclassification. She added that more will be coming from EPA.

7. Request for Future Agenda Items

Chair Sherrill requested suggestions for future agenda items. He stated the item mentioned earlier by Ms. Butler regarding a follow-up on the impact of COVID-19 on air quality will be added to the list.

8. Adjournment

There being no further business, the meeting adjourned at 2:50 pm.

establishing the project partnership, entities, including the project coordinator, evaluator, and service provider, but excluding investors, must be procured following procurement standards set forth in 2 CFR 200.317 through 200.326.

* * * * *

[FR Doc. 2020–11915 Filed 6–23–20; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2020–0151; FRL–10010–56–Region 9]

Finding of Failure To Attain the 1987 24-Hour PM_{10} Standard; Reclassification as Serious Nonattainment; Pinal County, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to determine that the West Pinal County, Arizona nonattainment area did not attain the 1987 24-hour national ambient air quality standards (NAAQS or "standard") for particulate matter with a diameter of ten micrometers or smaller (PM_{10}) by December 31, 2018, the statutory attainment date for the nonattainment area. This action is based on the EPA's calculation of the PM_{10} design value for the nonattainment area over the 2016–2018 period, using complete, quality-assured, and certified PM_{10} monitoring data. With this final determination that West Pinal County has failed to attain the PM_{10} NAAQS by its attainment date, the Clean Air Act (CAA) section 188(b)(2) requires that the nonattainment area be reclassified to Serious by operation of law. Within 18 months from the effective date of this reclassification to Serious, the State must submit State Implementation Plan (SIP) revisions that comply with the statutory and regulatory requirements for Serious PM_{10} nonattainment areas.

DATES: This rule will be effective on July 24, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2020–0151. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we", "us", and "our" refer to the EPA.

Table of Contents

I. Summary of the Proposed Action
II. Public Comments and EPA Responses
III. Final Action
IV. Statutory and Executive Order Reviews

I. Summary of the Proposed Action

On April 7, 2020, the EPA proposed to determine that the West Pinal County nonattainment area failed to attain the 1987 24-hour PM_{10} NAAQS by December 31, 2018, the statutory attainment date for the area.[1] For a PM_{10} nonattainment area classified as Moderate under the CAA, such as the West Pinal County area, section 188(c) of the CAA states that the area's attainment date is "as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment." Consequently, the applicable attainment date for West Pinal County, designated nonattainment in 2012, was December 31, 2018. CAA section 188(b)(2) requires the EPA to determine whether any PM_{10} nonattainment area classified as Moderate attained the 24-hour PM_{10} NAAQS by the area's attainment date and requires the EPA to make such a determination within six months after that date.

Our proposed determination that the West Pinal County area failed to attain the PM_{10} NAAQS was based on complete, quality-assured, and certified PM_{10} monitoring data for the appropriate three-year period, 2016–2018. As discussed in our proposal, an area attains the 24-hour PM_{10} standard of 150 micrograms per cubic meter (µg/m^3) when the expected number of days per calendar year with a 24-hour concentration exceeding the standard, referred to as an "exceedance", averaged over a three-year period is equal to or less than one.

In our proposal, the EPA's evaluation of whether the West Pinal County nonattainment area has met the 1987 24-hour PM_{10} NAAQS was based on our review of the monitoring data, the adequacy of the PM_{10} monitoring network in the nonattainment area, and the reliability of the data collected by that network. The PM_{10} standard is attained when the expected number of exceedances, averaged over a three-year period, is less than or equal to one. The expected number of exceedances averaged over a three-year period at any given monitor is known as the PM_{10} design value for that site. The PM_{10} design value for the nonattainment area is the highest design value from a monitor within that area. Three consecutive years of air quality data are required to show attainment of the PM_{10} standard.

We reviewed the 2018 PM_{10} design values for all regulatory monitoring sites measuring PM_{10} within the West Pinal County nonattainment area, expressed as a single value representing the average expected exceedances over the three-year period, 2016–2018.[2] The PM_{10} data showed that the design values at multiple monitoring sites are greater than 1.0 estimated annual average exceedances of the 1987 24-hour PM_{10} NAAQS. Consequently, the EPA proposed to determine, based upon three years of complete, quality-assured and certified data from 2016–2018, that the West Pinal County nonattainment area did not attain the 1987 24-hour PM_{10} NAAQS by the applicable attainment date of December 31, 2018.

In our proposal to determine that the West Pinal County area did not attain the NAAQS by the relevant attainment date, the EPA noted that the consequence of our determination is that the West Pinal County area will be reclassified as a Serious PM_{10} nonattainment area by operation of law and will be subject to all applicable Serious area attainment planning and nonattainment New Source Review requirements. This includes the requirement to submit a Serious area air quality plan within 18 months of the effective date of our final rule, per section 189(b)(2) of the CAA. This Serious area air quality plan must demonstrate attainment of the 24-hour PM_{10} NAAQS by December 31, 2022, ten years after the area's designation to nonattainment, per section 188(c)(2) of the CAA.

[1] 85 FR 19408 (April 7, 2020).

[2] A design value is calculated using a specific methodology from monitored air quality data and is used to compare an area's air quality to a NAAQS. The methodologies for calculating expected exceedances for the 24-hour PM_{10} NAAQS are found in 40 CFR part 50, Appendix K, Section 2.1(a).

II. Public Comments and EPA Responses

The public comment period on the proposed rule opened on April 7, 2020, the date of its publication in the **Federal Register**, and closed on May 7, 2020. During this period, the EPA received one comment letter submitted by the Sierra Club and The Arizona Center for Law in the Public Interest (ACLIPI). The Sierra Club and ACLIPI comment letter expressed support for our proposal and suggested that the EPA take our final action without delay. A copy of this comment letter is included in the docket for this final action.

III. Final Action

In accordance with section 188(b)(2) of the CAA, the EPA is taking final action to determine that the West Pinal County Moderate nonattainment area did not attain the 1987 24-hour PM_{10} NAAQS by its applicable attainment date of December 31, 2018. Our determination that West Pinal County failed to attain the PM_{10} NAAQS is based on complete, quality-assured, and certified PM_{10} monitoring data for the appropriate three-year period, 2016–2018.

As a result of our determination of failure to attain the 1987 24-hour PM_{10} NAAQS by its applicable attainment date, West Pinal County is reclassified as a Serious PM_{10} nonattainment area by operation of law and is subject to all applicable Serious area attainment planning and nonattainment New Source Review requirements, in accordance with section 188(b)(2) of the CAA. This includes the requirement to submit a Serious area air quality plan within 18 months of the effective date of our final rule, per section 189(b)(2) of the CAA. This Serious area air quality plan must demonstrate attainment of the 24-hour PM_{10} NAAQS by December 31, 2022, ten years after the area's designation to nonattainment, per section 188(c)(2) of the CAA.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review, and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), and therefore was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because it is not a significant regulatory action under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3521) because it does not contain any information collection activities.

D. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This action will not impose any requirements on small entities. This action requires the state to adopt and submit SIP revisions to satisfy the statutory requirements that apply to Serious areas and would not itself directly regulate any small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

E. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate of $100 million or more and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531–1538). This action itself imposes no enforceable duty on any state, local, or tribal governments, or the private sector. This action determines that the West Pinal County nonattainment area failed to attain the 1987 24-hour PM_{10} NAAQS by its applicable attainment date, triggering reclassification as a Serious nonattainment area and existing statutory timeframes for the state to submit SIP revisions. Such a reclassification in and of itself does not impose any federal intergovernmental mandate.

F. Executive Order 13132: Federalism

This action 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 (64 FR 43255, August 10, 1999). The requirement to submit SIP revisions to meet the 1987 24-hour PM_{10} NAAQS is imposed by the CAA. This final rule does not alter the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132 and consistent with EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicited comments on our prior proposed action from state and local officials.

G. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. No areas of Indian country are located within the West Pinal County PM_{10} nonattainment area. Therefore, no tribal areas are implicated in the area that the EPA has determined to have failed to attain the 1987 24-hour PM_{10} NAAQS by the applicable attainment date. The CAA and the Tribal Authority Rule 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. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because the effect of this action is to reclassify the West Pinal County nonattainment area as Serious nonattainment for the 1987 24-hour PM_{10} NAAQS triggering additional Serious area planning requirements under the CAA. This action does not establish an environmental standard intended to mitigate health or safety risks.

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

This final rule is not subject to Executive Order 13211, "Actions Concerning Regulations 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.

J. National Technology Transfer and Advancement Act

This action is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order 12898 (59 FR 7629, Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The effect of this final action is to reclassify the West Pinal County nonattainment area as Serious nonattainment for the 1987 24-hour PM_{10} NAAQS triggering additional Serious area planning requirements under the CAA.

L. Congressional Review Act (CRA)

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 action 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).

M. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 24, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, does not extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, National parks, Particulate matter, Wilderness areas.

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

Dated: June 8, 2020.

John Busterud,

Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—DESIGNATION 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.*

■ 2. In § 81.303 amend in the table "Arizona–PM–10" by revising the entry under Pinal County (part) for "West Pinal" to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * *	*		*	*
Pinal County (part):				
West Pinal	7/2/12	Nonattainment	7/24/20	Serious.
1. Commencing at a point which is the intersection of the western line of Range 2 East, Gila and Salt River Baseline and Meridian, and the northern line of Township 4 South, which is the point of beginning:				
2. Thence, proceed easterly along the northern line of Township 4 South to a point where the northern line of Township 4 South intersects the western line of Range 7 East;				
3. Thence, northerly along the western line of Range 7 East to a point where the western line of Range 7 East intersects the northern line of Township 3 South;				
4. Thence, easterly along the northern line of Township 3 South to a point where the northern line of Township 3 South intersects the western line of Range 8 East;				
5. Thence, northerly along the western line of Range 8 East to a point where the western line of Range 8 East intersects the northern line of Township 1 South;				
6. Thence, easterly along the northern line of Township 1 South to a point where the northern line of Township 1 South intersects the eastern line of Range 8 East;				
7. Thence southerly along the eastern line of Range 8 East to a point where the eastern line of Range 8 East intersects the Northern line of Township 3 South;				

ARIZONA—PM–10—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
8. Thence easterly along the northern line of Township 3 South to a point where the northern line of Township 3 South intersects the eastern line of Range 9 East;				
9. Thence southerly along the eastern line of Range 9 east to a point where the eastern line of Range 9 East intersects the northern line of Township 4 South;				
10. Thence easterly along the northern line of Township 4 South to a point where the northern line of Township 4 South intersects the eastern line of Range 10 East;				
11. Thence southerly along the eastern line of Range 10 East to a point where the eastern line of Range 10 East intersects the southern line of Township 5 South;				
12. Thence westerly along the southern line of Township 5 South to a point where the southern line of Township 5 South intersects the eastern line of Range 8 East;				
13. Thence southerly along the eastern line of Range 8 East to a point where the eastern line of Range 8 East intersects the northern line of Township 8 South;				
14. Thence easterly along the northern line of Township 8 South to a point where the northern line of Township 8 South intersects the eastern line of Range 9 East;				
15. Thence southerly along the eastern line of Range 9 east to a point where the eastern line of Range 9 East intersects the northern line of Township 9 South;				
16. Thence easterly along the northern line of Township 9 South to a point where the northern line of Township 9 South intersects the eastern line of Range 10 East;				
17. Thence southerly along the eastern line of Range 10 East to a point where the eastern line of Range 10 East intersects the southern line of Township 9 South;				
18. Thence westerly along the southern line of Township 9 South to a point where the southern line of Township 9 South intersects the western line of Range 7 East;				
19. Thence northerly along the western line of Range 7 East to a point where the western line of Range 7 East intersects the southern line of Township 8 South;				
20. Thence westerly along the southern line of Township 8 South to a point where the southern line of Township 8 South intersects the western line of Range 6 East;				
21. Thence northerly along the western line of Range 6 East to a point where the western line of Range 6 East intersects the southern line of Township 7 South;				
22. Thence, westerly along the southern line of Township 7 South to a point where the southern line of Township 7 South intersects the quarter section line common to the southwestern southwest quarter section and the southeastern southwest quarter section of section 34, Range 3 East and Township 7 South;				
23. Thence, northerly along the along the quarter section line common to the southwestern southwest quarter section and the southeastern southwest quarter section of sections 34, 27, 22, and 15, Range 3 East and Township 7 South, to a point where the quarter section line common to the southwestern southwest quarter section and the southeastern southwest quarter section of sections 34, 27, 22, and 15, Range 3 East and Township 7 South, intersects the northern line of section 15, Range 3 East and Township 7 South;				
24. Thence, westerly along the northern line of sections 15, 16, 17, and 18, Range 3 East and Township 7 South, and the northern line of sections 13, 14, 15, 16, 17, and 18, Range 2 East and Township 7 South, to a point where the northern line of sections 15, 16, 17, and 18, Range 3 East and Township 7 South, and the northern line of sections 13, 14, 15, 16, 17, and 18, Range 2 East and Township 7 South, intersect the western line of Range 2 East, which is the common boundary between Maricopa and Pinal Counties, as described in Arizona Revised Statutes sections 11–109 and 11–113;				
25. Thence, northerly along the western line of Range 2 East to the point of beginning which is the point where the western line of Range 2 East intersects the northern line of Township 4 South;				

ARIZONA—PM–10—Continued

Designated area	Designation		Classification	
	Date	Type	Date	Type
26. Except that portion of the area defined by paragraphs 1 through 25 above that lies within the Ak-Chin Indian Reservation, Gila River Indian Reservation, and the Tohono O'odham Nation's Florence Village and San Lucy Farms.				
* * * * * * *				

* * * * *

[FR Doc. 2020–12827 Filed 6–23–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0045; FRL–10008–92]

Indaziflam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of indaziflam in or on multiple commodities which are identified and discussed later in this document. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 24, 2020. Objections and requests for hearings must be received on or before August 24, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0045, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. 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 OPP Docket is (703) 305–5805.

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0045 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 24, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2020–0045, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 15, 2020 (85 FR 20910) (FRL–10006–54), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a

August 2020

PRELIMINARY DRAFT

TENTATIVE SCHEDULE FOR THE 2022 SERIOUS AREA PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA

On May 31, 2012, the Environmental Protection Agency (EPA) designated the West Pinal County PM-10 Nonattainment Area as a Moderate Area, effective July 2, 2012. The Moderate Area attainment date was December 31, 2018. The Arizona Department of Environmental Quality prepared the 2015 West Pinal Moderate PM-10 Nonattainment Area SIP and submitted it to EPA on December 21, 2015. The plan is currently being reviewed by EPA.

On June 24, 2020, the Environmental Protection Agency published a final rule to determine that the West Pinal County Moderate PM-10 Nonattainment Area did not attain the PM-10 standard by the December 31, 2018 attainment date and is reclassified as a Serious Area, effective July 24, 2020. The Serious Area attainment date is December 31, 2022.

The Clean Air Act requires that a Serious Area Particulate Plan be submitted within eighteen months of the reclassification effective date, which is January 24, 2022. The plan is required to include Best Available Control Measures that are designed to achieve the maximum degree of emissions reduction from a particulate source. The Best Available Control Measures are required to be implemented no later than four years after the reclassification effective date or by July 24, 2024. Also, the definition of major source is changed from 100 tons to 70 tons.

While the attainment date for Serious Areas is December 31, 2022, the Clean Air Act also allows the Environmental Protection Agency to extend the attainment date for up to five years if the following requirements are met:

- Attainment by December 31, 2022 is impracticable.
- Compliance with all requirements and commitments in the plan.
- Plan includes the Most Stringent Measures that are included in the plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area.
- Attainment no later than December 31, 2027.

The following Tentative Schedule for the 2022 Serious Area Particulate Plan for PM-10 for the West Pinal County Nonattainment Area has been prepared.

PRELIMINARY DRAFT

TENTATIVE SCHEDULE FOR THE 2022 SERIOUS AREA PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA

Develop a Base Year Emissions Inventory (2017 or 2019) March 2021

Draft Modeling Protocol Document March 2021

Complete Best Available Control Measure and Most Stringent Measure Analyses December 2020-January 2021

Includes Evaluation of Economic and Technological Feasibility

Includes PM-10 Emissions Reductions

Develop Future Year Emissions Inventory (2027) March 2021

Evaluation of Potential Measures in Reducing PM-10 March 2021

Suggested List of Measures for Consideration by Implementing Entities March 2021

MAG Air Quality Technical Advisory Committee recommendation to MAG Management Committee, MAG Management Committee recommendation to MAG Regional Council, Regional Council approval of the Suggested List for Consideration by the Implementing Entities.

Each implementing entity determines which measures are available and feasible for implementation by that entity.

The Governor's Agricultural Best Management Practices Committee would be requested to evaluate potential measures to further reduce PM-10 emissions from agriculture for consideration for the plan. This committee was established by law in 1998 (Arizona Revised Statutes, Title 49-457) to develop an agricultural PM-10 general permit that would address the need for controls on agricultural operations. The potential agricultural measures will be presented to the MAG Air Quality Technical Advisory Committee for information and consideration.

Commitments to Implement Measures from Implementing Entities July 2021

Pinal County Air Quality Control District, Governor's Agricultural Best Management Practices Committee, Arizona Department of Environmental Quality (ADEQ)

Complete the Committed Measure Evaluation Process September 2021

Best Available Control Measures Demonstration, Most Stringent Measures Demonstration, Attainment Impracticability, Attainment Demonstration and Extension of the Attainment Date Request

Complete the Analysis and Prepare the Technical Support Document September 2021

Plan Document Available for Public Review September 2021

Public Hearing October 2021

Air Quality Technical Advisory Committee Recommendation October 2021

Management Committee Recommendation November 2021

Regional Council Adoption December 2021

Sun Corridor Metropolitan Planning Organization Adoption January 2022

Submit Plan to ADEQ/Environmental Protection Agency (EPA) January 2022

EPA Adequacy Finding for Conformity Budget April 2022

Notes: The plan will be prepared through a coordinated effort with the Arizona Department of Environmental Quality, Arizona Department of Transportation, Pinal County Air Quality Control District, Sun Corridor Metropolitan Planning Organization, and Maricopa Association of Governments.

This schedule is subject to change. Flexibility is needed to meet federal Clean Air Act mandates and changes to guidance from the Environmental Protection Agency.

August 2020

PRELIMINARY DRAFT TENTATIVE SCHEDULE FOR THE 2022 SERIOUS AREA PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA

	2020						2021												2022			
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
2022 SERIOUS AREA PARTICULATE PLAN FOR PM-10 FOR THE WEST PINAL COUNTY NONATTAINMENT AREA																						
Develop a Base Year Emissions Inventory (2017/19)									▲													
Draft Modeling Protocol Document									▲													
Complete BACM and MSM Analyses							▲															
Evaluation of Economic and Technological Feasibility							▲															
Evaluation of PM-10 Emissions Reductions							▲															
Develop Future Year Emissions Inventory (2027)									▲													
Evaluation of Potential Measures in Reducing PM-10									▲													
Suggested List of Measures for Consideration by Implementing Entities									▲													
AQTAC Recommendation									▲													
Management Committee Recommendation									▲													
Regional Council Approval									▲													
Commitments to Implement Measures from Implementing Entities													▲									
Complete Committed Measure Evaluation Process															▲							
Complete Analysis and Prepare the Technical Support Document															▲							
Plan Document Available for Public Review															▲							
Public Hearing																▲						

	2020						2021												2022			
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
AQTAC Plan Recommendation																▲						
Management Committee Plan Recommendation																	▲					
Regional Council Adoption																		▲				
Sun Corridor MPO Adoption																			▲			
Submit Plan to ADEQ/EPA																			▲			
EPA Adequacy Finding																						▲

Coast Guard plans to provide notification of this enforcement period via a Marine Safety Information Bulletin and/or Broadcast Notice to Mariners.

Dated: May 18, 2020.

K. M. Luttrell,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2020–11056 Filed 6–1–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2019–0541; FRL–10009–19–Region 9]

Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; Phoenix-Mesa, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action on a state implementation plan (SIP) revision submitted by the State of Arizona on behalf of the Maricopa Association of Governments (MAG) to meet Clean Air Act (CAA or "the Act") requirements for the 2008 ozone national ambient air quality standards (NAAQS or "standards") in the Phoenix-Mesa ("Phoenix") ozone nonattainment area (NAA). The EPA is finalizing approval of the portions of the "MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area (December 2016)" ("MAG 2017 Ozone Plan" or "Plan") that address the requirements for emissions inventories, a demonstration of attainment by the applicable attainment date, reasonably available control measures (RACM), reasonable further progress (RFP), motor vehicle emission budgets for transportation conformity, vehicle inspection and maintenance (I/M) programs, new source review (NSR) rules, and offsets. The EPA is finalizing a disapproval of the portion of the MAG 2017 Ozone Plan that addresses the requirements for contingency measures for failure to attain or to make RFP. However, based on a separate finding that the Phoenix 2008 ozone NAA ("Phoenix NAA") attained the 2008 ozone standards by the applicable attainment date, we previously determined that the requirement for the State to submit a SIP revision addressing attainment contingency measures no longer applies for the Phoenix NAA. We are also finalizing our determination that the requirement for the State to submit a SIP revision addressing RFP contingency measures no longer applies for the Phoenix NAA. Finally, we are finalizing approval of the portions of a SIP revision, the "MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014)" ("MAG 2014 Ozone Plan"), on which we previously deferred action.

DATES: This rule is effective on July 2, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2019–0541. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* 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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Phone: (415) 972–3848 or by email at *levin.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," and "our" refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. Final Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On October 3, 2019, the EPA proposed action on a SIP revision submitted by the State of Arizona on behalf of MAG to meet CAA requirements for the 2008 ozone NAAQS [1] in the Phoenix NAA.[2] We also proposed to approve the portions of a SIP revision, the MAG 2014 Ozone Plan, on which we previously deferred action. Our proposed action contains more information on the MAG 2017 Ozone Plan, the MAG 2014 Ozone Plan, and our evaluation of these submittals.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received comments from two commenters: (1) Arizona Center for Law in the Public Interest (ACLPI) on behalf of ACLPI, the Sierra Club-Grand Canyon Chapter, and their supporters and members who live and work in the Phoenix metropolitan area; and (2) the Arizona Department of Environmental Quality (ADEQ). We summarize the comments and provide our responses below. All the comments received are included in the docket for this action.

Commenter #1—ACLPI

Comment 1.a: The commenter asserted that MAG should do more to combat worsening ozone pollution, particularly given the area's economic expansion and population, but that in this Plan, MAG relied on existing controls, tightening fuel standards, and fleet turnover, which are not enough to achieve attainment. Specifically, ACLPI noted that the Act and the 2008 Ozone SIP Requirements Rule (SRR) require implementation of RACM to achieve attainment as expeditiously as practicable and to meet RFP requirements; and that "[s]tates should consider all available measures, including those being implemented in other areas." The commenter stated that "MAG did not incorporate any new control measures in the Plan" and that the Plan's reliance on existing control measures, tighter fuel standards, and fleet turnover, is "clearly not enough to reach attainment in the Phoenix NAA." The commenter also asserted that economic expansion and population growth in the Phoenix area will continue to drive onroad and nonroad mobile source emissions upwards, and that "MAG and its member agencies should lead the way in finding more effective and long-lasting solutions to Phoenix's ozone pollution problem."

Response: We do not agree that the controls reflected in the Plan are insufficient to achieve attainment of the 2008 ozone NAAQS in the Phoenix NAA. For the reasons described in our proposal and in response to ACLPI's other comments in this document, we find that the Plan adequately demonstrates that the area will attain the 2008 Ozone NAAQS by the attainment date and meets all other applicable requirements, including RACM requirements. In particular, the Plan documents that the State did consider whether additional measures

[1] Since the 2008 primary and secondary NAAQS for ozone are identical, for convenience, we refer to both as "the 2008 ozone NAAQS" or "the 2008 ozone standard."

[2] 84 FR 52838.

were reasonably available as part of its RACM analysis, but determined that no new control measures were needed to attain the NAAQS or achieve RFP in the Phoenix NAA at this time.[3] As described in our proposal, this analysis follows the approach outlined in the SRR, which provides that states need only adopt those control measures that "will advance the attainment date or contribute to RFP for the area." [4] ACLPI has not provided any information or analysis that undermines our conclusion that the MAG 2017 Ozone Plan meets this requirement.

Comment 1.b: ACLPI commented that the area exceeded the 2008 ozone standard multiple days in 2015 through 2019, and that the design value for the 2017 attainment year exceeded the 2008 ozone NAAQS when "unsupported 'exceptional events' exceedances on June 20, 2015 are included in the calculation." The commenter also stated that, even assuming these exceedances were properly excluded, the design value for 2018 was 77 parts per billion (ppb). On this basis, the commenter asserted that "any paper 'attainment' of the 2008 standard in 2017 was fleeting and not the result of permanent emission reductions." Finally, the commenter stated that 2018 monitoring data indicate that ozone concentrations have increased since 2016 and that the Phoenix metropolitan area is ranked 7th on the American Lung Association's list of the most ozone-polluted cities in the U.S.

Response: Under the CAA, a determination of whether an area has attained by the attainment date is a separate action from the review of an attainment demonstration in a SIP revision. The EPA's review of the SIP revision occurs under CAA section 110(k), while a determination of whether an area has failed to attain is governed by CAA section 181(b)(2). Under section 181(b)(2), the EPA must determine whether an ozone NAA has attained the applicable NAAQS "[w]ithin 6 months following the applicable attainment date (including any extension thereof)." In this instance, the EPA has already undertaken a separate final action to determine, pursuant to section 181(b)(2), that the Phoenix NAA attained the 2008 ozone NAAQS by the "Moderate" area attainment date, based on 2015–2017 monitoring data.[5] That separate action was based, in part, on our prior concurrence with ADEQ's demonstration that, based on the weight of evidence, the ozone exceedances that occurred on June 20, 2015, were caused by wildfire ozone exceptional events.[6] These separate actions are beyond the scope of this final rule.

We do not consider the exceedances of the 2008 ozone standard in 2018 and 2019, years after the area's applicable attainment date, to be relevant to the approvability of the State's demonstration that this area would attain the 2008 ozone NAAQS by the attainment date, as discussed in our response to comment 1.d.

Comment 1.c: ACLPI stated that the EPA's approval of the Plan "would defer or significantly delay taking meaningful actions to protect . . . vulnerable residents, contravening the Act's express policy that 'protection of public health is the highest priority' " (quoting CAA section 319(b)(3)(A)).

The commenter further asserted that MAG and its member agencies should act now to "promote and implement clean mobility measures," such as converting all or part of government fleets to zero-emission vehicles and offering tax incentives and rebate programs to residents who purchase electric vehicles, to bring the Phoenix area into compliance with ozone standards "with an adequate margin of safety and to ensure that such compliance is maintained." In addition, the commenter argued that "MAG should do more to control ozone precursor emissions from gas-powered lawn equipment." Finally, citing MAG's RACM analysis in Chapter 4 of the Plan, the commenter argued that MAG should evaluate additional control measures from the EPA's menu of control measures and measures adopted by the Sacramento Metropolitan Air Quality Management District, at least as contingency measures.

Response: Our approval is based on our finding that the Plan meets all of the applicable requirements of the Act, as described in our proposal and in this document. Under CAA section 110(k)(3), the EPA is required to approve any SIP submittal that meets all such requirements. The EPA cannot require states to adopt measures that are more stringent than necessary to meet CAA requirements. While we encourage ADEQ, MAG, and Maricopa and Pinal Counties to consider adopting the measures suggested by the commenter, we have determined that these measures are not necessary to provide for attainment of the 2008 ozone NAAQS in the Phoenix NAA by the attainment date or to meet RFP requirements, and are therefore not needed to meet RACM requirements. As noted in our response to comment 1.b, the EPA has determined, pursuant to section 181(b)(2), that the Phoenix NAA attained the 2008 ozone NAAQS by the "Moderate" area attainment date. In addition, for the reasons described in our response to comment 1.f, we find that RFP contingency measures are not required for the Phoenix NAA at this time. Therefore, ADEQ, MAG, and the counties are not required to adopt any additional control measures for purposes of the MAG 2017 Ozone Plan.

Furthermore, the commenter's reliance on CAA section 319(b)(3)(A) is misplaced. This provision establishes five principles that the EPA must follow in developing implementing regulations for exceptional events, including that "protection of public health is the highest priority." [7] As noted in our response to comment 1.b, we previously concurred with ADEQ's demonstration that, based on the weight of evidence, the ozone exceedances that occurred on June 20, 2015, were caused by wildfire ozone exceptional events.[8] This was done through a separate Agency action and is beyond the scope of this final rule. Requirements for exceptional events demonstrations are not directly relevant to the EPA's action on an attainment plan pursuant to CAA section 110(k)(3).

Comment 1.d: ACLPI asserted that "the EPA should disapprove the Plan's attainment demonstration because it does not demonstrate that the Phoenix NAA attained the 2008 standard by the July 20, 2018 attainment date or made RFP goals." The commenter stated that MAG erred in omitting ozone exceedances that occurred on June 20, 2015, from the 2015–2017 design value calculation. The commenter also argued that the "EPA cannot simply ignore the fact that monitors in the Phoenix NAA have continued to record numerous violations of the 2008 ozone standard in 2018 and 2019, or that the 8-hour ozone design value for the Phoenix NAA in 2018 was 77 ppb."

Response: We do not agree with the commenter's argument that the EPA should disapprove the attainment demonstration because it did not demonstrate that the area factually attained or achieved RFP, or with the commenter's assertions concerning

[3] Plan Chapter 4.

[4] 80 FR 12264, 12282 (March 6, 2015).

[5] 84 FR 60920 (November 12, 2019).

[6] Letter dated May 7, 2019, from Elizabeth J. Adams, Director, Air Division, EPA Region IX, to Timothy S. Franquist, Director, Air Quality Division, ADEQ.

[7] CAA section 319(b)(3)(A)(i).

[8] Letter dated May 7, 2019, from Elizabeth J. Adams, Director, Air Division, EPA Region IX, to Timothy S. Franquist, Director, Air Quality Division, ADEQ.

exceptional events and the consideration of monitoring data collected after the Moderate attainment date.

MAG has satisfied the legal and regulatory criteria for attainment demonstrations. Contrary to the commenter's suggestion, the CAA does not require an attainment demonstration to show that an area has attained the NAAQS based on monitored values, or that it has achieved emissions reductions corresponding to RFP. Such demonstrations would not be practical, given that attainment demonstrations are generally required to be submitted to the EPA well before the milestone and attainment dates.[9] Rather, the CAA requires states to submit SIP revisions that "provide for attainment" of the NAAQS by the attainment date and "require" RFP.[10]

To address the requirements to provide for attainment and submit an attainment demonstration, the MAG 2017 Ozone Plan includes an attainment demonstration using air quality modeling that shows that existing control measures are sufficient for the Phoenix area to attain the 2008 ozone standard by 2017. In particular, to predict future ozone levels, the modeled attainment demonstration uses a baseline design value derived from historical monitoring data, historical meteorological data from the baseline period, emissions inventories representing the baseline design value period, and modeled reductions in emissions based on SIP control measures. The modeled attainment demonstration is intended to assess whether SIP controls are adequate to reduce ambient ozone to a level at or below the NAAQS by the attainment date.[11]

The modeled attainment demonstration showed that the emissions reductions would provide for attainment of the 2008 ozone NAAQS by the attainment date. As a separate matter, as described in our response to comment 1.b, the monitoring data for 2015–2017 show attainment, and the EPA has already determined in a prior final Agency action that the area attained the 2008 ozone NAAQS by the attainment date based on these data.[12] Data from 2018 and preliminary data from 2019 for the area do not alter our assessment of the modeled attainment demonstration for the 2008 ozone NAAQS. However, we note that the Phoenix area is currently designated and classified as a "Marginal" NAA for the 2015 ozone NAAQS and has a maximum attainment date of August 3, 2021.[13] The EPA will consider the monitoring data from 2018 through 2020 to determine whether the area attained the 2015 ozone NAAQS by the attainment deadline.[14] If these data show that the area has not attained, the area would be reclassified to a Moderate NAA for the 2015 ozone NAAQS, and the State would be required to submit a new attainment plan that addresses the Moderate area requirements for the 2015 ozone NAAQS.[15] Therefore, while the 2018–2019 monitoring data for the Phoenix NAA are not pertinent to our action on the 2017 MAG Ozone Plan, these data will be relevant to our determination of whether the area has attained the 2015 ozone standard.

Comment 1.e: The commenter argued that approval of the attainment demonstration would be "problematic, given the weaknesses of MAG's modeling" that the EPA identified in the proposed rule.

Response: We do not agree that the "weaknesses" identified in our proposal concerning meteorological inputs and model performance are obstacles to approving the attainment demonstration in the MAG 2017 Ozone Plan. As an initial matter, it is important to note that the EPA's "Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze" ("Modeling Guidance") states, "[b]y definition, models are simplistic approximations of complex phenomena" and "all models have strengths and weaknesses."[16] Accordingly, the Modeling Guidance recommends conducting evaluations of both meteorological inputs and air quality model performance to evaluate the reliability of the modeling results. These are important aspects of the attainment demonstration. However, the Modeling Guidance recommendations are not regulatory requirements, and there are no recommended pass/fail thresholds for any particular evaluation metric. The guidance recommendations are generally applicable to evaluating model performance, but there are no specific requirements that are applicable or must be met in all cases. The particular analyses used may vary on a case-by-case basis, depending on the availability of modeled and observational data (both meteorological and air quality data).

In evaluating the meteorological inputs to the modeling, MAG followed the recommendations of the Modeling Guidance by conducting an "operational evaluation" focusing on "the values and distributions of specific meteorological parameters as paired with and compared to observed data."[17] Specifically, MAG used a series of statistical metrics to compare wind speed, wind direction, temperature, and water vapor mixing ratio values from the model to observations from weather stations in the NAA. As described in our proposal, temperature and water vapor mixing ratios showed good agreement with observations, with little bias. The modeled wind speed showed an overestimate at low wind speeds and an underestimate at high wind speed. Modeled wind direction showed poorer performance for wind directions from the south-east. MAG asserted that modeling wind speed and direction in Phoenix is difficult due to the complex terrain in the area, but that results are comparable to the benchmarks described in the Modeling Guidance.[18]

The Modeling Guidance explains that these benchmarks are to be "used as a means of assessing general confidence in the meteorological model data" rather than as "as a 'pass/fail' indicator of the acceptability of a model simulation."[19] The fact the metrological parameters used in MAG's modeling are comparable to these benchmarks, despite the challenges presented by the complex terrain of the area, supports a conclusion that the meteorological inputs used by MAG "represent a reasonable approximation of the actual meteorology that occurred during the modeling period."[20]

In addition to an operational evaluation of meteorological inputs based on statistical comparisons, the Modeling Guidance also recommends that states conduct a phenomenological

[9] See, *e.g.*, CAA section 181(a)(1) (setting the attainment date for Moderate areas of 6 years after November 15, 1990); and 182(b)(1)(A) (requiring submittal of attainment demonstration for Moderate areas 3 years after November 15, 1990 and setting RFP milestone date of 6 years after November 15, 1990).

[10] CAA sections 172(c)(1), (2), and (6).

[11] 40 CFR 51.1108(c)(attainment demonstration must be "based on photochemical grid modeling or any other analytical method determined . . . to be at least as effective.").

[12] 84 FR 60920.

[13] 40 CFR 81.303, 51.1303(b).

[14] The 2015 ozone primary and secondary NAAQS are 0.070 parts per million (ppm), while 2008 NAAQS are 0.075 ppm. Both are based on a three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. Accordingly, exceedances of the 2008 NAAQS are also exceedances of the 2015 NAAQS.

[15] CAA section 181(b)(2).

[16] "Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze", November 2018, EPA 454/R–18–009 ("Modeling Guidance"), 169, 24.

[17] Modeling Guidance, 33.

[18] 84 FR 52838, 52844.

[19] Modeling Guidance, 33.

[20] Id. at 32.

evaluation (*i.e.,* a qualitative comparison of observed features versus their depiction in the model data). As noted in our proposal, while the inclusion of such an analysis "would have provided additional confidence, the model adequately simulates the temporal and spatial variability in ozone concentrations across the area, suggesting the model captures the meteorological phenomena that are important for ozone formation in the Phoenix area." [21] Therefore, we find that the absence of a phenomenological evaluation of meteorological data does not undermine the overall adequacy of the modeling.

Concerning air quality model performance evaluation, the EPA's "Guideline on Air Quality Models" explains that, "[t]here are no specific levels of any model performance metric that indicate 'acceptable' model performance." [22] Thus, "[t]he EPA recommends that air agencies conduct a variety of performance tests and weigh them qualitatively to assess model performance." [23] Specifically, as part of an operational evaluation, the EPA recommends evaluating the following statistical metrics: mean observed, mean model, mean bias, mean error and/or root mean square error, normalized mean bias and/or fractional bias, normalized mean error and/or fractional error, and the correlation coefficient.[24] In this case, as part of its air quality model evaluation, MAG evaluated each of the recommended (except for the correlation coefficient, for which it substituted the related "coefficient of determination") to evaluate ozone model performance.[25] Figures IV–5 through IV–10 of the Modeling technical support document provide time-series plots, scatter plots, spatial maps of mean error and bias, and box plots comparing model performance with previous studies. As described in the proposal, these analyses show that, although there were "a few periods where peak ozone concentrations were underpredicted in July and overpredicted in August, MAG modeling statistics are within or close to the distribution of other published modeling studies." [26] Accordingly, we concluded that, "[o]verall, the operational evaluation shows good model performance." [27] As we further noted in our proposal, the "addition of some dynamic and diagnostic evaluations as described in the Modeling Guidance would have provided additional confidence." [28] However, the Modeling Guidance also explains that, "[g]iven that air agencies might have limited resources and time to perform diagnostic and dynamic evaluation, the use of these methods may be limited in scope in a typical regulatory modeling application." [29] Accordingly, we do not consider the omission of such dynamic and diagnostic evaluations to undercut the adequacy of the modeling.

In sum, the meteorological inputs were reasonable, and the Plan demonstrated good air quality model performance. Furthermore, in addition to the modeling demonstration, the Plan also contains a comprehensive "weight of evidence" analysis, consisting of several supplemental analyses that further support the modeled attainment demonstration.[30] These include ozone air quality trends and precursor emission trends, both of which show continued progress and support the conclusion that the attainment demonstration is sound. Other analyses include: an evaluation of the sensitivity of the model to oxides of nitrogen (NO_X) and volatile organic compound (VOC) emissions reductions; a comparison to the EPA's modeling for the Cross-State Air Pollution Rule, which projects the area will be in attainment in 2017; a process analysis using the VOC:NO_X ratio as a photochemical indicator; and an examination of weekday versus weekend effects. These analyses provide assurance that the model is adequately simulating the physical and chemical processes leading to ozone in the atmosphere and that the model responds in a scientifically reasonable way to emissions changes. Therefore, we do not agree with the commenter that we should disapprove the attainment demonstration in the MAG 2017 Ozone Plan based on the modeling.

Comment 1.f: The commenter supported the EPA's proposal to disapprove the contingency measure element of the Plan based on *Bahr* v. *EPA,*[31] but argued that there is no statutory basis for "excusing" MAG from including contingency measures in the Plan. The commenter stated that CAA section 172(e) "expressly prevents EPA from loosening controls applicable to a nonattainment area when a NAAQS is relaxed," and the EPA applies the same concept "where the NAAQS is made more stringent." Citing *South Coast Air Quality Management District* v. *EPA* ("*South Coast*"),[32] the commenter noted that contingency measures are "controls" because they are "designed to constrain ozone pollution." Citing *South Coast,* the commenter argued that MAG cannot withdraw its contingency measures because "withdrawing measures from a SIP would also constitute impermissible backsliding."

Response: The commenter's reliance on CAA section 172(e) is misplaced. This provision applies if the EPA relaxes a NAAQS and requires the EPA to promulgate "requirements applicable to all areas which have not attained that standard as of the date of such relaxation." [33] The commenter alleges that this provision would preclude our determination that a SIP revision providing for contingency measures for the Phoenix NAA for the 2008 ozone NAAQS is no longer required. The promulgation of the 2008 ozone NAAQS was a strengthening from the prior 1997 ozone NAAQS. Accordingly, CAA section 172(e) is not directly applicable.

The commenter further discusses, but mischaracterizes, the EPA's past actions invoking the principles of section 172(e) when revoking an ozone standard. The commenter wrongly suggests that the EPA has applied section 172(e) in cases where the Agency strengthens the NAAQS; this is not true. The EPA has looked to the principles of section 172(e) to develop anti-backsliding regulations when the EPA has revoked ozone standards in order to ensure air quality protections are preserved during the transition to a more protective NAAQS.[34] The EPA has not taken any action to revoke the 2008 ozone NAAQS.[35]

The relevant provision of the CAA, section 172(c)(9), requires nonattainment plans to "provide for the implementation of specific measures to be undertaken if the area fails to make [RFP], or to attain the [NAAQS] by the attainment date applicable under this part." Thus, contingency measures are required for two purposes: attainment

[21] 84 FR 52838, 52844.

[22] "Guideline on Air Quality Models," 40 CFR part 51, appendix W, section 5.2.d.

[23] Modeling Guidance, 69.

[24] Id. at 70–72.

[25] MAG 2017 Ozone Plan, Appendix B, Exhibit 1, ("Modeling Technical Support Document" or "Modeling TSD"), section IV.

[26] 84 FR 52838, 52844.

[27] Id.

[28] Id.

[29] Modeling Guidance, 68.

[30] 84 FR 52838, 52845.

[31] 836 F.3d 1218, 1235–1237 (9th Cir. 2016).

[32] 472 F.3d 882, 900–902 (D.C. Cir. 2006).

[33] 42 U.S.C. 7502.

[34] 80 FR 12264 (March 6, 2015) (revoking the 1997 ozone NAAQS); 69 FR 23951 (April 30, 2004) (revoking the 1979 1-hour ozone NAAQS).

[35] 83 FR 62998 (December 6, 2018) ("The EPA is not taking any final action regarding our proposed approach for revoking a prior ozone NAAQS and establishing anti-backsliding requirements; the agency intends to address any revocation of the 2008 ozone NAAQS and any potential anti-backsliding requirements in a separate future rulemaking.").

contingency measures and RFP contingency measures. On November 12, 2019, the EPA took final action to determine that the Phoenix NAA attained the Moderate area 2008 ozone NAAQS by the attainment date, and Arizona was no longer required to provide a SIP submission that includes attainment contingency measures for the 2008 NAAQS for the Phoenix NAA because attainment contingency measures for this NAAQS would never be required to be implemented.[36] With regard to the RFP contingency measure requirement, we proposed, in conjunction with our proposal on the MAG 2017 Ozone Plan, to find that the RFP contingency measure requirement would also no longer apply to the Phoenix NAA for the 2008 ozone NAAQS.[37] We explained that the EPA's long-standing interpretation is that RFP contingency measures for Moderate areas would be triggered only by a finding that the area failed to attain the standard by the Moderate area attainment date.[38] Because we have determined that the area has attained the standard by the attainment date, the RFP contingency measures have not, and will not, be triggered. Thus, we have determined that a SIP revision addressing RFP contingency measures is no longer needed.

Comment 1.g: The commenter noted that section 107(d)(3)(E)(v) prohibits the EPA from redesignating a NAA to attainment unless "the State . . . has met *all* requirements applicable to this area" under section 110 and part D of the CAA, including contingency measures under section 172(c)(9). The commenter also quoted CAA section 110(l), which prohibits the EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and RFP or any other applicable requirement of the CAA.

Response: None of the provisions cited by the commenter are relevant either to our disapproval of the contingency measures for the Phoenix NAA or to our determination that a SIP revision addressing contingency measures is no longer required for the Phoenix NAA. CAA section 107(d)(3)(E)(v) applies when the EPA is redesignating an area from nonattainment to attainment. ADEQ has not submitted a redesignation request for the Phoenix NAA, and we have not proposed to redesignate the area. Therefore, CAA section 107(d)(3)(E)(v) does not apply to this action.

CAA section 110(l) prohibits the EPA from approving a SIP revision that would interfere with any applicable requirement of the CAA. Because we are disapproving the contingency measure element of the Plan, this requirement does not apply to our action on the contingency measure portion of the Plan. To the extent the commenter is suggesting that our approval of the remainder of the 2017 MAG Ozone Plan would interfere with any applicable requirement of the CAA, we do not agree. First, in this action, the EPA is not approving the removal of any existing provisions in the approved Arizona SIP, and thus there is no concern that our approval action would interfere with any applicable CAA requirement. Second, to the extent that the commenter is concerned that the EPA's approval of the nonattainment plan without contingency measures contravenes the requirements of the CAA to include such measures, the EPA has determined that such measures are not in fact required for this area for this NAAQS for the reasons described in our response to comment 1.f in this action. Section 110(l) prohibits the EPA's approval of a SIP revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. Given that attainment contingency measures and RFP contingency measures are no longer applicable requirements, following the EPA's final action to determine the area attained by the attainment date, the EPA's approval of the remainder of the SIP submission is consistent with CAA section 110(l). For the reasons discussed in our proposal and in this document, we find that the Plan meets all applicable CAA requirements. Therefore, our approval of the other elements of the Plan complies with CAA section 110(l).

Comment 1.h: The commenter stated that there was no merit to the EPA's argument that based on the "milestone" requirement for ozone NAAs classified as "Serious" or higher, the RFP contingency measures are no longer required. In particular, citing *South Coast,* the commenter asserted that "[t]his provision demonstrates that when Congress intended to exempt nonattainment areas from statutory requirements, it did so expressly." The commenter concluded that the EPA must disapprove the contingency measure element of the Plan and require the adoption of additional contingency measures consistent with *Bahr.*

Response: In our proposal, we explained that under CAA section 182(g), ozone nonattainment areas classified Serious or higher are required to meet RFP emissions reduction milestones and to demonstrate compliance with those milestones, except when the milestone coincides with the attainment date and the standard has been attained. We noted that this specific statutory exemption from milestone compliance demonstration submittals for areas that attained by the attainment date indicates that Congress intended that a finding that an area attained the standard—the finding made in a determination of attainment by the attainment date—would serve as a demonstration that RFP requirements for the area have been met. Therefore, a finding that a Serious or above area has attained the NAAQS by the attainment date would also indicate that RFP contingency measures could not be triggered and are therefore no longer necessary.

The commenter points to the absence of a similar exemption (*i.e.,* an exemption from RFP milestone compliance demonstration submittals when the milestone coincides with the attainment date and the standard has been attained) for Moderate areas. The commenter appears to be arguing that this omission indicates that Congress intended to subject Moderate areas to the requirement for RFP contingency measures, even if they attained the NAAQS by the attainment date. Contrary to the commenter's suggestion, however, Congress expressly exempted Moderate areas from all RFP milestone compliance demonstration submittals.[39] Accordingly, unlike for Serious and above areas, Congress did not need to provide a specific exemption for a milestone coinciding with the attainment date for Moderate areas. The overall statutory exemption from requirements for RFP milestone compliance demonstration submittals in Moderate areas supports the EPA's interpretation that RFP contingency measures in Moderate ozone NAAs can be triggered only by a finding that the area has failed to attain the standard by the attainment date.[40] Therefore, while

[36] 84 FR 60920.

[37] 84 FR 52838, 52847.

[38] Id. (citing 57 FR 13498, 13511 (April 16, 1992) and Memorandum dated March 11, 1993, from G.T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, to Air Branch Chief, Regions I–X).

[39] CAA section 182(g)(1) ("6 years after November 15, 1990, and at intervals of every 3 years thereafter, the State shall determine whether each nonattainment area (other than an area classified as Marginal or Moderate)" has achieved the applicable milestone).

[40] As noted in our proposal, "a determination of attainment by the attainment date for a Moderate area serves as demonstration that RFP requirements for the area have been met and that RFP contingency measures are no longer needed. Thus,

Continued

we are disapproving the contingency measure element of the Plan, we are also determining that Arizona is no longer required to submit a SIP revision including contingency measures for the Phoenix NAA.

Commenter #2—ADEQ

Comment: ADEQ expressed support for the EPA's proposed action, including disapproval of the contingency measure requirements, provided the EPA finalizes its determination that the Phoenix NAA attained the 2008 ozone standard by the attainment date.

Response: The EPA finalized its determination that the Phoenix NAA attained the 2008 ozone standard by the applicable attainment date on November 12, 2019.[41]

III. Final Action

No comments were submitted that change our assessment of the determinations as described in our proposed action. Therefore, for the reasons discussed in the preceding sections and in our proposed rule, under CAA section 110(k)(3), the EPA is finalizing approval as a revision to the Arizona SIP the following portions of the "MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area," submitted by ADEQ on December 19, 2016:

- Base year and periodic emission inventories as meeting the requirements of CAA sections 172(c)(3), 182(a)(1), and 182(a)(3)(A) and 40 CFR 51.1115(a) and (b);
- RACM demonstration and control strategy as meeting the requirements of CAA section 172(c)(1) and 172(c)(6) and 40 CFR 51.1112(c);
- Attainment demonstration as meeting the requirements of CAA section 182(b)(1)(A)(i) and 40 CFR 51.112 and 51.1108(c);
- Rate of progress plan and RFP demonstration as meeting the requirements of CAA sections 172(c)(2) and 182(b)(1) and 40 CFR 51.1110(a)(3)(i);
- Motor vehicle emissions budgets for the 2017 attainment year because they are consistent with the RFP demonstration and the attainment demonstration approved herein and meet the other criteria in 40 CFR 93.118(e);
- Vehicle I/M provisions as meeting the requirements of 40 CFR part 51, subpart S;
- NSR discussion as demonstrating that the requirements of CAA sections 173 and 182(a)(2)(C) have been met; and
- Offset discussion as demonstrating that the requirements of CAA sections 173 and 182(b)(5) have been met.

The EPA is finalizing disapproval of the contingency measure element of the MAG 2017 Ozone Plan for failing to meet the requirements of CAA sections 172(c)(9) and 182(c)(9). However, based on our November 12, 2019 finding of attainment by the applicable attainment date,[42] we are also finalizing our determination that Arizona is no longer required to submit a SIP revision addressing the contingency measures requirement for failure to meet RFP for the Phoenix 2008 ozone NAA. Therefore, our disapproval does not trigger sanctions or FIP clocks.

Finally, we are finalizing approval of the NSR and offset elements of the MAG 2014 Ozone Plan as meeting the Marginal area requirements of CAA section 182(a)(2)(C) and CAA sections 173 and 182(b)(5), respectively, for the Phoenix 2008 ozone NAA.

IV. Statutory and Executive Order Reviews

Additional information about the following statutes and Executive orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13711: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action 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.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

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the EPA concludes that RFP contingency measures for Moderate areas are no longer needed if the area has attained the relevant NAAQS." 84 FR 52847.

[41] 84 FR 60920.

[42] Id.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

L.Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

M. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 3, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 1, 2020.

John Busterud,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart D—Arizona

■ 2. Section 52.120 is amended in table 1 in paragraph (e), under the heading "Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas," by adding entries for "MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area (December 2016)" and "MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), Sections titled "A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C)," "New Source Review—CAA, Title I, Part D," and "Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)" on pages 8 and 9" after the entry for "Reasonably Available Control Technology (RACT) Analysis, Negative Declaration and Rules Adoption" to read as follows:

§ 52.120 Identification of plan.

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(e) * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively] [1]

Name of SIP provision	Applicable geographic or nonattainment area or title/ subject	State submittal date	EPA approval date	Explanation
The State of Arizona Air Pollution Control Implementation Plan				
* * * * * * *				
Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas				
* * * * * * *				
MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area (December 2016).	Phoenix-Mesa 2008 8-hour ozone nonattainment area.	December 19, 2016.	[Insert **Federal Register** Citation], June 2, 2020.	Adopted by the Arizona Department of Environmental Quality on December 13, 2016.
MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014), Sections titled "A Nonattainment Area Preconstruction Permit Program—CAA section 182(a)(2)(C)," "New Source Review—CAA, Title I, Part D," and "Offset Requirements: 1:1 to 1 (Ratio of Total Emission Reductions of Volatile Organic Compounds to Total Increased Emissions)—CAA Section 182(a)(4)" on pages 8 and 9.	Phoenix-Mesa 2008 8-hour ozone nonattainment area.	July 2, 2014	[Insert **Federal Register** Citation], June 2, 2020.	Other provisions of the MAG 2014 Eight-Hour Ozone Plan—Submittal of Marginal Area Requirements for the Maricopa Nonattainment Area (June 2014) were approved on October 16, 2015.
* * * * * * *				

[1] Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

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