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(E) Any other elements determined by EPA to be necessary to achieve the level of quality assurance required under paragraph (a)(11)(ii)(D) of this section.

(v) Any sampling and testing pursuant to a survey plan under this paragraph (a)(11) must be conducted in a manner consistent with the applicable provisions of §§80.8 and 80.46.

(vi)(A) Each refiner and importer who participates in the alternative quality assurance program under this paragraph (a)(11) must take all reasonable steps to ensure that each oxygenate blender, distributor, carrier and retail outlet cooperates in this program by allowing the independent surveyor to collect samples and by providing to the independent surveyor and/or EPA, upon request, copies of product transfer documents and other records or information regarding the source of any gasoline received, the destination of any gasoline distributed, the oxygenate blending instructions for the RBOB, and the rate (volume %) that oxygenate was blended into the gasoline.

(B) Reasonable steps under paragraph (a)(11)(vii) of this section must include, but typically should not be limited to, contractual agreements with any branded facilities of the refiner or importer, including any terminals, distributors, carriers and retail outlets, which require the branded facility to cooperate with the independent surveyor and/or EPA in the manner described in paragraph (a)(11)(vii)(A) of this section.

(vii)(A) Any terminal that blends oxygenate with RBOB which is produced or imported by any refiner or importer that complies with the alternative quality assurance requirement under this paragraph (a)(11), and any parties downstream from such oxygenate blending terminal, must include on product transfer documents information regarding the type and amount of oxygenate contained in the gasoline and identification of the oxygenate blending facility that blended the gasoline.

(B) If a party downstream from a refiner or importer that complies with the alternative quality assurance requirement under this paragraph (a)(11) fails to receive notice of the requirements in paragraph (a)(11)(vii)(A) of this section, upon notification from EPA, the party must thereafter comply with the requirements in paragraph (a)(11)(vii)(A) of this section.

(viii) The procedure for obtaining EPA approval of a survey plan under this paragraph (a)(11), and for revocation of any such approval, are as follows:

(A) A detailed survey plan which complies with the requirements of this paragraph (a)(11) must be submitted to EPA, no later than September 1 of the year preceding the calendar year in which the surveys will be conducted;

(B) The survey plan must be signed by a responsible corporate officer of the refiner or importer, or responsible officer of the organization which arranges to have an independent surveyor conduct a program of compliance surveys, as applicable; and

(C) The survey plan must be sent to the following address: Director, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (6406J), Washington, DC 20460;

(D) EPA will send a letter to the party submitting a survey plan under this section, either approving or disapproving the survey plan;

(E) EPA may revoke any approval of a survey plan under this section for cause, including an EPA determination that the approved survey plan has proved to be inadequate in practice or that it was not diligently implemented;

(F) The approving official for an alternative quality assurance program under this section is the Director of the Transportation and Regional Programs Division, Office of Transportation and Air Quality.

(G) Any notifications required under this paragraph (a)(11) must be directed to the official designated in paragraph (a)(11)(viii)(F) of this section.

(ix)(A) No later than December 1 of the year preceding the year in which the surveys will be conducted, the contract with the independent surveyor shall be in effect, and an amount of money necessary to carry out the entire survey plan shall be paid to the independent surveyor or placed into an escrow account with instructions to the escrow agent to pay the money to the independent surveyor during the course of the conduct of the survey plan;

(B) No later than December 15 of the year preceding the year in which the surveys will be conducted, EPA must receive a copy of the contract with the independent surveyor, proof that the money necessary to carry out the survey plan has either been paid to the independent surveyor or placed into an escrow account, and, if placed into an escrow account, a copy of the escrow agreement, to be sent to the official designated in paragraph (a)(11)(viii)(F) of this section.

(x) A failure of any refiner or importer to fulfill or cause to be fulfilled any of the requirements of this paragraph (a)(11) will cause the option to use the alternative quality assurance requirements under this paragraph (a)(11) to be void *ab initio*.

\* \* \* \* \*

§ 80.70 Covered areas.

For purposes of subparts D, E, and F of this part, the covered areas are as follows:

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(a) The Los Angeles-Anaheim-Riverside, California, area, comprised of:

- (1) Los Angeles County;
- (2) Orange County;
- (3) Ventura County;
- (4) That portion of San Bernadino County that lies south of latitude 35 degrees, 10 minutes north and west of longitude 115 degrees, 45 minutes west; and
- (5) That portion of Riverside County, which lies to the west of a line described as follows:
  - (i) Beginning at the northeast corner of Section 4, Township 2 South, Range 5 East, a point on the boundary line common to Riverside and San Bernadino Counties;
  - (ii) Then southerly along section lines to the centerline of the Colorado River Aqueduct;
  - (iii) Then southeasterly along the centerline of said Colorado River Aqueduct to the southerly line of Section 36, Township 3 South, Range 7 East;
  - (iv) Then easterly along the township line to the northeast corner of Section 6, Township 4 South, Range 9 East;
  - (v) Then southerly along the easterly line of Section 6 to the southeast corner thereof;
  - (vi) Then easterly along section lines to the northeast corner of Section 10, Township 4 South, Range 9 East;
  - (vii) Then southerly along section lines to the southeast corner of Section 15, Township 4 South, Range 9 East;
  - (viii) Then easterly along the section lines to the northeast corner of Section 21, Township 4 South, Range 10 East;
  - (ix) Then southerly along the easterly line of Section 21 to the southeast corner thereof;
  - (x) Then easterly along the northerly line of Section 27 to the northeast corner thereof;
  - (xi) Then southerly along section lines to the southeast corner of Section 34, Township 4 South, Range 10 East;
  - (xii) Then easterly along the township line to the northeast corner of Section 2, Township 5 South, Range 10 East;
  - (xiii) Then southerly along the easterly line of Section 2, to the southeast corner thereof;
  - (xiv) Then easterly along the northerly line of Section 12 to the northeast corner thereof;

(xv) Then southerly along the range line to the southwest corner of Section 18, Township 5 South, Range 11 East;

(xvi) Then easterly along section lines to the northeast corner of Section 24, Township 5 South, Range 11 East; and

(xvii) Then southerly along the range line to the southeast corner of Section 36, Township 8 South, Range 11 East, a point on the boundary line common to Riverside and San Diego Counties.

(b) San Diego County, California.

(c) The Greater Connecticut area, comprised of:

(1) The following Connecticut counties:

- (i) Hartford;
- (ii) Middlesex;
- (iii) New Haven;
- (iv) New London;
- (v) Tolland;
- (vi) Windham; and

(2) Portions of certain Connecticut counties, described as follows:

(i) In Fairfield County, the City of Shelton; and

(ii) In Litchfield County, all cities and townships except the towns of Bridgewater and New Milford.

(d) The New York-Northern New Jersey-Long Island-Connecticut area, comprised of:

(1) Portions of certain Connecticut counties, described as follows:

(i) In Fairfield County, all cities and townships except Shelton City;

(ii) In Litchfield County, the towns of Bridgewater and New Milford;

(2) The following New Jersey counties:

- (i) Bergen;
- (ii) Essex;
- (iii) Hudson;
- (iv) Hunterdon;
- (v) Middlesex;
- (vi) Monmouth;
- (vii) Morris;
- (viii) Ocean;
- (ix) Passaic;
- (x) Somerset;
- (xi) Sussex;
- (xii) Union; and

(3) The following New York counties:

- (i) Bronx;
- (ii) Kings;
- (iii) Nassau;
- (iv) New York (Manhattan);
- (v) Queens;

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- (vi) Richmond;
- (vii) Rockland;
- (viii) Suffolk;
- (ix) Westchester;
- (x) Orange; and
- (xi) Putnam.
- (e) The Philadelphia-Wilmington-Trenton area, comprised of:
  - (1) The following Delaware counties:
    - (i) New Castle; and
    - (ii) Kent;
    - (2) Cecil County, Maryland;
    - (3) The following New Jersey counties:
      - (i) Burlington;
      - (ii) Camden;
      - (iii) Cumberland;
      - (iv) Gloucester;
      - (v) Mercer;
      - (vi) Salem; and
      - (4) The following Pennsylvania counties:
        - (i) Bucks;
        - (ii) Chester;
        - (iii) Delaware;
        - (iv) Montgomery; and
        - (v) Philadelphia.
    - (f) The Chicago-Gary-Lake County, Illinois-Indiana-Wisconsin area, comprised of:
      - (1) The following Illinois counties:
        - (i) Cook;
        - (ii) Du Page;
        - (iii) Kane;
        - (iv) Lake;
        - (v) McHenry;
        - (vi) Will;
        - (2) Portions of certain Illinois counties, described as follows:
          - (i) In Grundy County, the townships of Aux Sable and Goose Lake; and
          - (ii) In Kendall County, Oswego township; and
          - (3) The following Indiana counties:
            - (i) Lake; and
            - (ii) Porter.
        - (g) The Baltimore, Maryland area, comprised of:
          - (1) The following Maryland counties:
            - (i) Anne Arundel;
            - (ii) Baltimore;
            - (iii) Carroll;
            - (iv) Harford;
            - (v) Howard; and
            - (2) The City of Baltimore.
            - (h) The Houston-Galveston-Brazoria, Texas area, comprised of the following Texas counties:
              - (1) Brazoria;

- (2) Fort Bend;
- (3) Galveston;
- (4) Harris;
- (5) Liberty;
- (6) Montgomery;
- (7) Waller; and
- (8) Chambers.
- (i) The Milwaukee-Racine, Wisconsin area, comprised of the following Wisconsin counties:
  - (1) Kenosha;
  - (2) Milwaukee;
  - (3) Ozaukee;
  - (4) Racine;
  - (5) Washington; and
  - (6) Waukesha.
  - (j) Any other area classified under 40 CFR part 81, subpart C as a marginal, moderate, serious, or severe ozone nonattainment area may be included as a covered area on petition of the Governor of the State in which the area is located. The ozone nonattainment areas listed in this paragraph (j) opted into the reformulated gasoline program prior to the start of the reformulated gasoline program. These areas 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 (j) shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C.
    - (1) Sussex County, Delaware;
    - (2) District of Columbia portion of the Washington ozone nonattainment area;
    - (3) The following Kentucky counties:
      - (i) Boone;
      - (ii) Campbell;
      - (iii) Jefferson; and
      - (iv) Kenton;
      - (4) Portions of the following Kentucky counties:
        - (i) Portion of Bullitt County described as follows:
          - (A) Beginning at the intersection of Ky 1020 and the Jefferson-Bullitt County Line proceeding to the east along the county line to the intersection of county road 567 and the Jefferson-Bullitt County Line;
          - (B) Proceeding south on county road 567 to the junction with Ky 1116 (also known as Zoneton Road);
          - (C) Proceeding to the south on KY 1116 to the junction with Hebron Lane;
          - (D) Proceeding to the south on Hebron Lane to Cedar Creek;

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(E) Proceeding south on Cedar Creek to the confluence of Floyds Fork turning southeast along a creek that meets Ky 44 at Stallings Cemetery;

(F) Proceeding west along Ky 44 to the eastern most point in the Shepherdsville city limits;

(G) Proceeding south along the Shepherdsville city limits to the Salt River and west to a point across the river from Mooney Lane;

(H) Proceeding south along Mooney Lane to the junction of Ky 480;

(I) Proceeding west on Ky 480 to the junction with Ky 2237;

(J) Proceeding south on Ky 2237 to the junction with Ky 61 and proceeding north on Ky 61 to the junction with Ky 1494;

(K) Proceeding south on Ky 1494 to the junction with the perimeter of the Fort Knox Military Reservation;

(L) Proceeding north along the military reservation perimeter to Castleman Branch Road;

(M) Proceeding north on Castleman Branch Road to Ky 44;

(N) Proceeding a very short distance west on Ky 44 to a junction with Ky 1020; and

(O) Proceeding north on Ky 1020 to the beginning.

(ii) Portion of Oldham County described as follows:

(A) Beginning at the intersection of the Oldham-Jefferson County Line with the southbound lane of Interstate 71;

(B) Proceeding to the northeast along the southbound lane of Interstate 71 to the intersection of Ky 329 and the southbound lane of Interstate 71;

(C) Proceeding to the northwest on Ky 329 to the intersection of Zaring Road on Ky 329;

(D) Proceeding to the east-northeast on Zaring Road to the junction of Cedar Point Road and Zaring Road;

(E) Proceeding to the north-northeast on Cedar Point Road to the junction of Ky 393 and Cedar Point Road;

(F) Proceeding to the south-south-east on Ky 393 to the junction of county road 746 (the road on the north side of Reformatory Lake and the Reformatory);

(G) Proceeding to the east-northeast on county road 746 to the junction with

Dawkins Lane (also known as Saddlers Mill Road) and county road 746;

(H) Proceeding to follow an electric power line east-northeast across from the junction of county road 746 and Dawkins Lane to the east-northeast across Ky 53 on to the La Grange Water Filtration Plant;

(I) Proceeding on to the east-south-east along the power line then south across Fort Pickens Road to a power substation on Ky 146;

(J) Proceeding along the power line south across Ky 146 and the Seaboard System Railroad track to adjoin the incorporated city limits of La Grange;

(K) Then proceeding east then south along the La Grange city limits to a point abutting the north side of Ky 712;

(L) Proceeding east-southeast on Ky 712 to the junction of Massie School Road and Ky 712;

(M) Proceeding to the south-south-west and then north-northwest on Massie School Road to the junction of Ky 53 and Massie School Road;

(N) Proceeding on Ky 53 to the north-northwest to the junction of Moody Lane and Ky 53;

(O) Proceeding on Moody Lane to the south-southwest until meeting the city limits of La Grange;

(P) Then briefly proceeding north following the La Grange city limits to the intersection of the northbound lane of Interstate 71 and the La Grange city limits;

(Q) Proceeding southwest on the northbound lane of Interstate 71 until intersecting with the North Fork of Currys Fork;

(R) Proceeding south-southwest beyond the confluence of Currys Fork to the south-southwest beyond the confluence of Floyds Fork continuing on to the Oldham-Jefferson County Line; and

(S) Proceeding northwest along the Oldham-Jefferson County Line to the beginning.

(5) [Reserved]

(6) The following Maryland counties:

(i) Calvert;

(ii) Charles;

(iii) Frederick;

(iv) Montgomery;

(v) Prince Georges;

(vi) Queen Anne's; and

(vii) Kent;

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(7) The entire State of Massachusetts;

(8) The following New Hampshire counties:

- (i) Strafford;
- (ii) Merrimack;
- (iii) Hillsborough; and
- (iv) Rockingham;

(9) The following New Jersey counties:

- (i) Atlantic;
- (ii) Cape May; and
- (iii) Warren;

(10) The following New York counties:

- (i) Dutchess;
- (ii) The portion of Essex County that consists of the portion of Whiteface Mountain above 4,500 feet in elevation.

(11) The entire State of Rhode Island;

(12) The following Texas counties: and

- (i) Collin;
- (ii) Dallas;
- (iii) Denton; and
- (iv) Tarrant;

(13) The following Virginia areas:

- (i) Alexandria;
- (ii) Arlington County;
- (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 pro-

gram, 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 purchasers, 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]

(1) 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 identified pursuant to 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 identified pursuant to this paragraph (m) shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C.

(1) An area identified as a covered area pursuant to this paragraph (m), whose classification as a severe nonattainment area under the 1-hour ozone NAAQS is removed as a result of removal of the 1-hour ozone NAAQS, remains a covered area as follows:

(i) Prior to redesignation as attainment for the 8-hour ozone NAAQS the area remains a covered area;

(ii) After redesignation as attainment for the 8-hour ozone NAAQS [RESERVED].

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(2) An area identified as a covered area pursuant to this paragraph (m), whose classification as a severe non-attainment area under the 1-hour ozone NAAQS is removed as a result of redesignation to attainment for the 1-hour ozone NAAQS, remains a covered area as follows: [RESERVED]

[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; 70 FR 71705, Nov. 29, 2005]

### § 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:

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:

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;