

§ 80.71

40 CFR Ch. I (7-1-04 Edition)

- (iii) Fairfax;
- (iv) Fairfax County;
- (v) Falls Church;
- (vi) Loudoun County;
- (vii) Manassas;
- (viii) Manassas Park;
- (ix) Prince William County;
- (x) Stafford County;
- (xi) Charles City County;
- (xii) Chesterfield County;
- (xiii) Colonial Heights;
- (xiv) Hanover County;
- (xv) Henrico County;
- (xvi) Hopewell;
- (xvii) Richmond;
- (xviii) Chesapeake;
- (xix) Hampton;
- (xx) James City County;
- (xxi) Newport News;
- (xxii) Norfolk;
- (xxiii) Poquoson;
- (xxiv) Portsmouth;
- (xxv) Suffolk;
- (xxvi) Virginia Beach;
- (xxvii) Williamsburg; and
- (xxviii) York County.

(k) The ozone nonattainment areas included in this paragraph (k) have opted into the reformulated gasoline program since the beginning of the program, and are covered areas for purposes of subparts D, E, and F of this part. The geographic extent of each covered area listed in this paragraph (k) shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C.

(1) The St. Louis, Missouri, ozone nonattainment area is a covered area beginning June 1, 1999. The prohibitions of section 211(k)(5) of the Clean Air Act apply to all persons in the St. Louis, Missouri, covered area, other than retailers and wholesale purchaser-consumers, beginning May 1, 1999. The prohibitions of section 211(k)(5) of the Clean Air Act apply to retailers and wholesale purchase-consumers in the St. Louis, Missouri, area beginning June 1, 1999.

(2) [Reserved]

(l) Upon the effective date for removal of any opt-in area or portion of an opt-in area included in an approved petition under § 80.72(a), the geographic area covered by such approval shall no longer be considered a covered area for purposes of subparts D, E, and F of this part.

(m) Effective one year after an area has been reclassified as a Severe ozone nonattainment area under section 181(b) of the Clean Air Act, such Severe area shall also be a covered area under the reformulated gasoline program. The ozone nonattainment areas included in this paragraph (m) were reclassified as Severe ozone nonattainment areas, and are covered areas for purposes of subparts D, E, and F of this part. The geographic extent of each covered area listed in this paragraph (m) shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C.

(1) The Sacramento, California, ozone nonattainment area, was redesignated as a Severe ozone nonattainment area effective June 1, 1995, and is a covered area for purposes of subparts D, E, and F of this part beginning on June 1, 1996.

(2) The San Joaquin Valley, California, ozone nonattainment area was redesignated as a Severe ozone nonattainment area effective December 10, 2001, and is a covered area for purposes of subparts D, E, and F of this part beginning on December 10, 2002.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36964, July 20, 1994; 60 FR 2699, Jan 11, 1995; 60 FR 35491, July 10, 1995; 61 FR 35680, July 8, 1996; 62 FR 30270, June 3, 1997; 63 FR 43049, Aug. 11, 1998; 63 FR 52104, Sept. 29, 1998; 64 FR 10371, Mar. 3, 1999; 67 FR 38403, June 4, 2002]

§ 80.71 Descriptions of VOC-control regions.

(a) Reformulated gasoline covered areas which are located in the following States are included in VOC-Control Region 1:

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|----------------------|----------------|
| Alabama | Missouri |
| Arizona | Nevada |
| Arkansas | New Mexico |
| California | North Carolina |
| Colorado | Oklahoma |
| District of Columbia | Oregon |
| Florida | South Carolina |
| Georgia | Tennessee |
| Kansas | Texas |
| Louisiana | Utah |
| Maryland | Virginia |
| Mississippi | |

(b) Reformulated gasoline covered areas which are located in the following States are included in VOC-Control Region 2:

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Connecticut	New Hampshire
Delaware	New Jersey
Idaho	New York
Illinois	North Dakota
Indiana	Ohio
Iowa	Pennsylvania
Kentucky	Rhode Island
Maine	South Dakota
Massachusetts	Vermont
Michigan	Washington
Minnesota	West Virginia
Montana	Wisconsin
Nebraska	Wyoming

(c) Reformulated gasoline covered areas which are partially in VOC Control Region 1 and partially in VOC Control Region 2 shall be included in VOC Control Region 1, except in the case of the Philadelphia-Wilmington-Trenton CMSA which shall be included in VOC Control Region 2.

§ 80.72 Procedures for opting out of the covered areas.

(a) In accordance with paragraph (b) of this section, the Administrator may approve a petition from a state asking for removal of any opt-in area, or portion of an opt-in area, from inclusion as a covered area under § 80.70. If the Administrator approves a petition, he or she shall set an effective date as provided in paragraph (c) of this section. The Administrator shall notify the state in writing of the Agency's action on the petition and the effective date of the removal when the petition is approved.

(b) To be approved under paragraph (a) of this section, a petition must be signed by the Governor of a State, or his or her authorized representative, and must include the following:

(1) A geographic description of each opt-in area, or portion of each opt-in area, which is covered by the petition;

(2) A description of all ways in which reformulated gasoline is relied upon as a control measure in any approved State or local implementation plan or plan revision, or in any submission to the Agency containing any proposed plan or plan revision (and any associated request for redesignation) that is pending before the Agency when the petition is submitted; and

(3) For any opt-in areas covered by the petition for which reformulated gasoline is relied upon as a control measure as described under paragraph

(b)(2) of this section, the petition shall include the following information:

(i) Identify whether the State is withdrawing any such pending plan submission;

(ii)(A) Identify whether the State intends to submit a revision to any such approved plan provision or pending plan submission that does not rely on reformulated gasoline as a control measure, and describe the alternative air quality measures, if any, that the State plans to use to replace reformulated gasoline as a control measure;

(B) A description of the current status of any proposed revision to any such approved plan provision or pending plan submission, as well as a projected schedule for submission of such proposed revision;

(iii) If the State is not withdrawing any such pending plan submission and does not intend to submit a revision to any such approved plan provision or pending plan submission, describe why no revision is necessary;

(iv) If reformulated gasoline is relied upon in any pending plan submission, other than as a contingency measure consisting of a future opt-in, and the Agency has found such pending plan submission complete or made a protectiveness finding under 40 CFR 51.448 and 93.128, demonstrate whether the removal of the reformulated gasoline program will affect the completeness and/or protectiveness determinations;

(4) The Governor of a State, or his or her authorized representative, shall submit additional information upon request of the Administrator,

(c)(1) For opt-out petitions received on or before December 31, 1997, except as provided in paragraphs (c)(2) and (c)(3) of this section, the Administrator shall set an effective date for removal of an area under paragraph (a) of this section as requested by the Governor, but no less than 90 days from the Agency's written notification to the state approving the opt-out petition, and no later than December 31, 1999.

(2) For opt-out petitions received on or before December 31, 1997, except as provided in paragraph (c)(3) of this section, where RFG is contained as an element of any plan or plan revision that has been approved by the Agency, other than as a contingency measure