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Code of Federal Regulations

40

Parts 81 to 85

Revised as of July 1, 2003

Protection of Environment

Containing a codification of documents of general applicability and future effect

As of July 1, 2003

With Ancillaries

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 40 CFR 81.1 *refers to title 40, part 81, section 1.*

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16.....as of January 1
Title 17 through Title 27.....as of April 1
Title 28 through Title 41.....as of July 1
Title 42 through Title 50.....as of October 1

The appropriate revision date is printed on the cover of each volume.

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The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires Federal agencies to display an OMB control number with their information collection request.

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(a) The incorporation will substantially reduce the volume of material published in the Federal Register.

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(c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

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An index to the text of ''Title 3—The President'' is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the ''Contents'' entries in the daily Federal Register.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

July 1, 2003.

THIS TITLE

Title 40—PROTECTION OF ENVIRONMENT is composed of twenty–nine volumes. The parts in these volumes are arranged in the following order: parts 1–49, parts 50–51, part 52 (52.01–52.1018), part 52 (52.1019–End), parts 53–59, part 60 (60.1–End), part 60 (Appendices), parts 61–62, part 63 (63.1–63.599), part 63 (63.600–1–63.1199), part 63 (63.1200–63.1439), part 63 (63.1440–End) parts 64–71, parts 72–80, parts 81–85, part 86 (86.1–86.599–99) part 86 (86.600–1–End), parts 87–99, parts 100–135, parts 136–149, parts 150–189, parts 190–259, parts 260–265, parts 266–299, parts 300–399, parts 400–424, parts 425–699, parts 700–789, and part 790 to End. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 2003.

Chapter I—Environmental Protection Agency appears in all twenty–nine volumes. An alphabetical Listing of Pesticide Chemicals Index appears in parts 150–189. Regulations issued by the Council on Environmental Quality appear in the volume containing part 790 to End. The OMB control numbers for title 40 appear in §9.1 of this chapter.

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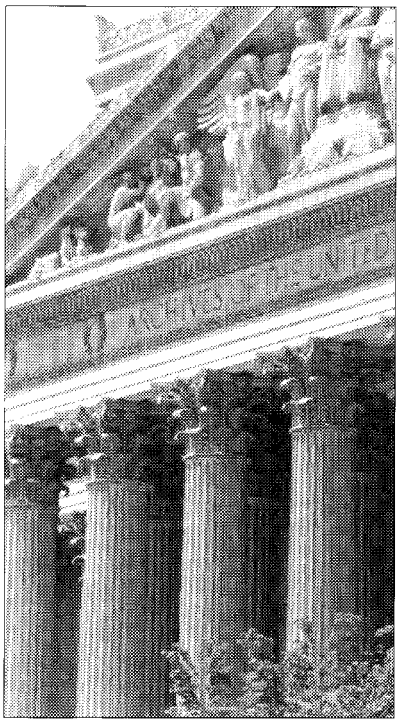

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Title 40—Protection of Environment

(This book contains parts 81–85)

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EDITORIAL NOTE: Nomenclature changes to chapter I appear at 65 FR 47324, 47325, Aug. 2, 2000; 66 FR 34375, 34376, June 28, 2001.

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81.436 Wyoming.
81.437 New Brunswick, Canada.

APPENDIX A TO PART 81—AIR QUALITY CONTROL REGIONS (AQCR'S)

AUTHORITY: 42 U.S.C. 7401, *et seq.*

SOURCE: 36 FR 22421, Nov. 25, 1971, unless otherwise noted.

Subpart A—Meaning of Terms

§81.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(a) *Act* means the Clean Air Act as amended (42 U.S.C. 7401, *et seq.*).

(b) *Administrator* means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) *Federal Indian Reservation, Indian Reservation or Reservation* means all land within the limits of any Indian

reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

(d) *Indian tribe* or *tribe* means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(e) *State* means a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

[36 FR 22421, Nov. 25, 1971, as amended at 63 FR 7274, Feb. 12, 1998]

Subpart B—Designation of Air Quality Control Regions

§ 81.11 Scope.

Air quality control regions designated by the Administrator pursuant to section 107 of the Act are listed in this subpart. Regions so designated are subject to revision, and additional regions may be designated, as the Administrator determines necessary to protect the public health and welfare.

§ 81.12 National Capital Interstate Air Quality Control Region (District of Columbia, Maryland, and Virginia).

The National Capital Interstate Air Quality Control Region (District of Columbia, Maryland, and Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited);

DISTRICT OF COLUMBIA

In the State of Maryland: Montgomery County; Prince Georges County.

In the State of Virginia: Arlington County; Fairfax County; Loudoun County; Prince William County.

(As so delimited, the Virginia portion of the region will include the city of Alexandria, the city of Fairfax, and the city of Falls Church.)

§ 81.13 New Jersey-New York-Connecticut Interstate Air Quality Control Region.

The New Jersey-New York-Connecticut Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut: Bethel Township, Bridgeport Township, Bridgewater, Brookfield Township, Danbury Township, Darien Township, Easton Township, Fairfield Township, Greenwich Township, Monroe Township, New Canaan Township, New Fairfield Township, New Milford, Newtown Township, Norwalk Township, Redding Township, Ridgefield Township, Sherman, Stamford Township, Stratford Township, Trumbull Township, Weston Township, Westport Township, Wilton Township.

In the State of New York: Bronx County, Kings County, Nassau County, New York County, Queens County, Richmond County, Rockland County, Suffolk County, Westchester County.

In the State of New Jersey: Bergen County, Essex County, Hudson County, Middlesex County, Monmouth County, Morris County, Passaic County, Somerset County, Union County.

[36 FR 22421, Nov. 25, 1971, as amended at 45 FR 84788, Dec. 23, 1980]

§ 81.14 Metropolitan Chicago Interstate Air Quality Control Region.

The Metropolitan Chicago Interstate Air Quality Control Region (Illinois-Indiana) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Cook County, Du Page County, Grundy County, Kane County, Kankakee County, Kendall County, Lake County, McHenry County, Will County.

In the State of Indiana: Lake County, Porter County.

§81.15 Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware).

The Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Bucks County, Chester County, Delaware County, Montgomery County, Philadelphia County.

In the State of New Jersey: Burlington County, Camden County, Gloucester County, Mercer County, Salem County.

In the State of Delaware: New Castle County.

§81.16 Metropolitan Denver Intrastate Air Quality Control Region.

The Metropolitan Denver Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Adams County, Arapahoe County, Boulder County, Clear Creek County, Denver County, Douglas County, Gilpin County, Jefferson County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a), as amended by sec. 15(c)(2) of Pub. L. 91–604)

NOTE: For purposes of identification, the Regions are referred to by Colorado authorities as follows:

Sec.

481.172 Comanche Intrastate Air Quality Control Region: Region Three.

481.173 Grand Mesa Intrastate Air Quality Control Region: Region Seven.

481.174 Pawnee Intrastate Air Quality Control Region: Region One.

481.175 San Isabel Intrastate Air Quality Control Region: Region Four.

481.176 San Luis Intrastate Air Quality Control Region: Region Five.

481.177 Yampa Intrastate Air Quality Control Region: Region Eight.

481.16 Metropolitan Denver Intrastate Air Quality Control Region: Region Two.

§81.17 Metropolitan Los Angeles Air Quality Control Region.

The Metropolitan Los Angeles Air Quality Control Region consists of the following territorial area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

Ventura County—the entire county;

Orange County—the entire county;

Riverside County—that portion of Riverside County which lies west of a line described as follows: Beginning at the point where the range line common to R. 4 E. and R. 3 E. intersects with Riverside-San Diego County boundary and running north along said range line; then east along the township line common to T. 8 S. and T. 7 S. to the southeast corner of sec. 36, T. 7 S., R. 3 E.; then north along the range line common to R. 4 E. and R. 3 E.; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of sec. 34, T. 6 S., R. 4 E.; then north along the west boundaries of secs. 34, 27, 22, 15, 10, and 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial sec. 31, T. 3 S., R. 1 W.; then northwest along that line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the intersection of said range line with the Riverside-San Bernardino County line;

San Bernardino County—that portion of San Bernardino County which lies west and south of a line described as follows: Beginning at the point where the San Bernardino-Riverside County boundary is intersected by the range line common to R. 3 E. and R. 2 E. and running east along said county boundary; then north along the range line common to R. 3 E. and R. 2 E.; then west along the township line common to T. 3 N. and T. 2 N. to the intersection of said township line with the San Bernardino-Los Angeles County boundary;

Los Angeles County—that portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the

point where the township line common to T. 3 N. and T. 2 N. intersects with the Los Angeles-San Bernardino County boundary and running west along said township line; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of sec. 12, T. 5 N., R. 13 W.; then west along the south boundaries of secs. 12, 11, 10, 9, 8, and 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of sec. 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of sec. 13, T. 7 N., R. 16 W.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N. and T. 7 N.); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the point at which it intersects with the Los Angeles-Kern County boundary; then west along said county boundary to the northwest corner of Los Angeles County;

Santa Barbara County—that portion of Santa Barbara County which lies south of a line described as follows: Beginning at the point where the Jalama Creek runs into the Pacific Ocean and running east and north along Jalama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grant boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial sec. 20, T. 5 N., R. 32 W.; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of partial sec. 22, T. 5 N., R. 32 W.; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of sec. 13, T. 5 N., R. 32 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 31 W., and secs. 18, 17, 16, 15, 14, 13, of T. 5 N., R. 30 W., and secs. 18, 17, 16, 15, T. 5 N., R. 29 W.; then south along the east boundary of sec. 15, T. 5 N., R. 29 W.; then east along the north boundaries of secs. 23 and 24, T. 5 N., R. 29 W., and secs. 19, 20, 21, 22, 23, 24, T. 5 N., R. 28 W., and secs. 19 and 20, T. 5 N., R. 27 W.; then south along the east boundary of sec. 20, T. 5 N., R. 27 W.; then east along the north boundaries of secs. 28, 27, 26, 25, T. 5 N., R. 27 W., and sec. 30, T. 5 N., R. 26 W.; then south along the east boundary of sec. 30, T. 5 N., R. 26 W.; then east along the north boundaries of secs. 32, 33, 34, 35, T. 5 N., R. 26 W.; then south along the east boundary of sec. 35, T. 5 N., S. 26 W.; then east along the township line common to T. 4 N. and T. 5 N. to the intersection of said township line with the Santa Barbara-Ventura County boundary.

§ 81.18 Metropolitan St. Louis Interstate Air Quality Control Region.

The Metropolitan St. Louis Interstate Air Quality Control Region (Missouri-Illinois) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Bond County, Clinton County, Madison County, Monroe County, Randolph County, St. Clair County, Washington County.

In the State of Missouri: Franklin County, Jefferson County, St. Charles County, St. Louis City, St. Louis County.

§ 81.19 Metropolitan Boston Intrastate Air Quality Control Region.

The Metropolitan Boston Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts: CITIES—Beverly, Boston, Brockton, Cambridge, Chelsea, Everett, Gloucester, Lynn, Malden, Marlborough, Medford, Melrose, Newton, Peabody, Quincy, Revere, Salem, Somerville, Waltham, Woburn.

TOWNSHIPS—Abington, Acton, Arlington, Ashland, Avon, Bedford, Belmont, Bolton, Boxborough, Braintree, Bridgewater, Brookline, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Duxbury, East Bridgewater, Easton, Essex, Framingham, Hamilton, Hanover, Hanson, Hingham, Holbrook, Holliston, Hopkinton, Hudson, Hull, Ipswich, Lexington, Lincoln, Lynnfield, Manchester, Marblehead, Marshfield, Maynard, Medfield, Middleton, Millis, Milton,

Nahant, Natick, Needham, Norfolk, North Reading, Norwell, Norwood, Pembroke, Randolph, Reading, Rockland, Rockport, Saugus, Scituate, Sharon, Sherborn, Southborough, Stoneham, Stoughton, Stow, Sudbury, Swampscott, Topsfield, Wakefield, Walpole, Watertown, Wayland, Wellesly, Wenham, West Bridgewater, Weston, Westwood, Weymouth, Whitman, Wilmington, Winchester, Winthrop.

§81.20 Metropolitan Cincinnati Interstate Air Quality Control Region.

The Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Boone County, Campbell County, Carroll County, Gallatin County, Grant County, Kenton County, Owen County, Pendleton County.

In the State of Indiana: Dearborn County, Ohio County.

In the State of Ohio: Butler County, Clermont County, Hamilton County, Warren County.

§81.21 San Francisco Bay Area Intrastate Air Quality Control Region.

The San Francisco Bay Area Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Alameda County, Contra Costa County, Marin County, Napa County; San Francisco County, San Mateo County, Santa Clara County.

Solano County—that portion of Solano County which lies south and west of a line described as follows:Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34, T. 6 N., R. 2 W., M.D.B. & M., thence east along said ¼ section line to the east boundary of Section 36, T. 6 N., R. 2 W., thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T. 5 N., R. 1 W., thence east along a line common to T. 5 N. and T. 6 N. to the northeast corner of Section 3, T. 5 N., R. 1 E., thence south along section lines to the southeast corner of Section 10, T 3 N., R. 1 E., thence east along section lines to the south ¼ corner of Section 8, T. 3 N., R. 2 E., thence east to the boundary between Solano and Sacramento Counties.

Sonoma County—that portion of Sonoma County which lies south and east of a line described as follows:Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the township line common to Townships 8 and 9 North, Mt. Diablo Base and Meridian; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3889, Jan. 16, 1981]

§81.22 Greater Metropolitan Cleveland Intrastate Air Quality Control Region.

The Greater Metropolitan Cleveland Intrastate Air Quality Control Region

(Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Lorain County, Cuyahoga County, Lake County, Geauga County, Portage County, Summit County, Medina County, Stark County.

§ 81.23 Southwest Pennsylvania Intrastate Air Quality Control Region.

The Southwest Pennsylvania Intrastate Air Quality Control Region is redesignated to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Allegheny County, Armstrong County, Beaver County, Butler County, Greene County, Fayette County, Indiana County, Washington County, Westmoreland County.

§ 81.24 Niagara Frontier Intrastate Air Quality Control Region.

The Niagara Frontier Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857H(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Erie County, Niagara County.

§ 81.25 Metropolitan Kansas City Interstate Air Quality Control Region.

The Metropolitan Kansas City Interstate Air Quality Control Region (Missouri-Kansas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri: Buchanan County, Cass County, Clay County, Jackson County, Platte County, Ray County.

In the State of Kansas: Johnson County, Leavenworth County, Wyandotte County.

§ 81.26 Hartford-New Haven-Springfield Interstate Air Quality Control Region.

The Hartford-New Haven-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) consists of the territorial area encompassed by the boundaries of the following juridictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut: CITIES—Ansonia, Bristol, Derby, Hartford, Meriden, Middletown, Milford, New Britain, New Haven, Shelton, Waterbury, West Haven.

TOWNSHIPS—Andover, Avon, Beacon Falls, Berlin, Bethany, Bethlehem, Bloomfield, Bolton, Branford, Burlington, Canton, Cheshire, Cromwell, Durham, East Granby, East Haddam, East Hampton, East Hartford, East Haven, East Windsor, Ellington, Enfield, Farmington, Glastonbury, Granby, Guilford, Haddam, Hamden, Hebron, Madison, Manchester, Marlborough, Middlebury, Middlefield, Naugatuck, Newington, North Branford, North Haven, Orange, Oxford, Plainville, Plymouth, Portland, Prospect, Rocky Hill, Seymour, Simsbury, Somers, Southbury, Southington, South Windsor, Suffield, Thomaston, Tolland, Vernon, Wallingford, Watertown, West Hartford, Wethersfield, Windsor, Windsor Locks, Wolcott, Woodbridge, Woodbury.

In the State of Massachusetts: Franklin County.

CITIES—Chicopee, Holyoke, Northampton, Springfield, Westfield.

TOWNSHIPS—Agawam, Amherst, Belchertown, Blandford, Brimfield, Chester, Chesterfield, Cummington, Easthampton, East Longmeadow, Goshen, Granby, Granville, Hadley, Hampden, Hatfield, Holland, Huntington, Longmeadow, Ludlow, Middlefield, Monson, Montgomery, Palmer, Pelham, Plainfield, Russell, Southampton, Southwick, South Hadley, Tolland, Wales, Ware, Westhampton, West Springfield, Wilbraham, Williamsburg, Worthington.

§81.27 Minneapolis-St. Paul Intrastate Air Quality Control Region.

The Minneapolis-St. Paul Intrastate Air Quality Control Region (Minnesota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Anoka County, Carver County, Dakota County, Hennepin County, Ramsey County, Scott County, Washington County.

§81.28 Metropolitan Baltimore Intrastate Air Quality Control Region.

The Metropolitan Baltimore Intrastate Air Quality Control Region (Maryland) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County.

§81.29 Metropolitan Indianapolis Intrastate Air Quality Control Region.

The Metropolitan Indianapolis Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Boone County, Hamilton County, Hancock County, Hendricks County, Johnson County, Marion County, Morgan County, Shelby County.

§81.30 Southeastern Wisconsin Intrastate Air Quality Control Region.

The Metropolitan Milwaukee Intrastate Air Quality Control Region (Wisconsin) has been renamed the Southeastern Wisconsin Intrastate Air Quality Control Region and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin: Kenosha County, Milwaukee County, Ozaukee County, Racine County, Walworth County, Washington County, Waukesha County.

§81.31 Metropolitan Providence Interstate Air Quality Control Region.

The Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The Entire State of Rhode Island.

In the State of Massachusetts: Cities—Attleboro, Fall River, Acushnet, Barnstable, Bellingham, Berkley, Bourne, Brewster, Carver, Chatham, Chilmark, Dartmouth, Dennis, Dighton, Eastham, Edgartown, Fairhaven, Falmouth, Foxborough, Franklin, Freetown, Gay Head, Gosnold, Halifax, Harwich, Kingston, Lakeville, Mansfield, Marion, Mashpee, New Bedford, Taunton.

TOWNSHIPS—Middleborough, Milford, Nantucket, North Attleborough, Mattapoisett, Medway, Norton, Oak Bluffs, Orleans, Plainville, Plymouth, Plympton, Provincetown, Raynham, Rehoboth, Rochester, Sandwich, Seekonk, Somerset, Swansea, Tisbury, Truro, Wareham, Wellfleet, Westport, West Tisbury, Wrentham, Yarmouth.

§81.32 Puget Sound Intrastate Air Quality Control Region.

The Puget Sound Intrastate Air Quality Control Region (Washington) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within

the outermost boundaries of the area so delimited):

In the State of Washington: King County, Snohomish County, Pierce County, Kitsap County.

§ 81.33 Steubenville-Weirton-Wheeling Interstate Air Quality Control Region.

The Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (Ohio-West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Belmont County, Columbiana County, Jefferson County, Monroe County.

In the State of West Virginia: Brooke County, Hancock County, Marshall County, Ohio County.

§ 81.34 Metropolitan Dayton Intrastate Air Quality Control Region.

The Metropolitan Dayton Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Clark County, Darke County, Greene County, Miami County, Montgomery County, Preble County.

§ 81.35 Louisville Interstate Air Quality Control Region.

The Louisville Interstate Air Quality Control Region (Kentucky-Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Jefferson County.

In the State of Indiana: Floyd County, Clark County.

§ 81.36 Maricopa Intrastate Air Quality Control Region.

The Phoenix-Tucson Intrastate Air Quality Control Region has been renamed the Maricopa Intrastate Air Quality Control Region (Arizona) and has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Maricopa County.

[45 FR 67347, Oct. 10, 1980]

§ 81.37 Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region.

The Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region (Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan: Macomb County, St. Clair County, Oakland County, Wayne County.

§ 81.38 Metropolitan Houston-Galveston Intrastate Air Quality Control Region.

The Metropolitan Houston-Galveston Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Austin County, Brazoria County, Chambers County, Colorado County, Fort Bend County, Galveston County, Harris County, Liberty County, Matagorda County, Montgomery County,

Walker County, Waller County, Wharton County.

[36 FR 22421, Nov. 25, 1971, as amended at 56 FR 37289, Aug. 6, 1991; 62 FR 30272, June 3, 1997]

§81.39 Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region.

The Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Collin County, Cooke County, Dallas County, Denton County, Ellis County, Erath County, Fannin County, Grayson County, Hood County, Hunt County, Johnson County, Kaufman County, Navarro County, Palo Pinto County, Parker County, Rockwall County, Somervell County, Tarrant County, Wise County.

§81.40 Metropolitan San Antonio Intrastate Air Quality Control Region.

The Metropolitan San Antonio Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Atascosa County, Bandera County, Bexar County, Comal County, Dimmit County, Edwards County, Frio County, Gillespie County, Guadalupe County, Karnes County, Kendall County, Kerr County, Kinney County, La Salle County, Maverick County, Medina County, Real County, Uvalde County, Val Verde County, Wilson County, Zavala County.

[36 FR 22421, Nov. 25, 1971, as amended at 62 FR 30272, June 3, 1997]

§81.41 Metropolitan Birmingham Intrastate Air Quality Control Region.

The Metropolitan Birmingham Intrastate Air Quality Control Region (Alabama) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Bibb County, Blount County, Chilton County, Fayette County, Greene County, Hale County, Jefferson County, Lamar County, Pickens County, St. Clair County, Shelby County, Sumter County, Tuscaloosa County, Walker County.

§81.42 Chattanooga Interstate Air Quality Control Region.

The Chattanooga Interstate Air Quality Control Region (Georgia-Tennessee) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Bartow County, Catoosa County, Chattooga County, Cherokee County, Dade County, Fannin County, Floyd County, Gilmer County, Gordon County, Haralson County, Murray County, Paulding County, Pickens County, Polk County, Walker County, Whitfield County.

In the State of Tennessee: Hamilton County.

§81.43 Metropolitan Toledo Interstate Air Quality Control Region.

The Metropolitan Toledo Interstate Air Quality Control Region (Ohio-Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within

the outermost boundaries of the area so delimited):

In the State of Ohio: Lucas County, Wood County.

In the State of Michigan: Monroe County.

§ 81.44 Metropolitan Memphis Interstate Air Quality Control Region.

The Metropolitan Memphis Interstate Air Quality Control Region (Arkansas-Mississippi-Tennessee) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in sec. 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Crittenden County.

In the State of Mississippi: De Soto County.

In the State of Tennessee: Shelby County.

§ 81.45 Metropolitan Atlanta Intrastate Air Quality Control Region.

The Metropolitan Atlanta Intrastate Air Quality Control Region (Georgia) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Butts County, Carroll County, Clayton County, Cobb County, Coweta County, De Kalb County, Douglas County, Fayette County, Fulton County, Gwinnett County, Heard County, Henry County, Lamar County, Meriwether County, Pike County, Rockdale County, Spalding County, Troup County, Upson County.

§ 81.46 U.S. Virgin Islands Air Quality Control Region.

The U.S. Virgin Islands Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The entire U.S. Virgin Islands.

§ 81.47 Central Oklahoma Intrastate Air Quality Control Region.

The Metropolitan Oklahoma Intrastate Air Quality Control Region has been renamed the Central Oklahoma Intrastate Air Quality Control Region and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Canadian County, Cleveland County, Grady County, Lincoln County, Logan County, Kingfisher County, McClain County, Oklahoma County, Pottawatomie County.

§ 81.48 Champlain Valley Interstate Air Quality Control Region.

The Champlain Valley Interstate Air Quality Control Region (Vermont-New York) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Vermont: Addison County, Chittenden County, Franklin County, Grand Isle County, Rutland County.

In the State of New York: Clinton County, Essex County, Franklin County, Hamilton County, St. Lawrence County, Warren County, Washington County.

§ 81.49 Southeast Florida Intrastate Air Quality Control Region.

The Southeast Florida Intrastate Air Quality Control Region is redesignated to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida: Broward County, Dade County, Indian River County, Martin County, Monroe County, Okeechobee County, Palm Beach County, St. Lucie County.

§81.50 Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region.

The Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region (Nebraska-Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nebraska: Douglas County, Sarpy County.

In the State of Iowa: Pottawattamie County.

§81.51 Portland Interstate Air Quality Control Region.

The Portland Interstate Air Quality Control Region (Oregon-Washington) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon: Benton County, Clackamas County, Columbia County, Lane County, Linn County, Marion County, Multnomah County, Polk County, Washington County, Yamhill County.

In the State of Washington: Clark County, Cowlitz County, Lewis County, Skamania County, Wahkiakum County.

NOTE: For purposes of identification, the Portland Interstate Air Quality Control Region (Oregon-Washington) will be referred to by Washington authorities as the Portland (Oregon)-Southwest Washington Interstate Air Quality Control Region.

§81.52 Wasatch Front Intrastate Air Quality Control Region.

The Wasatch Front Intrastate Air Quality Control Region (Utah) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Utah: Davis County, Salt Lake County, Tooele County, Utah County, Weber County.

§81.53 Southern Louisiana-Southeast Texas Interstate Air Quality Control Region.

The Southern Louisiana-Southwest Texas Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(h)(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Louisiana: Acadia Parish, Allen Parish, Ascension Parish, Assumption Parish, Beauregard Parish, Calcasieu Parish, Cameron Parish, East Baton Rouge Parish, East Feliciana Parish, Evangeline Parish, Iberia Parish, Iberville Parish, Jefferson Davis Parish, Jefferson Parish, Lafayette Parish, Lafourche Parish, Livingston Parish, Orleans Parish, Plaquemines Parish, Pointe Coupee Parish, St. Bernard Parish, St. Charles Parish, St. Helena Parish, St. James Parish, St. John the Baptist Parish, St. Landry Parish, St. Martin Parish, St. Mary Parish, St. Tammany Parish, Tangipahoa Parish, Terrebonne Parish, Vermilion Parish, Washington Parish, West Baton Rouge Parish, West Feliciana Parish.

In the State of Texas: Angelina County, Hardin County, Houston County, Jasper County, Jefferson County, Nacogdoches County, Newton County, Orange County, Polk County, Sabine County, San Augustine County, San Jacinto County, Shelby County, Trinity County, Tyler County.

[36 FR 22421, Nov. 25, 1971, as amended at 56 FR 37289, Aug. 6, 1991; 62 FR 30272, June 3, 1997; 67 FR 57334, Sept. 10, 2002]

§81.54 Cook Inlet Intrastate Air Quality Control Region.

The Cook Inlet Intrastate Air Quality Control Region (Alaska) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean

Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska: Greater Anchorage Area Borough, Kenai Peninsula Borough, Matanuska-Susitna Borough.

§ 81.55 Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region.

The Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region (Pennsylvania-New Jersey) is redesignated to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Berks County, Bradford County, Carbon County, Lackawanna County, Lehigh County, Luzerne County, Monroe County, Northampton County, Pike County, Schuylkill County, Sullivan County, Susquehanna County, Tioga County, Wayne County, Wyoming County.

In the State of New Jersey: Hunterdon County, Sussex County, Warren County.

§ 81.57 Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region.

The Bristol (Virginia)-Johnson City (Tennessee) Interstate Air Quality Control Region has been renamed the Eastern Tennessee-Southwestern Virginia Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee: Anderson County, Blount County, Bradley County, Campbell County, Carter County, Claiborne County, Cocke County, Grainger County, Greene County, Hamblen County, Hancock County, Hawkins County, Jefferson County, Johnson County, Knox County, Loudon County, McMinn County, Meigs County, Monroe County, Polk County, Rhea County, Roane County, Sevier County, Sullivan County, Unicoi County, Union County, Washington County.

In the State of Virginia: Bland County, Bristol City, Buchanan County, Carroll County, Dickenson County, Galax City, Grayson County, Lee County, Norton City, Russell County, Scott County, Smyth County, Tazewell County, Washington County, Wise County, Wythe County.

§ 81.58 Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region.

The Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Autauga County, Bullock County, Butler County, Crenshaw County, Elmore County, Lee County, Lowndes County, Macon County, Montgomery County, Pike County, Russell County.

In the State of Georgia: Chattahoochee County, Dooly County, Harris County, Marion County, Muscogee County, Quitman County, Schley County, Stewart County, Sumter County, Talbot County, Taylor County, Webster County.

§ 81.59 Cumberland-Keyser Interstate Air Quality Control Region.

The Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland: Allegany County, Garrett County, Washington County.

In the State of West Virginia: In Grant County: Union Magisterial District.

In Mineral County: Elk Magisterial District, New Creek Magisterial District, Piedmont Magisterial District.

§81.60 Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region.

The Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Aitkin County, Carlton County, Cook County, Itasca County, Koochiching County, Lake County, St. Louis County.

In the State of Wisconsin: Ashland County, Bayfield County, Burnett County, Douglas County, Iron County, Price County, Rusk County, Sawyer County, Taylor County, Washburn County.

§81.61 Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region.

The Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Daviess County, Hancock County, Henderson County, McLean County, Ohio County, Union County, Webster County.

In the State of Indiana: Dubois County, Gibson County, Perry County, Pike County, Posey County, Spencer County, Vanderburgh County, Warrick County.

§81.62 Northeast Mississippi Intrastate Air Quality Control Region.

The Alabama-Mississippi-Tennessee Interstate Air Quality Control Region has been renamed the Northeast Mississippi Intrastate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Mississippi: Alcorn County, Attala County, Benton County, Calhoun County, Carroll County, Chickasaw County, Choctaw County, Clay County, Grenada County, Holmes County, Itawamba County, Kemper County, Lafayette County, Leake County, Lee County, Lowndes County, Marshall County, Monroe County, Montgomery County, Neshoba County, Noxubee County, Oktibbeha County, Panola County, Pontotoc County, Prentiss County, Tate County, Tippah County, Tishomingo County, Union County, Webster County, Winston County, Yalobusha County.

§81.63 Metropolitan Fort Smith Interstate Air Quality Control Region.

The Metropolitan Fort Smith Interstate Air Quality Control Region (Arkansas-Oklahoma) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Benton County, Crawford County, Sebastian County, Washington County.

In the State of Oklahoma: Adair County, Cherokee County, Le Flore County, Sequoyah County.

§81.64 Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region.

The Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions of described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Bath County, Boyd County, Bracken County, Carter County, Elliott County, Fleming County, Greenup County, Lawrence County, Lewis County, Mason County, Menifee County, Montgomery

County, Morgan County, Robertson County, Rowan County.

In the State of Ohio: Adams County, Brown County, Gallia County, Lawrence County, Scioto County.

In the State of West Virginia: Cabell County, Mason County, Wayne County.

§ 81.65 Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region.

The Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, designated on December 8, 1970, and consisting of the counties of Barton, Jasper, McDonald, and Newton in the State of Missouri and Craig, Delaware, and Ottawa in the State of Oklahoma, is revoked effective upon publication.

§ 81.66 Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region.

The Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857m(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Blue Earth County, Brown County, Dodge County, Fairbault County, Fillmore County, Freeborn County, Goodhue County, Houston County, Le Sueur County, Martin County, Mower County, Nicollet County, Olmsted County, Rice County, Sibley County, Steele County, Wabasha County, Waseca County, Watonwan County, Winona County.

In the State of Wisconsin: Barron County, Buffalo County, Chippewa County, Clark County, Crawford County, Dunn County, Eau Claire County, Jackson County, La Crosse County, Monroe County, Pepin County, Pierce County, Polk County, St. Croix County, Trempealeau County, Vernon County.

§ 81.67 Lake Michigan Intrastate Air Quality Control Region.

The Menominee-Escanaba (Michigan)-Marinette (Wisconsin) Interstate Air Quality Control Region has been renamed the Lake Michigan Intrastate Air Quality Control Region (Wisconsin) and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin: Brown County, Calumet County, Door County, Fond du Lac County, Green Lake County, Kewaunee County, Manitowoc County, Marinette County, Marquette County, Menominee County, Oconto County, Outagamie County, Shawano County, Sheboygan County, Waupaca County, Waushara County, Winnebago County.

§ 81.68 Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Air Quality Control Region.

The Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate Air Quality Control Region has been renamed the Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Baldwin County, Escambia County, Mobile County.

In the State of Florida: Bay County, Calhoun County, Escambia County, Gulf County, Holmes County, Jackson County, Okaloosa County, Santa Rosa County, Walton County, Washington County.

In the State of Mississippi: Adams County, Amite County, Clairborne County, Clarke County, Copiah County, Covington County, Forrest County, Franklin County, George County, Greene County, Hancock County, Harrison County, Hinds County, Jackson County, Jasper County, Jefferson County, Jefferson Davis County, Jones County, Lamar County, Lauderdale County, Lawrence County, Lincoln County, Madison County, Marion County, Newton County, Pearl River County, Perry County, Pike County, Rankin County, Scott County, Simpson County, Smith County, Stone County, Walthall County, Warren County, Wayne County, Wilkinson County.

§81.69 Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Alexander County, Johnson County, Massac County, Pope County, Pulaski County, Union County.

In the State of Kentucky: Ballard County, Caldwell County, Calloway County, Carlisle County, Christian County, Crittenden County, Fulton County, Graves County, Hickman County, Hopkins County, Livingston County, Lyon County, Marshall County, McCracken County, Muhlenberg County, Todd County, Trigg County.

§81.70 Parkersburg (West Virginia)-Marietta (Ohio) Interstate Air Quality Control Region.

The Parkersburg (West Virginia)-Marietta (Ohio) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Jackson County, Pleasants County, Tyler County, Wetzel County, Wood County.

In the State of Ohio: Athens County, Meigs County, Morgan County, Washington County.

§81.71 Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region.

The Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Boone County, De Kalb County, Ogle County, Stephenson County, Winnebago County.

In the State of Wisconsin: Rock County.

§81.72 Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region.

The Scottsboro (Alabama)-Jasper (Tennessee) Interstate Air Quality Control Region has been renamed the Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Colbert County, Cullman County, De Kalb County, Franklin County, Jackson County, Lauderdale County, Lawrence County, Limestone County, Madison County, Marion County, Marshall County, Morgan County, Winston County.

In the State of Tennessee: Bledsoe County, Coffee County, Cumberland County, Fentress County, Franklin County, Grundy County, Marion County, Morgan County, Overton County, Pickett County, Putnam County, Scott County, Sequatchie County, Warren County, White County, Van Buren County.

§81.73 South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate Air Quality Control Region.

The South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Elkhart County, Kosciusko County, La Porte County, Marshall County, St. Joseph County.

In the State of Michigan: Berrien County, Cass County, Van Buren County.

§ 81.74 Northwest Pennsylvania-Youngstown Interstate Air Quality Control Region.

The Northwest Pennsylvania-Youngstown Interstate Air Quality Control Region (Pennsylvania-Ohio) is redesignated to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Ashtabula County, Mahoning County, Trumbull County.

In the State of Pennsylvania: Cameron County, Clarion County, Clearfield County, Crawford County, Elk County, Erie County, Forest County, Jefferson County, Lawrence County, McKean County, Mercer County, Potter County, Venango County, Warren County.

§ 81.75 Metropolitan Charlotte Interstate Air Quality Control Region.

The Metropolitan Charlotte Interstate Air Quality Control Region (North Carolina-South Carolina) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Cabarrus County, Gaston County, Iredell County, Lincoln County, Mecklenburg County, Rowan County, Stanly County, Union County.

In the State of South Carolina: Chester County, Lancaster County, Union County, York County.

§ 81.76 State of Hawaii Air Quality Control Region.

The State of Hawaii Air Quality Control Region consists of the territorial area encompassed by the outermost boundaries of the State of Hawaii (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited).

§ 81.77 Puerto Rico Air Quality Control Region.

The Puerto Rico Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

The entire Commonwealth of Puerto Rico: Puerto Rico and surrounding islands, Vieques and surrounding islands, Culebra and surrounding islands.

§ 81.78 Metropolitan Portland Intrastate Air Quality Control Region.

The Metropolitan Portland Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine: COUNTIES—Cumberland, Sagadahoc, York.

TOWNS—Brownfield, Denmark, Fryeburg, Hiram, Porter.

§ 81.79 Northeastern Oklahoma Intrastate Air Quality Control Region.

The Metropolitan Tulsa Intrastate Air Quality Control Region has been renamed the Northeastern Oklahoma Intrastate Air Quality Control Region and revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Craig County, Creek County, Delaware County, Mayes County, Muskogee County, Nowata County, Okmulgee County, Osage County, Ottawa County, Pawnee County, Rogers County, Tulsa County, Wagoner County, Washington County.

§81.80 Las Vegas Intrastate Air Quality Control Region.

The Las Vegas Intrastate Air Quality Control Region (Nevada) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdiction or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 7602(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nevada: Clark County.

[45 FR 7545, Feb. 4, 1980]

§81.81 Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region.

The Merrimack Valley Southern New Hampshire Interstate Air Quality Control Region (Massachusetts-New Hampshire) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts: In Essex County, the towns of—Andover, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, Newbury, Newburyport, North Andover, Rowley, Salisbury, West Newbury.

In Middlesex County, the towns of—Ayer, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewksbury, Tyngsborough, Westford.

In the State of New Hampshire: The counties of—Belknap, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford, Sullivan.

§81.82 El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region.

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Brewster County, Culberson County, El Paso County, Hudspeth County, Jeff Davis County, Presidio County.

In the State of New Mexico: Dona Ana County, Lincoln County, Otero County, Sierra County.

§81.83 Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region.

The Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (New Mexico) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Bernalillo County.

Those portions of Sandoval County lying east of the Continental Divide:

Those portions of Valencia County lying east of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§81.84 Metropolitan Fargo-Moorhead Interstate Air Quality Control Region.

The Metropolitan Fargo-Moorhead Interstate Air Quality Control Region (North Dakota-Minnesota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Dakota: Cass County.

In the State of Minnesota: Clay County.

§81.85 Metropolitan Sioux Falls Interstate Air Quality Control Region.

The Metropolitan Sioux Falls Interstate Air Quality Control Region

(Iowa-South Dakota) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Lyon County.

In the State of South Dakota: Lincoln County, McCook County, Minnehaha County, Turner County.

NOTE: For purposes of identification, this Region is referred to by Minnesota authorities as follows:

Sec.
481.60 Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region: Northeast Minnesota Region.

For purposes of identification, these Regions are referred to by Wisconsin authorities as follows:

481.60 Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region: Northwestern Wisconsin Region.
481.66 Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region: West Central Wisconsin Region.

§ 81.86 Metropolitan Sioux City Interstate Air Quality Control Region.

The Metropolitan Sioux City Interstate Air Quality Control Region (Iowa-Nebraska-South Dakota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42, U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Plymouth County, Sioux County, Woodbury County.

In the State of Nebraska: Dakota County.

In the State of South Dakota: Union County.

§ 81.87 Metropolitan Boise Intrastate Air Quality Control Region.

The Metropolitan Boise Intrastate Air Quality Control Region (Idaho) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho: Ada County, Canyon County.

§ 81.88 Billings Intrastate Air Quality Control Region.

The Metropolitan Billings Intrastate Air Quality Control Region (Montana) has been renamed the Billings Intrastate Air Quality Control Region and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana: Big Horn County, Carbon County, Fergus County, Golden Valley County, Judith Basin County, Musselshell County, Petroleum County, Stillwater County, Sweet Grass County, Wheatland County, Yellowstone County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Pub. L. 91–604)

NOTE: For purposes of identification, the Regions are referred to by Montana authorities as follows:

Sec.
481.168 Great Falls Intrastate Air Quality Control Region: Region II.
481.169 Helena Intrastate Air Quality Control Region: Region IV.
481.170 Miles City Intrastate Air Quality Control Region: Region III.
481.171 Missoula Intrastate Air Quality Control Region: Region I.
481.88 Billings Intrastate Air Quality Control Region: Region V.

§ 81.89 Metropolitan Cheyenne Intrastate Air Quality Control Region.

The Metropolitan Cheyenne Intrastate Air Quality Control Region (Wyoming) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wyoming: Albany County, Goshen County, Laramie County, Platte County.

§81.90 Androscoggin Valley Interstate Air Quality Control Region.

The Androscoggin Valley Interstate Air Quality Control Region (Maine-New Hampshire) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the areas so delimited):

In the State of Maine: Androscoggin County, Kennebec County, Knox County, Lincoln County, Waldo County.

In the County of Franklin: Avon Town, Carthage Town, Chesterville Town, Farmington Town, Freeman Township, Industry Town, Jay Town, New Sharron Town, New Vineyard Town, Perkins Township, Phillips Town, Salem Township, Strong Town, Temple Town, Township No. 6, Washington Township, Weld Town, Wilton Town.

In the County of Oxford: Albany Township, Andover Town, Andover North Surplus, Andover West Surplus, Batchelders Grant, Bethel Town, Buckfield Town, Byron Town, Canton Town, Dixfield Town, Gilead Town, Grafton Township, Greenwood Town, Hanover Town, Hartford Town, Hebron Town, Lovell Town, Mason Township, Mexico Town, Milton Township, Newry Town, Norway Town, Oxford Town, Paris Town, Peru Town, Riley Township, Roxbury Town, Rumford Town, Stoneham Town, Stow Town, Sumner Town, Sweden Town, Waterford Town, West Paris Town, Woodstock Town.

Somerset County—That portion of Somerset County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is also common to the northeast corner of Athens Township.

In the State of New Hampshire: Cass County.

§81.91 Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region.

The Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida: Alachua County, Baker County, Bradford County, Clay County, Columbia County, Dixie County, Duval County, Flagler County, Franklin County, Gadsden County, Gilchrist County, Hamilton County, Jefferson County, Lafayette County, Leon County, Liberty County, Madison County, Marion County, Nassau County, Putnam County, St. Johns County, Suwannee County, Taylor County, Union County, Wakulla County.

In the State of Georgia: Appling County, Atkinson County, Bacon County, Brantley County, Camden County, Charlton County, Clinch County, Coffee County, Glynn County, Long County, McIntosh County, Pierce County, Ware County, Wayne County.

§81.92 Monroe (Louisiana)—El Dorado (Arkansas) Interstate Air Quality Control Region.

The Monroe (Louisiana)—El Dorado (Arkansas) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Louisiana: Caldwell Parish, Catahoula Parish, Concordia Parish, East Carroll Parish, Franklin Parish, Grant Parish, La Salle Parish, Madison Parish, Morehouse Parish, Ouachita Parish, Richland Parish, Tensas Parish, Union Parish, West Carroll Parish.

In the State of Arkansas: Ashley County, Bradley County, Calhoun County, Nevada County, Ouachita County, Union County.

[36 FR 22421, Nov. 25, 1971, as amended at 67 FR 57335, Sept. 10, 2002]

§81.93 Hampton Roads Intrastate Air Quality Control Region.

The Metropolitan Norfolk Intrastate Air Quality Control Region (Virginia)

consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES—Isle of Wight, James City, Nansemond, Southampton, York.

CITIES—Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg.

§ 81.94 Shreveport-Texarkana-Tyler Interstate Air Quality Control Region.

The Shreveport-Texarkana-Tyler Interstate Air Quality Control Region (Arkansas-Louisiana-Oklahoma-Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Columbia County, Hempstead County, Howard County, Lafayette County, Little River County, Miller County, Sevier County.

In the State of Louisiana: Avoyelles Parish, Bienville Parish, Bossier Parish, Caddo Parish, Claiborne Parish, De Soto Parish, Jackson Parish, Lincoln Parish, Natchitoches Parish, Rapides Parish, Red River Parish, Sabine Parish, Vernon Parish, Webster Parish, Winn Parish.

In the State of Oklahoma: McCurtain County.

In the State of Texas: Anderson County, Bowie County, Camp County, Cass County, Cherokee County, Delta County, Franklin County, Gregg County, Harrison County, Henderson County, Hopkins County, Lamar County, Marion County, Morris County, Panola County, Rains County, Red River County, Rusk County, Smith County, Titus County, Upshur County, Van Zandt County, Wood County.

[36 FR 22421, Nov. 25, 1971, as amended at 67 FR 57335, Sept. 10, 2002]

§ 81.95 Central Florida Intrastate Air Quality Control Region.

The Central Florida Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida: Brevard County, Lake County, Orange County, Osceola County, Seminole County, Volusia County.

§ 81.96 West Central Florida Intrastate Air Quality Control Region.

The West Central Florida Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida: Citrus County, Hardee County, Hernando County, Hillsborough County, Levy County, Manatee County, Pasco County, Pinellas County, Polk County, Sumter County.

§ 81.97 Southwest Florida Intrastate Air Quality Control Region.

The Southwest Florida Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida: Charlotte County, Collier County, De Soto County, Glades County, Hendry County, Highlands County, Lee County, Sarasota County.

§ 81.98 Burlington-Keokuk Interstate Air Quality Control Region.

The Burlington-Keokuk Interstate Air Quality Control Region (Illinois-Iowa) is revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically

located within the outermost boundaries of the area so delimited):

In the State of Illinois: Fulton County, Hancock County, Henderson County, Knox County, McDonough County, Mason County, Peoria County, Tazewell County, Warren County, Woodford County.

In the State of Iowa: Des Moines County, Lee County.

NOTE: For purposes of identification, the regions are referred to by Illinois authorities as follows:

Sec.
481.14 Metropolitan Chicago Interstate Air Quality Control Region: Region III.
481.262 North Central Illinois Intrastate Air Quality Control Region: Region V.
481.98 Burlington-Keokuk Interstate Air Quality Control Region: Region VI.
481.263 East Central Illinois Intrastate Air Quality Control Region: Region VII.
481.264 West Central Illinois Intrastate Air Quality Control Region: Region VIII.
481.18 Metropolitan St. Louis Interstate Air Quality Control Region: Region IX.
481.265 Southeast Illinois Intrastate Air Quality Control Region: Region X.
481.69 Paducah-Cairo Interstate Air Quality Control Region: Region XI.

§ 81.99 New Mexico Southern Border Intrastate Air Quality Control Region.

The Arizona-New Mexico Southern Border Interstate Air Quality Control Region has been renamed the New Mexico Southern Border Intrastate Air Quality Control Region and has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Grant County, Hidalgo County, Luna County.

[45 FR 67347, Oct. 10, 1980]

§ 81.100 Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

The Eastern Washington-Northern Idaho Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho: Benewah County, Kootenai County, Latah County, Nez Perce County, Shoshone County.

In the State of Washington: Adams County, Asotin County, Columbia County, Garfield County, Grant County, Lincoln County, Spokane County, Whitman County.

§ 81.101 Metropolitan Dubuque Interstate Air Quality Control Region.

The Metropolitan Dubuque Interstate Air Quality Control Region (Illinois-Iowa-Wisconsin) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Jo Daviess County.

In the State of Iowa: Clayton County, Dubuque County, Jackson County.

In the State of Wisconsin: Grant County.

§ 81.102 Metropolitan Quad Cities Interstate Air Quality Control Region.

The Metropolitan Quad Cities Interstate Air Quality Control Region (Illinois-Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Carroll County, Henry County, Mercer County, Rock Island County, Whiteside County.

In the State of Iowa: Clinton County, Louisa County, Muscatine County, Scott County.

§ 81.104 Central Pennsylvania Intrastate Air Quality Control Region.

The Central Pennsylvania Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean

Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Bedford County, Blair County, Cambria County, Centre County, Clinton County, Columbia County, Fulton County, Huntingdon County, Juniata County, Lycoming County, Mifflin County, Montour County, Northumberland County, Snyder County, Somerset County, Union County.

§ 81.105 South Central Pennsylvania Intrastate Air Quality Control Region.

The South Central Pennsylvania Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Adams County, Cumberland County, Dauphin County, Franklin County, Lancaster County, Lebanon County, Perry County, York County.

§ 81.106 Greenville-Spartanburg Intrastate Air Quality Control Region.

The Greenville-Spartanburg Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Anderson County, Cherokee County, Greenville County, Oconee County, Pickens County, Spartanburg County.

§ 81.107 Greenwood Intrastate Air Quality Control Region.

The Greenwood Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Abbeville County, Edgefield County, Greenwood County, Laurens County, McCormick County, Saluda County.

§ 81.108 Columbia Intrastate Air Quality Control Region.

The Columbia Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Fairfield County, Lexington County, Newberry County, Richland County.

§ 81.109 Florence Intrastate Air Quality Control Region.

The Florence Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Chesterfield County, Darlington County, Dillon County, Florence County, Marion County, Marlboro County.

§ 81.110 Camden-Sumter Intrastate Air Quality Control Region.

The Camden-Sumter Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Clarendon County, Kershaw County, Lee County, Sumter County.

§81.111 Georgetown Intrastate Air Quality Control Region.

The Georgetown Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Georgetown County, Horry County, Williamsburg County.

§81.112 Charleston Intrastate Air Quality Control Region.

The Charleston Intrastate Air Quality Control Region (South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Berkeley County, Charleston County, Dorchester County.

NOTE: For purposes of identification, the regions are referred to by South Carolina authorities as follows:

Sec.
81.106 Greenville-Spartanburg Intrastate Air Quality Control Region: Region 1.
81.107 Greenwood Intrastate Air Quality Control Region: Region 2.
81.108 Columbia Intrastate Air Quality Control Region: Region 4.
81.109 Florence Intrastate Air Quality Control Region: Region 7.
81.110 Camden-Sumter Intrastate Air Quality Control Region: Region 6.
81.111 Georgetown Intrastate Air Quality Control Region: Region 8.
81.112 Charleston Intrastate Air Quality Control Region: Region 9.

§81.113 Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region.

The Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Carolina: Beaufort County, Colleton County, Hampton County, Jasper County.

In the State of Georgia: Bryan County, Bulloch County, Candler County, Chatham County, Effingham County, Evans County, Liberty County, Tattnall County.

§81.114 Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region.

The Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Burke County, Columbia County, Emanuel County, Glascock County, Jefferson County, Jenkins County, Lincoln County, McDuffle County, Richmond County, Screven County, Taliaferro County, Warren County, Wilkes County.

In the State of South Carolina: Aiken County, Allendale County, Bamberg County, Barnwell County, Calhoun County, Orangeburg County.

NOTE: For identification purposes, the Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region is referred to by Alabama authorities as the Alabama State Capital-Columbus (Georgia) Interstate Air Quality Control Region.

§81.115 Northwest Nevada Intrastate Air Quality Control Region.

The Northwest Nevada Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nevada: Carson City, Douglas County, Lyon County, Storey County, Washoe County.

§ 81.116 Northern Missouri Intrastate Air Quality Control Region.

The Northern Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri: Adair County, Andrew County, Atchison County, Audrain County, Boone County, Caldwell County, Callaway County, Carroll County, Chariton County, Clark County, Clinton County, Cole County, Cooper County, Daviess County, De Kalb County, Gentry County, Grundy County, Harrison County, Holt County, Howard County, Knox County, Lewis County, Lincoln County, Linn County, Livingston County, Macon County, Marion County, Mercer County, Moniteau County, Monroe County, Montgomery County, Nodaway County, Osage County, Pike County, Putnam County, Ralls County, Randolph County, Saline County, Schuyler County, Scotland County, Shelby County, Sullivan County, Warren County, Worth County.

§ 81.117 Southeast Missouri Intrastate Air Quality Control Region.

The Southeast Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri: Bolinger County, Butler County, Cape Girardeau County, Carter County, Crawford County, Dent County, Dunklin County, Gasconade County, Iron County, Madison County, Maries County, Mississippi County, New Madrid County, Pemiscot County, Perry County, Phelps County, Reynolds County, Ripley County, St. Francois County, Ste. Genevieve County, Scott County, Stoddard County, Washington County, Wayne County.

§ 81.118 Southwest Missouri Intrastate Air Quality Control Region.

The Southwest Missouri Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Missouri: Barton County, Barry County, Bates County, Benton County, Camden County, Cedar County, Christian County, Dade County, Dallas County, Douglas County, Greene County, Henry County, Hickory County, Howell County, Jasper County, Johnson County, Laclede County, Lafayette County, Lawrence County, McDonald County, Miller County, Morgan County, Newton County, Oregon County, Ozark County, Pettis County, Polk County, Pulaski County, St. Clair County, Shannon County, Stone County, Taney County, Texas County, Vernon County, Webster County, Wright County.

§ 81.119 Western Tennessee Intrastate Air Quality Control Region.

The Western Tennessee Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee: Benton County, Carroll County, Chester County, Crockett County, Decatur County, Dyer County, Fayette County, Gibson County, Hardeman County, Hardin County, Haywood County, Henderson County, Henry County, Lake County, Lauderdale County, McNairy County, Madison County, Obion County, Tipton County, Weakley County.

§ 81.120 Middle Tennessee Intrastate Air Quality Control Region.

The Middle Tennessee Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean

Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee: Bedford County, Cannon County, Cheatham County, Clay County, Davidson County, DeKalb County, Dickson County, Giles County, Hickman County, Houston County, Humphreys County, Jackson County, Lawrence County, Lewis County, Lincoln County, Macon County, Marshall County, Maury County, Montgomery County, Moore County, Perry County, Robertson County, Rutherford County, Smith County, Stewart County, Sumner County, Trousdale County, Wayne County, Williamson County, Wilson County.

§ 81.121 Four Corners Interstate Air Quality Control Region.

The Four Corners Interstate Air Quality Control Region (Colorado-New Mexico-Utah) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Archuleta County, Dolores County, La Plata County, Montezuma County, San Juan County.

In the State of New Mexico: San Juan County (in its entirety); Rio Arriba County (that portion lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide); Sandoval County (that portion lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide); McKinley County (that portion lying west (Pacific slope) of the Continental Divide); Valencia County (that portion lying within the Zuni and Ramah Navajo Indian Reservations).

In the State of Utah: Emery County, Garfield County, Grand County, Iron County, Kane County, San Juan County, Washington County, Wayne County.

[45 FR 67347, Oct. 10, 1980]

§ 81.122 Mississippi Delta Intrastate Air Quality Control Region.

The Mississippi Delta Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Mississippi: Bolivar County, Coahoma County, Humphreys County, Issaquena County, Leflore County, Quitman County, Sharkey County, Sunflower County, Tallahatchie County, Tunica County, Washington County, Yazoo County.

§ 81.123 Southeastern Oklahoma Intrastate Air Quality Control Region.

The Southeastern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Atoka County, Bryan County, Carter County, Choctaw County, Coal County, Garvin County, Haskell County, Hughes County, Johnston County, Latimer County, Love County, McIntosh County, Marshall County, Murray County, Okfuskee County, Pittsburg County, Pontotoc County, Pushmataha County, Seminole County.

§ 81.124 North Central Oklahoma Intrastate Air Quality Control Region.

The North Central Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Garfield County, Grant County, Kay County, Noble County, Payne County.

§ 81.125 Southwestern Oklahoma Intrastate Air Quality Control Region.

The Southwestern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Beckham County, Caddo County, Comanche County, Cotton County, Greer County, Harmon County, Jackson County, Jefferson County, Kiowa County, Stephens County, Tillman County, Washita County.

§ 81.126 Northwestern Oklahoma Intrastate Air Quality Control Region.

The Northwestern Oklahoma Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma: Alfalfa County, Beaver County, Blaine County, Cimarron County, Custer County, Dewey County, Ellis County, Harper County, Major County, Roger Mills County, Texas County, Woods County, Woodward County.

§ 81.127 Central New York Intrastate Air Quality Control Region.

The Central New York Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Cayuga County, Cortland County, Herkimer County, Jefferson County, Lewis County, Madison County, Oneida County, Onondaga County, Oswego County.

§ 81.128 Genesee-Finger Lakes Intrastate Air Quality Control Region.

The Genesee-Finger Lakes Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Genesee County, Livingston County, Monroe County, Ontario County, Orleans County, Seneca County, Wayne County, Wyoming County, Yates County.

§ 81.129 Hudson Valley Intrastate Air Quality Control Region.

The Hudson Valley Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Albany County, Columbia County, Dutchess County, Fulton County, Greene County, Montgomery County, Orange County, Putnam County, Rensselaer County, Saratoga County, Schenectady County, Schoharie County, Ulster County.

§ 81.130 Southern Tier East Intrastate Air Quality Control Region.

The Southern Tier East Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Broome County, Chenango County, Delaware County, Otsego County, Sullivan County, Tioga County.

§ 81.131 Southern Tier West Intrastate Air Quality Control Region.

The Southern Tier West Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York: Allegany County, Cattaraugus County, Chautauqua County, Chemung County, Schuyler County, Steuben County, Tompkins County.

§ 81.132 Abilene-Wichita Falls Intrastate Air Quality Control Region.

The Abilene-Wichita Falls Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Archer County, Baylor County, Brown County, Callahan County, Clay County, Coleman County, Comanche County, Cottle County, Eastland County, Fisher County, Foard County, Hardeman County, Haskell County, Jack County, Jones County, Kent County, Knox County, Mitchell County, Montague County, Nolan County, Runnels County, Scurry County, Shackelford County, Stephens County, Stonewall County, Taylor County, Throckmorton County, Wichita County, Wilbarger County, Young County.

[36 FR 22421, Nov. 25, 1971, as amended at 56 FR 37289, Aug. 6, 1991; 62 FR 30272, June 3, 1997]

§ 81.133 Amarillo-Lubbock Intrastate Air Quality Control Region.

The Amarillo-Lubbock Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Armstrong County, Bailey County, Briscoe County, Carson County, Castro County, Childress County, Cochran County, Collingsworth County, Crosby County, Dallam County, Deaf Smith County, Dickens County, Donley County, Floyd County, Garza County, Gray County, Hale County, Hall County, Hansford County, Hartley County, Hemphill County, Hockley County, Hutchinson County, King County, Lamb County, Lipscomb County, Lubbock County, Lynn County, Moore County, Motley County, Ochiltree County, Oldham County, Parmer County, Potter County, Randall County, Roberts County, Sherman County, Swisher County, Terry County, Wheeler County, Yoakum County.

[36 FR 22421, Nov. 25, 1971, as amended at 62 FR 30272, June 3, 1997]

§ 81.134 Austin-Waco Intrastate Air Quality Control Region.

The Austin-Waco Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Bastrop County, Bell County, Blanco County, Bosque County, Brazos County, Burleson County, Burnet County, Caldwell County, Coryell County, Falls County, Fayette County, Freestone County, Grimes County, Hamilton County, Hays County, Hill County, Lampasas County, Lee County, Leon County, Limestone County, Llano County, Madison County, McLennan County, Milam County, Mills County, Robertson County, San Saba County, Travis County, Washington County, Williamson County.

[36 FR 22421, Nov. 25, 1971, as amended at 56 FR 32789, Aug. 6, 1991; 62 FR 30272, June 3, 1997]

§ 81.135 Brownsville-Laredo Intrastate Air Quality Control Region.

The Brownsville-Laredo Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section

302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area aso delimited):

In the State of Texas: Cameron County, Hidalgo County, Jim Hogg County, Starr County, Webb County, Willacy County, Zapata County.

§ 81.136 Corpus Christi-Victoria Intrastate Air Quality Control Region.

The Corpus Christi-Victoria Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Aransas County, Bee County, Brooks County, Calhoun County, De Witt County, Duval County, Goliad County, Gonzales County, Jackson County, Jim Wells County, Kenedy County, Kleberg County, Lavaca County, Live Oak County, McMullen County, Nueces County, Refugio County, San Patricio County, Victoria County.

[36 FR 22421, Nov. 21, 1971, as amended at 62 FR 30272, June 3, 1997]

§ 81.137 Midland-Odessa-San Angelo Intrastate Air Quality Control Region.

The Midland-Odessa-San Angelo Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(e)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas: Andrews County, Borden County, Coke County, Concho County, Crane County, Crockett County, Dawson County, Ector County, Gaines County, Glasscock County, Howard County, Irion County, Kimble County, Loving County, Martin County, Mason County, McCulloch County, Menard County, Midland County, Pecos County, Reagan County, Reeves County, Schleicher County, Sterling County, Sutton County, Terrell County, Tom Green County, Upton County, Ward County, Winkler County.

[36 FR 22421, Nov. 25, 1971, 56 FR 37289, Aug. 6, 1991, as amended at 62 FR 30273, June 3, 1997]

§ 81.138 Central Arkansas Intrastate Air Quality Control Region.

The Central Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Chicot County, Clark County, Cleveland County, Conway County, Dallas County, Desha County, Drew County, Faulkner County, Garland County, Grant County, Hot Spring County, Jefferson County, Lincoln County, Lonoke County, Perry County, Pope County, Pulaski County, Saline County, Yell County.

§ 81.139 Northeast Arkansas Intrastate Air Quality Control Region.

The Northeast Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Arkansas County, Clay County, Craighead County, Cross County, Greene County, Independence County, Jackson County, Lawrence County, Lee County, Mississippi County, Monroe County, Phillips County, Poinsett County, Prairie County, Randolph County, Saint Francis County, Sharp County, White County, Woodruff County.

§ 81.140 Northwest Arkansas Intrastate Air Quality Control Region.

The Northwest Arkansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean

Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas: Baxter County, Boone County, Carroll County, Cleburne County, Franklin County, Fulton County, Izard County, Johnson County, Logan County, Madison County, Marion County, Montgomery County, Newton County, Pike County, Polk County, Scott County, Searcy County, Stone County, Van Buren County.

§ 81.141 Berkshire Intrastate Air Quality Control Region.

The Berkshire Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts: Berkshire County.

§ 81.142 Central Massachusetts Intrastate Air Quality Control Region.

The Central Massachusetts Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts: Township—Ashburnham, Ashby, Athol, Auburn, Barre, Berlin, Blackstone, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, Grafton, Hardwick, Harvard, Holden, Hopedale, Hubbardston, Lancaster, Leicester, Lunenburg, Mendon, Millbury, Millville, New Braintree, Northborough, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Shirley, Shrewsbury, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Templeton, Townsend, Upton, Uxbridge, Warren, Webster, Westborough, West Boylston, West Brookfield, Westminster, Winchendon,

CITIES—Fitchburg, Gardner, Leominster, Worcester.

§ 81.143 Central Virginia Intrastate Air Quality Control Region.

The Central Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia: Counties—Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward.

CITIES—Bedford, Danville, Lynchburg, Martinsville, South Boston.

TOWNS—Blackstone, Farmville, Rocky Mount, South Hill.

§ 81.144 Northeastern Virginia Intrastate Air Quality Control Region.

The Northeastern Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia: Counties—Accomack, Albermarle, Caroline, Culpeper, Essex, Fauquier, Fluvanna, Gloucester, Greene, King and Queen, King George, King William, Lancaster, Louisa, Madison, Mathews, Middlesex, Nelson, Northampton, Northumberland, Orange, Rappahannock, Richmond, Spotsylvania, Stafford, Westmoreland.

CITIES—Charlottesville, Fredericksburg.

TOWNS—Culpeper, Warrenton.

§ 81.145 State Capital Intrastate Air Quality Control Region.

The State Capital Intrastate Air Quality Control Region (Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia: Counties—Charles City, Chesterfield, Dinwiddie, Goochland, Greensville, Hanover, Henrico, New Kent, Powhatan, Prince George, Surry, Sussex.

CITIES—Colonial Heights, Emporia, Hopewell, Petersburg, Richmond.

§ 81.146 Valley of Virginia Intrastate Air Quality Control Region.

The Valley of Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia: Counties—Alleghany, Augusta, Bath, Botetourt, Clarke, Craig, Floyd, Frederick, Giles, Highland, Montgomery, Page, Pulaski, Roanoke, Rockbridge, Rockingham, Shenandoah, Warren.

CITIES—Buena Vista, Clifton Forge, Covington, Harrisonburg, Lexington, Radford, Roanoke, Salem, Staunton, Waynesboro, Winchester.

TOWNS—Blacksburg, Christiansburg, Front Royal, Luray, Pulaski, Vinton.

§ 81.147 Eastern Mountain Intrastate Air Quality Control Region.

The Eastern Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Alexander County, Alleghany County, Ashe County, Avery County, Burke County, Caldwell County, Catawba County, Cleveland County, McDowell County, Mitchell County, Polk County, Rutherford County, Watauga County, Wilkes County, Yancey County.

§ 81.148 Eastern Piedmont Intrastate Air Quality Control Region.

The Eastern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Chatham County, Durham County, Edgecombe County, Franklin County, Granville County, Halifax County, Johnston County, Lee County, Nash County, Northampton County, Orange County, Person County, Vance County, Wake County, Warren County, Wilson County.

§ 81.149 Northern Coastal Plain Intrastate Air Quality Control Region.

The Northern Coastal Plain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Beaufort County, Bertie County, Camden County, Chowan County, Currituck County, Dare County, Gates County, Hertford County, Hyde County, Martin County, Pasquotank County, Perquimans County, Pitt County, Tyrrell County, Washington County.

§ 81.150 Northern Piedmont Intrastate Air Quality Control Region.

The Northern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Alamance County, Caswell County, Davidson County, Davie County, Forsyth County, Guilford County, Randolph County, Rockingham County, Stokes County, Surry County, Yadkin County.

§81.151 Sandhills Intrastate Air Quality Control Region.

The Sandhills Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Anson County, Bladen County, Cumberland County, Harnett County, Hoke County, Montgomery County, Moore County, Richmond County, Robeson County, Sampson County, Scotland County.

§81.152 Southern Coastal Plain Intrastate Air Quality Control Region.

The Southern Coastal Plain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina: Brunswick County, Carteret County, Columbus County, Craven County, Duplin County, Greene County, Jones County, Lenoir County, New Hanover County, Onslow County, Pamlico County, Pender County, Wayne County.

§81.153 Western Mountain Intrastate Air Quality Control Region.

The Western Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located with the outermost boundaries of the area so delimited):

In the State of North Carolina: Buncombe County, Cherokee County, Clay County, Graham County, Haywood County, Henderson County, Jackson County, Macon County, Madison County, Swain County, Transylvania County.

§81.154 Eastern Shore Intrastate Air Quality Control Region.

The Eastern Shore Intrastate Air Quality Control Region (Maryland) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland: Caroline County, Cecil County, Dorchester County, Kent County, Queen Annes County, Somerset County, Talbot County, Wicomico County, Worcester County.

§81.155 Central Maryland Intrastate Air Quality Control Region.

The Central Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described areas (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland: Frederick County.

§81.156 Southern Maryland Intrastate Air Quality Control Region.

The Southern Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland: Calvert County, Charles County, St. Marys County.

§81.157 North Central Wisconsin Intrastate Air Quality Control Region.

The North Central Wisconsin Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all

municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin: Adams County, Forest County, Florence County, Juneau County, Langlade County, Lincoln County, Marathon County, Oneida County, Portage County, Vilas County, Wood County.

§ 81.158 Southern Wisconsin Intrastate Air Quality Control Region.

The Southern Wisconsin Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin: Columbia County, Dane County, Dodge County, Green County, Iowa County, Jefferson County, Lafayette County, Richland County, Sauk County.

§ 81.159 Great Basin Valley Intrastate Air Quality Control Region.

The Great Basin Valley Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Alpine County, Inyo County, Mono County.

§ 81.160 North Central Coast Intrastate Air Quality Control Region.

The North Central Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Monterey County, San Benito County, Santa Cruz County.

§ 81.161 North Coast Intrastate Air Quality Control Region.

The North Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Del Norte County, Humboldt County, Mendocino County, Trinity County.

Sonoma County—that portion of Sonoma County which lies north and west of a line described as follows: Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to is intersection with the township line common to Townships 8 and 9 North, Mt. Diablo Base and Meridian; thence

running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.162 Northeast Plateau Intrastate Air Quality Control Region.

The Northeast Plateau Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Lassen County, Modoc County, Siskiyou County.

Shasta County—that portion of Shasta County which lies east and north of a line described as follows: Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mt. Diablo Base and Meridian, to the southwest corner of T. 35 N., R. 2 E; then east along the township line common to T. 35 N. and T. 34 N. to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E. and R. 2 E. to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N. to the northwest corner of T. 32 N., R. 4 E.; then south along the range line common to R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park boundary; then east along the north boundary of Lassen Volcanic National Park to the point of intersection with the Lassen-Shasta County boundary.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.163 Sacramento Valley Intrastate Air Quality Control Region.

The Sacramento Valley Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Butte County, Colusa County, Glenn County, Sacramento County, Sutter County, Tehama County, Yolo County, Yuba County.

Shasta County—that portion of Shasta County which lies west and south of a line described as follows: Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mt. Diablo Base and Meridian, to the southwest corner of T. 35 N., R. 2 E.; then east along the township line common to T. 35 N. and T. 34 N. to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E. and R. 2 E. to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N. to the northwest corner of T. 32 N., R. 4 E.; then south along the range line common to R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park boundary; then east along the north boundary of Lassen Volcanic National Park to the Point of intersection with the Lassen-Shasta County boundary.

Solano County—that portion of Solano County which lies north and east of a line described as follows:Beginning at the inersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of section 34, T. 6 N., R. 2 W., M.D.B. & M., thence east along said ¼ section line to the east boundary of section 36, T. 6 N., R. 2 W., thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of section 4, T. 5 N., R. 1 W., thence east along a line common to T. 5 N. and T. 6 N. to the northeast corner of section 3, T. 5 N., R. 1 E., thence south along section lines to the southeast corner of section 8, T. 3 N., R. 2 E., thence east to the boundary between Solano and Sacramento Counties.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.164 San Diego Intrastate Air Quality Control Region.

The San Diego Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: San Diego County.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.165 San Joaquin Valley Intrastate Air Quality Control Region.

The San Joaquin Valley Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Fresno County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, Tulare County.

Kern County—that portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian; then north along the range line to the northwest corner of section 2, T. 32 S., R. 32 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.166 South Central Coast Intrastate Air Quality Control Region.

The South Central Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: San Luis Obispo County.

Santa Barbara County—that portion of Santa Barbara County which lies north of a line described as follows: Beginning at the Pacific Ocean outfall of Jalama Creek and running east and north along Jalama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grant boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial sec. 20, T. 5 N., R. 32 W., San Bernardino Base and Meridian; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of partial sec. 22, T. 5 N., R. 32 W.; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of sec. 13, T. 5 N., R. 32 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 31 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 30 W., and secs. 18, 17, 16, 15, T. 5 N., R. 29 W.; then south along the east boundary of sec. 15 T. 5 N., R. 29 W.; then east along the north boundaries of secs. 23 and 24, T. 5 N., R. 29 W., and secs. 19, 20, 21, 22, 23, 24, T. 5 N., R. 28 W., and secs. 19 and 20, T. 5 N., R. 27 W.; then south along the east boundary of sec. 20, T. 5 N., R. 27 W.; then east along the north boundaries of secs. 28, 27, 26, 25, T. 5 N., R. 27 W. and sec. 30, T. 5 N., R. 26 W.; then south along the east boundary of sec. 30, T. 5 N., R. 26 W.; then east along the north boundaries of secs. 32, 33, 34, 35, T. 5 N., R. 26 W.; then south along the east boundary of sec. 35, T. 5 N., R. 26 W. to the township line common to T. 4 N. and T. 5 N.; then east along this township line to the Santa Barbara-Ventura County boundary.

§ 81.167 Southeast Desert Intrastate Air Quality Control Region.

The Southeast Desert Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Imperial County.

Kern County—that portion of Kern County which lies east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian; then north along the range line to the northwest corner of Section 2, T.

32 S., R. 32 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.

Los Angeles County—that portion of Los Angeles County which lies north and east of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T. 3 N. and T. 2 N., San Bernardino Base and Meridian; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of Section 12, T. 5 N.; R. 13 W.; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of Section 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of Section 13, T. 7 N., R. 16 W.; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with the township line common to T. 8 N. and T. 7 N.); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.

Riverside County—that portion of Riverside County which lies east of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E. and R. 3 E., San Bernardino Base and Meridian; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of Section 34, T. 6 S., R. 4 E.; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial Section 31, T. 3 S., R. 1 W.; then northwest along that line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the Riverside-San Bernardino County line.

San Bernardino County—that portion of San Bernardino County which lies east and north of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E. and R. 2 E., San Bernardino Base and Meridian; then west along the township line common to T. 3 N. and T. 2 N. to the San Bernardino-Los Angeles County boundary.

[36 FR 22421, Nov. 25, 1971, as amended at 46 FR 3890, Jan. 16, 1981]

§ 81.168 Great Falls Intrastate Air Quality Control Region.

The Great Falls Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana: Blaine County, Cascade County, Chouteau County, Glacier County, Hill County, Liberty County, Pondera County, Teton County, Toole County.

§ 81.169 Helena Intrastate Air Quality Control Region.

The Helena Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana: Beaverhead County, Broadwater County, Deer Lodge County, Gallatin County, Granite County, Jefferson County, Lewis and Clark County, Madison County, Meagher County, Park County, Powell County, Silver Bow County.

§ 81.170 Miles City Intrastate Air Quality Control Region.

The Miles City Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana: Carter County, Custer County, Daniels County, Dawson County, Fallon County, Garfield County, McCone County, Phillips County, Powder River County, Prairie County, Richland County, Roosevelt County, Rosebud County, Sheridan County, Treasure County, Valley County, Wibaux County.

§ 81.171 Missoula Intrastate Air Quality Control Region.

The Missoula Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana: Flathead County, Lake County, Lincoln County, Mineral County, Missoula County, Ravalli County, Sanders County.

§ 81.172 Comanche Intrastate Air Quality Control Region.

The Comanche Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Baca County, Bent County, Cheyenne County, Crowley County, Elbert County, Kiowa County, Kit Carson County, Lincoln County, Otero County, Prowers County.

§ 81.173 Grand Mesa Intrastate Air Quality Control Region.

The Grand Mesa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Delta County, Eagle County, Garfield County, Gunnison County, Hinsdale County, Mesa County, Montrose County, Ouray County, Pitkin County, San Miguel County, Summit County.

§ 81.174 Pawnee Intrastate Air Quality Control Region.

The Pawnee Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Larimer County, Logan County, Morgan County, Phillips County, Sedgwick County, Washington County, Weld County, Yuma County.

§ 81.175 San Isabel Intrastate Air Quality Control Region.

The San Isabel Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Chaffee County, Custer County, El Paso County, Fremont County, Huerfano County, Lake County, Las Animas County, Park County, Pueblo County, Teller County.

§81.176 San Luis Intrastate Air Quality Control Region.

The San Luis Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Alamosa County, Conejos County, Costilla County, Mineral County, Rio Grande County, Saguache County.

§81.177 Yampa Intrastate Air Quality Control Region.

The Yampa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Grand County, Jackson County, Moffat County, Rio Blanco County, Routt County.

§81.178 Southern Delaware Intrastate Air Quality Control Region.

The Southern Delaware Intrastate Air Quality Control Region (Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described areas (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Delaware: Kent County, Sussex County.

§81.179 Aroostook Intrastate Air Quality Control Region.

The Aroostook Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine: Aroostook County—That portion of Aroostook County which lies east of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of said line with the Aroostook-Penobscot County boundary.

§81.181 Down East Intrastate Air Quality Control Region.

The Down East Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine: Hancock County, Washington County.

Penobscot County—That portion of Penobscot County which lies south of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships and running due west to the intersection of said line with Penobscot-Piscataquis County boundary.

Piscataquis County—That portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

§ 81.182 Northwest Maine Intrastate Air Quality Control Region.

The Northwest Maine Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Aroostook County—That portion of Aroostook County which lies west of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of the said line with the Aroostook-Penobscot County boundary.

Franklin County—That portion of Franklin County which lies north and west of a line described as follows: Beginning at the point where the Oxford-Franklin County boundary is intersected by a line common to the northern boundary of Township No. 6, Phillips Town, Salem Township, and Freeman Township to the intersection of the said line with the Franklin-Somerset County boundary, which is also common to the northeast corner of Freeman Township.

Oxford County—That portion of Oxford County which lies north and west of a line described as follows: Beginning at the point where the Maine-New Hampshire border is intersected by a line common to the northern boundary of Grafton Township, and running northeast along the northern boundaries of Grafton Township and Andover North Surplus to the intersection of said line with the Oxford-Franklin County boundary, which is also the northeast corner of Andover North Surplus.

Penobscot County—That portion of Penobscot County which lies north of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships, and running due west to the intersection of said line with the Penobscot-Piscataquis County boundary.

Piscataquis County—That portion of Piscataquis County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

Somerset County—That portion of Somerset County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is common to the northeast corner of Athens Township.

§ 81.183 Eastern Connecticut Intrastate Air Quality Control Region.

The Eastern Connecticut Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut: Towns—Ashford, Bozrah, Brooklyn, Canterbury, Chaplin, Chester, Clinton, Colchester, Columbia, Coventry, Deep River, Eastford, East Lyme, Essex, Franklin, Griswold, Groton, Hampton, Killingly, Killingworth, Lebanon, Ledyard, Lisbon, Lyme, Mansfield, Montville, North Stonington, Old Lyme, Old Saybrook, Plainfield, Pomfret, Preston, Putnam, Salem, Scotland, Sprague, Stafford, Sterling. Stonington, Thompson, Union, Voluntown, Waterford, Westbrook, Willington, Windham, Woodstock.

CITIES—Groton, New London, Norwich, Putnam, Willimantic.

§81.184 Northwestern Connecticut Intrastate Air Quality Control Region.

The Northwestern Connecticut Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut: Towns—Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Hartland, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Warren, Washington, Winchester.

CITIES—Torrington, Winsted.

[36 FR 22421, Nov. 25, 1971, as amended at 45 FR 84788, Dec. 23, 1980]

§81.185 Northern Washington Intrastate Air Quality Control Region.

The Northern Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington: Chelan County, Douglas County, Ferry County, Okanogan County, Pend Oreille County, Stevens County.

§81.187 Olympic-Northwest Washington Intrastate Air Quality Control Region.

The Olympic-Northwest Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington: Clallam County, Grays Harbor County, Island County, Jefferson County, Mason County, Pacific County, San Juan County, Skagit County, Thurston County, Whatcom County.

§81.189 South Central Washington Intrastate Air Quality Control Region.

The South Central Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington: Benton County, Franklin County, Kittitas County, Klickitat County, Walla Walla County, Yakima County.

§81.190 Eastern Idaho Intrastate Air Quality Control Region.

The Eastern Idaho Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho: Bannock County, Bear Lake County, Bingham County, Bonneville County, Butte County, Caribou County, Clark County, Franklin County, Fremont County, Jefferson County, Madison County, Oneida County, Power County, Teton County.

§81.191 Appalachian Intrastate Air Quality Control Region.

The Appalachian Intrastate Air Quality Control Region (Kentucky) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Bell County, Breathitt County, Clay County, Floyd County, Harlan County, Jackson County, Johnson County, Knott County, Knox County, Laurel County, Lee County, Leslie County, Letcher

County, Magoffin County, Martin County, Owsley County, Perry County, Pike County, Rockcastle County, Whitley County, Wolfe County,

§ 81.192 Bluegrass Intrastate Air Quality Control Region.

The Bluegrass Intrastate Air Quality Control Region (Kentucky) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Anderson County, Bourbon County, Boyle County, Clark County, Estill County, Fayette County, Franklin County, Garrard County, Harrison County, Jessamine County, Lincoln County, Madison County, Mercer County, Nicholas County, Powell County, Scott County, Woodford County.

§ 81.193 North Central Kentucky Intrastate Air Quality Control Region.

The North Central Kentucky Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Breckinridge County, Bullitt County, Grayson County, Hardin County, Henry County, Larue County, Marion County, Meade County, Nelson County, Oldham County, Shelby County, Spencer County, Trimble County, Washington County.

§ 81.194 South Central Kentucky Intrastate Air Quality Control Region.

The South Central Kentucky Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky: Adair County, Allen County, Barren County, Butler County, Casey County, Clinton County, Cumberland County, Edmonson County, Green County, Hart County, Logan County, McCreary County, Metcalf County, Monroe County, Pulaski County, Russell County, Simpson County, Taylor County, Warren County, Wayne County.

§ 81.195 Central Michigan Intrastate Air Quality Control Region.

The Central Michigan Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan: Allegan County, Arenac County, Bay County, Clare County, Genesee County, Gladwin County, Gratiot County, Huron County, Ionia County, Iosco County, Isabella County, Kent County, Lake County, Lapeer County, Mason County, Mecosta County, Midland County, Montcalm County, Muskegon County, Newaygo County, Oceana County, Ogemaw County, Osceola County, Ottawa County, Roscommon County, Saginaw County, Sanilac County, Shiawassee County, Tuscola County.

§ 81.196 South Central Michigan Intrastate Air Quality Control Region.

The South Central Michigan Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the areas so delimited):

In the State of Michigan: Barry County, Branch County, Calhoun County, Clinton County, Eaton County, Hillsdale County, Ingham County, Jackson County, Kalamazoo County, Lenawee County, Livingston County, St. Joseph County, Washtenaw County.

§ 81.197 Upper Michigan Intrastate Air Quality Control Region.

The Upper Michigan Intrastate Air Quality Control Region consists of the territorial area encompassed by the

boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan: Alcona County, Alger County, Alpena County, Antrim County, Baraga County, Benzie County, Cheboygan County, Charlevoix County, Chippewa County, Crawford County, Delta County, Dickinson County, Emmet County, Gogebic County, Grand Traverse County, Houghton County, Iron County, Kalkaska County, Keweenaw County, Leelanau County, Luce County, Mackinac County, Manistee County, Marquette County, Menominee County, Missaukee County, Montmorency County, Ontonagon County, Oscoda County, Otsego County, Presque Isle County, Schoolcraft County, Wexford County.

§ 81.199 East Alabama Intrastate Air Quality Control Region.

The East Alabama Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Calhoun County, Chambers County, Cherokee County, Clay County, Cleburne County, Coosa County, Etowah County, Randolph County, Talladega County, Tallapoosa County.

§ 81.200 Metropolitan Columbus Intrastate Air Quality Control Region.

The Metropolitan Columbus Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Delaware County, Fairfield County, Franklin County, Licking County, Madison County, Perry County, Pickaway County, Union County.

§ 81.201 Mansfield-Marion Intrastate Air Quality Control Region.

The Mansfield-Marion Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Ashland County, Crawford County, Holmes County, Knox County, Marion County, Morrow County, Richland County, Wayne County, Wyandot County.

§ 81.202 Northwest Ohio Intrastate Air Quality Control Region.

The Northwest Ohio Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Allen County, Auglaize County, Champaign County, Defiance County, Fulton County, Hancock County, Hardin County, Henry County, Logan County, Mercer County, Paulding County, Putman County, Shelby County, Van Wert County, Williams County.

§ 81.203 Sandusky Intrastate Air Quality Control Region.

The Sandusky Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Erie County, Huron County, Ottawa County, Sandusky County, Seneca County.

§ 81.204 Wilmington-Chillicothe-Logan Intrastate Air Quality Control Region.

The Wilmington-Chillicothe-Logan Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdiction or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Clinton County, Fayette County, Highland County, Hocking County, Jackson County, Pike County, Ross County, Vinton County.

§ 81.205 Zanesville-Cambridge Intrastate Air Quality Control Region.

The Zanesville-Cambridge Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio: Carroll County, Coshocton County, Guernsey County, Harrison County, Muskingum County, Noble County, Tuscarawas County.

§ 81.213 Casper Intrastate Air Quality Control Region.

The Casper Intrastate Air Quality Control Region (Wyoming) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wyoming: Converse County, Freemont County, Natrona County.

§ 81.214 Black Hills-Rapid City Intrastate Air Quality Control Region.

The Rapid City Intrastate Air Quality Control Region (South Dakota) has been renamed the Black Hills-Rapid City Intrastate Air Quality Control Region (South Dakota) and consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Dakota: Butte County, Custer County, Fall River County, Lawrence County, Meade County, Pennington County.

§ 81.215 East Central Indiana Intrastate Air Quality Control Region.

The East Central Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Blackford County, Delaware County, Grant County, Henry County, Jay County, Madison County, Randolph County, Wayne County.

§ 81.216 Northeast Indiana Intrastate Air Quality Control Region.

The Northeast Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Adams County, Allen County, De Kalb County, Huntington County, Lagrange County, Noble County, Steuben County, Wells County, Whitley County.

§ 81.217 Southern Indiana Intrastate Air Quality Control Region.

The Southern Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all

municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Bartholomew County, Brown County, Crawford County, Daviess County, Decatur County, Fayette County, Franklin County, Greene County, Harrison County, Jackson County, Jefferson County, Jennings County, Lawrence County, Martin County, Monroe County, Orange County, Owen County, Ripley County, Rush County, Scott County, Switzerland County, Union County, Washington County.

§ 81.218 Wabash Valley Intrastate Air Quality Control Region.

The Wabash Valley Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana: Benton County, Carroll County, Cass County, Clay County, Clinton County, Fountain County, Fulton County, Howard County, Jasper County, Knox County, Miami County, Montgomery County, Newton County, Parke County, Pulaski County, Putnam County, Starke County, Sullivan County, Tippecanoe County, Tipton County, Vermillion County, Vigo County, Wabash County, Warren County, White County.

§ 81.219 Central Oregon Intrastate Air Quality Control Region.

The Central Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon: Crook County, Deschutes County, Hood River County, Jefferson County, Klamath County, Lake County, Sherman County, Wasco County.

§ 81.220 Eastern Oregon Intrastate Air Quality Control Region.

The Eastern Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon: Baker County, Gilliam County, Grant County, Harney County, Malheur County, Morrow County, Umatilla County, Union County, Wallowa County, Wheeler County.

§ 81.221 Southwest Oregon Intrastate Air Quality Control Region.

The Southwest Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon: Coos County, Curry County, Douglas County, Jackson County, Josephine County.

§ 81.226 Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

The Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region (Nebraska) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nebraska: Gage County, Jefferson County, Lancaster County, Thayer County.

§ 81.230 Allegheny Intrastate Air Quality Control Region.

The Allegheny Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area

(including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Greenbrier County, Hampshire County, Hardy County, Monroe County, Pendleton County, Pocahontas County, Randolph County, Summers County, Tucker County.

In Grant County: Grant Magisterial District, Milroy Magisterial District.

In Mineral County: Cabin Run Magisterial District, Frankfort Magisterial District, Welton Magisterial District.

§ 81.231 Central West Virginia Intrastate Air Quality Control Region.

The Central West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Braxton County, Calhoun County, Clay County, Doddridge County, Gilmer County, Lewis County, Nicholas County, Ritchie County, Roane County, Upshur County, Webster County, Wirt County.

§ 81.232 Eastern Panhandle Intrastate Air Quality Control Region.

The Eastern Panhandle Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Berkeley County, Jefferson County, Morgan County.

§ 81.233 Kanawha Valley Intrastate Air Quality Control Region.

The Kanawha Valley Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Kanawha County, Putnam County.

In Fayette County: Falls Magisterial District, Kanawha Magisterial District.

§ 81.234 North Central West Virginia Intrastate Air Quality Control Region.

The North Central West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Barbour County, Harrison County, Marion County, Monongalia County, Preston County, Taylor County.

§ 81.235 Southern West Virginia Intrastate Air Quality Control Region.

The Southern West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia: Boone County, Lincoln County, Logan County, McDowell County, Mercer County, Mingo County, Raleigh County, Wyoming County.

In Fayette County: Fayetteville Magisterial District, Mountain Cove Magisterial District, Nuttall Magisterial District, Quinnimont Magisterial District, Sewell Mountain Magisterial District.

§ 81.236 Central Georgia Intrastate Air Quality Control Region.

The Central Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities

(as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Baldwin County, Ben Hill County, Bibb County, Bleckley County, Crawford County, Dodge County, Hancock County, Houston County, Jasper County, Jeff Davis County, Johnson County, Jones County, Laurens County, Macon County, Monroe County, Montgomery County, Peach County, Pulaski County, Putnam County, Telfair County, Toombs County, Treutlen County, Twiggs County, Washington County, Wheeler County, Wilcox County, Wilkinson County.

§ 81.237 Northeast Georgia Intrastate Air Quality Control Region.

The Northeast Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Banks County, Barrow County, Clarke County, Dawson County, Elbert County, Forsyth County, Franklin County, Greene County, Habersham County, Hall County, Hart County, Jackson County, Lumpkin County, Madison County, Morgan County, Newton County, Oconee County, Oglethorpe County, Rabun County, Stephens County, Towns County, Union County, Walton County, White County.

§ 81.238 Southwest Georgia Intrastate Air Quality Control Region.

The Southwest Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia: Baker County, Berrien County, Brooks County, Calhoun County, Clay County, Colquitt County, Cook County, Crisp County, Decatur County, Dougherty County, Early County, Echols County, Grady County, Irwin County, Lanier County, Lee County, Lowndes County, Miller County, Mitchell County, Randolph County, Seminole County, Terrell County, Thomas County, Tift County, Turner County, Worth County.

§ 81.239 Upper Rio Grande Valley Intrastate Air Quality Control Region.

The Upper Rio Grande Valley Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Los Alamos County, Santa Fe County, Taos County.

Those portions of Rio Arriba County lying east of the Continental Divide.

§ 81.240 Northeastern Plains Intrastate Air Quality Control Region.

The Northeastern Plains Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Colfax County, Guadalupe County, Harding County, Mora County, San Miguel County, Torrance County, Union County.

§ 81.241 Southwestern Mountains-Augustine Plains Intrastate Air Quality Control Region.

The Southwestern Mountains-Augustine Plains Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Catron County, Socorro County.

Those portions of McKinley County lying east of the Continental Divide.

Those portions of Valencia County, excluding the Zuni and Ramah Navajo Indian Reservations, lying west of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.

§ 81.242 Pecos-Permian Basin Intrastate Air Quality Control Region.

The Pecos-Permian Basin Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Chaves County, Curry County, De Baca County, Eddy County, Lea County, Quay County, Roosevelt County.

§ 81.243 Central Minnesota Intrastate Air Quality Control Region.

The Central Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Benton County, Chisago County, Isanti County, Kanabec County, Mille Lacs County, Pine County, Sherburne County, Stearns County, Wright County.

§ 81.244 Northwest Minnesota Intrastate Air Quality Control Region.

The Northwest Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Becker County, Beltrami County, Cass County, Clearwater County, Crow Wing County, Douglas County, Grant County, Hubbard County, Kittson County, Lake of the Woods County, Mahnomen County, Marshall County, Morrison County, Norman County, Otter Tail County, Pennington County, Polk County, Pope County, Red Lake County, Roseau County, Stevens County, Todd County, Traverse County, Wadena County, Wilkin County.

§ 81.245 Southwest Minnesota Intrastate Air Quality Control Region.

The Southwest Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota: Big Stone County, Chippewa County, Cottonwood County, Jackson County, Kandiyohi County, Lac qui Parle County, Lincoln County, Lyon County, McLeod County, Meeker County, Murray County, Nobles County, Pipestone County, Redwood County, Renville County, Rock County, Swift County, Yellow Medicine County.

§ 81.246 Northern Alaska Intrastate Air Quality Control Region.

The Northern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1875h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:

Those portions of the 1956 Election Districts 18–23, inclusive, as described in Article XIV, section 3 of the Constitution of the State of Alaska, which are not included in the designated Cook Inlet Intrastate Air Quality Control Region as designated August 12, 1970 (35 FR 12757).

§ 81.247 South Central Alaska Intrastate Air Quality Control Region.

The South Central Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
Those portions of the 1956 Election Districts 7–17, inclusive, and Election District 24 as described in Article XIV, section 3 of the Constitution of the State of Alaska, which are not included in the designated Cook Inlet Intrastate Air Quality Control Region as designated August 12, 1970 (35 FR 12757).

§ 81.248 Southeastern Alaska Intrastate Air Quality Control Region.

The Southeastern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:
1956 Election Districts 1–6, inclusive, as described in Article XIV, section 3 of the Constitution of the State of Alaska.

§ 81.249 Northwest Oregon Intrastate Air Quality Control Region.

The Northwest Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon: Clatsop County, Lincoln County, Tillamook County.

§ 81.250 North Central Kansas Intrastate Air Quality Control Region.

The North Central Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Clay County, Cloud County, Dickinson County, Ellsworth County, Geary County, Jewell County, Lincoln County, McPherson County, Mitchell County, Morris County, Ottawa County, Republic County, Rice County, Riley County, Saline County, Washington County.

§ 81.251 Northeast Kansas Intrastate Air Quality Control Region.

The Northeast Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Atchison County, Brown County, Doniphan County, Douglas County, Franklin County, Jackson County, Jefferson County, Marshall County, Miami County, Nemaha County, Osage County, Pottawatomie County, Shawnee County, Wabaunsee County.

§ 81.252 Northwest Kansas Intrastate Air Quality Control Region.

The Northwest Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Barton County, Cheyenne County, Decatur County, Ellis County, Gove County, Graham County, Logan County, Ness County, Norton County, Osborne County, Phillips County, Rawlins County, Rooks County, Rush County, Russell County, Sheridan County, Sherman County, Smith County, Thomas County, Trego County, Wallace County.

§ 81.253 South Central Kansas Intrastate Air Quality Control Region.

The South Central Kansas Intrastate Air Quality Control Region consists of

the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Butler County, Chase County, Cowley County, Harper County, Harvey County, Kingman County, Marion County, Reno County, Sedgwick County, Sumner County.

§ 81.254 Southeast Kansas Intrastate Air Quality Control Region.

The Southeast Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Allen County, Anderson County, Bourbon County, Chautauqua County, Cherokee County, Coffey County, Crawford County, Elk County, Greenwood County, Labette County, Linn County, Lyon County, Montgomery County, Neosho County, Wilson County, Woodson County.

§ 81.255 Southwest Kansas Intrastate Air Quality Control Region.

The Southwest Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas: Barber County, Clark County, Comanche County, Edwards County, Finney County, Ford County, Grant County, Gray County, Greeley County, Hamilton County, Haskell County, Hodgeman County, Kearny County, Kiowa County, Lane County, Meade County, Morton County, Pawnee County, Pratt County, Scott County, Seward County, Stafford County, Stanton County, Stevens County, Wichita County.

§ 81.256 Northeast Iowa Intrastate Air Quality Control Region.

The Northeast Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Allamakee County, Benton County, Black Hawk County, Bremer County, Buchanan County, Chickasaw County, Delaware County, Fayette County, Howard County, Jones County, Linn County, Winneshiek County.

§ 81.257 North Central Iowa Intrastate Air Quality Control Region.

The North Central Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Butler County, Cerro Gordo County, Floyd County, Franklin County, Grundy County, Hamilton County, Hancock County, Hardin County, Humboldt County, Kossuth County, Mitchell County, Webster County, Winnebago County, Worth County, Wright County.

§ 81.258 Northwest Iowa Intrastate Air Quality Control Region.

The Northwest Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Buena Vista County, Calhoun County, Cherokee County, Clay County, Dickinson County, Emmet County, Ida County, O'Brien County, Osceola County, Palo Alto County, Pocahontas County, Sac County.

§ 81.259 Southwest Iowa Intrastate Air Quality Control Region.

The Southwest Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Adair County, Adams County, Audubon County, Carroll County, Cass County, Crawford County, Fremont County, Greene County, Guthrie County, Harrison County, Mills County, Monona County, Montgomery County, Page County, Ringgold County, Shelby County, Taylor County, Union County.

§ 81.260 South Central Iowa Intrastate Air Quality Control Region.

The South Central Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Appanoose County, Boone County, Clarke County, Dallas County, Decatur County, Jasper County, Lucas County, Madison County, Mahaska County, Marion County, Marshall County, Monroe County, Polk County, Poweshiek County, Story County, Tama County, Warren County, Wayne County.

§ 81.261 Southeast Iowa Intrastate Air Quality Control Region.

The Southeast Iowa Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa: Cedar County, Davis County, Henry County, Iowa County, Jefferson County, Johnson County, Keokuk County, Van Buren County, Wapello County, Washington County.

NOTE: For purposes of identification, the Regions are referred to by Iowa authorities as follows:

Sec.
81.256 Northeast Iowa Intrastate Air Quality Control Region: Region 1.
81.257 North Central Iowa Intrastate Air Quality Control Region: Region 2.
81.258 Northwest Iowa Intrastate Air Quality Control Region: Region 3.
81.259 Southwest Iowa Intrastate Air Quality Control Region: Region 4.
81.260 South Central Iowa Intrastate Air Quality Control Region: Region 5.
81.261 Southeast Iowa Intrastate Air Quality Control Region: Region 6.

§ 81.262 North Central Illinois Intrastate Air Quality Control Region.

The North Central Illinois Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Bureau County, La Salle County, Lee County, Marshall County, Putnam County, Stark County.

§ 81.263 East Central Illinois Intrastate Air Quality Control Region.

The East Central Illinois Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Champaign County, Clark County, Coles County, Cumberland County, De Witt County, Douglas County, Edgar County, Ford County, Iroquois County, Livingston County, McLean County, Moultrie County, Piatt County, Shelby County, Vermilion County.

§ 81.264 West Central Illinois Intrastate Air Quality Control Region.

The West Central Illinois Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities

(as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Adams County, Brown County, Calhoun County, Cass County, Christian County, Greene County, Jersey County, Logan County, Macon County, Macoupin County, Menard County, Montgomery County, Morgan County, Pike County, Sangamon County, Schuyler County, Scott County.

§ 81.265 Southeast Illinois Intrastate Air Quality Control Region.

The Southeast Illinois Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois: Clay County, Crawford County, Edwards County, Effingham County, Fayette County, Franklin County, Gallatin County, Hamilton County, Hardin County, Jackson County, Jasper County, Jefferson County, Lawrence County, Marion County, Perry County, Richland County, Saline County, Wabash County, Wayne County, White County, Williamson County.

§ 81.266 Alabama and Tombigbee Rivers Intrastate Air Quality Control Region.

The Alabama and Tombigbee Rivers Intrastate Air Quality Control Region (Alabama) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Choctaw County, Clarke County, Conecuh County, Dallas County, Marengo County, Monroe County, Perry County, Washington County, Wilcox County.

§ 81.267 Southeast Alabama Intrastate Air Quality Control Region.

The Southeast Alabama Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama: Barbour County, Coffee County, Covington County, Dale County, Geneva County, Henry County, Houston County.

§ 81.268 Mohave-Yuma Intrastate Air Quality Control Region.

The Mohave-Yuma Intrastate Air Quality Control Region (Arizona) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 7602(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Mohave County and Yuma County.

[45 FR 7545, Feb. 4, 1980]

§ 81.269 Pima Intrastate Air Quality Control Region.

The Pima Intrastate Air Quality Control Region (Arizona) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Pima County.

[45 FR 67347, Oct. 10, 1980]

§ 81.270 Northern Arizona Intrastate Air Quality Control Region.

The Northern Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Apache County, Coconino County, Navajo County, Yavapai County.

[45 FR 67347, Oct. 10, 1980]

§ 81.271 Central Arizona Intrastate Air Quality Control Region.

The Central Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Gila County, Pinal County.

[45 FR 67348, Oct. 10, 1980]

§ 81.272 Southeast Arizona Intrastate Air Quality Control Region.

The Southeast Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Cochise County, Graham County, Greenlee County, Santa Cruz County.

[45 FR 67348, Oct. 10, 1980]

§ 81.273 Lake County Intrastate Air Quality Control Region.

The Lake County Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Lake County.

[46 FR 3891, Jan. 16, 1981]

§ 81.274 Mountain Counties Intrastate Air Quality Control Region.

The Mountain Counties Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California: Amador County, Calaveras County, Mariposa County, Nevada Country, Plumas County, Sierra County, Tuolumne County.

El Dorado County—all of El Dorado County except that portion within the drainage area naturally tributary to Lake Tahoe including said Lake.

Placer County—all of Placer County except the following described area:That portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, M.D.B. & M., thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.

[46 FR 3891, Jan. 16, 1981]

§ 81.275 Lake Tahoe Intrastate Air Quality Control Region.

The Lake Tahoe Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited:

In the State of California:

El Dorado County—that portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.

Placer County—that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said

Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, M.D.B. & M., thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.

[46 FR 3891, Jan. 16, 1981]

Subpart C—Section 107 Attainment Status Designations

AUTHORITY: 42 U.S.C. 7401, *et seq.*

SOURCE: 43 FR 8964, Mar. 3, 1978, unless otherwise noted.

§ 81.300 Scope.

(a) Attainment status designations as approved or designated by the Environmental Protection Agency (EPA) pursuant to section 107 of the Act are listed in this subpart. Area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation. A state, an Indian tribe determined eligible for such functions under 40 CFR part 49, and EPA can initiate changes to these designations, but any proposed state or tribal redesignation must be submitted to EPA for concurrence. The EPA has replaced the national ambient air quality standards for particulate matter measured as total suspended particulate (TSP) with standards measured as particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). Accordingly, area designations for PM–10 are included in the lists in subpart C of this part. However, the TSP area designations will also remain in effect until the Administrator determines that the designations are no longer necessary for implementing the maximum allowable increases in concentrations of particulate matter pursuant to section 163(b) of the Act, as explained in paragraph (b) of this section.

(b) Designated areas which are listed below as attainment (''Better than national standards'') or unclassifiable (''Cannot be classified'') for total suspended particulate (TSP), sulfur dioxide (SO_2), and nitrogen dioxide (NO_2), represent potential baseline areas or portions of baseline areas which are used in determining compliance with maximum allowable increases (increments) in concentrations of the respective pollutants for the prevention of significant deterioration of air quality (PSD). With respect to areas identified as ''Rest of State'' it should be assumed that such reference comprises a single area designation for PSD baseline area purposes. However, for PM–10, the use of the term ''Rest of State'' is an interim measure to designate as unclassifiable all locations not originally designated nonattainment for PM–10 in accordance with section 107(d)(4)(B) of the Act.

(c) For PM–10 areas designated nonattainment, pursuant to section 107(d)(4)(b) by operation of law upon enactment of the 1990 Amendments to the Act, the boundaries are more fully described as follows:

(1) For cities and towns, the boundary of the nonattainment area is defined by the municipal boundary limits as of November 15, 1990, the date the 1990 Amendments were signed into law, except for areas which were formerly categorized as ''Group I areas'', in which case the nonattainment area is defined by the municipal boundary limits as of October 31, 1990.

(2) Similarly, for planning areas, air quality maintenance areas, air basins, and urban growth boundaries the nonattainment area is defined by the entire planning area, air quality maintenance area, air basin, or urban growth boundary as of November 15, 1990, except for areas which were formerly ''Group I'', in which case the boundary is defined by the entire planning area, air quality maintenance area, air basin, or urban growth boundary as of October 31, 1990. The foregoing is true except to the extent the planning area, air quality maintenance area, air

basin, or urban growth boundary is further defined, e.g., by township, range and/or section. Such geographical descriptors remain a fixed part of the nonattainment boundaries irrespective of whether they are included in the planning area, air quality maintenance area, air basin, or urban growth boundary.

(3) The boundaries of PM–10 areas subsequently redesignated pursuant to section 107(d)(3) of the Act will be defined by the city, town, planning area, air quality maintenance area, air basin, or urban growth boundary in effect the date the designation is promulgated.

(d) For ozone and carbon monoxide (CO) areas the effective date(s) of air quality area designations and classifications are described as follows:

(1) For the portions of ozone and CO nonattainment areas that were designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990 (preenactment), the effective date is November 15, 1990.

(2) For the portions of nonattainment areas that were designated attainment prior to November 15, 1990, and included as part of an area designated nonattainment prior to November 15, 1990, the effective date of the designation to nonattainment is November 15, 1990 for:

(i) Purposes of determining whether the portion of the nonattainment area is eligible for the 5-percent classification adjustment under section 181(a)(4) (ozone) or section 186(a)(3) (CO);

(ii) Triggering the process for determining the C/MSA boundary adjustment under section 107(d)(4)(A)(iv)-(v);

(iii) Determining the scope of a ''covered area'' under section 211 (k)(10)(D) and opt-in under section 211 (k)(6) for the reformulated gasoline requirement and for purposes of determining the baseline of the reductions needed to meet the requirement to reduce volatile organic compounds by 15 percent under section 181 (b)(1). For all other purposes the effective designation date is January 6, 1992 (except for the Towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury in Orange County, NY, and for Putnam County, NY, for which the effective date is January 15, 1992, and for the remainder of Orange County, NY, for which the effective date is April 21, 1994).

(3) For nonattainment areas designated attainment preenactment, and not included as part of any nonattainment area that was designated nonattainment preenactment, the effective date for all purposes is the date of the designation.

[56 FR 56709, Nov. 6, 1991, as amended at 57 FR 56766, Nov. 30, 1992; 59 FR 18970, Apr. 21, 1994; 63 FR 7274, Feb. 12, 1998]

§ 81.301 Alabama.

Alabama—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Etowah City within the western section of Gadsden	X	X		
Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement plant	X	X		
Fairfield Area of Jefferson City [1]		X		
Bessemer and Irondale areas of Jefferson County[1]			X	
Rest of State				X

[1] See FEDERAL REGISTER of June 21, 1981.

Alabama—Sulfur Dioxide

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Statewide				X

Alabama—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Autauga County				
Baldwin County				
Barbour County				
Bibb County				
Blount County				
Bullock County				
Butler County				
Calhoun County				
Chambers County				
Cherokee County				
Chilton County				
Choctaw County				
Clarke County				
Clay County				
Cleburne County				
Coffee County				
Colbert County				
Conecuh County				
Coosa County				
Covington County				
Crenshaw County				
Dale County				
Dallas County				
De Kalb County				
Elmore County				
Escambia County				
Etowah County				
Fayette County				
Franklin County				
Geneva County				
Greene County				
Hale County				
Henry County				
Houston County				
Ilman County				
Jackson County				
Jefferson County				
Lamar County				
Lauderdale County				
Lawrence County				
Lee County				
Limestone County				
Lowndes County				
Macon County				
Madison County				
Marengo County				
Marion County				
Marshall County				
Mobile County				
Monroe County				
Montgomery County				
Morgan County				
Perry County				
Pickens County				
Pike County				
Randolph County				
Russell County				
Shelby County				
St. Clair County				
Sumter County				
Talladega County				
Tallapoosa County				
Tuscaloosa County				
Walker County				
Washington County				
Wilcox County				
Winston County				

[1] This date is November 15, 1990, unless otherwise noted.

Alabama-Lead

Designated area	Designation		Classification	
	Date	Type	Date	Type
Statewide	3/7/95	Attainment.		

Alabama—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Birmingham Area:				
Jefferson County	11/15/90	Nonattainment	11/15/90	Marginal.
Shelby County	11/15/90	Nonattainment	11/15/90	Marginal.
Rest of State	.....	Unclassifiable/Attainment		
Autauga County				
Baldwin County				
Barbour County				
Bibb County				
Blount County				
Bullock County				
Butler County				
Calhoun County				
Chambers County				
Cherokee County				
Chilton County				
Choctaw County				
Clarke County				
Clay County				
Cleburne County				
Coffee County				
Colbert County				
Conecuh County				
Coosa County				
Covington County				
Crenshaw County				
Cullman County				
Dale County				
Dallas County				
De Kalb County				
Elmore County				
Escambia County				
Etowah County				
Fayette County				
Franklin County				
Geneva County				
Greene County				
Hale County				
Henry County				
Houston County				
Jackson County				
Lamar County				
Lauderdale County				
Lawrence County				
Lee County				
Limestone County				
Lowndes County				
Macon County				
Madison County				
Marengo County				
Marion County				
Marshall County				
Mobile County				
Monroe County				
Montgomery County				
Morgan County				
Perry County				
Pickens County				
Pike County				
Randolph County				
Russell County				
St. Clair County				
Sumter County				

Alabama—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Talladega County				
Tallapoosa County				
Tuscaloosa County				
Walker County				
Washington County				
Wilcox County				
Winston County				

[1] This date is October 18, 2000, unless otherwise noted.

Alabama—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40421, Sept. 11, 1978; 44 FR 41782, July 18, 1979; 45 FR 39257, June 10, 1980; 46 FR 32583, June 24, 1981; 46 FR 46930, Sept. 23, 1981; 46 FR 53415, Oct. 29, 1981; 47 FR 31878, July 23, 1982; 47 FR 38323, Aug. 31, 1982; 49 FR 45132, Nov. 15, 1984; 51 FR 8829, Mar. 14, 1986; 52 FR 17953, May 13, 1987; 55 FR 13907, Apr. 13, 1990; 56 FR 56709, Nov. 6, 1991; 58 FR 3850, Jan. 12, 1993; 60 FR 2029, Jan. 6, 1995; 63 FR 31020, June 5, 1998; 65 FR 45200, July 20, 2000]

§ 81.302 Alaska.

Alaska—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cook Inlet Intrastate AQCR 8				X
Northern Alaska Intrastate AQCR 9				X
South Central Alaska Intrastate AQCR 10				X
Southeastern Alaska Intrastate AQCR 11				X

Alaska—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cook Inlet Intrastate AQCR 8				X
Northern Alaska Intrastate AQCR 9				X
South Central Alaska Intrastate AQCR 10				X
Southeastern Alaska Intrastate AQCR 11				X

Alaska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Anchorage Area				
Anchorage Election District (part)				
Anchorage nonattainment area boundary		Nonattainment	July 13, 1998	Serious
The Anchorage Nonattainment Area is contained within the boundary described as follows:				

Alaska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Beginning at a point on the centerline of the New Seward Highway five hundred (500) feet of the centerline of O'Malley Road; thence, Westerly along a line five hundred (500) south of and parallel to the centerline of O'Malley Road and its westerly extension thereof to a point on the mean high tide line of the Turnagain Arm; thence, Northeasterly along the mean high tide line to a point five hundred (500) feet west of the southerly extension of the centerline of Sand Lake Road; thence, Northerly along a line five hundred (500) feet west of and parallel to the southerly extension of the centerline of Sand Lake Road to a point on the southerly boundary of the International Airport property; thence, Westerly along said property line of the International Airport to an angle point in said property line; thence, Easterly, along said property line and its easterly extension thereof to a point five hundred (500) feet west of the southerly extension of the centerline of Wisconsin Street; thence, Northerly along said line to a point on the mean high tide line of the Knik Arm; thence, Northeasterly along the mean high tide line to a point on a line parallel and five hundred (500) feet north of the centerline of Thompson Street and the westerly extension thereof; thence, Easterly along said line to a point five hundred (55) feet east of Boniface Parkway; thence, Southerly along a line five hundred (500) feet east of and parallel to the centerline of Boniface Parkway to a point five hundred (500) feet north of the Glenn Highway; thence, Easterly and northeasterly along a line five hundred (500) feet north of and parallel to the centerline of the Glenn Highway to a point five hundred (500) feet east of the northerly extension of the centerline of Muldoon Road; thence, Southerly along a line five hundred (500) feet east of and parallel to the centerline of Muldoon Road and continuing southwesterly on a line of curvature five hundred (500) feet southeasterly of the centerline of curvature where Muldoon Road becomes Tudor Road to a point five hundred (500) south of the centerline of Tudor Road; thence, Westerly along a line five hundred (500) feet south of the centerline of Tudor Road to a point five hundred (500) feet east of the centerline to Lake Otis Parkway; thence, Westerly along a line five hundred (500) feet south of the centerline of O'Malley Road, ending at the centerline of the New Seward Highway, which is the point of the beginning.				
Fairbanks Area				
Fairbanks Election District (part)				
Fairbanks nonattainment area boundary:		Nonattainment	Mar. 30, 1998	Serious
1. Township 1 South, Range 1 West, Sections 2 through 23, the portion of Section 1 west of the Fort Wainwright military reservation boundary and the portions of Section 24 north of the Old Richardson Highway and west of the military reservation boundary. also, Township 1 South, Range 2 West, Sections 13 and 24, the portion of Section 12 southwest of Chena Pump Road and the portions of Sections 7, 8, and 18 and the portion of Section 19 north of the Richardson Highway. (Fairbanks and Ft. Wainwright)				
2. Township 2 South, Range 2 East, the portions of Sections 9 and 10 southwest of the Richardson Highway. (North Pole)				
AQCR 008 Cook Inlet Intrastate (Remainder of)		Unclassifiable/Attainment		
Kenai Penninsula Election District				
Matanuska-Susitna Election District				
Seward Election District				

Alaska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 009 Northern Alaska Intrastate (Remainder of)		Unclassifiable/Attainment		
Barrow Election District				
Fairbanks N. Star Borough				
Area other than portion of Fairbanks urban area designated Nonattainment				
Kobuk Election District				
Nome Election District				
North Slope Election District				
Northwest Arctic Borough				
Southeast Fairbanks Election District				
Upper Yukon Election District				
Yukon-Koyukuk Election District				
AQCR 010 South Central Alaska Intrastate (Remainder of)		Unclassifiable/Attainment		
Aleutian Islands Election District				
Aleutians East Borough				
Aleutians West Census				
Anchorage Election District				
Area other than portion of Anchorage urban area designated Nonattainment				
Bethel Election District				
Bristol Bay Borough Election District				
Bristol Bay Election District				
Cordova-McCarthy Election District				
Dillingham Election District				
Kodiak Island Election District				
Kuskokwim Election District				
Lake And Peninsula Brg				
Valdez-Cordova Election District				
Wade Hampton Election District				
AQCR 11 Southeastern Alaska Intrastate		Unclassifiable/Attainment		
Angoon Election District				
Haines Election District				
Juneau Election District				
Ketchikan Election District				
Outer Kethcikan Election District				
Prince Of Wales Election District				
Sitka Election District				
Skagway-Yakutat Election District				
Wrangell-Petersburg Election District				

[1] This date is November 15, 1990, unless otherwise noted.

Alaska—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 08 Cook Inlet Intrastate	.....	Unclassifiable/Attainment		
Anchorage Election District				
Kenai Penninsula Election District				
Matanuska-Susitna Election District				
Seward Election District				
AQCR 09 Northern Alaska Intrastate	.....	Unclassifiable/Attainment		
Barrow Election District				
Denali Borough				
Fairbanks Election District				
Kobuk Election District				
Nome Election District				
North Slope Election District				
Northwest Arctic Borough				
Southeast Fairbanks Election District				
Upper Yukon Election District				
Yukon-Koyukuk Election District				
AQCR 10 South Central Alaska Intrastate	.....	Unclassifiable/Attainment		
Aleutian Islands Election District				

Alaska—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Aleutians East Borough				
Aleutians West Census				
Bethel Election District				
Bristol Bay Borough Election District				
Bristol Bay Election District				
Cordova-McCarthy Election District				
Dillingham Election District				
Kodiak Island Election District				
Kuskokwim Election District				
Lake and Peninsula Borough				
Valdez-Cordova Election District				
Wade Hampton Election District				
AQCR 11 Southeastern Alaska Intrastate	.....	Unclassifiable/Attainment		
Angoon Election District				
Haines Election District				
Juneau Election District				
Ketchikan Election District				
Outer Kethcikan Election District				
Prince Of Wales Election District				
Sitka Election District				
Skagway-Yakutat Election District				
Wrangell-Petersburg Election District				

[1] This date is October 18, 2000, unless otherwise noted.

Alaska—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Anchorage				
Community of Eagle River	11/15/90	Nonattainment	11/15/90	Moderate
Juneau				
City of Juneau:	11/15/90	Nonattainment	11/15/90	Moderate
Mendenhall Valley area				
Rest of State	11/15/90	Unclassifiable		

Alaska—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cook Inlet Intrastate AQCR 8		X
Northern Alaska Intrastate AQCR 9		X
South Central Alaska Intrastate AQCR 10		X
Southeastern Alaska Intrastate AQCR 11		X

[54 FR 27343, June 29, 1989, as amended at 56 FR 56711, Nov. 6, 1991; 57 FR 56767, Nov. 30, 1992; 60 FR 55798, Nov. 3, 1995; 63 FR 9948, Feb. 27, 1998; 63 FR 31021, June 5, 1998; 63 FR 32131, June 12, 1998; 65 FR 45201, July 20, 2000]

§ 81.303 Arizona.

Arizona—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ajo:				
T12S, R6W	[1] X			
Douglas:				
T24S, R27E	[1] X			
T24S, R28E	[1] X			
Hayden:				
T5S, R15E	[1] X			
Joseph City:				
T18N, R19E	[1] X			

Arizona—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Miami:				
T1N, R15E	[1] X			
Page:				
T41N, R9E				X
Paul Spur:				
T24S, R26E	[1] X			
Phoenix: That portion of Maricopa County known as the Maricopa Association of Governments (MAG) Urban Planning Area	[1] X			
Tucson: That portion within Pima County of the area described by connecting the following geographical coordinates moving in a clockwise manner:				
LAT(N) and LON(W):				
32°38.5′ 111°24.0′				
32°26.5′ 110°47.5′				
32°12.5′ 110°32.5′				
31°49.5′ 110°25.5′				
31°42.0′ 110°50.5′				
31°52.5′ 111°12.5′				
32°24.5′ 111°29.0min;	[1] X			
San Manuel:				
T10S, R16E				X
T10S, R17E				X
Morenci: T4S, R29E	[1] X			
Rest of State				[1] X

[1] EPA designation replaces State designation.

Arizona—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ajo:				
T11S, R6W	X			
T11S, R5W	X			
T12S, R6W	X			
T12S, R5W	X			
T13S, R6W	X			
T11S, R7W			X	
T12S, R7W			X	
T13S, R7W			X	
T13S, R5W			X	
Douglas:				
T23S, R27E	X			
T24S, R27E	X			
T24S, R28E	X			
T23S, R26E			X	
T23S, R28E			X	
T24S, R26E			X	
Hayden:				
T4S, R14E	X			
T4S, R15E	X			
T4S, R16E	X			
T5S, T14E	X			
T5S, R15E	X			
T5S, R16E	X			
T6S, R14E	X			
T6S, R15E	X			
T6S, R16E	X			
T4S, R13E			X	
T4S, R17E			X	
T5S, R13E			X	
T5S, R17E			X	
T6S, R13E			X	
T6S, R17E			X	
Miami:				
T2N, R14E	X			
T2N, R15E	X			

Arizona—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
T1N, R13E [1]	X			
T1N, R14E	X			
T1N, R15E	X			
T1N, R16E	X			
T1S, R14E [1]	X			
T1S, R14¼E	X			
T1S, R15E	X			
T2N, R13E [1]			X	
T2N, R16E			X	
T1S, R13E [1]			X	
T1S, R16E			X	
T2S, R14E [1]			X	
T2S, R15E			X	
Morenci:				
T3S, R28E [2]	X			
T3S, R29E	X			
T3S, R30E	X			
T4S, R28E [2]	X			
T4S, R29E	X			
T4S, R30E	X			
T5S, R28E [2]	X			
T5S, R29E [2]	X			
T5S, R30E			X	
San Manuel:				
T8S, R16E	X			
T8S, R17E	X			
T8S, R18E	X			
T9S, R15E	X			
T9S, R16E	X			
T9S, R17E	X			
T9S, R18E	X			
T10S, R15E	X			
T10S, R16E	X			
T10S, R17E	X			
T11S, R16E	X			
T10S, R18E			X	
T11S, R17E			X	
T12S, R16E			X	
T12S, R17E			X	
Page:				
T41N, R9E			[3] X	
Rest of State				X

[1] Only that portion in Gila County.
[2] Only that portion in Greenlee County.
[3] EPA designation replaces State designation.

Arizona—Carbon Monoxide

Designated area	Designation		Classification	
	Date	Type	Date	Type
Phoenix Area:				
Maricopa County (part)	11/15/90	Nonattainment	Aug. 28, 1996	Serious.
Phoenix nonattainment area boundary:				
1. Commencing at a point which is the intersection of the eastern line of Range 7 East, Gila and Salt River Baseline and Meridian, and the southern line of Township 2 South, said point is the southeastern corner of the Maricopa Association of Governments Urban Planning Area, which is the point of beginning;				

Arizona—Carbon Monoxide

Designated area	Designation		Classification	
	Date	Type	Date	Type
2. thence, proceed northerly along the eastern line of Range 7 East which is the common boundary between Maricopa and Pinal Counties, as described in Arizona Revised Statute Section 11–109, to a point where the eastern line of Range 7 East intersects the northern line of Township 1 North, said point is also the intersection of the Maricopa County Line and the Tonto National Forest Boundary, as established by Executive Order 869 dated July 1, 1908, as amended and showed on the U.S. Forest Service 1969 Planimetric Maps;				
3. thence, westerly along the northern line of Township 1 North to approximately the southwest corner of the southeast quarter of Section 35, Township 2 North, Range 7 East, said point being the boundary of the Tonto National Forest and Usery Mountain Semi-Regional Park;				
4. thence, northerly along the Tonto National Forest Boundary, which is generally the western line of the east half of Sections 26 and 35 of Township 2 North, Range 7 East, to a point which is where the quarter section line intersects with the northern line of Section 26, Township 2 North, Range 7 East, said point also being the northeast corner of the Usery Mountain Semi-Regional Park;				
5. thence, westerly along the Tonto National Forest Boundary, which is generally the south line of Section 19, 20, 21 and 22 and the southern line of the west half of Section 23, Township 2 North, Range 7 East, to a point which is the southwest corner of Section 19, Township 2 North, Range 7 East;				
6. thence, northerly along the Tonto National Forest Boundary to a point where the Tonto National Forest Boundary intersects with the eastern boundary of the Salt River Indian Reservation, generally described as the center line of the Salt River Channel;				
7. thence, northeasterly and northerly along the common boundary of the Tonto National Forest and the Salt River Indian Reservation to a point which is the northeast corner of the Salt River Indian Reservation and the southeast corner of the Fort McDowell Indian Reservation, as shown on the plat dated July 22, 1902, and recorded with the U.S. Government on June 15, 1902;				
8. thence, northeasterly along the common boundary between the Tonto National Forest and the Fort McDowell Indian Reservation to a point which is the northeast corner of the Fort McDowell Indian Reservation;				
9. thence, southwesterly along the northern boundary of the Fort McDowell Indian Reservation, which line is a common bondary with the Tonto National Forest, to a point where the boundary intersects with the eastern line of Section 12, Township 4 North, Range 6 East.				
10. thence, notherly along the eastern line of Range 6 East to a point where the eastern line of Range 6 East intersects with the southern line of Township 5 North, said line is the boundary between the Tonto National Forest and the east boundary of McDowell Mountain Regional Park;				
11. thence, westerly along the southern line of Township 5 North to a point where the southern line intersects with the eastern line of Range 5 East which line is the boundary of Tonto National Forest and the north boundary of McDowell Mountain Regional Park;				

Arizona—Carbon Monoxide

Designated area	Designation		Classification	
	Date	Type	Date	Type
12. thence, northerly along the eastern line of Range 5 East to a point where the eastern line of Range 5 East intersects with the northern line of Township 5 North, which line is the boundary of the Tonto National Forest;				
13. thence, westerly along the northern line of Township 5 North to a point where the northern line of Township 5 North intersects with the easterly line of Range 4 East, said line is the boundary of Tonto National Forest;				
14. thence, northerly along the eastern line of Range 4 East to a point where the eastern line of Range 4 East intersects with the northern line of Township 6 North, which line is the boundary of the Tonto National Forest;				
15. thence, westerly along the northern line of Township 6 North to a point of intersection with the Maricopa-Yavapai County line, which is generally described in Arizona Revised Statute Section 11–109 as the center line of the Aqua Fria River (Also the north end of Lake Pleasant);				
16. thence, southwesterly and southerly along the Maricopa-Yavapai County line to a point which is described by Arizona Revised Statute Section 11–109 as being on the center line of the Aqua Fria River, two miles southerly and below the mouth of Humbug Creek;				
17. thence, southerly along the center line of Aqua Fria River to the intersection of the center line of the Aqua Fria River and the center line of Beardsley Canal, said point is generally in the northeast quarter of Section 17, Township 5 North, Range 1 East, as shown on the U.S. Geological Survey's Baldy Mountain, Arizona Quadrangle Map, 7.5 Minute series (Topographic), dated 1964;				
18. thence, southwesterly and southerly along the center line of Beardsley Canal to a point which is the center line of Beardsley Canal where it intersects with the center line of Indian School Road;				
19. thence, westerly along the center line of West Indian School Road to a point where the center line of West Indian School Road intersects with the center line of North Jackrabbit Trail;				
20. thence, southerly along the center line of Jackrabbit Trail approximately nine and three-quarter miles to a point where the center line of Jackrabbit Trail intersects with the Gila River, said point is generally on the north-south quarter section line of Section 8, Township 1 South, Range 2 West.				
21. thence, northeasterly and easterly up the Gila River to a point where the Gila River intersects with the northern extension of the western boundary of Estrella Mountain Regional Park, which point is generally the quarter corner of the northern line of Section 31, Township 1 North, Range 1 West;				
22. thence, southerly along the extension of the western boundary and along the western boundary of Estrella Mountain Regional Park to a point where the southern extension of the western boundary of Estrella Mountain Regional Park intersects with the southern line of Township 1 South;				
23. thence, easterly along the southern line of Township 1 South to a point where the south line of Township 1 South intersects with the western line of Range 1 East, which line is generally the southern boundary of Estrella Mountain Regional Park;				
24. thence, southerly along the western line of Range 1 East to the southwest corner of Section 18, Township 2 South, Range 1 East, said line is the western boundary of the Gila River Indian Reservation;				

Arizona—Carbon Monoxide

Designated area	Designation		Classification	
	Date	Type	Date	Type
25. thence, easterly along the southern boundary of the Gila River Indian Reservation which is the southern line of Sections 13, 14, 15, 16, 17, and 18, Township 2 South, Range 1 East, to the boundary between Maricopa and Pinal Counties as described in Arizona Revised Statues Section 11–109 and 11–113, which is the eastern line of Range 1 East;				
26. thence, northerly along the eastern boundary of Range 1 East, which is the common boundary between Maricopa and Pinal Counties, to a point where the eastern line of Range 1 East intersects the Gila River;				
27. thence, southerly up the Gila River to a point where the Gila River intersects with the southern line of Township 2 South; and				
28. thence, easterly along the southern line of Township 2 South to the point of beginning which is a point where the southern line of Township 2 South intersects with the eastern line Range 7 East.				
Tucson Area:				
Pima County (part) September 20, 2000.				
Township and Ranges as follows: T11–12S, R12–14E; T13–15S, R11–16E; and T16S, R12–16e Gila and Salt River Baseline and Meridian excluding portions of the Saguaro National Monument and the Coronado National Forest.				
Rest of State	11/15/90	Nonclassifiable/ Attainment	.....	
Apache County				
Cochise County				
Coconino County				
Gila County				
Graham County				
Greenlee County				
La Paz County				
Maricopa County (part)				
Area outside Phoenix Area:				
Mohave County				
Navajo County				
Pima County (part)				
Area outside Tucson Area:				
Pinal County				
Santa Cruz County				
Yavapai County				
Yuma County				

[1] This date is November 15, 1990, unless otherwise noted.

Arizona—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Phoenix Area:				
Maricopa County (part)	11/15/90	Nonattainment	2/13/98	Serious.
The Urban Planning Area of the Maricopa Association of Governments is bounded as follows:				
1. Commencing at a point which is at the intersection of the eastern line of Range 7 East, Gila and Salt River Baseline and Meridian, and the southern line of Township 2 South, said point is the southeastern corner of the Maricopa Association of Governments Urban Planning Area, which is the point of beginning;				

Arizona—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
2. Thence, proceed northerly along the eastern line of Range 7 East which is the common boundary between Maricopa and Pinal Counties, as described in Arizona Revised Statute Section 11–109, to a point where the eastern line of Range 7 East intersects the northern line of Township 1 North, said point is also the intersection of the Maricopa County Line and the Tonto National Forest Boundary, as established by Executive Order 869 dated July 1, 1908, as amended and showed on the U.S. Forest Service 1969 Planimetric Maps; 3. Thence, westerly along the northern line of Township 1 North to approximately the southwest corner of the southeast quarter of Section 35, Township 2 North, Range 7 East, said point being the boundary of the Tonto National Forest and Usery Mountain Semi-Regional Park; 4. Thence, northerly along the Tonto National Forest Boundary, which is generally the western line of the east half of Sections 26 and 35 of Township 2 North, Range 7 East, to a point which is where the quarter section line intersects with the northern line of Section 26, Township 2 North, Range 7 East, said point also being the northeast corner of the Usery Mountain Semi-Regional Park; 5. Thence, westerly along the Tonto National Forest Boundary, which is generally the south line of Sections 19, 20, 21 and 22 and the southern line of the west half of Section 23, Township 2 North, Range 7 East, to a point which is the southwest corner of Section 19, Township 2 North, Range 7 East; 6. Thence, northerly along the Tonto National Forest Boundary to a point where the Tonto National Forest Boundary intersects with the eastern boundary of the Salt River Indian Reservation, generally described as the center line of the Salt River Channel; 7. Thence, northeasterly and northerly along the common boundary of the Tonto National Forest and the Salt River Indian Reservation to a point which is the northeast corner of the Salt River Indian Reservation and the southeast corner of the Fort McDowell Indian Reservation, as shown on the plat dated July 22, 1902, and recorded with the U.S. Government on June 15, 1902; 8. Thence, northeasterly along the common boundary between the Tonto National Forest and the Fort McDowell Indian Reservation to a point which is the northeast corner of the Fort McDowell Indian Reservation; 9. Thence, southwesterly along the northern boundary of the Fort McDowell Indian Reservation, which line is a common boundary with the Tonto National Forest, to a point where the boundary intersects with the eastern line of Section 12, Township 4 North, Range 6 East; 10. Thence, northerly along the eastern line of Range 6 East to a point where the eastern line of Range 6 East intersects with the southern line of Township 5 North, said line is the boundary between the Tonto National Forest and the east boundary of McDowell Mountain Regional Park;				

Arizona—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
11. Thence, westerly along the southern line of Township 5 North to a point where the southern line intersects with the eastern line of Range 5 East which line is the boundary of Tonto National Forest and the north boundary of McDowell Mountain Regional Park;				
12. Thence, northerly along the eastern line of Range 5 East to a point where the eastern line of Range 5 East intersects with the northern line of Township 5 North, which line is the boundary of the Tonto National Forest;				
13. Thence, westerly along the northern line of Township 5 North to a point where the northern line of Township 5 North intersects with the easterly line of Range 4 East, said line is the boundary of Tonto National Forest;				
14. Thence, northerly along the eastern line of Range 4 East to a point where the eastern line of Range 4 East intersects with the northern line of Township 6 North, which line is the boundary of the Tonto National Forest;				
15. Thence, westerly along the northern line of Township 6 North to a point of intersection with the Maricopa-Yavapai County line, which is generally described in Arizona Revised Statute Section 11–109 as the center line of the Aqua Fria River (Also the north end of Lake Pleasant);				
16. Thence, southwesterly and southerly along the Maricopa-Yavapai County line to a point which is described by Arizona Revised Statute Section 11-109 as being on the center line of the Aqua Fria River, two miles southerly and below the mouth of Humbug Creek;				
17. Thence, southerly along the center line of Aqua Fria River to the intersection of the center line of the Aqua Fria River and the center line of Beardsley Canal, said point is generally in the northeast quarter of Section 17, Township 5 North, Range 1 East, as shown on the U.S. Geological Survey's Baldy Mountain, Arizona Quadrangle Map, 7.5 Minute series (Topographic), dated 1964;				
18. Thence, southwesterly and southerly along the center line of Beardsley Canal to a point which is the center line of Beardsley Canal where it intersects with the center line of Indian School Road;				
19. Thence, westerly along the center line of West Indian School Road to a point where the center line of West Indian School Road intersects with the center line of North Jackrabbit Trail;				
20. Thence, southerly along the center line of Jackrabbit Trail approximately nine and three-quarter miles to a point where the center line of Jackrabbit Trail intersects with the Gila River, said point is generally on the north-south quarter section line of Section 8, Township 1 South, Range 2 West;				

Arizona—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
21. Thence, northeasterly and easterly up the Gila River to a point where the Gila River intersects with the northern extension of the western boundary of Estrella Mountain Regional Park, which point is generally the quarter corner of the northern line of Section 31, Township 1 North, Range 1 West;				
22. Thence, southerly along the extension of the western boundary and along the western boundary of Estrella Mountain Regional Park to a point where the southern extension of the western boundary of Estrella Mountain Regional Park intersects with the southern line of Township 1 South;				
23. Thence, easterly along the southern line of Township 1 South to a point where the south line of Township 1 South intersects with the western line of Range 1 East, which line is generally the southern boundary of Estrella Mountain Regional Park;				
24. Thence, southerly along the western line of Range 1 East to the southwest corner of Section 18, Township 2 South, Range 1 East, said line is the western boundary of the Gila River Indian Reservation;				
25. Thence, easterly along the southern boundary of the Gila River Indian Reservation which is the southern line of Sections 13, 14, 15, 16, 17, and 18, Township 2 South, Range 1 East, to the boundary between Maricopa and Pinal Counties as described in Arizona Revised Statues Section 11–109 and 11–113, which is the eastern line of Range 1 East;				
26. Thence, northerly along the eastern boundary of Range 1 East, which is the common boundary between Maricopa and Pinal Counties, to a point where the eastern line of Range 1 East intersects the Gila River;				
27. Thence, southerly up the Gila River to a point where the Gila River intersects with the southern line of Township 2 South; and				
28. Thence, easterly along the southern line of Township 2 South to the point of beginning which is a point where the southern line of Township 2 South intersects with the eastern line Range 7 East				
Tucson Area:				
Pima County (part)				
Tuscon area	.....	Unclassifiable/Attainment		
Rest of State	.....	Unclassifiable/Attainment		
Apache County				
Cochise County				
Coconino County				
Gila County				
Graham County				
Greenlee County				
La Paz County				
Maricopa County (part) area outside of Phoenix				
Mohave County				
Navajo County				
Pima County (part) Remainder of county				
Pinal County				
Santa Cruz County				
Yavapai County				
Yuma County				

[1] This date is October 18, 2000, unless otherwise noted.

Arizona—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Cochise County:				
Paul Spur/Douglas planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Township 23 South, Range 25 East (T23S, R25E):				
T23S,R26E				
T23S, R27E				
T23S, R28E				
T24S, R25E				
T24S, R26E				
T24S, R27E				
T24S, R28E				
Santa Cruz County:				
Nogales planning area	11/15/90	Nonattainment	11/15/90	Moderate.
The portions of the following Townships which are within the State of Arizona and lie east of 111 degrees longitude:				
T23S, R13E				
T23S, R14E				
T24S, R13E				
T24S, R14E				
Rillito planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Townships:				
T11S, R9E				
T11S, R10E				
T11S, R11E				
T11S, R12E				
T12S, R8E				
T12S, R9E				
T12S, R10E				
T12S, R11E				
T12S, R12E				
Pima County				
Ajo planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Township T12S, R6W, and the following sections of Township T12S, R5W:				
a. Sections 6–8				
b. Sections 17–20, and				
c. Sections 29–32				
Maricopa and Pinal Counties				
Phoenix planning area	11/15/90	Nonattainment	6/10/96	Serious.
The rectangle determined by, and including—				
T6N, R3W				
T6N, R7E				
T2S, R3W				
T2S, R7E				
T1N, R8E				
Yuma County:				
Yuma planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Townships:				
T7S-R21W, R22W;				
T8S-R21W, R22W, R23W, R24W				
T9S-R21W, R22W, R23W, R24W, R25W;				
T10S-R21W, R22W, R23W, R24W, R25W				
Pinal and Gila Counties:				
Hayden/Miami planning area	11/15/90	Nonattainment	11/15/90	Moderate.
Townships: T4S, R16E T5S, R16E T6S, R16E plus the portion of Township T3S, R16E that does not lie on the San Carlos Indian Reservation, and the rectangle formed by, and including, Townships				
T1N, R13E				
T1N, R15E				
T6S, R13E				
T6S, R15E				
Gila County (part):	August 26, 2002.	Attainment		
Payson: T01N, sections 1–3, 10–15, 22–27, and 34–36 of R9E; T11N, sections 1–3, 10–15, 22–27, and 34–36 of R9E; T10–11N, R10E; T10N, sections 4–9, 16–21, and 28–33 of R11E; T11N, sections 4–9, 16–21, and 28–33 of R11E.				

Arizona—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Mohave County (part):	August 26, 2002	Attainment		
Bullhead City: T21N, R21W, excluding Lake Mead National Recreation Area: T20N, R21–22W; T19N, R22W excluding Fort Mohave Indian Reservation.				

Arizona—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Whole State		X

[43 FR 8964, Mar. 3, 1978, as amended at 44 FR 16392, Mar. 19, 1979; 44 FR 21263, Apr. 10, 1979; 44 FR 53083, Sept. 12, 1979; 44 FR 54295, Sept. 19, 1979; 49 FR 30698, Aug. 1, 1984; 51 FR 4918, Feb. 10, 1986; 51 FR 27844, Aug. 4, 1986; 56 FR 56714, Nov. 6, 1991; 57 FR 56767, Nov. 30, 1992; 58 FR 67341, Dec. 21, 1993; 61 FR 21377, May 10, 1996; 61 FR 39345, July 29, 1996; 62 FR 60011, Nov. 6, 1997; 63 FR 31022, June 5, 1998; 65 FR 36358, June 8, 2000; 65 FR 45202, July 20, 2000; 65 FR 50652, Aug. 21, 2000; 67 FR 7085, Feb. 15, 2002; 67 FR 43019, 43027, Aug. 26, 2002]

§ 81.304 Arkansas.

Arkansas—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 016				X
AQCR 017				X
AQCR 018				X
AQCR 019				X
AQCR 020				X
AQCR 021				X
AQCR 022				X

Arkansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 016 Central Arkansas Intrastate		Unclassifiable/Attainment		
Chicot County				
Clark County				
Cleveland County				
Conway County				
Dallas County				
Desha County				
Drew County				
Faulkner County				
Garland County				
Grant County				
Hot Spring County				
Jefferson County				
Lincoln County				
Lonoke County				
Perry County				
Pope County				
Pulaski County				
Saline County				
Yell County				
AQCR 017 Metropolitan Fort Smith Interstate		Unclassifiable/Attainment		
Benton County				
Crawford County				

Arkansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Sebastian County				
Washington County				
AQCR 018 Metropolitan Memphis Interstate		Unclassifiable/Attainment		
Crittenden County				
AQCR 019 Monroe (Louisiana)-El Dorado Interstate		Unclassifiable/Attainment		
Ashley County				
Bradley County				
Calhoun County				
Nevada County				
Ouachita County				
Union County				
AQCR 020 Northeast Arkansas Intrastate		Unclassifiable/Attainment		
Arkansas County				
Clay County				
Craighead County				
Cross County				
Greene County				
Independence County				
Jackson County				
Lawrence County				
Lee County				
Mississippi County				
Monroe County				
Phillips County				
Poinsett County				
Prairie County				
Randolph County				
Sharp County				
St. Francis County				
White County				
Woodruff County				
AQCR 021 Northwest Arkansas Intrastate		Unclassifiable/Attainment		
Baxter County				
Boone County				
Carroll County				
Cleburne County				
Franklin County				
Fulton County				
Izard County				
Johnson County				
Logan County				
Madison County				
Marion County				
Montgomery County				
Newton County				
Pike County				
Polk County				
Scott County				
Searcy County				
Stone County				
Van Buren County				
AQCR 022 Shreveport-Texarkana-Tyler Interstate		Unclassifiable/Attainment		
Columbia County				
Hempstead County				
Howard County				
Lafayette County				
Little River County				
Miller County				
Sevier County				

[1] This date is November 15, 1990, unless otherwise noted.

Arkansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
AQCR 016 Central Arkansas Intrastate (part) Pulaski County.	.....	Unclassifiable/Attainment		
AQCR 016 Central Arkansas Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Chicot County				
Clark County				
Cleveland County				
Conway County				
Dallas County				
Desha County				
Drew County				
Faulkner County				
Garland County				
Grant County				
Hot Spring County				
Jefferson County				
Lincoln County				
Lonoke County				
Perry County				
Pope County				
Saline County				
Yell County				
AQCR 017 Metropolitan Fort Smith Interstate	.....	Unclassifiable/Attainment		
Benton County				
Crawford County				
Sebastian County				
Washington County				
AQCR 018 Metropolitan Memphis Interstate	.....	Unclassifiable/Attainment		
Crittenden County				
AQCR 019 Monroe-El Dorado Interstate	.....	Unclassifiable/Attainment		
Ashley County				
Bradley County				
Calhoun County				
Nevada County				
Ouachita County				
Union County				
AQCR 020 Northeast Arkansas Intrastate	.....	Unclassifiable/Attainment		
Arkansas County				
Clay County				
Craighead County				
Cross County				
Greene County				
Independence County				
Jackson County				
Lawrence County				
Lee County				
Mississippi County				
Monroe County				
Phillips County				
Poinsett County				
Prairie County				
Randolph County				
Sharp County				
St. Francis County				
White County				
Woodruff County				
AQCR 021 Northwest Arkansas Intrastate	.....	Unclassifiable/Attainment		
Baxter County				
Boone County				
Carroll County				
Cleburne County				
Franklin County				
Fulton County				
Izard County				
Johnson County				
Logan County				

Arkansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Madison County				
Marion County				
Montgomery County				
Newton County				
Pike County				
Polk County				
Scott County				
Searcy County				
Stone County				
Van Buren County				
AQCR 022 Shreveport-Texarkana-Tyler Interstate		Unclassifiable/Attainment		
Columbia County				
Hempstead County				
Howard County				
Lafayette County				
Little River County				
Miller County				
Sevier County				

[1] This date is October 18, 2000, unless otherwise noted.

ARKANSAS—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
AQCR 016 Central Arkansas Intrastate.		Unclassifiable		Unclassifiable.
AQCR 017 Metropolitan Fort Smith Interstate.		Unclassifiable		Unclassifiable.
AQCR 018 Metropolitan Memphis Intrastate.		Unclassifiable		Unclassifiable.
AQCR 019 Monroe (Louisiana)-El Dorado Interstate.		Unclassifiable		Unclassifiable.
AQCR 020 Northeast Arkansas Intrastate.		Unclassifiable		Unclassifiable.
AQCR 021 Northwest Arkansas Intrastate.		Unclassifiable		Unclassifiable.
AQCR 022 Shreveport-Texarkana-Tyler Interstate.		Unclassifiable		Unclassifiable.

Arkansas—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 016		X
AQCR 017		X
AQCR 018		X
AQCR 019		X
AQCR 020		X
AQCR 021		X
AQCR 022		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40421, Sept. 11, 1978; 49 FR 37754, Sept. 26, 1984; 56 FR 56721, Nov. 6, 1991; 63 FR 31025, June 5, 1998; 65 FR 45205, July 20, 2000; 65 FR 61109, Oct. 16, 2000]

§ 81.305 California.

California—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
North Coast Air Basin:				
Del Norte County				X
Humboldt County				X
Mendocino County				X
Sonoma County (North Coast Air Basin portion)				X
Trinity County				X
Lake County Air Basin				X
North Central Coast Air Basin				X
South Central Coast Air Basin:				
San Luis Obispo County:				
Salinas Valley-El Pomar Estrella Planning Area				X
Non-Salinas Valley				X
Santa Barbara County (AQMA portion)				X
Santa Barbara County (Non-AQMA portion):				
A. West area of north-south boundary separating Santa Ynez and Lompoc Valleys:				
Santa Maria Area	X			
Outside Santa Maria Area				X
B. East area of north-south boundary separating Santa Ynez and Lompoc Valleys			X	
Ventura County:				
North of 34°23′ North Latitude				X
South of 34°23′ North Latitude	X			
Channel Islands			X	
San Diego Air Basin:				
San Diego County (West portion)	X			
San Diego County (East portion)			X	
South Coast Air Basin	X			
San Joaquin Valley Air Basin	X			
Sacramento Valley Air Basin (SVAB):				
Sacramento County		X		
Solano County (SVAB Portion)			X	
Yolo County			X	
Butte County			X	
Colusa County			X	
Glenn County			X	
Shasta County (Sacramento Valley portion)				X
Sutter County			X	
Tehama County			X	
Yuba County			X	
Great Basin Valleys Air Basin				
Northeast Plateau Air Basin (NEPAB):				
Shasta County (NEPAB portion)				X
Rest of Air Basin			X	
Southeast Desert Air Basin:				
Kern County (S.E. Desert Air Basin Portion)			X	
Imperial County			X	
Los Angeles County (S.E. Desert Air Basin Portion):				
Lancaster Quartz Hill Area				X
Outside Lancaster Quartz Hill Area			X	
Riverside County (S.E. Desert AQMA Portion)			X	
San Bernardino County (S.E. Desert AQMA Portion):.				
Victorville Area	X			
Non–Victorville Area			X	
Riverside County (non-AQMA Portion)			X	
San Bernardino County (non-AQMA Portion)			X	
Lake Tahoe Air Basin				X
San Francisco Bay Area Air Basin:				
Solano County (S.F. Bay Area Air Basin portion)				X
San Mateo County				X
Marin County				X
Napa County				X
Sonoma County (S.F. Bay Area Air Basin portion)				X
Alameda County				X
Contra Costa County				X
San Francisco County				X
Santa Clara County		X		
Rest of Air Basin		X		

California—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Mountain Counties Air Basin:				
Placer County (AQMA portion)				X
Placer County (excluding AQMA portion and Lake Tahoe portion)				X
Amador County				X
Calaveras County			X	
El Dorado County (excluding Lake Tahoe Air Basin portion)				X
Mariposa County			X	
Nevada County			X	
Plumas County				X
Sierra County				X
Tuolumne County			X	

California—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
North Coast Air Basin:				
Del Norte County			X	
Humboldt County			X	
Mendocino County			X	
Sonoma County (North Coast Basin portion)			X	
Trinity County			X	
Lake County Air Basin			X	
San Francisco Bay Area Air Basin				X
North Central Coast Air Basin:				
Monterey County			X	
San Benito County			X	
Santa Cruz County			X	
South Central Coast Air Basin:				
San Luis Obispo County			X	
Santa Barbara County (AQMA portion)			X	
Santa Barbara County (non-AQMA portion)			X	
Ventura County				X
Channel Islands			X	
San Diego Air Basin:				
San Diego County (West portion)				X
San Diego County (East portion)				X
South Coast Air Basin:				
Los Angeles County (South Coast Air Basin portion)				X
Orange County				X
Riverside County (South Coast Air Basin portion)				X
South Coast Basin portion of San Bernardino County				
San Joaquin Valley Air Basin:				
Fresno County			X	
Kern County				X
Kings County			X	
Madera County			X	
Merced County			X	
San Joaquin County			X	
Stanislaus County			X	
Tulare County			X	
Sacramento Valley Air Basin			X	
Great Basin Valley's Air Basin			X	
North East Plateau Air Basin			X	
Mountain Counties Air Basin			X	
Southeast Desert Air Basin excluding Imperial Co			X	
Imperial County				X
Lake Tahoe Air Basin				X

California—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Bakersfield Area:				
Kern County (part)	April 30, 1998	Attainment		
Bakersfield Metropolitan Area (Urbanized part).				
Chico Area:				
Butte County (part)	April 30, 1998	Attainment		
Chico Urbanized Area (Census Bureau Urbanized part)..				
Fresno Area:				
Fresno County (part)	April 30, 1998	Attainment		
Fresno Urbanized Area.				
Lake Tahoe North Shore Area:				
Placer County (part)	April 30, 1998	Attainment		
Lake Tahoe South Shore Area:				
El Dorado County (part)	April 30, 1998	Attainment		
Los Angeles-South Coast Air Basin Area		Nonattainment		Serious
Los Angeles County (part) - that portion of Los Angeles County which lies south and west of a line described as follows:				
1. Beginning at the Los Angeles - San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian;				
2. then north along the range line common to Range 8 West and Range 9 West;				
3. then west along the Township line common to Township 4 North and Township 3 North;				
4. then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West;				
5. then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West;				
6. then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West);				
7. then west along the Township line common to Township 7 North and Township 6 North;				
8. then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West;				
9. then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West;				
10. then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North);				
11. then west along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant;				
12. then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
Orange County		Nonattainment		Serious
Riverside County (part) - that portion of Riverside County which lies to the west of a line described as follows:	.....	Nonattainment		Serious
1. Beginning at the Riverside - San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian;				
2. then east along the Township line common to Township 8 South and Township 7 South;				

California—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
3. then north along the range line common to Range 5 East and Range 4 East;				
4. then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, township 6 South, Range 4 East;				
5. then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East;				
6. then west along the Township line common to Township 5 South and Township 6 South;				
7. then north along the range line common to Range 4 East and Range 3 East;				
8. then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East;				
9. then north along the range line common to Range 2 East and Range 3 East;				
10. then west along the Township line common to Township 4 South and Township 3 South to the intersection of the southwest boundary of partial Section 31, Township 3 South, Range 1 West;				
11. then northwest along that line to the intersection with the range line common to Range 2 West and Range 1 West;				
12. then north to the Riverside-San Bernardino County line,				
San Bernardino County (part) - that portion of San Bernardino County which lies south and west of a line described as follows:		Nonattainment		Serious
1. Beginning at the San Bernardino - Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian;				
2. then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino - Los Angeles County boundary; and that portion of San Bernardino County which lies south and west of a line described as follows:				
3. latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.				
Modesto Area:				
Stanislaus County (part)	April 30, 1998	Attainment		
Modesto Urbanized Area (Census Bureau Urbanized Area)..				
Sacramento Area:				
Census Bureau Urbanized Areas	April 30, 1998	Attainment		
Placer County (part).				
Sacramento County (part).				
Yolo County (part).				
San Diego Area:				
San Diego County (part)	April 30, 1998	Attainment		
San Francisco-Oakland-San Jose Area:				
Urbanized Areas	April 30, 1998	Attainment		
Alameda County (part).				
Contra Costa County (part).				
Marin County (part).				
Napa County (part).				
San Francisco County.				
San Mateo County (part).				
Santa Clara County (part).				
Solano County (part).				
Sonoma County (part).				
Stockton Area:				
San Joaquin County (part)	April 30, 1998	Attainment		
Stockton Urbanized Area:.				

California—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Great Basin Valley Air Basin		Unclassifiable/Attainment		
Alpine County				
Inyo County				
Mono County				
Lake County Air Basin				
Lake County		Unclassifiable/Attainment		
Mountain Counties Air Basin				
Amador County		Unclassifiable/Attainment		
Calaveras County		Unclassifiable/Attainment		
El Dorado County (part)				
excluding Lake Tahoe South Shore		Unclassifiable/Attainment		
Mariposa County		Unclassifiable/Attainment		
Nevada County		Unclassifiable/Attainment		
Placer County (part)				
excluding Lake Tahoe Air Basin portion and AQMA portion.		Unclassifiable/Attainment		
AQMA portion (of Placer County)		Unclassifiable/Attainment		
Plumas County		Unclassifiable/Attainment		
Sierra County		Unclassifiable/Attainment		
Tuolumne County		Unclassifiable/Attainment		
North Central Coast Air Basin				
Monterey County		Unclassifiable/Attainment		
San Benito County		Unclassifiable/Attainment		
Santa Cruz County		Unclassifiable/Attainment		
North Coast Air Basin		Unclassifiable/Attainment		
Del Norte County				
Humboldt County				
Mendocino County				
Sonoma County (part)				
Remainder of County				
Trinity County				
Northeast Plateau Air Basin		Unclassifiable/Attainment		
Lassen County				
Modoc County				
Siskiyou County				
Sacramento Valley Air Basin (portion)				
Butte County (part)				
Area other than Chico Urbanized Area (Census Bureau urbanized part).		Unclassifiable/Attainment		
Colusa County		Unclassifiable/Attainment		
Glenn County		Unclassifiable/Attainment		
Sacramento County (part)				
Area other than Census Bureau urbanized areas		Unclassifiable/Attainment		
Shasta County		Unclassifiable/Attainment		
Solano County (part)				
Sacramento Valley Air Basin portion		Unclassifiable/Attainment		
Sutter County		Unclassifiable/Attainment		
Tehama County		Unclassifiable/Attainment		

California—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Yolo County (part)				
Area outside Census Bureau urbanized areas		Unclassifiable/Attainment		
Yuba County		Unclassifiable/Attainment		
San Diego Air Basin (Remainder of)				
San Diego County (part)				
Remainder of County		Unclassifiable/Attainment		
San Francisco Bay Area Air Basin		Unclassifiable/Attainment		
Area other than urbanized Areas				
Alameda County (part)				
Contra Costa County (part)				
Marin County (part)				
Napa County (part)				
San Mateo County (part)				
Santa Clara County (part)				
Solano County (part)				
Sonoma County (part)				
San Joaquin Valley Air Basin				
Fresno County (part)				
Outside Fresno Urbanized Area		Unclassifiable/Attainment		
Kern County (part)				
Area other than Bakersfield Metropolitan Area (Urbanized part).		Unclassifiable/Attainment		
Kings County		Unclassifiable/Attainment		
Madera County		Unclassifiable/Attainment		
Merced County		Unclassifiable/Attainment		
San Joaquin County (part)				
Outside Stockton urbanized area		Unclassifiable/Attainment		
Stanislaus County (part)				
Outside Modesto Urbanized Area (Census Bureau Urbanized Area).		Unclassifiable/Attainment		
Tulare County		Unclassifiable/Attainment		
South Central Coast Air Basin				
Channel Islands		Unclassifiable/Attainment		
San Luis Obispo County		Unclassifiable/Attainment		
Santa Barbara County		Unclassifiable/Attainment		
Ventura County		Unclassifiable/Attainment		
Southeast Desert Air Basin				
Imperial County		Unclassifiable/Attainment		
Kern County (part)				
excluding San Joaquin Valley portion		Unclassifiable/Attainment		
Los Angeles County				
excluding Los Angeles - South Coast Air Basin portion		Unclassifiable/Attainment		
Riverside County (part)				
AQMA portion (excluding Los Angeles - South Coast Air Basin).		Unclassifiable/Attainment		
Non-AQMA portion (excluding Los Angeles - South Coast Air Basin).		Unclassifiable/Attainment		
San Bernardino Co(part)				
AQMA portion (excluding Los Angeles - South Coast Air Basin).		Unclassifiable/Attainment		
Non-AQMA portion (excluding Los Angeles - South Coast Air Basin).		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Chico Area:				
Butte County	([3])	Nonattainment	([3])	Sec. 185A Area.[2]
Imperial County Area:				
Imperial County	11/15/90	Nonattainment	11/15/90	Sec. 185A Area.[2]
Los Angeles-South Coast Air Basin Area	11/15/90	Nonattainment	11/15/90	Extreme.
Los Angeles County (part)—that portion of Los Angeles County which lies south and west of a line described as follows:				
1. Beginning at the Los Angeles—San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian;				
2. then north along the range line common to Range 8 West and Range 9 West;				
3. then west along the Township line common to Township 4 North and Township 3 North;				
4. then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West;				
5. then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West;				
6. then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West);				
7. then west along the Township line common to Township 7 North and Township 6 North;				
8. then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West;				
9. then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West;				
10. then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North);				
11. then west along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant;				
12. then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
Orange County	11/15/90	Nonattainment	11/15/90	Extreme.
Riverside County (part)—that portion of Riverside County which lies to the west of a line described as follows:	11/15/90	Nonattainment	11/15/90	Extreme.
1. Beginning at the Riverside—San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian;				
2. then east along the Township line common to Township 8 South and Township 7 South;				
3. then north along the range line common to Range 5 East and Range 4 East;				
4. then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East;				

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
5. then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East;				
6. then west along the Township line common to Township 5 South and Township 6 South;				
7. then north along the range line common to Range 4 East and Range 3 East;				
8. then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East;				
9. then north along the range line common to Range 2 East and Range 3 East;				
10. then west along the Township line common to Township 4 South and Township 3 South to the intersection of the southwest boundary of partial Section 31, Township 3 South, Range 1 West;				
11. then northwest along that line to the intersection with the range line common to Range 2 West and Range 1 West;				
12. then north to the Riverside-San Bernardino County line,				
San Bernardino County (part)—that portion of San Bernardino County which lies south and west of a line described as follows:.	11/15/90	Nonattainment	11/15/90	Extreme.
1. Beginning at the San Bernardino—Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian;				
2. then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino—Los Angeles County boundary;				
Monterey Bay Area	.....	Attainment	.....	
Monterey County				
San Benito County				
Santa Cruz County				
Sacramento Metro Area	11/15/90	Nonattainment	6/01/95	Severe-15.
El Dorado County (part):				
All portions of the county except that portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.				
Placer County (part):				
All portions of the county except that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, M.D.B. & M., thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.	11/15/90	Nonattainment	6/01/95	Severe-15.
Sacramento County	11/15/90	Nonattainment	6/01/95	Severe-15.
Solano County (part) That portion of Solano County which lies north and east of a line described as follows:	11/15/90	Nonattainment	6/01/95	Severe-15.

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Description of boundary in Solano county between San Francisco and Sacramento: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34; T. 6 N., R. 2 W., M.D.B. & M., thence east along said ¼ section line to the east boundary of Section 36, T. 6 N., R. 2 W., thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T. 5 N., R. 1 W., thence east along a line common to T. 5 N. and T. 6 N. to the northeast corner of Section 3, T. 5 N., R. 1 E., thence south along section lines to the southeast corner of Section 10, T. 3 N., R. 1 E., thence east along section lines to the south ¼ corner of Section 8, T. 3 N., R. 2 E., thence east to the boundary between Solano and Sacramento Counties	11/15/90	Nonattainment	6/01/95	Severe-15.
Sutter County (part—southern portion)South of a line connecting the northern border of Yolo Co. to the SW tip of Yuba Co. and continuing along the southern Yuba County border to Placer County.	11/15/90	Nonattainment	6/01/95	Severe-15.
Yolo County	11/15/90	Nonattainment	6/01/95	Severe-15.
San Diego Area:				
San Diego County	11/15/90	Nonattainment	2/21/95	Serious [2]
San Francisco-Bay Area	8/10/98	Nonattainment	8/10/98	Not classified/Moderate under 23 U.S.C.
			8/23/99	104(b)(2).
Alameda County	8/10/98	.....do	8/23/99	Do.
Contra Costa County	8/10/98	.....do	8/23/99	Do.
Marin County	8/10/98	.....do	8/23/99	Do.
Napa County	8/10/98	.....do	8/23/99	Do.
San Francisco County	8/10/98	.....do	8/23/99	Do.
San Mateo County	8/10/98	.....do	8/23/99	Do.
Santa Clara County	8/10/98	.....do	8/23/99	Do.
Solano County (part)	8/10/98	.....do	8/23/99	Do.
That portion of the county that lies south and west of the line described that follows: Description of boundary in Solano County between San Francisco and Sacramento: Beginning at the intersection at the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34; T.6 N., R. 2 W., M.D.B. & M., thence east along said ½ section line to the east boundary of Section 36, T. 6 N., R. 2 W., thence south ½ mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T. 5 N., R. 1 W, thence east along a line common to T. 5 N., and T. 6 N. to the northeast corner of Section 3, T. 5 N., R. 1 E., thence south along section lines to the southeast corner of Section 10 T. 3 N., R. 1 E., thence east along section lines to the south ¼ corner of Section 8 T. 3 N., R. 2 E., thence east to the boundary between Solano and Sacramento Counties.				
Sonoma County (part)	8/10/98	.....do	8/23/99	Do.

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
That portion of Sonoma county which lies south and east of a line described as follows: Beginning at the south-easterly corner of the Rancho Estero Americano, being on the boundary line between Marin Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive, thence running along said boundary of Rancho Canada de Jonive westerly,; northerly and easterly to its intersection with the easterly line of Granton Road; thence running along the easterly and southerly line of Granton Road northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly and northerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road: thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Ranco Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the Township line common to Townships 8 and 9 north, Mt. Diablo Base and Meridian; thence running easterly along said Township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.				

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
East Kern County				
That portion of Kern County that lies east and south of a line described below: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East, then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.	12/10/01	Nonattainment	12/10/01	Serious.[2]
San Joaquin Valley Area:				
Fresno County	11/15/90	Nonattainment	12/10/01	Severe-15.

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kern County (part) That portion of Kern County that lies west and north of a line described below: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.	11/15/90	Nonattainment	12/10/01	Severe-15.
Kings County	11/15/90	Nonattainment	12/10/01	Severe-15.
Madera County	11/15/90	Nonattainment	12/10/01	Severe-15.
Merced County	11/15/90	Nonattainment	12/10/01	Severe-15.
San Joaquin County	11/15/90	Nonattainment	12/10/01	Severe-15.
Stanislaus County	11/15/90	Nonattainment	12/10/01	Severe-15.
Tulare County	11/15/90	Nonattainment	12/10/01	Severe-15.
Santa Barbara-Santa Maria-Lompoc Area:				
Santa Barbara County	11/15/90	Nonattainment	1/09/98	Serious.
Southeast Desert Modified AQMA Area	11/15/90	Nonattainment	11/15/90	Severe-17.
Los Angeles County (part)—that portion of Los Angeles County which lies north and east of a line described as follows: 1. Beginning at the Los Angeles—San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; 2. then north along the range line common to Range 8 West and Range 9 West; 3. then west along the Township line common to Township 4 North and Township 3 North; 4. then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; 5. then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; 6. then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West);				

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
7. then west along the Township line common to Township 7 North and Township 6 North; 8. then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; 9. then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; 10. then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); 11. then west along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; 12. then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
Riverside County (part)—that portion of Riverside County which lies to the east of a line described as follows: 1. Beginning at the Riverside—San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; 2. then east along the Township line common to Township 8 South and Township 7 South; 3. then north along the range line common to Range 5 East and Range 4 East; 4. then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; 5. then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; 6. then west along the Township line common to Township 5 South and Township 6 South; 7. then north along the range line common to Range 4 East and Range 3 East; 8. then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; 9. then north along the range line common to Range 2 East and Range 3 East; 10. then west along the Township line common to Township 4 South and Township 3 South to the intersection of the southwest boundary of partial Section 31, Township 3 South, Range 1 West; 11. then northwest along that line to the intersection with the range line common to Range 2 West and Range 1 West; 12. then north to the Riverside-San Bernardino County line, and that portion of Riverside County which lies to the west of a line described as follows: 13. 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 Bernardino Counties; 14. then southerly along section lines to the centerline of the Colorado River Aquaduct; 15. then southeasterly along the centerline of said Colorado River Aquaduct to the southerly line of Section 36, Township 3 South, Range 7 East;	11/15/90	Nonattainment	11/15/90	Severe-17.

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
16. then easterly along the Township line to the northeast corner of Section 6, Township 4 South, Range 9 East; 17. then southerly along the easterly line of Section 6 to the southeast coner thereof; 18. then easterly along section lines to the northeast corner of Section 10, Township 4 South, Range 9 East; 19. then southerly along section lines to the southeast corner of Section 15, Township 4 South, Range 9 East; 20. then easterly along the section lines to the northeast corner of Section 21, Township 4 South, Range 10 East; 21. then southerly along the easterly line of Section 21 to the southeast corner thereof; 22. then easterly along the northerly line of Section 27 to the northeast corner thereof; 23. then southerly along section lines to the southeast corner of Section 34, Township 4 South, Range 10 East; 24. then easterly along the Township line to the northeast corner of Section 2, Township 5 South, Range 10 East; 25. then southerly along the easterly line of Section 2, to the southeast corner thereof; 26. then easterly along the northerly line of Section 12 to the northeast corner thereof; 27. then southerly along the range line to the southwest corner of Section 18, Township 5 South, Range 11 East; 28. then easterly along section lines to the northeast corner of Section 24, Township 5 South, Range 11 East; 29. 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.				
San Bernadino County (part)—that portion of San Bernardino County which lies north and east of a line described as follows: 1. Beginning at the San Bernardino—Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; 2. then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino—Los Angeles County boundary; and that portion of San Bernardino County which lies south and west of a line described as follows: 3. latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.	11/15/90	Nonattainment	11/15/90	Severe-17.
Ventura County Area:				
Ventura County	11/15/90	Nonattainment	11/15/90	Severe-15.
Yuba City Area:				
Sutter County (part—northern portion)	(3)	Nonattainment	(3)	Sec. 185A Area.2.
North of a line connecting the northern border of Yolo County to the SW tip of Yuba County and continuing along the southern Yuba County border to Placer County.				
Yuba County	(3)	Nonattainment	(3)	Sec. 185A Area.2.
Great Basin Valleys Air Basin	.....	Unclassifiable/Attainment	.....	
Alpine County				
Inyo County				
Mono County				
Lake County Air Basin	.....	Unclassifiable/Attainment		
Lake County				

California—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lake Tahoe Air Basin	.....	Unclassifiable/Attainment		
El Dorado County (part)				
Lake Tahoe Area: As described under 40 CFR 81.275.				
Placer County (part)				
Lake Tahoe Area: As described under 40 CFR 81.275.				
Mountain Counties Air Basin (Remainder of):				
Amador County	11/15/90	Unclassifiable/Attainment	11/15/90	
Calaveras County	11/15/90	Unclassifiable/Attainment	11/15/90	
Mariposa County	.....	Unclassifiable/Attainment		
Nevada County	.....	Unclassifiable/Attainment		
Plumas County	.....	Unclassifiable/Attainment		
Sierra County	.....	Unclassifiable/Attainment		
Tuolumne County	.....	Unclassifiable/Attainment		
North Coast Air Basin	.....	Unclassifiable/Attainment		
Del Norte County				
Humboldt County				
Mendocino County				
Sonoma County (part)				
Remainder of County				
Trinity County				
Northeast Plateau Air Basin	.....	Unclassifiable/Attainment		
Lassen County				
Modoc County				
Siskiyou Couny				
Sacramento Valley Air Basin (Remainder of):				
Colusa County	.....	Unclassifiable/Attainment		
Glenn County	.....	Unclassifiable/Attainment		
Shasta County	.....	Unclassifiable/Attainment		
Tehama County	.....	Unclassifiable/Attainment		
South Central Coast Air Basin (Remainder of):				
Channel Islands	.....	Unclassifiable/Attainment		
San Luis Obispo County	.....	Unclassifiable/Attainment		
Southeast Desert NON-AQMA:				
Riverside County (part)				
Remainder of county	.....	Unclassifiable/Attainment		
San Bernadino County (part)				
Remainder of county	.....	Unclassifiable/Attainment		

[1] This date is October 18, 2000 unless otherwise noted.
[2] An area designated as an ozone nonattainment area as of the date of enactment of the CAAA of the 1990 that did not violate the ozone NAAQS during the period of 1987–1989.
[3] This date is January 16, 2001.

California—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Inyo County				
Coso Junction planning area	9/5/02	Nonattainment	9/5/02	Moderate.
That portion of Inyo County contained within Hydrologic Unit #18090205.	.....		.....	
Owens Valley planning area	11/15/90	Nonattainment	02/08/93	Serious
Hydrologic Unit #18090103				

California—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Sacramento County	1/20/94	Nonattainment	1/20/94	Moderate
San Bernardino County:.				
San Bernardino (part):.				
Excluding that portion located in the Trona planning area and excluding that portion located in the South Coast Air Basin.	1/20/1994	Nonattainment	1/20/1994	Moderate.
Trona planning area: That portion of San Bernardino County contained within Hydrologic Unit #18090285.	9/5/2002	Nonattainment	9/5/2002	Moderate
Mono County				
Mammoth Lake planning area	11/15/90	Nonattainment	11/15/90	Moderate
Includes the following sections:				
a. Sections 1–12, 17, and 18 of Township T4S, R28E;				
b. Sections 25–36 of Township T3S, R28E;				
c. Sections 25–36 of Township T3S, R27E;				
d. Sections 1–18 of Township T4S, R27E; and				
e. Sections 25 and 36 of Township T3S, R26E				
Mono Basin.				
Hydrologic Unit 1809010	12/29/93	Nonattainment	12/29/93	Moderate
Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare Counties:.				
Indian Wells Valley planning area: That portion of Kern County contained within Hydrologic Unit #18090205.	6/6/2003	Attainment		
San Joaquin Valley planning area	11/15/90	Nonattainment	02/08/93	Serious
Riverside, Los Angeles, Orange, and San Bernardino Counties				
South Coast Air Basin	11/15/90	Nonattainment	02/08/93	Serious
Riverside County				
Coachella Valley planning area	11/15/90	Nonattainment	02/08/93	Serious
Imperial County				
Imperial Valley planning area	11/15/90	Nonattainment	11/15/90	Moderate
Rest of State	11/15/90	Unclassifiable		

California—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
North Coast Air Basin		X
San Francisco Area Air Basin		X
Lake County Air Basin		X
North Central Coast Air Basin:		
Monterey portion		X
San Benito portion		X
Santa Cruz portion		X
South Central Coast Air Basin:		
San Luis Obispo Count		X
Santa Barbara AQMA		X
Santa Barbara non-AQMA		X
Ventura County		X
Channel Islands		X
San Diego Air Basin:		
West San Diego County		X
East San Diego County		X
South Coast Air Basin		X
San Joaquin Valley Air Basin:		
Fresno County		X
Kern County (SJVAS portion)		X
Kings County		X
Madera County		X
Merced County		X
San Joaquin County		X
Stanislaus County		X
Tulare County		X
Sacramento Valley Air Basin:		
Sacramento County		X
Solano County (Sacramento Valley Air Basin portion)		X
Yolo County		X

California—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Butte County		X
Colusa County		X
Glenn County		X
Shasta County (Sacramento Valley portion)		X
Sutter County		X
Tehama County		X
Yuba County		X
Great Basin Valleys Air Basin		X
Northeast Plateau Air Basin		X
Mountain Counties Air Basin:		
AQMA portion of Placer Co. County		X
Placer County excluding AQMA portion and Lake Tahoe portion		X
Anador County		X
Calaveras County		X
El Dorado County, excluding Lake Tahoe Air Basin portion		X
Mariposa County		X
Nevada County		X
Plumas County		X
Sierra County		X
Tuolumne County		X
Southeast Desert Air Basin County:		
Kern County (S.E. Desert portion) County		X
Imperial County		X
Los Angeles County (portion within S.E. Desert Air Basin)		X
Riverside County (portion within S.E. Desert AQMA) County		X
San Bernardino County (portion within S.E. Desert AQMA)		X
Riverside County, non-AQMA portion County		X
San Bernardino, non-AQMA		X
Tahoe Air Basin		X

[43 FR 8964, Mar. 3, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 81.305, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 68 FR 37978, June 26, 2003, § 81.305, the California Ozone (1–Hour Standard) table was amended by revising the entry for the San Diego area, effective July 28, 2003. For the convenience of the user, the revised text is set forth as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—OZONE (1.–HOUR STANDARD)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
* * *	*	*	*	*
San Diego Area: San Diego County	7/28/03	Attainment		
* * *	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

§ 81.306 Colorado.

Colorado—SO_2

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire State	.....	.....	.....	X

Colorado—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Colorado Springs Area:	October 25, 1999	Attainment	.....	
Urban Transportation Planing Study Area as defined in 1989..				
Beginning near the Town of Palmer Lake, at the Northwest corner of the Study Area at a point on the El Paso/Douglas County line, also on the Pike National Forest boundary, then:				
east along the County line to Elbert Road; south on Elbert Road to Judge Orr Road; east on Judge Orr Road to Ellicott Highway; south on Ellicott Highway to Squirrel Creek Road; west on Squirrel Creek Road to Williams Creek; south along Williams Creek to the confluence of Williams and Fountain Creeks; south along Fountain Creek to the El Paso/Douglas County line; west on the County line to I–25; north on I–25 to Exit 132; west on McGrath to 35th; south on 35th to Specker; northwest on Specker to Titus Blvd.; west on Titus Blvd. to SH–115;				
south on SH–115 to Rock Creek;				
northwest along Rock Creek to the Pike National Forest boundary; north along the Forest boundary to Old Stage Road; southwest on Old Stage Road to Gold Camp Road; north on Gold Camp Road to High Drive; north on High Drive to Lower Gold Camp Road; north on Lower Gold Camp Road to the Pike National Forest boundary; west along the Forest boundary, following the boundary north, then east to US–24; northwest on US–24 to the Pikes Peak Toll Road; west on the Toll Road to the El Paso/Teller County line;				
north along the County line to Crystola Creek; west on Crystola Creek to County Road 282, north on Road 282 to US–24; northeast on US–24 to Trout Creek Road; northwest on Trout Creek Road to Trout Creek; north along Trout Creek to the confluence of Trout and Mule Creeks; north along Mule Creek to Long Gulch; east along Long Gulch to White Gulch; east along White Gulch to Rampart Range Road; southeast on Rampart Range Road to the Pike National Forest Boundary; north along the Forest boundary to the El Paso/Douglas County line, to the point of origin.				
El Paso County (part).				
Teller County (part).				
Denver-Boulder Area:				

Colorado—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
The boundaries for the Denver nonattainment area for carbon monixide (CO) are described as follows: Start at Colorado Highway 52 where it intersects the eastern boundary of Boulder County; Follow Highway 52 west until it intersects Colorado Highway 119; Follow northern boundary of Boulder city limits west to the 6,000-ft. elevation line; Follow the 6000-ft. elevation line south through Boulder and Jefferson Counties to US 6 in Jefferson County; Follow US 6 west to the Jefferson County-Clear Creek County line; Follow the Jefferson County western boundary south for approximately 16.25 miles; Follow a line east for approximately 3.75 mile to South Turkey Creek; Follow South Turkey Creek northeast for approximately 3.5 miles; Follow a line southeast for approximately 2.0 miles to the junction of South Deer Creek Road and South Deer Creek Canyon Road; Follow South Deer Creek Canyon Road northeast for approximately 3.75 miles; Follow a line southeast for approximately five miles to the northern-most boundary of Pike National Forest where it intersects the Jefferson County-Douglas County line; follow the Pike National forest boundary southeast through Douglas County to the Douglas County-El Paso County line; Follow the southern boundary on Douglas County east to the Elbert County line; Follow the eastern boundary of Douglas County north to the Arapahoe County line; Follow the southern boundary of Araphoe County east to Kiowa Creek; Follow Kiowa Creek northeast through Arapahoe and Adams Counties to the Adams-Weld County line; Follow the northern boundary of Adams County west to the Boulder County line; Follow the eastern boundary of Boulder County north to Highway 52	January 14, 2002	Attainment		
Adams County (part).				
Arapahoe County (part).				
Boulder County (part).				
Denver County.				
Douglas County (part).				
Jefferson County (part).				
Fort Collins Area				
Larimer County (part)		Nonattainment		Moderate ≦ 12.7ppm
Fort Collins Urban Growth Area Boundary as adopted by the City of Fort Collins and the Larimer County Commissioners and in effect as of July 30,1991				
Greeley Area:	.....	Attainment		
Weld County (part)	May 10, 1999			
Urban boundaries as defined in the North Front Range Regional Transportation Plan, May, 1990..				
Longmont Area	Nov. 23, 1999	Attainment.		
Hwy 52 west from the Boulder/Weld County line to 95th Street/Hoover Road, then north on 95th Street/Hoover Road to the intersection of Plateau Road and SH 119, then west on Plateau Road to the intersection of Hygiene Road, then due north to the Boulder/Larimer County line, then due east to the intersection of the Boulder/Larimer/Weld County lines, then south along the Boulder/Weld County line to Hwy 52, plus the portion of the City of Longmont east of the Boulder/Weld County line in Weld County.				
Boulder County (part):				
Weld County (part):				
State AQCR 1		Unclassifiable/Attainment.		
Logan County				
Morgan County				

Colorado—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Phillips County				
Sedgwick County				
Washington County				
Yuma County				
State AQCR 2 (Remainder of)				
Larimer County (part)		Unclassifiable/Attainment.		
Area outside Fort Collins Urban Growth Area Boundary				
Weld County (part)				
Remainder of county		Unclassifiable/Attainment.		
State AQCR 3 (Remainder of)		Unclassifiable/Attainment.		
Adams County (part)				
Remainder of County				
Arapahoe County (part)				
Remainder of County				
Boulder County (part)				
Remainder of County				
Clear Creek County				
Douglas County (part)				
Remainder of County				
Gilpin County				
Jefferson County (part)				
Remainder of County				
State AQCR 4 (Remainder of)		Unclassifiable/Attainment.		
El Paso County (part)				
Area other than Urban Transportation Planning Study Area as defined in 1989				
Park County				
Teller County (part)				
Remainder of County				
State AQCR's 5-13		Unclassifiable/Attainment.		
Alamosa County				
Archuleta County				
Baca County				
Bent County				
Chaffee County				
Cheyenne County				
Conejos County				
Costilla County				
Crowley County				
Custer County				
Delta County				
Dolores County				
Eagle County				
Elbert County				
Fremont County				
Garfield County				
Grand County				
Gunnison County				
Hinsdale County				
Huerfano County				
Jackson County				
Kiowa County				
Kit Carson County				
La Plata County				
Lake County				
Las Animas County				
Lincoln County				
Mesa County				
Mineral County				
Moffat County				
Montezuma County				
Montrose County				
Otero County				
Ouray County				
Pitkin County				
Prowers County				
Pueblo County				
Rio Blanco County				
Rio Grande County				
Routt County				

Colorado—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Saguache County				
San Juan County				
San Miguel County				
Summit County				

[1] This date is November 15, 1990, unless otherwise noted.

COLORADO—OZONE (1-HOUR STANDARD)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Denver-Boulder Area:				
Adams County (part)				
West of Kiowa Creek ...	10/11/01	Attainment.		
Arapahoe County (part)				
West of Kiowa Creek ...	.....	Attainment.		
Boulder County (part) excluding Rocky Mountain National Park.	.....	Attainment.		
Denver County	.....	Attainment.		
Douglas County	.....	Attainment.		
Jefferson County	.....	Attainment.		
State AQCR 01	.....	Unclassifiable/Attainment		
Logan County				
Morgan County				
Phillips County				
Sedgwick County				
Washington County				
Yuma County				
State AQCR 02	.....	Unclassifiable/Attainment		
Larimer County				
Weld County				
State AQCR 03 (Remainder of)	.....	Unclassifiable/Attainment		
Adams County (part) East of Kiowa Creek				
Arapahoe County (part) East of Kiowa Creek				
Boulder County (part) Rocky Mtn. National Park Only				
Clear Creek County				
Gilpin County				
State AQCR 11	.....	Unclassifiable/Attainment		
Garfield County				
Mesa County				
Moffat County				
Rio Blanco County				
Rest of State	.....	Unclassifiable/Attainment		
Alamosa County				
Archuleta County				
Baca County				
Bent County				
Chaffee County				
Cheyenne County				
Conejos County				
Costilla County				
Crowley County				
Custer County				
Delta County				
Dolores County				
Eagle County				
El Paso County				
Elbert County				
Fremont County				
Grand County				
Gunnison County				
Hinsdale County				
Huerfano County				
Jackson County				

COLORADO—OZONE (1-HOUR STANDARD)—Continued

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kiowa County				
Kit Carson County				
La Plata County				
Lake County				
Las Animas County				
Lincoln County				
Mineral County				
Montezuma County				
Montrose County				
Otero County				
Ouray County				
Park County				
Pitkin County				
Prowers County				
Pueblo County				
Rio Grande County				
Routt County				
Saguache County				
San Juan County				
San Miguel County				
Summit County				
Teller County				

[1] This date is October 18, 2000, unless otherwise noted.
[2] An area designated as an ozone nonattainment area as of the date of enactment of the CAAA of the 1990 that did not violate the ozone NAAQS during the period of 1987–1989.
[3] This date is January 16, 2001.

Colorado—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Archuleta County				
Pagosa Springs Area	8/14/01	Attainment		
Township 35N–Range 2W:Sections 13, 14, 15; Section 23 NE, N ½ SE; Section 24 all except SWSW; Section 25 N ½NE, NENW.				
Township 35N–Range 1W: Section 18 W ½				
Adams, Denver, and Boulder Counties				
Denver Metropolitan area	October 16, 2002	Attainment		
All of Denver, Jefferson, and Douglas Counties, Boulder County (excluding the Rocky Mountain National Park) and the Colorado automobile inspection and readjustment program portions of Adams and Arapahoe Counties				
San Miguel County.				
Telluride	8/14/01	Attainment		

Colorado—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
The Telluride attainment/maintenance area begins at the intersection of Colorado State Highway 145 and the Telluride service area boundary, as it existed in 1991. The western edge of the nonattainment area until it meets Remine Creek is defined as follows: A tract of land located in a portion of the west one-half of Section 28 and the east one-half of Section 29, Township 43 North, Range 9 west, of New Mexico Principal Meridian, County of San Miguel, State of Colorado, described as follows: Beginning at the southwest corner of the said Section 28; Thence N 89 deg.36′00″ W. 292.70 Feet; Thence S 04 deg.05′12″ W. 538.63 Feet; Thence N 03 deg.29′42″ W. 780.19 Feet; Thence N 22 deg.15′00″ E. 3344.16 Feet; Thence S 51 deg.51′49″ E. 570.44 Feet; Thence S 03 deg.15′36″ E. 1106.22 Feet; Thence S 45 deg.24′42″ E. 546.96 Feet; Thence S 28 deg.41′12″ W. 549.62 Feet; Thence S 29 deg.40′09″ E. 169.68 Feet; Thence S 44 deg.30′03″ W. 649.51 Feet; Thence S 85 deg.54′00″ E. 660.00 Feet; Thence S 04 deg.06′00″ W. 660.00 Feet; Thence N 89 deg.56′00″ E. 1318.68 Feet; to the true point of beginning containing 11249 acres as described above. Then, at Remine Creek, the attainment/maintenance boundary follows the service area boundary for 9.65 miles to the 9,200 foot contour line. The boundary then intersects Bear Creek. Here the attainment/maintenance boundary diverges from the service area boundary (9,200 foot contour line). The attainment/maintenance boundary continues in a west, southwest direction for 0.92 miles from the intersection of the 9,200 foot contour line and Bear Creek to the top of ski lift number 9 in the Telluride Ski Area at an elevation of about 11,900 feet. The boundary then shifts and runs in a north-westerly direction for 0.83 miles from the top of lift 9 to the top of lift 7, which is located at an elevation of 10,490 feet. From the top of lift 7, the attainment/maintenance boundary continues in a north-westerly direction for 0.5 miles to the intersection of lift 3 with the 10,000 foot control line. The attainment/maintenance boundary follows the 10,000 foot contour line in a south, south-west direction for 3.2 miles, until it intersects Skunk Creek. Here the boundary diverges from the 10,000 foot contour line and follows Skunk Creek in a northerly direction for 2.25 miles. At the intersection of Skunk Creek and Colorado State Highway 145, the attainment/maintenance boundary leaves the creek and follows Highway 145 in a northerly direction until it meets the service area boundary as it existed prior to changes adopted in 1991.				
Prowers County				
Lamar	11/15/90	Nonattainment	11/15/90	Moderate
Pitkin County:.				
Aspen/Pitkin County Area	11/15/90	Nonattainment	11/15/90	Moderate.

Colorado—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
The area encompassed by the following Parcel ID numbers, as defined by the Pitkin County Planning Department: 2737–29, 2737–28, 2737–21, 2737–20, 2737–19, 2737–18, 2737–17, 2737–08, 2737–07, 2737–06, 2735–22, 2735–15, 2735–14, 2735–13, 2735–12, 2735–11, 2735–10, 2735–03, 2735–02, 2735–01, 2641–31, 2643–36, 2643–35, 2643–34, 2643–27, 2643–26.				
Fremont County				
Canon City Area	July 31, 2000	Attainment		
Township 18S—Range 70W: All of sections 21, 22, 27, 28, 33, and 34; the E½, NENW, NESW, SENW, SESW quarters of sections 20, 29, 32; and the W½ of sections 23, 26, and 35; Township 19S—Range 70W: All of sections 3, 4, 9, 10; E½, NENW, NESW, SENW, SESW quarters of sections 5 and 8; W½ of sections 2 and 11.				
Routt County (part):				
Steamboat Springs	1/20/94	Nonattainment	1/20/94	Moderate.
On the East—The Routt National Forest.				
On the South—The southern border of sections 19, 10, 21, T4N, R84W of the 6th P.M. and the southern border of sections 23, 24, T4N, R85W of the 6th P.M.				
On the West—Beginning at the southwestern corner of section 23, T4N, R85W of the 6th P.M. North along the western border of sections 23, 14, 11, T4N, R85W. Thence, along the ridge which bisects sections 35, 36, 25, 24, 13, 14, 11, 12, 1, T5N, R85W, and sections 36, 25, 24, T6N, R85W. Thence heading northwest along the ridge which bisects sections 23, 15, 10, 9,4, T6N, R85W of 6th P.M. Thence, heading northeast along the ridge which bisects sections 33, 34, 35, 36, 25, T7N, R85W and sections 30 and 10 of T7N, R84W. Thence, north along the N ½ of the western edge of section 19, to the NW corner of section 18, T7N, R84W.				
On the North—The northern boundary of sections 16, 17, 18, T7N, R84W of 6th P.M.				
AQCR 1	11/15/90	Unclassifiable		
AQCR 2	11/15/90	Unclassifiable		
AQCR 3 (excluding the Denver Metropolitan PM–10 nonattainment area).	11/15/90	Unclassifiable		
AQCR 4	11/15/90	Unclassifiable		
AQCR 5	11/15/90	Unclassifiable		
AQCR 6 (excluding the Lamar PM–10 nonattainment area).	11/15/90	Unclassifiable		
AQCR 7	11/15/90	Unclassifiable		
AQCR 8	11/15/90	Unclassifiable		
AQCR 9 (excluding the Pagosa Springs PM–10 nonattainment area).	11/15/90	Unclassifiable		
AQCR 10 (excluding the Telluride PM–10 nonattainment area).	11/15/90	Unclassifiable		
AQCR 11	11/15/90	Unclassifiable		
AQCR 12 (excluding the Aspen/Pitkin County and Steamboat Springs Area Airshed PM–10 nonattainment areas).	11/15/90	Unclassifiable		
AQCR 13 (excluding the Canon City PM–10 nonattainment area).	1/15/90	Unclassifiable		

Colorado—NO_2

Designated area	Better than national standards
Entire State	X

[43 FR 8964, Mar. 3, 1978, as amended at 49 FR 27945, July 9, 1984; 56 FR 56732, Nov. 6, 1991; 57 FR 56768, Nov. 30, 1992; 58 FR 67343, Dec. 21, 1993; 58 FR 68038, Dec. 23, 1993; 59 FR 26128, May 19, 1994; 59 FR 39394, Aug. 2, 1994; 59 FR 47095, Sept. 14, 1994; 59 FR 47811, Sept. 19, 1994; 59 FR 67342, Dec. 21, 1994; 60 FR 55798, Nov. 3, 1995; 62 FR 10700, Mar. 10, 1997; 62 FR 13336, Mar. 20, 1997; 62 FR 24552, May 5, 1997; 62 FR 68195, Dec. 31, 1997; 63 FR 31033, June 5, 1998; 63 FR 39751, July 24, 1998; 64 FR 11782, Mar. 10, 1999; 64 FR 46289, Aug. 25, 1999; 64 FR 51701, Sept. 24, 1999; 65 FR 34404, May 30, 2000; 65 FR 45213, July 20, 2000; 66 FR 32562, June 15, 2001; 66 FR 34994, July 2, 2001; 66 FR 47092, Sept. 11, 2001; 66 FR 64758, Dec. 14, 2001; 67 FR 58338, Sept. 16, 2002]

EFFECTIVE DATE NOTE: At 68 FR 26219, May 15, 2003, § 81.306, was amended in the table entitled ''Colorado-PM–10'' by revising the entries under Pitkin County for the ''Aspen/Pitkin County Area'', effective July 14, 2003. For the convenience of the user, the revised text is set forth as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Pitkin County:				
Aspen/Pitkin County Area—The area encompassed by the following Parcel ID numbers, as defined by the Pitkin County Planning Department: 2337–29, 2737–28, 2737–21, 2737–20, 2737–19, 2737–18, 2737–17, 2737–08, 2737–07, 2737–06, 2735–22, 2735–15, 2735–14, 2735–13, 2735–12, 2735–11, 2735–10, 2735–03, 2735–02, 2735–01, 2641–31, 2643–36, 2643–35, 2643–34, 2643–27, 2643–26.	7/14/03	Attainment.		
* * *	*	*	*	*

* * * * *

§ 81.307 Connecticut.

Connecticut—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 41				X
AQCR 42				X
AQCR 43				X
AQCR 44				X

Connecticut—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 41				X

Connecticut—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 42	.....	.....	.....	X
AQCR 43	.....	.....	.....	X
AQCR 44	.....	.....	.....	X

Connecticut—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Hartford-New Britain-Middletown Area:				
Hartford County (part)	1/2/96	Attainment		
Bristol City, Burlington Town, Avon Town, Bloomfield Town, Canton Town, E. Granby Town, E. Hartford Town, E. Windsor Town, Enfield Town, Farmington Town, Glastonbury Town, Granby Town, Hartford city, Manchester Town, Marlborough Town, Newington Town, Rocky Hill Town, Simsbury Town, S. Windsor Town, Suffield Town, W. Hartford Town, Wethersfield Town, Windsor Town, Windsor Locks Town, Berlin Town, New Britain city, Plainville Town, and Southington Town.				
Litchfield County (part)	1/2/96	Attainment		
Plymouth Town.				
Middlesex County (part)	1/2/96	Attainment		
Cromwell Town, Durham Town, E. Hampton Town, Haddam Town, Middlefield Town, Middletown City, Portland Town, E. Haddam Town.				
Tolland County (part)	1/2/96	Attainment		
Andover Town, Bolton Town, Ellington Town, Hebron Town, Somers Town, Tolland Town, and Vernon Town.				
New Haven—Meriden—Waterbury Area:				
Fairfield County (part)	12/4/98	Attainment		
Shelton City.				
Litchfield County (part)	12/4/98	Attainment		
Bethlehem Town, Thomaston Town, Watertown, Woodbury Town.				
New Haven County	12/4/98	Attainment		
New York-N. ew Jersey-Long Island Area:				
Fairfield County (part)	5/10/99	Attainment		
All cities and townships except Shelton City.				
Litchfield County (part)	5/10/99	Attainment		
Bridgewater Town, New Milford Town.				
AQCR 041 Eastern Connecticut Intrastate	.....	Unclassifiable/Attainment		
Middlesex County (part).				
All portions except cities and towns in Hartford Area.				
New London County.				
Tolland County (part).				
All portions except cities and towns in Hartford Area.				
Windham County.				
AQCR 044 Northwestern Connecticut Intrastate	.....	Unclassifiable/Attainment		
Hartford County (part) Hartland Township.				
Litchfield County (part).				
All portions except cities and towns in Hartford, New Haven, and New York Areas.				

[1] This date is November 15, 1990, unless otherwise noted.

Connecticut—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Greater Connecticut Area:				
Fairfield County (part)	.....	Nonattainment	.....	Serious.

Connecticut—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Shelton City				
Hartford County	.....	Nonattainment	.....	Serious.
Litchfield County (part)	.....	Nonattainment	.....	Serious.
all cities and townships except: Bridgewater Town, New Milford Town				
Middlesex County	.....	Nonattainment	.....	Serious.
New Haven County	.....	Nonattainment	.....	Serious.
New London County	.....	Nonattainment	.....	Serious.
Tolland County	.....	Nonattainment	.....	Serious.
Windham County	.....	Nonattainment	.....	Serious.
New York—N. New Jersey-Long Island Area:				
Fairfield County (part)	.....	Nonattainment	.....	Severe-17.
all cities and towns except Shelton City				
Litchfield County (part)	.....	Nonattainment	.....	Severe-17.
Bridgewater Town, New Milford Town				

[1] This date is November 15, 1990, unless otherwise noted.

Connecticut—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
New Haven County				
City of New Haven	11/15/90	Nonattainment	11/15/90	Nonattainment
Rest of State	11/15/90	Unclassifiable		

Connecticut—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 41	.....	X
AQCR 42	.....	X
AQCR 43	.....	X
AQCR 44	.....	X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40423, Sept. 11, 1978; 45 FR 84788, Dec. 23, 1980; 47 FR 44263, Oct. 7, 1982; 52 FR 44123, Nov. 18, 1987; 56 FR 56736, Nov. 6, 1991; 57 FR 56768, Nov. 30, 1992; 60 FR 55798, Nov. 3, 1995; 61 FR 24241, May 14, 1996; 61 FR 58487, Nov. 15, 1996; 63 FR 31035, June 5, 1998; 64 FR 12004, Mar. 10, 1999; 65 FR 45215, July 20, 2000]

§ 81.308 Delaware.

Delaware—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
City of Wilmington	.....	.....	X	.....
Section within City of Newark bounded by: College Avenue, CONRAIL tracks, South Chapel Street and Chestnut Hill Road	.....	.....	X	.....
Remainder of New Castle County	.....	.....	.....	X
Kent County	.....	.....	.....	X
Sussex County	.....	.....	.....	X

Delaware—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
New Castle County	.....	.....	.....	X
Kent County	.....	.....	.....	X
Sussex County	.....	.....	.....	X

Delaware—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kent County		Unclassifiable/Attainment		
New Castle County		Unclassifiable/Attainment		
Sussex County		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

DELAWARE—OZONE (1-HOUR STANDARD)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Philadelphia-Wilmington-Trenton Area:				
Kent County	.....	Nonattainment	.....	Severe-15.
New Castle County	.....	Nonattainment	.....	Severe-15.
Sussex County Area:				
Sussex County	([2])	Nonattainment	([2])	Marginal.

[1] This date is November 15, 1990, unless otherwise noted.
[2] This date is October 18, 2000.

Delaware—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
New Castle County	.....	X
Kent County	.....	X
Sussex County	.....	X

[43 FR 40505, Sept. 12, 1978, as amended at 47 FR 31878, July 23, 1982; 56 FR 56738, Nov. 6, 1991; 63 FR 31035, June 5, 1998; 65 FR 45215, July 20, 2000]

§ 81.309 District of Columbia.

District of Columbia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
1. Area bounded by: East Capitol Street S.E., District Line (Southern Avenue S.E.), Eastern Shore of Potomac River and Eastern Shore of Anacostia River	.....	.....	.....	X
2. Area bounded by: Francis Scott Key Bridge, M Street, N.W., 23rd Street N.W., Florida Avenue N.W., U Street N.W., Florida Avenue N.W.–N.E., 4th Street N.E.–S.E. Southeast-Southwest Freeway (I295, I395), 15th Street S.W.–N.W., Constitution Avenue N.W., Theodore Roosevelt Memorial Bridge, Potomac River	.....	.....	.....	X
3. Remainder of the District of Columbia portion of the National Capital Interstate AQCR	.....	.....	.....	X

District of Columbia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
National Capital Interstate AQCR—District of Columbia portion	.....	.....	.....	X

District of Columbia-Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Washington Area:				
Washington Entire Area.		Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

District of Columbia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Washington Area: Washington Entire Area	.....	Nonattainment	3/25/03	Severe

[1] This date is November 15, 1990, unless otherwise noted.

District of Columbia—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
National Capital Interstate AQCR—District of Columbia portion	.....	X

[43 FR 40507, Sept. 12, 1978, as amended at 46 FR 48929, Oct. 5, 1981; 47 FR 31878, July 23, 1982; 56 FR 56738, Nov. 6, 1991; 61 FR 2937, Jan. 30, 1996; 63 FR 31035, June 5, 1998; 65 FR 45216, July 20, 2000; 68 FR 3424, Jan. 24, 2003]

§ 81.310 Florida.

Florida—TSP

Designated area—does not meet primary standards	Does not meet secondary standard	Cannot be classified	Better than national standards
The downtown Jacksonville area located south and then west along the St. John's River from its confluence with Long Branch Creek, to Main Street north along Main Street to Eighth Street; east along Evergreen Avenue to Long Branch Creek; and east along Long Branch Creek to the St. John's River.	.....	X	.....
Seminole County	.....	X [1]	.....
Polk County	.....	X [1]	.....
That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of US 41 and State Road 60 and a radius of 12 km.	.....	X	.....
Rest of State	.....		X [1]

[1] EPA designation only.

Florida—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Duvall County	.....	.....	.....	X
The SW Corner of Pasco County	.....	.....	[1] X	.....
Hillsborough County	.....	.....	[1] X	.....
Escambia County	.....	.....	[1] X	.....
Rest of State	.....	.....	.....	[1] X

[1] EPA designation only.

Florida—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Alachua County				
Baker County				
Bay County				
Bradford County				

Florida—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Brevard County				
Broward County				
Calhoun County				
Charlotte County				
Citrus County				
Clay County				
Collier County				
Columbia County				
Dade County				
De Soto County				
Dixie County				
Duval County				
Escambia County				
Flagler County				
Franklin County				
Gadsden County				
Gilchrist County				
Glades County				
Gulf County				
Hamilton County				
Hardee County				
Hendry County				
Hernando County				
Highlands County				
Hillsborough County				
Holmes County				
Indian River County				
Jackson County				
Jefferson County				
Lafayette County				
Lake County				
Lee County				
Leon County				
Levy County				
Liberty County				
Madison County				
Manatee County				
Marion County				
Martin County				
Monroe County				
Nassau County				
Okaloosa County				
Okeechobee County				
Orange County				
Osceola County				
Palm Beach County				
Pasco County				
Pinellas County				
Polk County				
Putnam County				
Santa Rosa County				
Sarasota County				
Seminole County				
St. Johns County				
St. Lucie County				
Sumter County				
Suwannee County				
Taylor County				
Union County				
Volusia County				
Wakulla County				
Walton County				
Washington County				

[1] This date is November 15, 1990, unless otherwise noted.

Florida—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Hillsborough County (part)	1/6/92	Unclassifiable		

Florida—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
The area encompassed within a radius of (5) kilometers centered at UTM coordinates: 364.0 East, 3093.5 North, zone 17 (in city of Tampa)				
Rest of State Not Designated				

Florida—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Alachua County				
Baker County				
Bay County				
Bradford County				
Brevard County				
Broward County				
Calhoun County				
Charlotte County				
Citrus County				
Clay County				
Collier County				
Columbia County				
Dade County				
De Soto County				
Dixie County				
Duval County				
Escambia County				
Flagler County				
Franklin County				
Gadsden County				
Gilchrist County				
Glades County				
Gulf County				
Hamilton County				
Hardee County				
Hendry County				
Hernando County				
Highlands County				
Hillsborough County				
Holmes County				
Indian River County				
Jackson County				
Jefferson County				
Lafayette County				
Lake County				
Lee County				
Leon County				
Levy County				
Liberty County				
Madison County				
Manatee County				
Marion County				
Martin County				
Monroe County				
Nassau County				
Okaloosa County				
Okeechobee County				
Orange County				
Osceola County				
Palm Beach County				
Pasco County				
Pinellas County				
Polk County				
Putnam County				
Santa Rosa County				
Sarasota County				
Seminole County				
St. Johns County				

Florida—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
St. Lucie County				
Sumter County				
Suwannee County				
Taylor County				
Union County				
Volusia County				
Wakulla County				
Walton County				
Washington County				

[1] This date is October 18, 2000, unless otherwise noted.

Florida—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		[1] X

[1] EPA designation only.

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40423, Sept. 11, 1978; 44 FR 24846, Apr. 27, 1979; 44 FR 63105, Nov. 2, 1979; 47 FR 31878, July 23, 1982; 47 FR 51866, Nov. 18, 1982; 52 FR 17954, May 13, 1987; 54 FR 40004, Sept. 29, 1989; 55 FR 3407, Feb. 1, 1990; 56 FR 56739, Nov. 6, 1991; 57 FR 56769, Nov. 30, 1992; 60 FR 10330, Feb. 24, 1995; 60 FR 62753, Dec. 7, 1995; 63 FR 31036, June 5, 1998; 64 FR 994, Jan. 7, 1999; 65 FR 45216, July 20, 2000]

§ 81.311 Georgia.

Georgia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Appling County				X
Atkinson County				X
Bacon County				X
Baker County				X
Baldwin County				X
Banks County				X
Barrow County				X
Bartow County				X
Ben Hill County				X
Berrien County				X
Bibb County				X
Bleckley County				X
Brantley County				X
Brooks County				X
Bryan County				X
Bulloch County				X
Burke County				X
Butts County				X
Calhoun County				X
Camden County				X
Candler County				X
Carroll County				X
Catoosa County				X
Charlton County				X
That portion of Chatham County within 0.25 mile of the West Lathrop and Augusta monitoring site in Savannah*			X	
Rest of Chatham County				X
Chattahoochee County				X
Chattooga County				X
Cherokee County				X
Clarke County				X
Clay County				X
Clayton County				X
Clinch County				X

Georgia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cobb County				X
Coffee County				X
Colquitt County				X
Columbia County				X
Cook County				X
Coweta County				X
Crawford County				X
Crisp County				X
Dade County				X
Dawson County				X
Decatur County				X
DeKalb County				X
Dodge County				X
Dooly County				X
Dougherty County				X
Douglas County				X
Early County				X
Echols County				X
Effingham County				X
Elbert County				X
Emanuel County				X
Evans County				X
Fannin County				X
Fayette County				X
Floyd County				X
Forsyth County				X
Franklin County				X
Fulton County				X
Gilmer County				X
Glascock County				X
Glynn County				X
Gordon County				X
Grady County				X
Greene County				X
Gwinnett County				X
Habersham County				X
Hall County				X
Hancock County				X
Haralson County				X
Harris County				X
Hart County				X
Heard County				X
Henry County				X
Houston County				X
Irwin County				X
Jackson County				X
Jasper County				X
Jeff Davis County				X
Jefferson County				X
Jenkins County				X
Johnson County				X
Jones County				X
Lamar County				X
Lanier County				X
Laurens County				X
Lee County				X
Liberty County				X
Lincoln County				X
Long County				X
Lowndes County				X
Lumpkin County				X
McDuffie County				X
McIntosh County				X
Macon County				X
Madison County				X
Marion County				X
Meriwether County				X
Miller County				X
Mitchell County				X
Monroe County				X

Georgia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Montgomery County				X
Morgan County				X
Murray County				X
Muscogee County				X
Newton County				X
Oconee County				X
Oglethorpe County				X
Paulding County				X
Peach County				X
Pickens County				X
Pierce County				X
Pike County				X
Polk County				X
Paulaski County				X
Putnam County				X
Quitman County				X
Rabun County				X
Randolph County				X
Richmond County				X
Rockdale County				X
Schley County				X
Screven County				X
Seminole County				X
Spalding County				X
Stephens County				X
Stewart County				X
Sumter County				X
Talbot County				X
Taliaferro County				X
Tattnall County				X
Taylor County				X
Telfair County				X
Terrell County				X
Thomas County				X
Tift County				X
Toombs County				X
Towns County				X
Treutlen County				X
Troup County				X
Turner County				X
Twiggs County				X
Union County				X
Upson County				X
Walker County				X
Walton County				X
Ware County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
Wheeler County				X
White County				X
Whitfield County				X
Wilcox County				X
Wilkes County				X
Wilkinson County				X
Worth County				X

Georgia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Appling County				X
Atkinson County				X
Bacon County				X
Baker County				X
Baldwin County				X

Georgia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Banks County				X
Barrow County				X
Bartow County				X
Ben Hill County				X
Berrien County				X
Bibb County				X
Bleckley County				X
Brantley County				X
Brooks County				X
Bryan County				X
Bulloch County				X
Burke County				X
Butts County				X
Calhoun County				X
Camden County				X
Candler County				X
Carroll County				X
Catoosa County				X
Charlton County				X
Chatham County				X
Chattahoochee County				X
Chattooga County				X
Cherokee County				X
Clarke County				X
Clay County				X
Clayton County				X
Clinch County				X
Cobb County				X
Coffee County				X
Colquitt County				X
Columbia County				X
Cook County				X
Coweta County				X
Crawford County				X
Crisp County				X
Dade County				X
Dawson County				X
Decatur County				X
DeKalb County				X
Dodge County				X
Dooly County				X
Dougherty County				X
Douglas County				X
Early County				X
Echols County				X
Effingham County				X
Elbert County				X
Emanuel County				X
Evans County				X
Fannin County				X
Fayette County				X
Floyd County				X
Forsyth County				X
Franklin County				X
Fulton County				X
Gilmer County				X
Glascock County				X
Glynn County				X
Gordon County				X
Grady County				X
Greene County				X
Gwinnett County				X
Habersham County				X
Hall County				X
Hancock County				X
Haralson County				X
Harris County				X
Hart County				X
Heard County				X
Henry County				X

Georgia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Houston County				X
Irwin County				X
Jackson County				X
Jasper County				X
Jeff Davis County				X
Jefferson County				X
Jenkins County				X
Johnson County				X
Jones County				X
Lamar County				X
Lanier County				X
Laurens County				X
Lee County				X
Liberty County				X
Lincoln County				X
Long County				X
Lowndes County				X
Lumpkin County				X
McDuffie County				X
McIntosh County				X
Macon County				X
Madison County				X
Marion County				X
Meriwether County				X
Miller County				X
Mitchell County				X
Monroe County				X
Montgomery County				X
Morgan County				X
Murray County				X
Muscogee County				X
Newton County				X
Oconee County				X
Oglethorpe County				X
Paulding County				X
Peach County				X
Pickens County				X
Pierce County				X
Pike County				X
Polk County				X
Pulaski County				X
Putnam County				X
Quitman County				X
Rabun County				X
Randolph County				X
Richmond County				X
Rockdale County				X
Schley County				X
Screven County				X
Seminole County				X
Spalding County				X
Stephens County				X
Stewart County				X
Sumter County				X
Talbot County				X
Taliaferro County				X
Tattnall County				X
Taylor County				X
Telfair County				X
Terrell County				X
Thomas County				X
Tift County				X
Toombs County				X
Towns County				X
Treutlen County				X
Troup County				X
Turner County				X
Twiggs County				X
Union County				X
Upson County				X

Georgia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Walker County				X
Walton County				X
Ware County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
Wheeler County				X
White County				X
Whitfield County				X
Wilcox County				X
Wilkes County				X
Wilkinson County				X
Worth County				X

*See FEDERAL REGISTER of September 23, 1981.

Georgia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Appling County				
Atkinson County				
Bacon County				
Baker County				
Baldwin County				
Banks County				
Barrow County				
Bartow County				
Ben Hill County				
Berrien County				
Bibb County				
Bleckley County				
Brantley County				
Brooks County				
Bryan County				
Bulloch County				
Burke County				
Butts County				
Calhoun County				
Camden County				
Candler County				
Carroll County				
Catoosa County				
Charlton County				
Chatham County				
Chattahoochee County				
Chattooga County				
Cherokee County				
Clarke County				
Clay County				
Clayton County				
Clinch County				
Cobb County				
Coffee County				
Colquitt County				
Columbia County				
Cook County				
Coweta County				
Crawford County				
Crisp County				
Dade County				
Dawson County				
De Kalb County				
Decatur County				
Dodge County				
Dooly County				

Georgia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Dougherty County				
Douglas County				
Early County				
Echols County				
Effingham County				
Elbert County				
Emanuel County				
Evans County				
Fannin County				
Fayette County				
Floyd County				
Forsyth County				
Franklin County				
Fulton County				
Gilmer County				
Glascock County				
Glynn County				
Gordon County				
Grady County				
Greene County				
Gwinnett County				
Habersham County				
Hall County				
Hancock County				
Haralson County				
Harris County				
Hart County				
Heard County				
Henry County				
Houston County				
Irwin County				
Jackson County				
Jasper County				
Jeff Davis County				
Jefferson County				
Jenkins County				
Johnson County				
Jones County				
Lamar County				
Lanier County				
Laurens County				
Lee County				
Liberty County				
Lincoln County				
Long County				
Lowndes County				
Lumpkin County				
Macon County				
Madison County				
Marion County				
McDuffie County				
McIntosh County				
Meriwether County				
Miller County				
Mitchell County				
Monroe County				
Montgomery County				
Morgan County				
Murray County				
Muscogee County				
Newton County				
Oconee County				
Oglethorpe County				
Paulding County				
Peach County				
Pickens County				
Pierce County				
Pike County				
Polk County				
Pulaski County				
Putnam County				

Georgia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Quitman County				
Rabun County				
Randolph County				
Richmond County				
Rockdale County				
Schley County				
Screven County				
Seminole County				
Spalding County				
Stephens County				
Stewart County				
Sumter County				
Talbot County				
Taliaferro County				
Tattnall County				
Taylor County				
Telfair County				
Terrell County				
Thomas County				
Tift County				
Toombs County				
Towns County				
Treutlen County				
Troup County				
Turner County				
Twiggs County				
Union County				
Upson County				
Walker County				
Walton County				
Ware County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
White County				
Whitfield County				
Wilcox County				
Wilkes County				
Wilkinson County				
Worth County				

[1] This date is November 15, 1990, unless otherwise noted.

Georgia—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Muscogee County (part)—That portion of the county which includes a circle with a radius of 2.3 kilometers with the GNB, Inc., lead smelting and battery production facility in the center.	June 11, 1999	Attainment		
Rest of State Not Designated				

Georgia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Atlanta Area:				
Cherokee County	11/15/90	Nonattainment	11/15/90	Serious.
Clayton County	11/15/90	Nonattainment	11/15/90	Serious.
Cobb County	11/15/90	Nonattainment	11/15/90	Serious.
Coweta County	11/15/90	Nonattainment	11/15/90	Serious.
De Kalb County	11/15/90	Nonattainment	11/15/90	Serious.
Douglas County	11/15/90	Nonattainment	11/15/90	Serious.
Fayette County	11/15/90	Nonattainment	11/15/90	Serious.
Forsyth County	11/15/90	Nonattainment	11/15/90	Serious.
Fulton County	11/15/90	Nonattainment	11/15/90	Serious.

Georgia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Gwinnett County	11/15/90	Nonattainment	11/15/90	Serious.
Henry County	11/15/90	Nonattainment	11/15/90	Serious.
Paulding County	11/15/90	Nonattainment	11/15/90	Serious.
Rockdale County	11/15/90	Nonattainment	11/15/90	Serious.
Spalding County Area:				
Spalding County	11/15/90	Unclassifiable/Attainment	11/15/90	
Rest of State	.....	Unclassifiable/Attainment		
Appling County				
Atkinson County				
Bacon County				
Baker County				
Baldwin County				
Banks County				
Barrow County				
Bartow County				
Ben Hill County				
Berrien County				
Bibb County				
Bleckley County				
Brantley County				
Brooks County				
Bryan County				
Bulloch County				
Burke County				
Butts County				
Calhoun County				
Camden County				
Candler County				
Carroll County				
Catoosa County				
Charlton County				
Chatham County				
Chattahoochee County				
Chattooga County				
Clarke County				
Clay County				
Clinch County				
Coffee County				
Colquitt County				
Columbia County				
Cook County				
Crawford County				
Crisp County				
Dade County				
Dawson County				
Decatur County				
Dodge County				
Dooly County				
Dougherty County				
Early County				
Echols County				
Effingham County				
Elbert County				
Emanuel County				
Evans County				
Fannin County				
Floyd County				
Franklin County				
Gilmer County				
Glascock County				
Glynn County				
Gordon County				
Grady County				
Greene County				
Habersham County				
Hall County				
Hancock County				
Haralson County				
Harris County				

Georgia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Hart County				
Heard County				
Houston County				
Irwin County				
Jackson County				
Jasper County				
Jeff Davis County				
Jefferson County				
Jenkins County				
Johnson County				
Jones County				
Lamar County				
Lanier County				
Laurens County				
Lee County				
Liberty County				
Lincoln County				
Long County				
Lowndes County				
Lumpkin County				
Macon County				
Madison County				
Marion County				
McDuffie County				
McIntosh County				
Meriwether County				
Miller County				
Mitchell County				
Monroe County				
Montgomery County				
Morgan County				
Murray County				
Muscogee County				
Newton County				
Oconee County				
Oglethorpe County				
Peach County				
Pickens County				
Pierce County				
Pike County				
Polk County				
Pulaski County				
Putnam County				
Quitman County				
Rabun County				
Randolph County				
Richmond County				
Schley County				
Screven County				
Seminole County				
Stephens County				
Stewart County				
Sumter County				
Talbot County				
Taliaferro County				
Tattnall County				
Taylor County				
Telfair County				
Terrell County				
Thomas County				
Tift County				
Toombs County				
Towns County				
Treutlen County				
Troup County				
Turner County				
Twiggs County				
Union County				
Upson County				
Walker County				
Walton County				

Georgia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ware County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
White County				
Whitfield County				
Wilcox County				
Wilkes County				
Wilkinson County				
Worth County				

[1] This date is October 18, 2000, unless otherwise noted.

Georgia—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40424, Sept. 11, 1978; 44 FR 70143, Dec. 6, 1979; 46 FR 46930, Sept. 23, 1981; 46 FR 53415, Oct. 29, 1981; 47 FR 31878, July 23, 1982; 47 FR 34148, Aug. 6, 1982; 48 FR 46537, Oct. 13, 1983; 51 FR 8829, Mar. 14, 1986; 56 FR 37288, Aug. 6, 1991; 56 FR 56741, Nov. 6, 1991; 57 FR 56769, Nov. 30, 1992; 63 FR 31037, June 5, 1998; 64 FR 17555, Apr. 12, 1999; 65 FR 45217, July 20, 2000]

§ 81.312 Hawaii.

Hawaii—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hawaii Island			X [1]	
Rest of the State				X

Hawaii—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State				X

[1] EPA designation replaces State designation.

Hawaii—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Hawaii County				
Honolulu County				
Kalawao				
Kauai County				
Maui County				

[1] This date is November 15, 1990, unless otherwise noted.

Hawaii—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Statewide		Unclassifiable/Attainment		
Hawaii County				
Honolulu County				
Kalawao				
Kauai County				
Maui County				

[1] This date is October 18, 2000, unless otherwise noted.

Hawaii—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Whole State		X

[43 FR 8964, Mar. 3, 1978, as amended at 44 FR 53084, Sept. 12, 1979; 50 FR 46437, Nov. 8, 1985; 56 FR 56746; Nov. 6, 1991; 63 FR 31039, June 5, 1998; 65 FR 45219, July 20, 2000]

§ 81.313 Idaho.

Idaho—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Eastern Idaho Intrastate AQCR 61:				
Pocatello				X
Remainder of AQCR 61				X
Eastern Washington-Northern Idaho Interstate AQCR 62 (Idaho Portion):				
Silver Valley (Shoshone County)			X	
Remainder of AQCR 62 (Idaho Portion)				X
Idaho Intrastate AQCR 63				X
Metropolitan Boise Intrastate AQCR 64				X

Idaho—Carbon Monoxide

Designated Area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Boise—Northern Ada County Area:				

Idaho—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
The Boise-Ada County nonattainment area is described as follows: Beginning at a point in the center of the channel of the Boise River which the section line between sections fifteen (15) and sixteen (16), Township three (3) north, range four (4) east crosses said river; thence down the center of the channel of the Boise River to a point opposite the mouth of Mores Creek. Thence in a straight line north forty four (44) degrees and 36 minutes west until the said line intersects the north line of Township five (5) north (12 Ter. Ses. 67); thence west to the northwest corner of Township five (5) north, range one (1) west; thence southerly to the northwest corner of Township three (3) north, range one (1) west; thence east to the northwest corner of Section four (4) township three (3) north, range one (1) west; thence south to the southeast corner of section thirty-two (32), township two (2) north, range one (1) west; thence, west to the northwest corner township one (1) north, range one (1) west; thence southerly to the southwest corner of township one (1) north, range one (1) west; thence east to the southwest corner of section thirty-three (33), township one (1) north, range four (4) east; thence in a northerly direction along the north and south centerline of township one (1), two (2) and three (3) north, range four (4) east, Boise Meridian, to a point in the center of the channel of the Boise River where the section line between section fifteen (15) and sixteen (16) township three (3) north, range four (4) east, Boise Meridian crosses said Boise River, the point of beginning	12/27/02	Attainment.		
AQCR 61 Eastern Idaho Intrastate		Unclassifiable/Attainment		
Bannock County				
Bear Lake County				
Bingham County				
Bonneville County				
Butte County				
Caribou County				
Clark County				
Franklin County				
Fremont County				
Jefferson County				
Madison County				
Oneida County				
Power County				
Teton County				
AQCR 62 Eastern Washington N Idaho Interstate		Unclassifiable/Attainment		
Benewah County				
Kootenai County				
Latah County				
Nez Perce County				
Shoshone County				
AQCR 63 Idaho Intrastate		Unclassifiable/Attainment		
Adams County				
Blaine County				
Boise County				
Bonner County				
Boundary County				
Camas County				
Cassia County				
Clearwater County				
Custer County				
Elmore County				
Gem County				
Gooding County				
Idaho County				
Jerome County				
Lemhi County				

Idaho—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lewis County				
Lincoln County				
Minidoka County				
Owyhee County				
Payette County				
Twin Falls County				
Valley County				
Washington County				
AQCR 64 Metropolitan Boise Intrastate (Remainder of)		Unclassifiable/Attainment		
Ada County (part)				
Remainder of County				
Canyon County				

[1] This date is November 15, 1990, unless otherwise noted.

Idaho—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
AQCR 61 Eastern Idaho Intrastate		Unclassifiable/Attainment		
Bannock County				
Bear Lake County				
Bingham County				
Bonneville County				
Butte County				
Caribou County				
Clark County				
Franklin County				
Fremont County				
Jefferson County				
Madison County				
Oneida County				
Power County				
Teton County				
AQCR 62 E Washington-N Idaho Interstate		Unclassifiable/Attainment		
Benewah County				
Kootenai County				
Latah County				
Nez Perce County				
Shoshone County				
AQCR 63 Idaho Intrastate		Unclassifiable/Attainment		
Adams County				
Blaine County				
Boise County				
Bonner County				
Boundary County				
Camas County				
Cassia County				
Clearwater County				
Custer County				
Elmore County				
Gem County				
Gooding County				
Idaho County				
Jerome County				
Lemhi County				
Lewis County				
Lincoln County				
Minidoka County				
Owyhee County				
Payette County				
Twin Falls County				
Valley County				
Washington County				
AQCR 64 Metropolitan Boise Interstate		Unclassifiable/Attainment		

Idaho—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Ada County Canyon County				

[1] This date is October 18, 2000, unless otherwise noted.

Idaho PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Eastern Idaho Intrastate AQCR 61:				
Power-Bannock Counties, part of: (Pocatello) State Lands—Portneuf Valley Area: T.5S, R.34E Sections 25–36 T.5S, R.35E Section 31 T.6S, R.34E Sections 1–36 T.6S, R.35E Sections 5–9, 16–21, 28–33, plus the West ½ of Sections 10, 15, 22, 27, 34 T.7S, R.34E Sections 1–4, 10–14, and 24 T.7S, R.35E Sections 4–9, 16–21, 28–33, plus the West ½ of Sections 3, 10, 15, 22, 27, 34 T.8S, R.35E Section 4, plus the West ½ of Section 3	11/15/90	Nonattainment	11/15/90	Moderate
Power-Bannock Counties, part of: (Pocatello) Fort Hall Indian Reservation: T.5S, R.34E Sections 15–23 T.5S, R.33E Sections 13–36 T.6S, R.33E Sections 1–36 T.7S, R.33E Sections 4, 5, 6 T.7S, R.34E Section 8	11/15/90	Nonattainment	11/15/90	Moderate
Pocatello: 336 square mile area from Schiller at the northwest to Inkom at southeast, excluding the Portneuf Valley and Fort Hall nonattainment areas.	11/15/90	Unclassifiable.		
Soda Springs: 96 square mile area encompassing Soda Springs, Conda and the industrial area in between.	11/15/90	Unclassifiable.		
Remainder of AQCR 61	11/15/90	Unclassifiable.		
Eastern Washington-Northern Idaho Interstate AQCR 62 (Idaho portion):				
Shoshone County: Pinehurst Expansion Area Northwest quarter of the Northwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Northwest quarter, Section 8, Township 48, North, Range 2 East; Northwest quarter of the Southwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter, Section 8, Township 48 North, Range 2 East; Southwest quarter of the Southwest quarter, Section 48 North, Range 2 East, Boise Base (known as ''Pinehurst expansion area'').	1/20/94	Nonattainment	1/20/94	Moderate.
City of Pinehurst	11/15/90	Nonattainment	11/15/90	Moderate.
Silver Valley (Shoshone County), excluding the Pinehurst Expansion Area and City of Pinehurst PM–10 nonattainment areas.	11/15/90	Unclassifiable.		
Lewiston	11/15/90	Unclassifiable.		
Remainder of AQCR 62 (Idaho portion)	11/15/90	Unclassifiable.		
Idaho Intrastate AQCR 63:				
Bonner County: Sandpoint Area: Section 1–3, 9–12, 15, 16, 21, 22, 27, 28 of range 2 west and Township 57 north; and the western ¾ of Sections 14, 23 and 26 of the same Township and range coordinates.	11/15/90	Nonattainment	11/15/90	Moderate.
Remainder of AQCR 63	11/15/90	Unclassifiable.		

Idaho PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Metropolitan Boise the Intrastate AQCR 64:				
Ada County: Boise	3/12/99	Pre-existing	3/12/99 PM–10 NAAQS NA	Pre-existing PM–10 NAAQS NA
Northern Boundary—Beginning at a point in the center of the channel of the Boise River, where the line between sections 15 and 16 in Township 3 north (T3N), range 4 east (R4E), crosses said Boise River; thence, west down the center of the channel of the Boise River to a point opposite the mouth of More's Creek; thence, in a straight line north 44 degrees and 38 minutes west until the said line intersects the north line T5N (12 Ter. Ses. 67); thence west to the northwest corner T5N, R1W.				
Western Boundary—Thence, south to the northwest corner of T3N, R1W; thence east to the northwest corner of section 4 of T3N, R1W; thence south to the southeast corner of section 32 of T2N, R1W; thence, west to the northwest corner of T1N, R1W; thence, south to the southwest corner of section 32 of T2N, R1W; thence, west to the northwest corner of T1N, R1W; thence south to the southwest corner of T1N, R1W.				
Southern Boundary—Thence, east to the southwest corner of section 33 of T1N, R4E.				
Eastern Boundary—Thence, north along the north and south center line of Townships T1N, R4E, T2N, R4E, and T3N, R4E, Boise Meridian to the beginning point in the center of the channel of the Boise River.				
Remainder of AQCR 64	11/15/90	Unclassifiable..		

Idaho—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Eastern Idaho Intrastate AQCR 61		X
Eastern Washington-Northern Idaho Interstate AQCR 62 (Idaho Portion)		X
Idaho Intrastate AQCR 63		X
Metropolitan Boise Intrastate AQCR 64		X

[54 FR 27344, June 29, 1989, as amended at 56 FR 56746, Nov. 6, 1991; 57 FR 56769, Nov. 30, 1992; 58 FR 67343, Dec. 21, 1993; 60 FR 25147, May 11, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 29671, June 12, 1996; 63 FR 31040, June 5, 1998; 64 FR 12264, Mar. 12, 1999; 65 FR 45220, July 20, 2000; 67 FR 65718, Oct. 28, 2002; 68 FR 2226, Jan. 16, 2003; 68 FR 7174, Feb. 12, 2003]

§ 81.314 Illinois.

Illinois—TSP

Designated area	Does not meet primary	Does not meet secondary	Cannot be classified	Better than national standards
Cook County:				
a. Lyons Township	X	X		

Illinois—TSP

Designated area	Does not meet primary	Does not meet secondary	Cannot be classified	Better than national standards
b. The area bounded on the north by 79th Street, on the west by Interstate 57 between Sibley Boulevard and Interstate 94 and by Interstate 94 between Interstate 57 and 79th Street, on the south by Sibley Boulevard, and on the east by the Illinois/Indiana State line	X	X		
LaSalle County:				
Those portions of LaSalle Township located in the following Townships, ranges, and sections: T33N, R1E, S24; T33N, R1E, S25; T33N, R2E, S30; T33N, R2E, S31; and T33N, R1E, S36	X	X		
Those portions of Deer Park Township located in the following Townships, ranges, and sections: T32N, R1E, S1; T32N, R2E, S6; T33N, R1E, S24; T33N, R1E, S25; T33N, R2E, S30; T33N, R2E, S31; and T33N, R1E, S36		X		
Madison County: Granite City Township and Nameoki Township	X	X		
All other portions of Illinois counties				X

Illinois—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 65:				
Fulton County				X
Hancock County				X
Henderson County				X
Knox County				X
McDonough County				X
Mason County				X
Peoria County				X
Tazewell County				X
Warren County				X
Woodford County				X
Lee County				X
AQCR 66:				
Champaign County				X
Clark County				X
Coles County				X
Cumberland County				X
De Witt County				X
Douglas County				X
Edgar County				X
Ford County				X
Iroquois County				X
Livingston County				X
McLean County				X
Moultrie County				X
Platt County				X
Shelby County				X
Vermilion County				X
AQCR 67:				
Cook County:				
Bremer Twp			X	
Calumet Twp			X	
Thornton Twp			X	
Worth Twp			X	
All other Cook County twps				X
Will County:				
Channahon Twp			X	
Du Page Twp			X	
Joliet Twp			X	
Lockport Twp			X	
Troy Twp			X	
All other Will County twps				X
Du Page County				X
Grundy County				X
Kane County				X
Kankakee County				X

Illinois—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kendall County				X
Lake County				X
McHenry County				X
AQCR 68:				
Jo Daviess County				X
AQCR 69:				
Carroll County				X
Henry County				X
Mercer County				X
Rock Island County				X
Whiteside County				X
AQCR 70:				
Madison County:				
Wood River Twp			X	
Alton Twp			X	
All other Madison twps				X
Bond County				X
Clinton County				X
Monroe County				X
Randolph County				X
St. Clair County				X
Washington County				X
AQCR 71:				
Bureau County:				
Shelby Twp			X	
All other Bureau twps				X
La Salle County				X
Lee County				X
Marshall County				X
Putnam County				X
Stark County				X
AQCR 72:				
Massac County				X
Alexander County				X
Johnson County				X
Pope County				X
Pulaski County				X
Union County				X
AQCR 73				
Boone County				X
De Kalb County				X
Ogle County				X
Stephenson				X
Winnebago County				X
AQCR 74:				
Clay County				X
Crawford County				X
Edwards County				X
Effingham County				X
Fayette County				X
Franklin County				X
Gallatin County				X
Hamilton County				X
Hardin County				X
Jackson County				X
Jasper County				X
Jefferson County				X
Lawrence County				X
Marion County				X
Perry County				X
Richland County				X
Saline County				X
Wabash County				X
Wayne County				X
White County				X
Williamson County				X
AQCR 75:				
Christian County:.				
South Fork Twp			X	
All other twps				X

Illinois—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Sangamon County:.				
Capital Twp			X	
Cooper Twp			X	
Cotton Hill Twp			X	
Rochester Twp			X	
Woodside Twp			X	
All other twps				X
Adams County				X
Brown County				X
Calhoun County				X
Cass County				X
Greene County				X
Jersey County				X
Logan County				X
Macon County				X
Nacoupin County				X
Menard County				X
Montgomery County				X
Morgan County				X
Pike County				X
Schuyler County				X
Scott County				X

Illinois—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Adams County		Unclassifiable/Attainment		
Alexander County		Unclassifiable/Attainment		
Bond County		Unclassifiable/Attainment		
Boone County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Bureau County		Unclassifiable/Attainment		
Calhoun County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Champaign County		Unclassifiable/Attainment		
Christian County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Coles County		Unclassifiable/Attainment		
Cook County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Cumberland County		Unclassifiable/Attainment		
De Kalb County		Unclassifiable/Attainment		
De Witt County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		

Illinois—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Du Page County		Unclassifiable/Attainment		
Edgar County		Unclassifiable/Attainment		
Edwards County		Unclassifiable/Attainment		
Effingham County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Ford County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallatin County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Grundy County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Henderson County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Iroquois County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jersey County		Unclassifiable/Attainment		
Jo Daviess County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Kane County		Unclassifiable/Attainment		
Kankakee County		Unclassifiable/Attainment		
Kendall County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
La Salle County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Livingston County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Macon County		Unclassifiable/Attainment		
Macoupin County		Unclassifiable/Attainment		

Illinois—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Madison County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Mason County		Unclassifiable/Attainment		
Massac County		Unclassifiable/Attainment		
McDonough County		Unclassifiable/Attainment		
McHenry County		Unclassifiable/Attainment		
McLean County		Unclassifiable/Attainment		
Menard County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Moultrie County		Unclassifiable/Attainment		
Ogle County		Unclassifiable/Attainment		
Peoria County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Piatt County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Pope County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Rock Island County		Unclassifiable/Attainment		
St. Clair County		Unclassifiable/Attainment		
Saline County		Unclassifiable/Attainment		
Sangamon County		Unclassifiable/Attainment		
Schuyler County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Stark County		Unclassifiable/Attainment		
Stephenson County		Unclassifiable/Attainment		
Tazewell County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		

Illinois—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Vermilion County		Unclassifiable/Attainment		
Wabash County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whiteside County		Unclassifiable/Attainment		
Will County		Unclassifiable/Attainment		
Williamson County		Unclassifiable/Attainment		
Winnebago County		Unclassifiable/Attainment		
Woodford County		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Illinois—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Chicago-Gary-Lake County Area:				
Cook County	11/15/90	Nonattainment	11/15/90	Severe-17.
Du Page County	11/15/90	Nonattainment	11/15/90	Severe-17.
Grundy County (part)				
Aux Sable Township	11/15/90	Nonattainment	11/15/90	Severe-17.
Goose Lake Township	11/15/90	Nonattainment	11/15/90	Severe-17.
Kane County	11/15/90	Nonattainment	11/15/90	Severe-17.
Kendall County (part)				
Oswego Township	11/15/90	Nonattainment	11/15/90	Severe-17.
Lake County	11/15/90	Nonattainment	11/15/90	Severe-17.
McHenry County	11/15/90	Nonattainment	11/15/90	Severe-17.
Will County	11/15/90	Nonattainment	11/15/90	Severe-17.
Jersey County Area:				
Jersey County	.....	Attainment [2]		
St. Louis Area:				
Madison County	5/12/03	Attainment		
Monroe County	5/12/03	Attainment		
St. Clair County	5/12/03	Attainment		
Adams County	.....	Unclassifiable/Attainment		
Alexander County	.....	Unclassifiable/Attainment		
Bond County	.....	Unclassifiable/Attainment		
Boone County	.....	Unclassifiable/Attainment		
Brown County	.....	Unclassifiable/Attainment		
Bureau County	.....	Unclassifiable/Attainment		
Calhoun County	.....	Unclassifiable/Attainment		
Carroll County	.....	Unclassifiable/Attainment		
Cass County	.....	Unclassifiable/Attainment		
Champaign County	.....	Unclassifiable/Attainment		
Christian County	.....	Unclassifiable/Attainment		

Illinois—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Coles County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Cumberland County		Unclassifiable/Attainment		
De Kalb County		Unclassifiable/Attainment		
De Witt County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Edgar County		Unclassifiable/Attainment		
Edwards County		Unclassifiable/Attainment		
Effingham County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Ford County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallatin County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Grundy County (part) All townships except Aux Sable and Goose Lake.		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Henderson County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Iroquois County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jo Daviess County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Kankakee County		Unclassifiable/Attainment		
Kendall County (part) All townships except Oswego		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
La Salle County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		

Illinois—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Lee County		Unclassifiable/Attainment		
Livingston County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Macon County		Unclassifiable/Attainment		
Macoupin County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Mason County		Unclassifiable/Attainment		
Massac County		Unclassifiable/Attainment		
McDonough County		Unclassifiable/Attainment		
McLean County		Unclassifiable/Attainment		
Menard County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Moultrie County		Unclassifiable/Attainment		
Ogle County		Unclassifiable/Attainment		
Peoria County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Piatt County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Pope County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Rock Island County		Unclassifiable/Attainment		
Saline County		Unclassifiable/Attainment		
Sangamon County		Unclassifiable/Attainment		
Schuyler County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Stark County		Unclassifiable/Attainment		
Stephenson County		Unclassifiable/Attainment		
Tazewell County		Unclassifiable/Attainment		

Illinois—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Union County		Unclassifiable/Attainment		
Vermilion County		Unclassifiable/Attainment		
Wabash County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whiteside County		Unclassifiable/Attainment		
Williamson County		Unclassifiable/Attainment		
Winnebago County		Unclassifiable/Attainment		
Woodford County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.
[2] April 13, 1995.

Illinois—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Cook County				
a. Lyons Township	11/15/90	Nonattainment	11/15/90	Moderate
b. The area bounded on the north by 79th Street, on the west by Interstate 57 between Sibley Boulevard and Interstate 94 and by Interstate 94 between Interstate 57 and 79th Street, on the south by Sibley Boulevard, and on the east by the Illinois/Indiana State line	11/15/90	Nonattainment	11/15/90	Moderate
LaSalle County	10/7/96	Attainment		
Oglesby including the following Townships, ranges, and sections: T32N, R1E, S1; T32N, R2E, S6; T33N, R1E, S24; T33N, R1E, S25; T33N, R2E, S30; T33N, R2E, S31; and T33N, R1E, S36				
Madison County				
Granite City Township and Nameoki Township	5/11/98	Attainment		
Rest of State	11/15/90	Unclassifiable.		

Illinois—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 65:		
Fulton County		X
Hancock County		X
Henderson County		X
Knox County		X
McDonough County		X
Mason County		X
Peoria County		X
Tazewell County		X
Warren County		X
Woodford County		X
Lee County		X
AQCR 66:		
Champaign County		X
Clark County		X
Coles County		X

Illinois—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cumberland County		X
De Witt County		X
Douglas County		X
Edgar County		X
Ford County		X
Iroquois County		X
Livingston County		X
McLean County		X
Moultrie County		X
Piatt County		X
Shelby County		X
Vermilion County		X
AQCR 67:		
Cook County		X
Du Page County		X
Grundy County		X
Kane County		X
Kankakee County		X
Kendall County		X
Lake County		X
McHenry County		X
Will County		X
AQCR 68:		
Jo Daviess County		X
AQCR 69:		
Carroll County		X
Henry County		X
Mercer County		X
Rock Island County		X
Whiteside County		X
AQCR 70:		
Bond County		X
Clinton County		X
Madison County		X
Monroe County		X
Randolph County		X
St. Clair County		X
Washington County		X
AQCR 71:		
Bureau County		X
La Salle County		X
Lee County		X
Marshall County		X
Putnam County		X
Stark County		X
AQCR 72:		
Alexander County		X
Johnson County		X
Massac County		X
Pope County		X
Pulaski County		X
Union County		X
AQCR 73:		
Boone County		X
De Kalb County		X
Ogle County		X
Stephenson County		X
Winnebago County		X
AQCR 74:		
Clay County		X
Crawford County		X
Edwards County		X
Effingham County		X
Fayette County		X
Franklin County		X
Gallatin County		X
Hamilton County		X
Hardin County		X
Jackson County		X

Illinois—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Jasper County		X
Jefferson County		X
Lawrence County		X
Marion County		X
Perry County		X
Richland County		X
Saline County		X
Wabash County		X
Wayne County		X
White County		X
Williamson County		X
AQCR 75:		
Adams County		X
Brown County		X
Calhoun County		X
Cass County		X
Christian County		X
Greene County		X
Jersey County		X
Logan County		X
Macon County		X
Macoupin County		X
Menard County		X
Montgomery County		X
Morgan County		X
Pike County		X
Sangamon County		X
Schuyler County		X
Scott County		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 46004, Oct. 5, 1978; 45 FR 6787, Jan. 30, 1980; 45 FR 42284, June 24, 1980; 45 FR 48132, July 18, 1980; 47 FR 31878, July 23, 1982; 48 FR 21950, May 16, 1983; 48 FR 31206, July 7, 1983; 49 FR 7369, Feb. 29, 1984; 49 FR 24133, June 12, 1984; 49 FR 31689, Aug. 8, 1984; 50 FR 1512, Jan. 11, 1985; 51 FR 24826, July 9, 1986; 55 FR 43126, Oct. 26, 1990; 56 FR 56749, Nov. 6, 1991; 57 FR 56769, Nov. 30, 1992; 58 FR 25567, Apr. 27, 1993; 60 FR 13635, Mar. 14, 1995; 60 FR 16997, Apr. 4, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 41345, Aug. 8, 1996; 63 FR 11847, Mar. 11, 1998; 63 FR 31041, June 5, 1998; 65 FR 45221, July 20, 2000; 66 FR 15589, Mar. 19, 2001; 68 FR 4840, Jan. 30, 2003; 68 FR 25466, May 12, 2003]

§ 81.315 Indiana.

Indiana—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Dearborn County			X	
Gibson County			[1] X	
Jefferson County			[1] X	
Lake County:				
An area bounded on the north by Lake Michigan, on the west by the Indiana-Illinois State line, on the south by U.S. 30 from the State line to the intersection of I–65 then following I–65 to the intersection of I–94 then following I–94 to the Lake-Porter County line, & on the east by the Lake-Porter County line.	X			
The remainder of Lake County				X
LaPorte County				X
Marion County				X
Porter County:				
An area bound on the north by Lake Michigan, on the west by the Lake-Porter County line, on the south by I–80 and 90 and on the east by the LaPorte-Porter County line			X	
The remainder of Porter County				X
Vigo County				X
Warrick County			[1] X	
Wayne County				X

Indiana—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
All portions of all other Indiana Counties	.....	.....	.....	X

[1] EPA designation replaces State designation.

Indiana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
East Chicago Area:				
Lake County (part)	February 18, 2000	Attainment		
Part of City of East Chicago (area bounded by Columbus Drive on the north, the Indiana Harbor Canal on the west, 148th St. if extended, on the south, and Euclid Ave, on the east..				
Indianapolis Area:				
Marion County (part)	February 18, 2000	Attainment		
Part of City of Indianapolis (area bounded by 11th St, on the north, Capital on the west, Georgia St. on the south, and Delaware on the east)..				
Lake County (part):				
The remainder of East Chicago and Lake County	.....	Unclassifiable/Attainment		
Marion County (part)				
The remainder of Indianapolis and Marion County	.....	Unclassifiable/Attainment		
Adams County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Bartholomew County		Unclassifiable/Attainment		
Benton County		Unclassifiable/Attainment		
Blackford County		Unclassifiable/Attainment		
Boone County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Daviess County		Unclassifiable/Attainment		
De Kalb County		Unclassifiable/Attainment		
Dearborn County		Unclassifiable/Attainment		
Decatur County		Unclassifiable/Attainment		
Delaware County		Unclassifiable/Attainment		
Dubois County		Unclassifiable/Attainment		
Elkhart County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		

Indiana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Floyd County		Unclassifiable/Attainment		
Fountain County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gibson County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Hendricks County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Howard County		Unclassifiable/Attainment		
Huntington County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jay County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jennings County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Kosciusko County		Unclassifiable/Attainment		
La Porte County		Unclassifiable/Attainment		
Lagrange County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
Miami County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Newton County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ohio County		Unclassifiable/Attainment		

Indiana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Orange County		Unclassifiable/Attainment		
Owen County		Unclassifiable/Attainment		
Parke County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Porter County		Unclassifiable/Attainment		
Posey County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Ripley County		Unclassifiable/Attainment		
Rush County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Spencer County		Unclassifiable/Attainment		
St. Joseph County		Unclassifiable/Attainment		
Starke County		Unclassifiable/Attainment		
Steuben County		Unclassifiable/Attainment		
Sullivan County		Unclassifiable/Attainment		
Switzerland County		Unclassifiable/Attainment		
Tippecanoe County		Unclassifiable/Attainment		
Tipton County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Vanderburgh County		Unclassifiable/Attainment		
Vermillion County		Unclassifiable/Attainment		
Vigo County		Unclassifiable/Attainment		
Wabash County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Warrick County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Wells County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whitley County		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Indiana—Lead

Designated area	Designation		Classification	
	Date	Type	Date	Type
Marion County (Part)—Part of Franklin Township: Thompson Road on the south; Emerson Avenue on the west; Five Points Road on the East; and Troy Avenue on the north.	July 10, 2000	Attainment		
Marion County (Part)—Part of Wayne Township: Rockville Road on the north; Girls School Road on the east; Washington Street on the south; and Bridgeport Road on the west.	July 10, 2000	Attainment		
Rest of State Not Designated.				

Indiana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Chicago-Gary-Lake County Area:				
Lake County	11/15/90	Nonattainment	11/15/90	Severe-17
Porter County	11/15/90	Nonattainment	11/15/90	Severe-17
Evansville Area:				
Vanderburgh County	.....	Attainment		
Indianapolis Area:				
Marion County	.....	Attainment		
Louisville Area:				
Clark County	10/23/01	Attainment		
Floyd County	10/23/01	Attainment		
South Bend-Elkhart Area:				
Elkhart County	.....	Attainment		
St Joseph County	.....	Attainment		
Allen County	.....	Unclassifiable/Attainment		
Adams County	.....	Unclassifiable/Attainment		
Bartholomew County	.....	Unclassifiable/Attainment		
Benton County	.....	Unclassifiable/Attainment		
Blackford County	.....	Unclassifiable/Attainment		
Boone County	.....	Unclassifiable/Attainment		
Brown County	.....	Unclassifiable/Attainment		
Carroll County	.....	Unclassifiable/Attainment		
Cass County	.....	Unclassifiable/Attainment		
Clay County	.....	Unclassifiable/Attainment		
Clinton County	.....	Unclassifiable/Attainment		
Crawford County	.....	Unclassifiable/Attainment		
Daviess County	.....	Unclassifiable/Attainment		
De Kalb County	.....	Unclassifiable/Attainment		
Dearborn County	.....	Unclassifiable/Attainment		
Decatur County	.....	Unclassifiable/Attainment		
Delaware County	.....	Unclassifiable/Attainment		
Dubois County	.....	Unclassifiable/Attainment		
Fayette County	.....	Unclassifiable/Attainment		
Fountain County	.....	Unclassifiable/Attainment		
Franklin County	.....	Unclassifiable/Attainment		

Indiana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Fulton County		Unclassifiable/Attainment		
Gibson County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Hendricks County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Howard County		Unclassifiable/Attainment		
Huntington County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jay County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jennings County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Kosciusko County		Unclassifiable/Attainment		
La Porte County	11/15/90	Unclassifiable/Attainment	11/15/90	
Lagrange County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
Miami County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Newton County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ohio County		Unclassifiable/Attainment		
Orange County		Unclassifiable/Attainment		
Owen County		Unclassifiable/Attainment		
Parke County		Unclassifiable/Attainment		

Indiana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Perry County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Posey County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Ripley County		Unclassifiable/Attainment		
Rush County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Spencer County		Unclassifiable/Attainment		
Starke County		Unclassifiable/Attainment		
Steuben County		Unclassifiable/Attainment		
Sullivan County		Unclassifiable/Attainment		
Switzerland County		Unclassifiable/Attainment		
Tippecanoe County		Unclassifiable/Attainment		
Tipton County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Vermillion County		Unclassifiable/Attainment		
Vigo County		Unclassifiable/Attainment		
Wabash County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Warrick County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Wells County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whitley County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Indiana—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Lake County: Cities of East Chicago, Hammond, Whiting, and Gary	03/11/03	Attainment.		
Vermillion County: Part of Clinton Township, including sections 15, 16, 21, 22, 27, 28, 33, and 34	10/27/97	Attainment.		
Rest of State	11/15/90	Unclassifiable.		

Indiana—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
All portions of all Indiana Counties		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 46007, Oct. 5, 1978; 46 FR 47222, Sept. 25, 1981; 46 FR 54341, Nov. 2, 1981; 46 FR 63272, Dec. 31, 1981; 47 FR 11016, Mar. 15, 1982; 47 FR 30981, July 16, 1982; 47 FR 31878, July 23, 1982; 47 FR 35967, Aug. 18, 1982; 47 FR 38890, Sept. 3, 1982; 49 FR 13353, Apr. 4, 1984; 49 FR 23343, June 6, 1984; 50 FR 11504, Mar. 22, 1985; 50 FR 15749, Apr. 22, 1985; 50 FR 52923, Dec. 27, 1985; 51 FR 5519, Feb. 14, 1986; 55 FR 38328, Sept. 18, 1990; 56 FR 56753, Nov. 6, 1991; 57 FR 56770, Nov. 30, 1992; 59 FR 54395, Oct. 31, 1994; 60 FR 55798, Nov. 3, 1995; 61 FR 58486, Nov. 15, 1996; 61 FR 60616, Nov. 29, 1996; 62 FR 18523, Apr. 16, 1997; 62 FR 45171, Aug. 26, 1997; 62 FR 55178, Oct. 23, 1997; 62 FR 64736, Dec. 9, 1997; 63 FR 31042, June 5, 1998; 63 FR 39435, July 22, 1998; 65 FR 2888, Jan. 19, 2000; 65 FR 29963, May 10, 2000; 65 FR 45222, July 20, 2000; 66 FR 53685, Oct. 23, 2001; 68 FR 1373, Jan. 10, 2003]

§ 81.316 Iowa.

Iowa—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Central portion of Waterloo			X	
Cedar Falls Township			X	
East Waterloo Township			X	
Remainder of Black Hawk County				X
Mason City—A portion of Cerro Gordo County contained entirely within sections 27, 28, 29, 32, 33, 34 and 35 of T97N R20W and sections 2, 3, 4 and 5 of T96N R20W			X	
Mason City—two separate portions of Cerro Gordo County contained entirely within sections 13, 24 and 25 of T97N R21W; sections 18, 19, 20, 21, 30, 31 and 35 of T97N R20W; and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16 and 17 of T96N R20W			X	
Falls Township			X	
Lake Township			X	
Lincoln Township			X	
Remainder of Cerro Gordo County				X
An area around downtown Clinton			X	
Comanche Township			X	
Remainder of Clinton County				X
Burlington Township			X	
Remainder of Des Moines County				X
Iowa City Township			X	
Remainder of Johnson County				X
An area in and near Keokuk			X	
Jackson Township			X	
Jefferson Township			X	
Madison Township			X	
Remainder of Lee County				X
Cedar Rapids—a portion of Linn County contained entirely within T 82 N., R 7 W.; and T 83 N., R 7 W			X	
Bertram Township			X	
Clinton Township			X	
College Township			X	
Fairfax Township			X	
Marion Township			X	
Monroe Township			X	
Putnam Township			X	
Remainder of Linn County				X
The central portion of Marshalltown			X	
Remainder of Marshall County				X
The central and southern portions of Muscatine			X	
Fruitland Township			X	
Sweetland Township			X	
Montpelier Township			X	
Remainder of Muscatine County				X

Iowa—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
An area of central Des Moines east of U.S. Highway 65 & 69 (E. 14th Street)			X	
Portions of Polk County contained entirely within T 78 N. R 23 W.; T 78 N. R 24 W.; T 78 N. R 25 W.; T 80 R 24 W.; T 79 N. R 23 W.; T 79 N. R 24 W.; and T 79 R 25 W			X	
Clay Township			X	
Douglas Township			X	
Jefferson Township			X	
Remainder of Polk County				X
The western portion of Council Bluffs and Carter Lake			X	
Lake Township			X	
Lewis Township			X	
Remainder of Pottawatomie County				X
Portions of Buffalo, Davenport, Bettendorf and Riverdale			X	
Remainder of Scott County				X
Center Township			X	
Remainder of Wapello County				X
The central portion Ft. Dodge			X	
Otho Township			X	
Remainder of Webster County				X
The central and southern portions of Sioux City			X	
Liberty Township			X	
Woodbury Township			X	
Remainder of Woodbury County				X
Remainder of State				X

[1] EPA designation replaces State designation.

Iowa–SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire state				X

Iowa—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Adair County				
Adams County				
Allamakee County				
Appanoose County				
Audubon County				
Benton County				
Black Hawk County				
Boone County				
Bremer County				
Buchanan County				
Buena Vista County				
Butler County				
Calhoun County				
Carroll County				
Cass County				
Cedar County				
Cerro Gordo County				
Cherokee County				
Chickasaw County				
Clarke County				
Clay County				
Clayton County				
Clinton County				
Crawford County				
Dallas County				
Davis County				
Decatur County				
Delaware County				

Iowa—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Des Moines County				
Dickinson County				
Dubuque County				
Emmet County				
Fayette County				
Floyd County				
Franklin County				
Fremont County				
Greene County				
Grundy County				
Guthrie County				
Hamilton County				
Hancock County				
Hardin County				
Harrison County				
Henry County				
Howard County				
Humboldt County				
Ida County				
Iowa County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Jones County				
Keokuk County				
Kossuth County				
Lee County				
Linn County				
Louisa County				
Lucas County				
Lyon County				
Madison County				
Mahaska County				
Marion County				
Marshall County				
Mills County				
Mitchell County				
Monona County				
Monroe County				
Montgomery County				
Muscatine County				
O'Brien County				
Osceola County				
Page County				
Palo Alto County				
Plymouth County				
Pocahontas County				
Polk County				
Pottawattamie County				
Poweshiek County				
Ringgold County				
Sac County				
Scott County				
Shelby County				
Sioux County				
Story County				
Tama County				
Taylor County				
Union County				
Van Buren County				
Wapello County				
Warren County				
Washington County				
Wayne County				
Webster County				
Winnebago County				
Winneshiek County				
Woodbury County				
Worth County				

Iowa—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Wright County				

[1] This date is November 15, 1990, unless otherwise noted.

Iowa—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Statewide	.....	Unclassifiable/Attainment		
Adair County				
Adams County				
Allamakee County				
Appanoose County				
Audubon County				
Benton County				
Black Hawk County				
Boone County				
Bremer County				
Buchanan County				
Buena Vista County				
Butler County				
Calhoun County				
Carroll County				
Cass County				
Cedar County				
Cerro Gordo County				
Cherokee County				
Chickasaw County				
Clarke County				
Clay County				
Clayton County				
Clinton County				
Crawford County				
Dallas County				
Davis County				
Decatur County				
Delaware County				
Des Moines County				
Dickinson County				
Dubuque County				
Emmet County				
Fayette County				
Floyd County				
Franklin County				
Fremont County				
Greene County				
Grundy County				
Guthrie County				
Hamilton County				
Hancock County				
Hardin County				
Harrison County				
Henry County				
Howard County				
Humboldt County				
Ida County				
Iowa County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Jones County				
Keokuk County				
Kossuth County				
Lee County				
Linn County				
Louisa County				
Lucas County				
Lyon County				

Iowa—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Madison County				
Mahaska County				
Marion County				
Marshall County				
Mills County				
Mitchell County				
Monona County				
Monroe County				
Montgomery County				
Muscatine County				
O'Brien County				
Osceola County				
Page County				
Palo Alto County				
Plymouth County				
Pocahontas County				
Polk County				
Pottawattamie County				
Poweshiek County				
Ringgold County				
Sac County				
Scott County				
Shelby County				
Sioux County				
Story County				
Tama County				
Taylor County				
Union County				
Van Buren County				
Wapello County				
Warren County				
Washington County				
Wayne County				
Webster County				
Winnebago County				
Winneshiek County				
Woodbury County				
Worth County				
Wright County				

[1] This date is October 18, 2000, unless otherwise noted.

Iowa—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 14574, Mar. 6, 1980; 46 FR 17558, Mar. 19, 1981; 46 FR 48930, Oct. 5, 1981; 47 FR 19526, May 6, 1982; 47 FR 38322, Aug. 31, 1982; 47 FR 43061, Sept. 30, 1982; 49 FR 19479, May 8, 1984; 49 FR 43471, Oct. 29, 1984; 54 FR 5238, Feb. 2, 1989; 54 FR 33540, Aug. 15, 1989; 56 FR 56756, Nov. 6, 1991; 59 FR 11195, Mar. 10, 1994; 63 FR 13345, Mar. 19, 1998; 63 FR 31044, June 5, 1998; 65 FR 45224, July 20, 2000]

§ 81.317 Kansas.

Kansas—TSP

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Allen County				X
Anderson County				X
Atchinson County				X
Barker County				X
Barton County				X

Kansas—TSP

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Burton County				X
Brown County				X
Butler County				X
Chase County				X
Chautauqua County				X
Cherokee County				X
Cheyenne County				X
Clark County				X
Clay County				X
Cloud County				X
Coffey County				X
Comanche County				X
Cowley County				X
Crawford County				X
Dickinson County				X
Decatur County				X
Doniphan County				X
Douglas County				X
Edwards County				X
Elk County				X
Ellis County				X
Ellsworth County				X
Finney County				X
Ford County				X
Franklin County				X
Geary County				X
Gove County				X
Graham County				X
Grant County				X
Gray County				X
Greeley County				X
Greenwood County				X
Hamilton County				X
Harper County				X
Harvey County				X
Haskell County				X
Hodgeman County				X
Jackson County				X
Jefferson County				X
Jewell County				X
Johnson County				X
Kearney County				X
Kingman County				X
Kiowa County				X
Labette County				X
Lane County				X
Leavenworth County				X
Lincoln County				X
Linn County				X
Logan County				X
Lyon County				X
McPherson County				X
Marion County				X
Marshall County				X
Meade County				X
Miami County				X
Mitchell County				X
Montgomery County				X
Morris County				X
Morton County				X
Nemaha County				X
Neosho County				X
Ness County				X
Norton County				X
Osage County				X
Osborne County				X
Ottawa County				X
Pawnee County				X
Phillips County				X
Pottawatomie County				X

Kansas—TSP

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Pratt County				X
Rawlins County				X
Reno County				X
Republic County				X
Rice County				X
Riley County				X
Rooks County				X
Rush County				X
Russell County				X
Saline County				X
Scott County				X
Sedgwick County				X
Seward County				X
Shawnee County				X
Sheridan County				X
Sherman County				X
Smith County				X
Stafford County				X
Stanton County				X
Stevens County				X
Sumner County				X
Thomas County				X
Trego County				X
Wallace County				X
Wabaunsee County				X
Washington County				X
Wichita County				X
Wilson County				X
Woodson County				X
Wyandotte County				
A. Most of the area between I–635 and the Missouri state line			X	
B. Remainder of County				X

Kansas—SO_2

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Allen County				X
Anderson County				X
Atchison County				X
Barber County				X
Barton County				X
Bourbon County				X
Brown County				X
Butler County				X
Chase County				X
Chautauqua County				X
Cherokee County				X
Cheyenne County				X
Clark County				X
Clay County				X
Cloud County				X
Coffey County				X
Comanche County				X
Cowley County				X
Crawford County				X
Decatur County				X
Dickinson County				X
Doniphan County				X
Douglas County				X
Edwards County				X
Elk County				X
Ellis County				X
Ellsworth County				X
Finney County				X
Ford County				X

Kansas—SO_2

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Franklin County				X
Geary County				X
Gove County				X
Graham County				X
Grant County				X
Gray County				X
Greeley County				X
Greenwood County				X
Hamilton County				X
Harper County				X
Harvey County				X
Haskell County				X
Hodgeman County				X
Jackson County				X
Jefferson County				X
Jewell County				X
Johnson County				X
Kearney County				X
Kingman County				X
Kiowa County				X
Labette County				X
Lane County				X
Leavenworth County				X
Lincoln County				X
Linn County				X
Logan County				X
Lyon County				X
McPhearson County				X
Marion County				X
Marshall County				X
Meade County				X
Miami County				X
Mitchell County				X
Montgomery County				X
Morris County				X
Morton County				X
Pottawatomie and Nemaha Counties				X
Neosho County				X
Ness County				X
Norton County				X
Osage County				X
Osborne County				X
Ottawa County				X
Pawnee County				X
Phillips County				X
Pratt County				X
Rawlins County				X
Reno County				X
Republic County				X
Rice County				X
Riley County				X
Rooks County				X
Rush County				X
Russell County				X
Saline County				X
Scott County				X
Sedgwick County				X
Seward County				X
Shawnee County				X
Sheridan County				X
Sherman County				X
Smith County				X
Stafford County				X
Stanton County				X
Stevens County				X
Sumner County				X
Thomas County				X
Trego County				X
Wabaunsee County				X
Wallace County				X

Kansas—SO_2

Designated area (county)	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Washington County				X
Wichita County				X
Wilson County				X
Woodson County				X
Wyandotte County				X

Kansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Allen County		Unclassifiable/ Attainment		
Anderson County		Unclassifiable/ Attainment		
Atchison County		Unclassifiable/ Attainment		
Barber County		Unclassifiable/ Attainment		
Barton County		Unclassifiable/ Attainment		
Bourbon County		Unclassifiable/ Attainment		
Brown County		Unclassifiable/ Attainment		
Butler County		Unclassifiable/ Attainment		
Chase County		Unclassifiable/ Attainment		
Chautauqua County		Unclassifiable/ Attainment		
Cherokee County		Unclassifiable/ Attainment		
Cheyenne County		Unclassifiable/ Attainment		
Clark County		Unclassifiable/ Attainment		
Clay County		Unclassifiable/ Attainment		
Cloud County		Unclassifiable/ Attainment		
Coffey County		Unclassifiable/ Attainment		
Comanche County		Unclassifiable/ Attainment		
Cowley County		Unclassifiable/ Attainment		
Crawford County		Unclassifiable/ Attainment		
Decatur County		Unclassifiable/ Attainment		
Dickinson County		Unclassifiable/ Attainment		
Doniphan County		Unclassifiable/ Attainment		
Douglas County		Unclassifiable/ Attainment		
Edwards County		Unclassifiable/ Attainment		
Elk County		Unclassifiable/ Attainment		
Ellis County		Unclassifiable/ Attainment		
Ellsworth County		Unclassifiable/ Attainment		
Finney County		Unclassifiable/ Attainment		
Ford County		Unclassifiable/ Attainment		

Kansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Franklin County		Unclassifiable/ Attainment		
Geary County		Unclassifiable/ Attainment		
Gove County		Unclassifiable/ Attainment		
Graham County		Unclassifiable/ Attainment		
Grant County		Unclassifiable/ Attainment		
Gray County		Unclassifiable/ Attainment		
Greeley County		Unclassifiable/ Attainment		
Greenwood County		Unclassifiable/ Attainment		
Hamilton County		Unclassifiable/ Attainment		
Harper County		Unclassifiable/ Attainment		
Harvey County		Unclassifiable/ Attainment		
Haskell County		Unclassifiable/ Attainment		
Hodgeman County		Unclassifiable/ Attainment		
Jackson County		Unclassifiable/ Attainment		
Jefferson County		Unclassifiable/ Attainment		
Jewell County		Unclassifiable/ Attainment		
Johnson County		Unclassifiable/ Attainment		
Kearny County		Unclassifiable/ Attainment		
Kingman County		Unclassifiable/ Attainment		
Kiowa County		Unclassifiable/ Attainment		
Labette County		Unclassifiable/ Attainment		
Lane County		Unclassifiable/ Attainment		
Leavenworth County		Unclassifiable/ Attainment		
Lincoln County		Unclassifiable/ Attainment		
Linn County		Unclassifiable/ Attainment		
Logan County		Unclassifiable/ Attainment		
Lyon County		Unclassifiable/ Attainment		
Marion County		Unclassifiable/ Attainment		
Marshall County		Unclassifiable/ Attainment		
McPherson County		Unclassifiable/ Attainment		
Meade County		Unclassifiable/ Attainment		
Miami County		Unclassifiable/ Attainment		
Mitchell County		Unclassifiable/ Attainment		
Montgomery County		Unclassifiable/ Attainment		
Morris County		Unclassifiable/ Attainment		

Kansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Morton County		Unclassifiable/ Attainment		
Nemaha County		Unclassifiable/ Attainment		
Neosho County		Unclassifiable/ Attainment		
Ness County		Unclassifiable/ Attainment		
Norton County		Unclassifiable/ Attainment		
Osage County		Unclassifiable/ Attainment		
Osborne County		Unclassifiable/ Attainment		
Ottawa County		Unclassifiable/ Attainment		
Pawnee County		Unclassifiable/ Attainment		
Phillips County		Unclassifiable/ Attainment		
Pottawatomie County		Unclassifiable/ Attainment		
Pratt County		Unclassifiable/ Attainment		
Rawlins County		Unclassifiable/ Attainment		
Reno County		Unclassifiable/ Attainment		
Republic County		Unclassifiable/ Attainment		
Rice County		Unclassifiable/ Attainment		
Riley County		Unclassifiable/ Attainment		
Rooks County		Unclassifiable/ Attainment		
Rush County		Unclassifiable/ Attainment		
Russell County		Unclassifiable/ Attainment		
Saline County		Unclassifiable/ Attainment		
Scott County		Unclassifiable/ Attainment		
Sedgwick County		Unclassifiable/ Attainment		
Seward County		Unclassifiable/ Attainment		
Shawnee County		Unclassifiable/ Attainment		
Sheridan County		Unclassifiable/ Attainment		
Sherman County		Unclassifiable/ Attainment		
Smith County		Unclassifiable/ Attainment		
Stafford County		Unclassifiable/ Attainment		
Stanton County		Unclassifiable/ Attainment		
Stevens County		Unclassifiable/ Attainment		
Sumner County		Unclassifiable/ Attainment		
Thomas County		Unclassifiable/ Attainment		
Trego County		Unclassifiable/ Attainment		
Wabaunsee County		Unclassifiable/ Attainment		

Kansas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Wallace County		Unclassifiable/ Attainment		
Washington County		Unclassifiable/ Attainment		
Wichita County		Unclassifiable/ Attainment		
Wilson County		Unclassifiable/ Attainment		
Woodson County		Unclassifiable/ Attainment		
Wyandotte County		Unclassifiable/ Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Kansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Allen County		Unclassifiable/Attainment		
Anderson County		Unclassifiable/Attainment		
Atchison County		Unclassifiable/Attainment		
Barber County		Unclassifiable/Attainment		
Barton County		Unclassifiable/Attainment		
Bourbon County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Chase County		Unclassifiable/Attainment		
Chautauqua County		Unclassifiable/Attainment		
Cherokee County		Unclassifiable/Attainment		
Cheyenne County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Cloud County		Unclassifiable/Attainment		
Coffey County		Unclassifiable/Attainment		
Comanche County		Unclassifiable/Attainment		
Cowley County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Decatur County		Unclassifiable/Attainment		
Dickinson County		Unclassifiable/Attainment		
Doniphan County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Edwards County		Unclassifiable/Attainment		
Elk County		Unclassifiable/Attainment		

Kansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Ellis County		Unclassifiable/Attainment		
Ellsworth County		Unclassifiable/Attainment		
Finney County		Unclassifiable/Attainment		
Ford County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Geary County		Unclassifiable/Attainment		
Gove County		Unclassifiable/Attainment		
Graham County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Gray County		Unclassifiable/Attainment		
Greeley County		Unclassifiable/Attainment		
Greenwood County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Harper County		Unclassifiable/Attainment		
Harvey County		Unclassifiable/Attainment		
Haskell County		Unclassifiable/Attainment		
Hodgeman County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jewell County		Unclassifiable/Attainment		
Johnson County	7/23/92	Unclassifiable/Attainment		
Kearny County		Unclassifiable/Attainment		
Kingman County		Unclassifiable/Attainment		
Kiowa County		Unclassifiable/Attainment		
Labette County		Unclassifiable/Attainment		
Lane County		Unclassifiable/Attainment		
Leavenworth County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Linn County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
McPherson County		Unclassifiable/Attainment		
Meade County		Unclassifiable/Attainment		

Kansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Miami County		Unclassifiable/Attainment		
Mitchell County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morris County		Unclassifiable/Attainment		
Morton County		Unclassifiable/Attainment		
Nemaha County		Unclassifiable/Attainment		
Neosho County		Unclassifiable/Attainment		
Ness County		Unclassifiable/Attainment		
Norton County		Unclassifiable/Attainment		
Osage County		Unclassifiable/Attainment		
Osborne County		Unclassifiable/Attainment		
Ottawa County		Unclassifiable/Attainment		
Pawnee County		Unclassifiable/Attainment		
Phillips County		Unclassifiable/Attainment		
Pottawatomie County		Unclassifiable/Attainment		
Pratt County		Unclassifiable/Attainment		
Rawlins County		Unclassifiable/Attainment		
Reno County		Unclassifiable/Attainment		
Republic County		Unclassifiable/Attainment		
Rice County		Unclassifiable/Attainment		
Riley County		Unclassifiable/Attainment		
Rooks County		Unclassifiable/Attainment		
Rush County		Unclassifiable/Attainment		
Russell County		Unclassifiable/Attainment		
Saline County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Sedgwick County		Unclassifiable/Attainment		
Seward County		Unclassifiable/Attainment		
Shawnee County		Unclassifiable/Attainment		
Sheridan County		Unclassifiable/Attainment		
Sherman County		Unclassifiable/Attainment		
Smith County		Unclassifiable/Attainment		
Stafford County		Unclassifiable/Attainment		
Stanton County		Unclassifiable/Attainment		
Stevens County		Unclassifiable/Attainment		

Kansas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Sumner County		Unclassifiable/Attainment		
Thomas County		Unclassifiable/Attainment		
Trego County		Unclassifiable/Attainment		
Wabaunsee County		Unclassifiable/Attainment		
Wallace County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wichita County		Unclassifiable/Attainment		
Wilson County		Unclassifiable/Attainment		
Woodson County		Unclassifiable/Attainment		
Wyandotte County	7/23/92	Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Kansas—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Allen County		X
Anderson County		X
Atchison County		X
Barber County		X
Barton County		X
Bourbon County		X
Brown County		X
Butler County		X
Chase County		X
Chautauqua County		X
Cherokee County		X
Cheyenne County		X
Clark County		X
Clay County		X
Cloud County		X
Coffey County		X
Comanche County		X
Cowley County		X
Crawford County		X
Decatur County		X
Dickerson County		X
Doniphan County		X
Douglas County		X
Edwards County		X
Elk County		X
Ellis County		X
Ellsworth County		X
Finney County		X
Ford County		X
Franklin County		X
Geary County		X
Gove County		X
Graham County		X
Grant County		X
Gray County		X
Greeley County		X
Greenwood County		X
Hamilton County		X
Harper County		X
Harvey County		X
Haskell County		X

Kansas—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Hodgeman County		X
Jackson County		X
Jefferson County		X
Jewell County		X
Johnson County		X
Kearney County		X
Kingman County		X
Kiowa County		X
Labette County		X
Lane County		X
Levenworth County		X
Lincoln County		X
Linn County		X
Logan County		X
Lyon County		X
McPhearon County		X
Marion County		X
Marshall County		X
Meade County		X
Miami County		X
Mitchell County		X
Montgomery County		X
Morris County		X
Morton County		X
Nemaha County		X
Neosho County		X
Ness County		X
Norton County		X
Osage County		X
Osborne County		X
Ottawa County		X
Pawnee County		X
Phillips County		X
Pottawatomie County		X
Pratt County		X
Rawlins County		X
Reno County		X
Republic County		X
Rice County		X
Riley County		X
Rooks County		X
Rush County		X
Russell County		X
Saline County		X
Scott County		X
Sedgwick County		X
Seward County		X
Shawnee County		X
Sheridan County		X
Sherman County		X
Smith County		X
Stafford County		X
Stanton County		X
Stevens County		X
Sumner County		X
Thomas County		X
Trego County		X
Wabaunsee County		X
Wallace County		X
Washington County		X
Wichita County		X
Wilson County		X
Woodson County		X
Wyandotte County		X

[48 FR 46783, Oct. 14, 1983, as amended at 48 FR 55287, Dec. 12, 1983; 50 FR 32569, Aug. 13, 1985; 51 FR 20971, June 10, 1986; 51 FR 25202, July 11, 1986; 54 FR 14959, Apr. 14, 1989; 55 FR 1423, Jan. 16, 1990; 56 FR 56760, Nov. 6, 1991; 57 FR 27939, June 23, 1992; 63 FR 31046, June 5, 1998; 65 FR 45226, July 20, 2000]

§ 81.318 Kentucky.

Kentucky—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Adair County				X
Allen County				X
Anderson County				X
Ballard County				X
Barren County				X
Bath County				X
Bell County			X	
Boone County				X
Bourbon County				X
Boyd County			X	
Boyle County				X
Bracken County				X
Breathitt County				X
Breckinridge County				X
That portion of Bullitt Co. in Shephardsville			X	
Rest of Bullitt Co				X
Butler County				X
Caldwell County				X
Calloway County				X
That portion of Campbell Co. in Newport			X	
Rest of Campbell Co				X
Carlisle County				X
Carroll County				X
Carter County				X
Casey County				X
Christian County				X
Clark County				X
Clay County				X
Clinton County				X
Crittenden County				X
Cumberland County				X
That portion of Daviess Co. in Owensboro			X	
Rest of Daviess Co				X
Edmonson County				X
Elliott County				X
Estill County				X
Fayette County				X
Fleming County				X
Floyd County				X
Franklin County				X
Fulton County				X
Gallatin County				X
Garrard County				X
Grant County				X
Graves County				X
Grayson County				X
Green County				X
Greenup County				X
Hancock County				X
Hardin County				X
Harlan County				X
Harrison County				X
Hart County				X
That portion of Henderson Co. in Henderson			X	
Rest of Henderson Co				X
Henry County				X
Hickman County				X
Hopkins County				X
Jackson County				X
Jefferson County			X	
Jessamine County				X
Johnson County				X
Kenton County				X
Knott County				X
Knox County				X
LaRue County				X
Laurel County				X
That Portion of Lawrence Co. in Louisa			X	

Kentucky—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Rest of Lawrence Co				X
Lee County				X
Leslie County				X
Letcher County				X
Lewis County				X
Lincoln County				X
Livingston County				X
Logan County				X
Lyon County				X
McCracken County			X	
McCreary County				X
McLean County				X
That portion of Madison Co. in Richmond			X	
Rest of Madison Co				X
Magoffin County				X
Marion County				X
Marshall County				X
Martin County				X
Mason County				X
Meade County				X
Menifee County				X
Mercer County				X
Metcalfe County				X
Monroe County				X
Montgomery County				X
Morgan County				X
Muhlenberg County			X	
Nelson County				X
Nicholas County				X
Ohio County				X
Oldham County				X
Owen County				X
Owsley County				X
Pendleton County				X
That portion of Perry Co. in Hazard			X	
Rest of Perry Co				X
That portion of Pike Co. in Pikeville			X	
Rest of Pike Co				X
Powell County				X
Pulaski County				X
Robertson County				X
Rockcastle County				X
Rowan County				X
Russell County				X
Scott County				X
Shelby County				X
Simpson County				X
Spencer County				X
Taylor County				X
Todd County				X
Trigg County				X
Trimble County				X
Union County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
That portion of Whitley Co. in Corbin			X	
Rest of Whitley Co				X
Wolfe County				X
Woodford County				X

Kentucky—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Adair County				X

Kentucky—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Allen County				X
Anderson County				X
Ballard County				X
Barren County				X
Bath County				X
Bell County				X
Boone County				X
Bourbon County				X
That portion of Boyd County south of UTM northing line 4251 km	X			
Rest of Boyd County				X
Boyle County				X
Bracken County				X
Breathitt County				X
Breckinridge County				X
Bullitt County				X
Butler County				X
Caldwell County				X
Calloway County				X
Campbell County				X
Carlisle County				X
Carroll County				X
Carter County				X
Casey County				X
Christian County				X
Clark County				X
Clay County				X
Clinton County				X
Crittenden County				X
Cumberland County				X
Daviess County				X
Edmonson County				X
Elliott County				X
Estill County				X
Fayette County				X
Fleming County				X
Floyd County				X
Franklin County				X
Fulton County				X
Gallatin County				X
Garrard County				X
Grant County				X
Graves County				X
Grayson County				X
Green County				X
Greenup County				X
Hancock County				X
Hardin County				X
Harlan County				X
Harrison County				X
Hart County				X
Henderson County				X
Henry County				X
Hickman County				X
Hopkins County				X
Jackson County				X
Jefferson County				X
Jessamine County				X
Johnson County				X
Kenton County				X
Knott County				X
Knox County				X
LaRue County				X
Laurel County				X
Lawrence County				X
Lee County				X
Leslie County				X
Letcher County				X
Lewis County				X
Lincoln County				X

Kentucky—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Livingston County				X
Logan County				X
Lyon County				X
McCracken County				X
McCreary County				X
McLean County				X
Madison County				X
Magoffin County				X
Marion County				X
Marshall County				X
Martin County				X
Mason County				X
Meade County				X
Menifee County				X
Mercer County				X
Metcalfe County				X
Monroe County				X
Montgomery County				X
Morgan County				X
Muhlenberg County				X
Nelson County				X
Nicholas County				X
Ohio County				X
Oldham County				X
Owen County				X
Owsley County				X
Pendleton County				X
Perry County				X
Pike County				X
Powell County				X
Pulaski County				X
Robertson County				X
Rockcastle County				X
Rowan County				X
Russell County				X
Scott County				X
Shelby County				X
Simpson County				X
Spencer County				X
Taylor County				X
Todd County				X
Trigg County				X
Trimble County				X
Union County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
Whitley County				X
Wolfe County				X
Woodford County				X

Kentucky—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Adair County		Unclassifiable/ Attainment		
Allen County		Unclassifiable/ Attainment		
Anderson County		Unclassifiable/ Attainment		
Ballard County		Unclassifiable/ Attainment		
Barren County		Unclassifiable/ Attainment		
Bath County		Unclassifiable/ Attainment		

Kentucky—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Bell County		Unclassifiable/ Attainment		
Boone County		Unclassifiable/ Attainment		
Bourbon County		Unclassifiable/ Attainment		
Boyd County		Unclassifiable/ Attainment		
Boyle County		Unclassifiable/ Attainment		
Bracken County		Unclassifiable/ Attainment		
Breathitt County		Unclassifiable/ Attainment		
Breckinridge County		Unclassifiable/ Attainment		
Bullitt County		Unclassifiable/ Attainment		
Butler County		Unclassifiable/ Attainment		
Caldwell County		Unclassifiable/ Attainment		
Calloway County		Unclassifiable/ Attainment		
Campbell County		Unclassifiable/ Attainment		
Carlisle County		Unclassifiable/ Attainment		
Carroll County		Unclassifiable/ Attainment		
Carter County		Unclassifiable/ Attainment		
Casey County		Unclassifiable/ Attainment		
Christian County		Unclassifiable/ Attainment		
Clark County		Unclassifiable/ Attainment		
Clay County		Unclassifiable/ Attainment		
Clinton County		Unclassifiable/ Attainment		
Crittenden County		Unclassifiable/ Attainment		
Cumberland County		Unclassifiable/ Attainment		
Daviess County		Unclassifiable/ Attainment		
Edmonson County		Unclassifiable/ Attainment		
Elliott County		Unclassifiable/ Attainment		
Estill County		Unclassifiable/ Attainment		
Fayette County		Unclassifiable/ Attainment		
Fleming County		Unclassifiable/ Attainment		
Floyd County		Unclassifiable/ Attainment		
Franklin County		Unclassifiable/ Attainment		
Fulton County		Unclassifiable/ Attainment		
Gallatin County		Unclassifiable/ Attainment		
Garrard County		Unclassifiable/ Attainment		
Grant County		Unclassifiable/ Attainment		

Kentucky—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Graves County		Unclassifiable/ Attainment		
Grayson County		Unclassifiable/ Attainment		
Green County		Unclassifiable/ Attainment		
Greenup County		Unclassifiable/ Attainment		
Hancock County		Unclassifiable/ Attainment		
Hardin County		Unclassifiable/ Attainment		
Harlan County		Unclassifiable/ Attainment		
Harrison County		Unclassifiable/ Attainment		
Hart County		Unclassifiable/ Attainment		
Henderson County		Unclassifiable/ Attainment		
Henry County		Unclassifiable/ Attainment		
Hickman County		Unclassifiable/ Attainment		
Hopkins County		Unclassifiable/ Attainment		
Jackson County		Unclassifiable/ Attainment		
Jefferson County		Unclassifiable/ Attainment		
Jessamine County		Unclassifiable/ Attainment		
Johnson County		Unclassifiable/ Attainment		
Kenton County		Unclassifiable/ Attainment		
Knott County		Unclassifiable/ Attainment		
Knox County		Unclassifiable/ Attainment		
Larue County		Unclassifiable/ Attainment		
Laurel County		Unclassifiable/ Attainment		
Lawrence County		Unclassifiable/ Attainment		
Lee County		Unclassifiable/ Attainment		
Leslie County		Unclassifiable/ Attainment		
Letcher County		Unclassifiable/ Attainment		
Lewis County		Unclassifiable/ Attainment		
Lincoln County		Unclassifiable/ Attainment		
Livingston County		Unclassifiable/ Attainment		
Logan County		Unclassifiable/ Attainment		
Lyon County		Unclassifiable/ Attainment		
Madison County		Unclassifiable/ Attainment		
Magoffin County		Unclassifiable/ Attainment		
Marion County		Unclassifiable/ Attainment		
Marshall County		Unclassifiable/ Attainment		

Kentucky—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Martin County		Unclassifiable/ Attainment		
Mason County		Unclassifiable/ Attainment		
McCracken County		Unclassifiable/ Attainment		
McCreary County		Unclassifiable/ Attainment		
McLean County		Unclassifiable/ Attainment		
Meade County		Unclassifiable/ Attainment		
Menifee County		Unclassifiable/ Attainment		
Mercer County		Unclassifiable/ Attainment		
Metcalfe County		Unclassifiable/ Attainment		
Monroe County		Unclassifiable/ Attainment		
Montgomery County		Unclassifiable/ Attainment		
Morgan County		Unclassifiable/ Attainment		
Muhlenberg County		Unclassifiable/ Attainment		
Nelson County		Unclassifiable/ Attainment		
Nicholas County		Unclassifiable/ Attainment		
Ohio County		Unclassifiable/ Attainment		
Oldham County		Unclassifiable/ Attainment		
Owen County		Unclassifiable/ Attainment		
Owsley County		Unclassifiable/ Attainment		
Pendleton County		Unclassifiable/ Attainment		
Perry County		Unclassifiable/ Attainment		
Pike County		Unclassifiable/ Attainment		
Powell County		Unclassifiable/ Attainment		
Pulaski County		Unclassifiable/ Attainment		
Robertson County		Unclassifiable/ Attainment		
Rockcastle County		Unclassifiable/ Attainment		
Rowan County		Unclassifiable/ Attainment		
Russell County		Unclassifiable/ Attainment		
Scott County		Unclassifiable/ Attainment		
Shelby County		Unclassifiable/ Attainment		
Simpson County		Unclassifiable/ Attainment		
Spencer County		Unclassifiable/ Attainment		
Taylor County		Unclassifiable/ Attainment		
Todd County		Unclassifiable/ Attainment		
Trigg County		Unclassifiable/ Attainment		

Kentucky—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Trimble County		Unclassifiable/ Attainment		
Union County		Unclassifiable/ Attainment		
Warren County		Unclassifiable/ Attainment		
Washington County		Unclassifiable/ Attainment		
Wayne County		Unclassifiable/ Attainment		
Webster County		Unclassifiable/ Attainment		
Whitley County		Unclassifiable/ Attainment		
Wolfe County		Unclassifiable/ Attainment		
Woodford County		Unclassifiable/ Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Kentucky—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Cincinnati-Hamilton Area:				
Boone County	7/5/00	Attainment		
Campbell County	7/5/00	Attainment		
Kenton County	7/5/00	Attainment		
Edmonson County Area:				
Edmonson County	.....	Unclassifiable/Attainment		
Louisville Area:				
Bullitt County	10/23/01	Attainment		
Jefferson County	10/23/01	Attainment		
Oldham County	10/23/01	Attainment		
Owensboro Area:				
Daviess County	.....	Unclassifiable/Attainment		
Hancock County	.....	Unclassifiable/Attainment		
The area boundary is as follows: Beginning at the Intersection of U.S. 60 and the Hancock-Daviess County Line; proceeding east along U.S. 60 to the intersection of Yellow Creek and U.S. 60; proceeding north and west along Yellow Creek to the confluence of the Ohio River; proceeding west along the Ohio River to the confluence of Blackford Creek; proceeding south and east along Blackford Creek to the beginning.				
Adair County	.....	Unclassifiable/Attainment		
Allen County	.....	Unclassifiable/Attainment		
Anderson County	.....	Unclassifiable/Attainment		
Ballard County	.....	Unclassifiable/Attainment		
Barren County	.....	Unclassifiable/Attainment		
Bath County	.....	Unclassifiable/Attainment		
Bell County	.....	Unclassifiable/Attainment		
Bourbon County	.....	Unclassifiable/Attainment		
Boyd County	.....	Unclassifiable/Attainment		
Boyle County	.....	Unclassifiable/Attainment		

Kentucky—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Bracken County		Unclassifiable/Attainment		
Breathitt County		Unclassifiable/Attainment		
Breckinridge County		Unclassifiable/Attainment		
Bullitt County (part)				
Remainder of county		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Caldwell County		Unclassifiable/Attainment		
Calloway County		Unclassifiable/Attainment		
Carlisle County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Carter County		Unclassifiable/Attainment		
Casey County		Unclassifiable/Attainment		
Christian County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Crittenden County		Unclassifiable/Attainment		
Cumberland County		Unclassifiable/Attainment		
Elliott County		Unclassifiable/Attainment		
Estill County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Fleming County		Unclassifiable/Attainment		
Floyd County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallatin County		Unclassifiable/Attainment		
Garrard County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Graves County		Unclassifiable/Attainment		
Grayson County		Unclassifiable/Attainment		
Green County		Unclassifiable/Attainment		
Greenup County		Unclassifiable/Attainment		
Hancock County (part)				
Remainder of county		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Harlan County		Unclassifiable/Attainment		

Kentucky—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Harrison County		Unclassifiable/Attainment		
Hart County		Unclassifiable/Attainment		
Henderson County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Hickman County		Unclassifiable/Attainment		
Hopkins County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jessamine County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Knott County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Larue County		Unclassifiable/Attainment		
Laurel County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Leslie County		Unclassifiable/Attainment		
Letcher County		Unclassifiable/Attainment		
Lewis County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Livingston County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Magoffin County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
Mason County		Unclassifiable/Attainment		
McCracken County		Unclassifiable/Attainment		
McCreary County		Unclassifiable/Attainment		
McLean County		Unclassifiable/Attainment		
Meade County		Unclassifiable/Attainment		
Menifee County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Metcalfe County		Unclassifiable/Attainment		

Kentucky—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Muhlenberg County		Unclassifiable/Attainment		
Nelson County		Unclassifiable/Attainment		
Nicholas County		Unclassifiable/Attainment		
Ohio County		Unclassifiable/Attainment		
Oldham County (part)				
Remainder of county		Unclassifiable/Attainment		
Owen County		Unclassifiable/Attainment		
Owsley County		Unclassifiable/Attainment		
Pendleton County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Powell County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Robertson County		Unclassifiable/Attainment		
Rockcastle County		Unclassifiable/Attainment		
Rowan County		Unclassifiable/Attainment		
Russell County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Simpson County		Unclassifiable/Attainment		
Spencer County		Unclassifiable/Attainment		
Taylor County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Trigg County		Unclassifiable/Attainment		
Trimble County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Webster County		Unclassifiable/Attainment		
Whitley County		Unclassifiable/Attainment		
Wolfe County		Unclassifiable/Attainment		

Kentucky—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Woodford County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Kentucky—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40425, Sept. 11, 1978; 44 FR 41783, July 18, 1979; 44 FR 63105, Nov. 2, 1979; 46 FR 46325, Sept. 18, 1981; 46 FR 57047, Nov. 20, 1981; 47 FR 18862, May 3, 1982; 47 FR 31878, July 23, 1982; 48 FR 5728, Feb. 8, 1983; 48 FR 28989, June 24, 1983; 49 FR 4473, Feb. 7, 1984; 49 FR 18835, May 3, 1984; 51 FR 25204, July 11, 1986; 54 FR 8323, Feb. 28, 1989; 54 FR 22054, May 22, 1989; 54 FR 26466, June 23, 1989; 55 FR 4172, Feb. 7, 1990; 55 FR 14093, Apr. 16, 1990; 56 FR 56763, Nov. 6, 1991; 59 FR 55059, Nov. 3, 1994; 60 FR 7129, Feb. 7, 1995; 60 FR 33752, June 29, 1995; 60 FR 47094, Sept. 11, 1995; 60 FR 48654, Sept. 20, 1995; 62 FR 55177, Oct. 23, 1997; 62 FR 61247, Nov. 17, 1997; 63 FR 14626, Mar. 26, 1998; 63 FR 31047, June 5, 1998; 63 FR 39436, July 22, 1998; 63 FR 42489, Aug. 7, 1998; 63 FR 44145, Aug. 18, 1998; 65 FR 37899, June 19, 2000; 65 FR 45228, July 20, 2000; 66 FR 53685, Oct. 23, 2001]

§ 81.319 Louisiana.

Louisiana—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 019				X
AQCR 022				X
AQCR 106				X

Louisiana—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 019 Monroe-El Dorado Interstate		Unclassifiable/Attainment		
Caldwell Parish				
Catahoula Parish				
Concordia Parish				
East Carroll Parish				
Franklin Parish				
Grant Parish				
La Salle Parish				
Madison Parish				
Morehouse Parish				
Ouachita Parish				
Richland Parish				
Tensas Parish				
Union Parish				
West Carroll Parish				
AQCR 022 Shreveport-Texarkana-Tyler Interstate		Unclassifiable/Attainment		
Avoyelles Parish				
Bienville Parish				
Bossier Parish				
Caddo Parish				
Claiborne Parish				
De Soto Parish				
Jackson Parish				
Lincoln Parish				
Natchitoches Parish				

Louisiana—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Rapides Parish				
Red River Parish				
Sabine Parish				
Vernon Parish				
Webster Parish				
Winn Parish				
AQCR 106 Southern Louisiana-Southeast Texas Interstate ..	.....	Unclassifiable/Attainment		
Acadia Parish				
Allen Parish				
Ascension Parish				
Assumption Parish				
Beauregard Parish				
Calcasieu Parish				
Cameron Parish				
East Baton Rouge Parish				
East Feliciana Parish				
Evangeline Parish				
Iberia Parish				
Iberville Parish				
Jefferson Davis Parish				
Jefferson Parish				
Lafayette Parish				
Lafourche Parish				
Livingston Parish				
Orleans Parish				
Plaquemines Parish				
Pointe Coupee Parish				
St. Bernard Parish				
St. Charles Parish				
St. Helena Parish				
St. James Parish				
St. John the Baptist Parish				
St. Landry Parish				
St. Martin Parish				
St. Mary Parish				
St. Tammany Parish				
Tangipahoa Parish				
Terrebonne Parish				
Vermilion Parish				
Washington Parish				
West Baton Route Parish				
West Feliciana Parish				

[1] This date is November 15, 1990, unless otherwise noted.

Louisiana—Lead

Designated area	Designation		Classification	
	Date	Type	Date	Type
East Baton Rouge Parish	1/6/92	Unclassifiable		
Rest of State Not Designated				

Louisiana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Baton Rouge Area:				
Ascension Parish	11/15/90	Nonattainment	6/23/03	Severe.
East Baton Rouge Parish	11/15/90	Nonattainment	6/23/03	Severe.
Iberville Parish	11/15/90	Nonattainment	6/23/03	Severe.
Livingston Parish	11/15/90	Nonattainment	6/23/03	Severe.
West Baton Rouge Parish	11/15/90	Nonattainment	6/23/03	Severe.
Beauregard Parish Area:				
Beauregard Parish	.....	Attainment.		
Grant Parish Area:				
Grant Parish	.....	Attainment.		
Lafayette Area:				
Lafayette Parish	.....	Attainment.		

Louisiana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lafourche Parish Area:				
Lafourche Parish	2/25/02	Attainment.		
Lake Charles Area:				
Calcasieu Parish		Attainment.		
New Orleans Area:				
Jefferson Parish		Attainment.		
Orleans Parish		Attainment.		
St. Bernard Parish		Attainment.		
St. Charles Parish		Attainment.		
Pointe Coupee Area:				
Pointe Coupee Parish		Attainment.		
St. James Parish Area:				
St. James Parish		Attainment.		
St. Mary Parish Area:				
St. Mary Parish		Attainment.		
AQCR 019 Monroe-El Dorado Interstate		Unclassifiable/Attainment.		
Caldwell Parish				
Catahoula Parish				
Concordia Parish				
East Carroll Parish				
Franklin Parish				
La Salle Parish				
Madison Parish				
Morehouse Parish				
Ouachita Parish				
Richland Parish				
Tensas Parish				
Union Parish				
West Carroll Parish				
AQCR 022 Shreveport-Texarkana-Tyler Interstate.		Unclassifiable/Attainment.		
Avoyelles Parish				
Bienville Parish				
Bossier Parish				
Caddo Parish				
Claiborne Parish				
De Soto Parish				
Jackson Parish				
Lincoln Parish				
Natchitoches Parish				
Rapides Parish				
Red River Parish				
Sabine Parish				
Vernon Parish				
Webster Parish				
Winn Parish				
AQCR 106 Southern Louisiana-Southeast Texas Interstate.		Unclassifiable/Attainment.		
Acadia Parish				
Allen Parish				
Assumption Parish				
Cameron Parish				
East Feliciana Parish				
Evangeline Parish				
Iberia Parish				
Jefferson Davis Parish				
Plaquemines Parish				
St. Helena Parish				
St. John the Baptist Parish				
St. Landry Parish				
St. Martin Parish				
St. Tammany Parish				
Tangipahoa Parish				
Terrebonne Parish				
Vermilion Parish				
Washington Parish				
West Feliciana Parish				

[1] This date is October 18, 2000, unless otherwise noted.

Louisiana—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 019		X
AQCR 022		X
AQCR 106		X

Louisiana—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
AQCR 019	11/15/90	Unclassifiable		
AQCR 022	11/15/90	Unclassifiable		
AQCR 106	11/15/90	Unclassifiable		

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40425, Sept. 11, 1978; 54 FR 13186, Mar. 31, 1989; 55 FR 35628, Aug. 31, 1990; 56 FR 56769, Nov. 6, 1991; 60 FR 43026, Aug. 18, 1995; 60 FR 47285, Sept. 12, 1995; 60 FR 51360, Oct. 2, 1995; 61 FR 53642, 53643, Oct. 15, 1996; 62 FR 653, Jan. 6, 1997; 62 FR 24038, May 2, 1997; 62 FR 64286, Dec. 5, 1997; 63 FR 31051, June 5, 1998; 65 FR 45231, July 20, 2000; 66 FR 66321, Dec. 26, 2001; 67 FR 57335, Sept. 10, 2002; 67 FR 61801, Oct. 2, 2002; 68 FR 20082, Apr. 24, 2003]

§ 81.320 Maine.

Maine—TSP

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 107 (Central ME):				
Augusta			X	
Lewiston/Auburn			X	
Rockland			X	
Remainder of AQCR				X
AQCR 109 (Downeast):				
Lincoln			X	
Bangor/Brewer			X	
Baileyville			X	
Remainder of AQCR				X
AQCR 108 (Aroostook)			X	
AQCR 111 (Northwest ME)				X
AQCR 110 (Met. Portland)				X

Maine—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
AQCR 110				X
AQCR 107				X
AQCR 109				X
AQCR 108-Madawaska			X	
Rest of region				X
AQCR 111				X

Maine—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/ Attainment		
Androscoggin County				

Maine—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Aroostook County				
Cumberland County				
Franklin County				
Hancock County				
Kennebec County				
Knox County				
Lincoln County				
Oxford County				
Penobscot County				
Piscataquis County				
Sagadahoc County				
Somerset County				
Waldo County				
Washington County				
York County				

[1] This date is November 15, 1990, unless otherwise noted.

Maine—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Franklin County Area:				
Franklin County (part)	.....	Unclassifiable/Attainment		
Hancock County and Waldo County Area:				
Hancock County	.....	Attainment		
Waldo County	.....	Attainment		
Knox County and Lincoln County Area:				
Knox County	(3)	Nonattainment	(3)	Moderate.
Lincoln County	(3)	Nonattainment	(3)	Moderate.
Lewiston-Auburn Area:				
Androscoggin County	(3)	Nonattainment	(3)	Moderate.
Kennebec County	(3)	Nonattainment	(3)	Moderate.
Oxford County Area:				
Oxford County (part)	.....	Unclassifiable/Attainment		
Portland Area:				
Cumberland County	(3)	Nonattainment	(3)	Moderate.[2]
Sagadahoc County	(3)	Nonattainment	(3)	Moderate.[2]
York County	(3)	Nonattainment	(3)	Moderate.[2]
Somerset County Area:				
Somerset County (part)	.....	Unclassifiable/Attainment		
AQCR 108 Aroostook Intrastate	.....	Unclassifiable/Attainment		
Aroostook County (part) see 40 CFR 81.179.				
AQCR 109 Down East Intrastate	.....	Unclassifiable/Attainment		
Penobscot County (part), as described under 40 CFR 81.181				
Piscataquis County (part) see 40 CFR 81.181				
Washington County				
AQCR 111 Northwest Maine Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
see 40 CFR 81.182				
Aroostook County				
Franklin County (part)				
Oxford County (part)				
Penobscot County (part)				
Piscataquis County (part)				
Somerset County (part)				

[1] This date is October 18, 2000, unless otherwise noted.
[2] Attainment date extended to November 15, 1997.
[3] This date is January 16, 2001.

Maine—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Aroostook County:.				
City of Presque Isle (part) [1]	8/30/95	Attainment		

Maine—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
That area bounded by Allen Street from its intersection with Main Street east to Dudley Street, Dudley Street south to Cedar Street, Cedar Street west to Main Street, Main Street south to Kennedy Brook, Kennedy Brook northwest crossing Presque Isle Stream to Coburn Street, Coburn Street northwest to Mechanic Street, Mechanic Street west to Judd Street, Judd Street northeast to State Street, State Street northwest to School Street, School Street northeast to Park Street, Park Street east to Main Street				
Rest of State	11/15/90	Unclassifiable		

[1] This definition of the nonattainment area redefines its borders from the entire City of Presque Isle to this area of 0.6 square miles which circumscribe the area of high emission densities and ambient PM10 levels. (60 FR 2885, January 12, 1995)

Maine—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 110		X
AQCR 107		X
AQCR 109		X
AQCR 108		X
AQCR 111		X

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 10775, Feb. 19, 1980; 46 FR 33524, June 30, 1981; 47 FR 19138, May 4, 1982; 47 FR 31878, July 23, 1982; 47 FR 38891, Sept. 3, 1982; 48 FR 56219, Dec. 20, 1983; 49 FR 2471, Jan. 20, 1984; 49 FR 43547, Oct. 30, 1984; 50 FR 7596, Feb. 25, 1985; 50 FR 32176, Aug. 9, 1985; 51 FR 45886, Dec. 23, 1986; 56 FR 56771, Nov. 6, 1991; 57 FR 56770, Nov. 30, 1992; 58 FR 15431, Mar. 23, 1993; 60 FR 2887, Jan. 12, 1995; 60 FR 33353, June 28, 1995; 60 FR 45060, Aug. 30, 1995; 60 FR 55798, Nov. 3, 1995; 62 FR 9087, Feb. 28, 1997; 62 FR 14643, Mar. 27, 1997; 62 FR 18527, Apr. 16, 1997; 62 FR 24040, May 2, 1997; 63 FR 31053, June 5, 1998; 64 FR 30914, June 9, 1999; 65 FR 45233, July 20, 2000]

§ 81.321 Maryland.

Maryland—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Metropolitan Baltimore Intrastate AQCR:				
(a) Baltimore City:				
#111 Zones 61, 65–68 [1]		X		
#112 Zone 72		X		
#113 Zones 76–80		X		
#117 Zones 94–100, 102, 103, 105–11		X		
#118 Zones 114–137		X		
#119 Zones 138, 140, 144, 146, 149	X			
Zones 139, 141–143, 145, 147, 150–56		X		
#120 Zones 157–66	X			
#121 Zones 168–70, 172, 176–78, 180, 181	X			
Zones 167, 171, 173–75, 179, 182		X		
#123 Zones 187–90		X		
#Zones 193–198	X			
Zones 191, 192	X			
#125 Zones 199–203		X		
#126 Zone 207	X			
Zones 204–06		X		
(b) Baltimore County:				
#325 Zones 417, 418, 420, 421		X		
#326 Zones 428, 431		X		
#328 Zone 446		X		
#329 Zones 449, 453–58	X			
Zones 450–52, 459		X		

Maryland—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
#330 Zones 461, 462	X			
Zones 460, 463–68		X		
#331 Zones 469–72		X		
(c) Anne Arundel County:				
#201 Zones 208, 209		X		
#203 Zones 221–28		X		
#204 Zones 230		X		
(d) Remainder of AQCR				X
Cumberland-Keyser Interstate AQCR:				
(a) Election District No. 8, Luke, MD				X
(b) Remainder AQCR				X
Central Maryland Interstate AQCR				X
National Capital Interstate AQCR				X
Southern Maryland Intrastate AQCR				X
Eastern Shore Intrastate AQCR				X

[1] Regional Planning Districts—defined by the Baltimore Regional Planning Council, Maps showing Districts and non-attainment areas available for inspection at the offices of: EPA, Region III, 6th and Walnut Streets, Phila., Pa. 19106; Md. Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201.

Maryland—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Cumberland-Keyser Interstate AQCR, Election District No. 8, Luke, Md			X	
Remainder of State				X

Maryland—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Baltimore Area				
Baltimore City (part)				
Regional Planning District No. 118 (generally corresponding to the Central Business District).	12/15/95	Attainment		
Washington Area				
Montgomery County (part)				
Election Districts 4, 7, 13		Attainment		
Prince George's County (part)				
Election Districts 2, 6, 12, 16, 17, 18		Attainment		
AQCR 047 National Capital Interstate (Remainder of)		Unclassifiable/ Attainment		
Montgomery County (part)				
Remainder of county				
Prince George's County (part)				
Remainder of County				
AQCR 112 Central Maryland Intrastate		Unclassifiable/ Attainment		
Frederick County				
AQCR 113 Cumberland-Keyser Interstate		Unclassifiable/ Attainment		
Allegany County				
Garrett County				
Washington County				
AQCR 114 Eastern Shore Interstate		Unclassifiable/ Attainment		
Caroline County				
Cecil County				
Dorchester County				
Kent County				
Queen Anne's County				
Somerset County				
Talbot County				
Wicomico County				
Worcester County				
AQCR 115 Metro. Baltimore Intrastate (Remainder of)		Unclassifiable/ Attainment		

Maryland—Carbon Monoxide

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Anne Arundel County				
Baltimore City (part)				
Remainder of City				
Baltimore County				
Carroll County				
Harford County				
Howard County				
AQCR 116 Southern Maryland Intrastate		Unclassifiable/ Attainment		
Calvert County				
Charles County				
St. Mary's County				

[1] This date is November 15, 1990, unless otherwise noted.

Maryland—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Baltimore Area:				
Anne Arundel County	11/15/90	Nonattainment	11/15/90	Severe-15.
Baltimore				
City of Baltimore	11/15/90	Nonattainment	11/15/90	Severe-15.
Baltimore County	11/15/90	Nonattainment	11/15/90	Severe-15.
Carroll County	11/15/90	Nonattainment	11/15/90	Severe-15.
Harford County	11/15/90	Nonattainment	11/15/90	Severe-15.
Howard County	11/15/90	Nonattainment	11/15/90	Severe-15.
Kent County and Queen Anne's County Area:				
Kent County	1/6/92	Nonattainment	1/6/92	Marginal.
Queen Anne's County	1/6/92	Nonattainment	1/6/92	Marginal.
Philadelphia-Wilmington-Trenton Area:				
Cecil County	11/15/90	Nonattainment	11/15/90	Severe-15.
Washington, DC Area:				
Calvert County	.....	Nonattainment	3/25/03	Severe
Charles County	.....	Nonattainment	3/25/03	Severe
Frederick County	.....	Nonattainment	3/25/03	Severe
Montgomery County	.....	Nonattainment	3/25/03	Severe
Prince George's County	.....	Nonattainment	3/25/03	Severe
AQCR 113 Cumberland-Keyser Interstate	.....	Unclassifiable/Attainment		
Allegany County				
Garrett County				
Washington County				
AQCR 114 Eastern Shore Interstate (Remainder of)	.....	Unclassifiable/Attainment		
Caroline County				
Dorchester County				
Somerset County				
Talbot County				
Wicomico County				
Worcester County				
AQCR 116 Southern Maryland Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
St. Mary's County				

[1] This date is October 18, 2000, unless otherwise noted.

Maryland—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
State of Maryland	.....	X

[43 FR 40510, Sept. 12, 1978, as amended at 45 FR 21244, Apr. 1, 1980; 45 FR 24470, Apr. 10, 1980; 46 FR 43156, Aug. 27, 1981; 46 FR 58085, Nov. 30, 1981; 47 FR 31878, July 23, 1982; 49 FR 3180, Jan. 26, 1984; 56 FR 56773, Nov. 6, 1991; 60 FR 55326, Oct. 31, 1995; 61 FR 2937, Jan. 30, 1996; 63 FR 31053, June 5, 1998; 65 FR 45233, July 20, 2000; 68 FR 3424, Jan. 24, 2003]

§ 81.322 Massachusetts.

MASSACHUSETTS—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Berkshire AQCR:				
Adams			x	
North Adams			x	
Pittsfield			x	
All other cities and towns				x
Central Massachusetts AQCR:				
Worcester			x	
Athol			x	
Gardner			x	
Grafton			x	
Leominster			x	
Millbury			x	
Shrewsbury			x	
All other cities and towns				x
Merrimack Valley AQCR:				
Haverhill			x	
Lawrence			x	
All other cities and towns				x
Pioneer Valley AQCR:				
Springfiled			x	
Chicopee			x	
Holyoke			x	
Northampton			x	
South Hadley			x	
West Springfiled			x	
All other cities and towns				x
Southeastern Massachusetts AQCR:				
Fall River			x	
Attleboro			x	
New Bedford			x	
Taunton			x	
All other cities and towns				x
Metropolitan Boston AQCR:				
Topsfield			x	
Wakefield			x	
Walpole			x	
Watertown			x	
Wayland			x	
Wellesley			x	
Wenham			x	
Weston			x	
Westwood			x	
Weymouth			x	
Winchester			x	
Winthrop			x	
Boston			x	
Danvers			x	
Cambridge			x	
Framingham			x	
Lynn			x	
Marblehead			x	
Norwood			x	
Medford			x	
Peabody			x	
Quincy			x	
Revere			x	
Swampscott			x	
Waltham			x	
Arlington			x	
Belmont			x	
Beverly			x	
Braintree			x	
Brockton			x	
Brookline			x	
Canton			x	
Chelsa			x	
Dedham			x	

MASSACHUSETTS—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Everett			x	
Malden			x	
Marlborough			x	
Melrose			x	
Middletown			x	
Milton			x	
Natick			x	
Needham			x	
Newton			x	
Salem			x	
Saugus			x	
Somerville			x	
Southborough			x	
Stoneham			x	
All other cities and towns				x

Massachusetts—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Boston and Milton				X
Belchertown, Granby, Ludlow, Palmer, South Hadley and Wilbraham				X
Remaining individual cities and towns [1]				X

[1] Each city and town, with the exception of Boston and Milton and Belchertown, Granby, Ludlow, Palmer, South Hadley and Wilbraham as indicated above, is a separate Section 107 designated attainment area.

MASSACHUSETTS—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Boston area:				
Middlesex County (part) Cities of Cambridge, Everett, Malden, Medford, and Somerville.	4/1/96	Attainment		
Norfolk County (part) Quincy City	4/1/96	Attainment		
Suffolk County (part) Cities of Boston, Chelsea, and Revere.	4/1/96	Attainment		
Lowell area:				
Middlesex County (part) Lowell City	4/22/02	Attainment		
Springfield area:				
Hampden County (part) Springfield City	4/22/02	Attainment		
Waltham area:				
Middlesex County (part) Waltham City	4/22/02	Attainment		
Worcester area:				
Worcester County (part) Worcester City	4/22/02	Attainment		
AQCR 042 Hartford-New Haven-Springfield—All portions except Springfield City.		Unclassifiable/Attainment		
AQCR 117 Berkshire Interstate		Unclassifiable/Attainment		
AQCR 118 Central Massachusetts Interstate—All portions except Worcester City.		Unclassifiable/Attainment		
AQCR 119 Metropolitan Boston Intrastate—All portions except cities of Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Waltham..		Unclassifiable/Attainment		
AQCR 120 Metropolitan Providence Interstate		Unclassifiable/Attainment		
AQCR 121 Merrimack Valley-S New Hampshire—All portions except Lowell City.		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Massachusetts—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Boston-Lawrence-Worcester (E. Mass) Area:				
Barnstable County	(2)	Nonattainment	(2)	Serious.
Bristol County	(2)	Nonattainment	(2)	Serious.
Dukes County	(2)	Nonattainment	(2)	Serious.
Essex County	(2)	Nonattainment	(2)	Serious.
Middlesex County	(2)	Nonattainment	(2)	Serious.
Nantucket County	(2)	Nonattainment	(2)	Serious.
Norfolk County	(2)	Nonattainment	(2)	Serious.
Plymouth County	(2)	Nonattainment	(2)	Serious.
Suffolk County	(2)	Nonattainment	(2)	Serious.
Worcester County	(2)	Nonattainment	(2)	Serious.
Springfield (W. Mass) Area:				
Berkshire County	.....	Nonattainment	.....	Serious.
Franklin County	.....	Nonattainment	.....	Serious.
Hampden County	.....	Nonattainment	.....	Serious.
Hampshire County	.....	Nonattainment	.....	Serious.

[1] This date is November 15, 1990, unless otherwise noted.
[2] This date is January 16, 2001.

Massachusetts—NO [2]

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
Each Individual City and Town [1]	.....	.....	.....	X

[1] Each city and town is a separate Section 107 desginated Attainment Area.

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40426, Sept. 11, 1978; 45 FR 2044, Jan. 10, 1980; 45 FR 61304, Sept. 16, 1980; 46 FR 23420, Apr. 27, 1981; 46 FR 40190, Aug. 7, 1981; 48 FR 32984, July 20, 1983; 49 FR 29221, July 19, 1984; 56 FR 56774, Nov. 6, 1991; 56 FR 63466, Dec. 4, 1991; 61 FR 2923, Jan. 30, 1996; 63 FR 31054, June 5, 1998; 64 FR 30915, June 9, 1999; 65 FR 45234, July 20, 2000; 67 FR 7278, Feb. 19, 2002; 67 FR 62187, Oct. 4, 2002; 67 FR 76450, Dec. 12, 2002]

§ 81.323 Michigan.

Michigan—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 82 (Michigan portion)	.....	.....	.....	X
AQCR 122				
1. Midland County, R2E, T13N, sections 1–6, R2E, T13N, sections 1–6, R2E, T14N, sections 7–36	.....	.....	.....	X
AQCR 123	.....	.....	.....	X
AQCR 124 (Michigan portion)	.....	.....	.....	X
AQCR 125	.....	.....	.....	X
AQCR 126	.....	.....	.....	X

Michigan—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
DETROIT AREA.				

Michigan—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Areas included within the following (counter-clockwise):Lake St. Clair to 14 Mile Road to Kelly Road, N. to 15 Mile Road to Hayes Road, S. to 14 Mile Road to Clawson City Boundary, following N. Clawson City boundary to N. Royal Oak boundary to 13 Mile Road to Evergreen Road to southern Beverly Hills City boundary to southern Bingham Farms City boundary to southern Franklin Hills City boundary to Inkster Road, south to Pennsylvania Road extending east to the Detroit River. Macomb County (part).	August 30, 1999	Attainment		
Oakland County (part)	August 30, 1999	Attainment		
Wayne County (part)	August 30, 1999	Attainment		
AQCR 082 South Bend-Elkhart-Benton Harbor Interstate		Unclassifiable/Attainment		
Berrien County				
Cass County				
Van Buren County				
AQCR 122 Central Michigan Intrastate		Unclassifiable/Attainment		
Allegan County				
Arenac County				
Bay County				
Clare County				
Genesee County				
Gladwin County				
Gratiot County				
Huron County				
Ionia County				
Iosco County				
Isabella County				
Kent County				
Lake County				
Lapeer County				
Mason County				
Mecosta County				
Midland County				
Montcalm County				
Muskegon County				
Newaygo County				
Oceana County				
Ogemaw County				
Osceola County				
Ottawa County				
Roscommon County				
Saginaw County				
Sanilac County				
Shiawassee County				
Tuscola County				
AQCR 123 Metro Detroit-Port Huron Intrastate (Remainder of).		Unclassifiable/Attainment		
Macomb County (part)				
Remainder of County				
Oakland County (part)				
Remainder of County				
St. Clair County				
Wayne County (part)				
Remainder of County				
AQCR 124 Metropolitan Toledo Interstate		Unclassifiable/Attainment		
Monroe County				
AQCR 125 South Central Michigan Intrastate		Unclassifiable/Attainment		
Barry County				
Branch County				
Calhoun County				
Clinton County				
Eaton County				
Hillsdale County				
Ingham County				

Michigan—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Jackson County				
Kalamazoo County				
Lenawee County				
Livingston County				
St. Joseph County				
Washtenaw County				
AQCR 126 Upper Michigan Intrastate		Unclassifiable/Attainment		
Alcona County				
Alger County				
Alpena County				
Antrim County				
Baraga County				
Benzie County				
Charlevoix County				
Cheboygan County				
Chippewa County				
Crawford County				
Delta County				
Dickinson County				
Emmet County				
Gogebic County				
Grand Traverse County				
Houghton County				
Iron County				
Kalkaska County				
Keweenaw County				
Leelanau County				
Luce County				
Mackinac County				
Manistee County				
Marquette County				
Menominee County				
Missaukee County				
Montmorency County				
Ontonagon County				
Oscoda County				
Otsego County				
Presque Isle County				
Schoolcraft County				
Wexford County				

[1] This date is November 15, 1990, unless otherwise noted.

Michigan—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Allegan County Area:				
Allegan County	January 16, 2001	Attainment		
Barry County Area:				
Barry County	.....	Unclassifiable/Attainment		
Battle Creek Area:				
Calhoun County	.....	Unclassifiable/Attainment		
Benton Harbor Area:				
Berrien County	.....	Unclassifiable/Attainment		
Branch County Area:				
Branch County	.....	Unclassifiable/Attainment		
Cass County Area:				
Cass County	.....	Unclassifiable/Attainment		
Detroit-Ann Arbor Area:				
Livingston County	.....	Attainment		
Macomb County	.....	Attainment		
Monroe County	.....	Attainment		

Michigan—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Oakland County		Attainment		
St. Clair County		Attainment		
Washtenaw County		Attainment		
Wayne County		Attainment		
Flint Area:				
Genesee County	January 16, 2001	Attainment		
Grand Rapids Area:				
Kent County		Attainment		
Ottawa County		Attainment		
Gratiot County Area:				
Gratiot County		Unclassifiable/Attainment		
Hillsdale County Area:				
Hillsdale County		Unclassifiable/Attainment		
Huron County Area:				
Huron County		Unclassifiable/Attainment		
Ionia County Area:				
Ionia County		Unclassifiable/Attainment		
Jackson Area:				
Jackson County		Unclassifiable/Attainment		
Kalamazoo Area:				
Kalamazoo County		Unclassifiable/Attainment		
Lansing-East Lansing Area:				
Clinton County		Unclassifiable/Attainment		
Eaton County		Unclassifiable/Attainment		
Ingham County		Unclassifiable/Attainment		
Lapeer County Area:				
Lapeer County		Unclassifiable/Attainment		
Lenawee County Area:				
Lenawee County		Unclassifiable/Attainment		
Montcalm Area:				
Montcalm County		Unclassifiable/Attainment		
Muskegon Area:				
Muskegon County	October 18, 2000	Attainment		
Saginaw-Bay City-Midland Area:				
Bay County	January 16, 2001	Attainment		
Midland County	January 16, 2001	Attainment		
Saginaw County	January 16, 2001	Attainment		
Sanilac County Area:				
Sanilac County		Unclassifiable/Attainment		
Shiawassee County Area:				
Shiawassee County		Unclassifiable/Attainment		
St. Joseph County Area:				
St. Joseph County		Unclassifiable/Attainment		
Tuscola County Area:				
Tuscola County		Unclassifiable/Attainment		
Van Buren County Area:				
Van Buren County		Unclassifiable/Attainment		
AQCR 122 Central Michigan Intrastate (Remainder of):		Unclassifiable/Attainment		

Michigan—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Arenac County				
Clare County				
Gladwin County				
Iosco County				
Isabella County				
Lake County				
Mason County				
Mecosta County				
Newaygo County				
Oceana County				
Ogemaw County				
Osceola County				
Roscommon County				
AQCR 126 Upper Michigan Intrastate (part) Marquette County.	.....	Unclassifiable/Attainment		
AQCR 126 Upper Michigan Intrastate (Remainder of):	.....	Unclassifiable/Attainment		
Alcona County				
Alger County				
Alpena County				
Antrim County				
Baraga County				
Benzie County				
Charlevoix County				
Cheboygan County				
Chippewa County				
Crawford County				
Delta County				
Dickinson County				
Emmet County				
Gogebic County				
Grand Traverse County				
Houghton County				
Iron County				
Kalkaska County				
Keweenaw County				
Leelanau County				
Luce County				
Mackinac County				
Manistee County				
Menominee County				
Missaukee County				
Montmorency County				
Ontonagon County				
Oscoda County				
Otsego County				
Presque Isle County				
Schoolcraft County				
Wexford County				

[1] This date is October 18, 2000, unless otherwise noted.
[2] An area designated as an ozone nonattainment area as of the date of enactment of the CAAA of the 1990 that did not violate the ozone NAAQS during the period of 1987–1989.
[3] This date is January 16, 2001.

Michigan—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Wayne County—The area bounded by Michigan Avenue from its intersection with I–75 west to I–94, I–94 southwest to Greenfield Road, Greenfield Road south to Schaefer Road, Schaefer Road south and east to Jefferson Avenue, Jefferson Avenue south (Biddle Avenue through the city of Wyandotte) to Sibley Avenue, Sibley Avenue west to Fort Street, Fort Street south to King Road, King Road east to Jefferson Avenue, Jefferson Avenue south to Helen Road, Helen Road east extended to Trenton Channel, Trenton Channel north to the Detroit River, the Detroit River north to the Ambassador Bridge, Ambassador Bridge to I–75, I–75 to Michigan Avenue.	10/4/96	Attainment		
Rest of State	11/15/90	Unclassifiable		

Michigan—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
State of Michigan		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 46008, Oct. 5, 1978; 45 FR 27936, Apr. 25, 1980; 46 FR 46575, Sept. 21, 1981; 46 FR 55109, Nov. 6, 1981; 47 FR 6428, Feb. 12, 1982; 47 FR 7229, Feb. 18, 1982; 47 FR 31878, July 23, 1982; 47 FR 42737, Sept. 29, 1982; 48 FR 8278, Feb. 28, 1983; 48 FR 31207, July 7, 1983; 48 FR 37653, Aug. 19, 1983; 50 FR 3342, Jan. 24, 1985; 50 FR 28576, July 15, 1985; 50 FR 48761, Nov. 27, 1985; 51 FR 26387, July 23, 1986; 54 FR 15185, Apr. 17, 1989; 56 FR 56776, Nov. 6, 1991; 57 FR 56770, Nov. 30, 1992; 60 FR 12478, Mar. 7, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 5710, Feb. 14, 1996; 61 FR 31849, June 21, 1996; 61 FR 40519, Aug. 5, 1996; 63 FR 31054, June 5, 1998; 63 FR 39436, July 22, 1998; 64 FR 30915, June 9, 1999; 64 FR 35023, June 30, 1999; 65 FR 45234, July 20, 2000; 65 FR 52660, Aug. 30, 2000; 65 FR 67637, Nov. 13, 2000; 65 FR 70498, Nov. 24, 2000; 67 FR 45637, July 10, 2002]

§ 81.324 Minnesota.

Minnesota—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 131:				
Anoka County				X
Carver County				X
Dakota County				X
Hennepin County				X
Ramsey County				X
Scott County				X
Washington County				X
Aitkin County				X
Becker County				X
Beltrami County				X
Benton and Stearns Counties				X
Big Stone County				X
Blue Earth County				X
Brown County				X
Carlton County				X
Cass County				X
Chippewa County				X
Chisago County				X
Clay County				X
Clearwater County				X
Cook County				X
Cottonwood County				X
Crow Wing County				X
Dodge County				X

Minnesota—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Douglas County				X
Faribault County				X
Fillmore County				X
Freeborn County				X
Goodhue County				X
Grant County				X
Houston County				X
Hubbard County				X
Isanti County				X
Itasca and Saint Louis Counties				X
Jackson County				X
Kanabec County				X
Kandiyohi County				X
Kittson County				X
Koochiching County				X
Lac qui Parle County				X
Lake County				X
Lake of the Woods County				X
Le Sueur County				X
Lincoln County				X
Lyon County				X
Mahnomen County				X
Marshall County				X
Martin County				X
McLeod County				X
Meeker County				X
Mille Lacs County				X
Morrison County				X
Mower County				X
Murray County				X
Nicollet County				X
Nobles County				X
Norman County				X
Olmsted County				X
Otter Tail County				X
Pennington County				X
Pine County				X
Pipestone County				X
Polk County				X
Pope County				X
Red Lake County				X
Redwood County				X
Renville County				X
Rice County				X
Rock County				X
Roseau County				X
Saint Louis County (see Itasca County)				X
Sherburne County			X	
Sibley County				X
Stearns (see Benton County)				X
Steele County				X
Stevens County				X
Swift County				X
Todd County				X
Traverse County				X
Wabasha County				X
Wadena County				X
Waseca County				X
Watonwan County				X
Wilkin County				X
Winona County				X
Wright County				X
Yellow Medicine County				X

Minnesota—CO

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Minneapolis-Saint Paul Area:.				

Minnesota—CO

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Anoka County	Nov. 29, 1999	Attainment		
Carver County (part).				
Carver, Chanhassen, Chaska, Hamburg, Norwood, Victoria, Waconia, Watertown, Young America, Chaska Township, Laketown Township, Waconia Township, Watertown Township, Young America Township.	.....do	Attainment		
Dakota County (part).				
Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Lilydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul.	.....do	Attainment		
Hennepin County	.....do	Attainment		
Ramsey County	.....do	Attainment		
Scott County (part)	.....do	Attainment		
Belle Plaine, Elko, New Market, New Prague, Prior Lake, Savage, Shakopee, Credit River Township, Jackson Township, Louisville Township, New Market Township, Spring Lake Township.	.....do	Attainment		
Washington County (part).				
All cities and townships except Denmark Township.				
Wright County (part).				
Albertville, Annandale, Buffalo, Clearwater, Cokato, Delano, Hanover, Monticello, Montrose, Rockford, St. Michael, South Haven, Waverly, Dayton (Wright Co. part), Buffalo Township, Chatham Township, Clearwater Township, Cokato Township, Corrinna Township, Frankfort Township, Maple Lake Township, Franklin Township, Marysville Township, Monticello Township, Ostego Township, Rockford Township, Silver Creek Township, Southside Township.				
AQCR 131 Minneapolis-St. Paul:.				
Intrastate (Remainder of).				
Carver County (part).				
Remainder of County	.....	Unclassifiable/Attainment	.....	
Dakota County (part).				
Remainder of County	.....	.....do	.....	
Scott County (part).				
Remainder of County	.....	.....do	.....	
Washington County (part).				
Denmark Township	.....	.....do	.....	
Wright County (part).				
Remainder of County	.....	.....do	.....	
Aitkin County	.....	.....do	.....	
Becker County	.....	.....do	.....	
Beltrami County	.....	.....do	.....	
Benton County	8/27/93	Attainment	.....	
Big Stone County	.....	Unclassifiable/ Attainment	.....	
Blue Earth County	.....	.....do	.....	
Brown County	.....	.....do	.....	
Carlton County	.....	.....do	.....	
Cass County	.....	.....do	.....	
Chippewa County	.....	.....do	.....	
Chisago County	.....	.....do	.....	
Clay County	.....	.....do	.....	
Clearwater County	.....	.....do	.....	
Cook County	.....	.....do	.....	
Cottonwood County	.....	.....do	.....	
Crow Wing County	.....	.....do	.....	
Dodge County	.....	.....do	.....	
Douglas County	.....	.....do	.....	
Faribault County	.....	.....do	.....	
Fillmore County	.....	.....do	.....	
Freeborn County	.....	.....do	.....	
Goodhue County	.....	.....do	.....	
Grant County	.....	.....do	.....	
Houston County	.....	.....do	.....	
Hubbard County	.....	.....do	.....	
Isanti County	.....	.....do	.....	

Minnesota—CO

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Itasca County	.....	.....do	.....	
Jackson County	.....	.....do	.....	
Kanabec County	.....	.....do	.....	
Kandiyohi County	.....	.....do	.....	
Kittson County	.....	.....do	.....	
Koochiching County	.....	.....do	.....	
Lac qui Parle County	.....	.....do	.....	
Lake County	.....	.....do	.....	
Lake of the Woods County	.....	.....do	.....	
Le Sueur County	.....	.....do	.....	
Lincoln County	.....	.....do	.....	
Lyon County	.....	.....do	.....	
Mahnomen County	.....	.....do	.....	
Marshall County	.....	.....do	.....	
Martin County	.....	.....do	.....	
McLeod County	.....	.....do	.....	
Meeker County	.....	.....do	.....	
Mille Lacs County	.....	.....do	.....	
Morrison County	.....	.....do	.....	
Mower County	.....	.....do	.....	
Murray County	.....	.....do	.....	
Nicollet County	.....	.....do	.....	
Nobles County	.....	.....do	.....	
Norman County	.....	.....do	.....	
Olmsted County	.....	.....do	.....	
Otter Tail County	.....	.....do	.....	
Pennington County	.....	.....do	.....	
Pine County	.....	.....do	.....	
Pipestone County	.....	.....do	.....	
Polk County	.....	.....do	.....	
Pope County	.....	.....do	.....	
Red Lake County	.....	.....do	.....	
Redwood County	.....	.....do	.....	
Renville County	.....	.....do	.....	
Rice County	.....	.....do	.....	
Rock County	.....	.....do	.....	
Roseau County	.....	.....do	.....	
Saint Louis County.				
Duluth area.				
St. Louis County (part).				
City of Duluth	6/13/94	Attainment		
Remainder of County	.....	Unclassifiable/Attainment		
Sherburne County	8/27/93	Attainment		
Sibley County	.....	Unclassifiable/ Attainment		
Stearns County	8/27/93	Attainment		
Steele County	.....	Unclassifiable/Attainment		
Stevens County	.....	.....do	.....	
Swift County	.....	.....do	.....	
Todd County	.....	.....do	.....	
Traverse County	.....	.....do	.....	
Wabasha County	.....	.....do	.....	
Wadena County	.....	.....do	.....	
Waseca County	.....	.....do	.....	
Watonwan County	.....	.....do	.....	
Wilkin County	.....	.....do	.....	
Winona County	.....	.....do	.....	
Yellow Medicine County	.....	.....do	.....	

[1] This date is November 15, 1990, unless otherwise noted.

Minnesota—Lead

Designated area	Designation		Classification	
	Date	Type	Date	Type
Dakota County	12/19/94	Attainment		
Rest of State not designated.				

Minnesota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Minneapolis-Saint Paul Area:				
Anoka County		Unclassifiable/Attainment		
Carver County		Unclassifiable/Attainment		
Dakota County		Unclassifiable/Attainment		
Hennepin County		Unclassifiable/Attainment		
Ramsey County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Rest of State		Unclassifiable/Attainment		
Aitkin County		Unclassifiable/Attainment		
Becker County		Unclassifiable/Attainment		
Beltrami County		Unclassifiable/Attainment		
Benton County		Unclassifiable/Attainment		
Big Stone County		Unclassifiable/Attainment		
Blue Earth County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carlton County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Chisago County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clearwater County		Unclassifiable/Attainment		
Cook County		Unclassifiable/Attainment		
Cottonwood County		Unclassifiable/Attainment		
Crowe County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Faribault County		Unclassifiable/Attainment		
Fillmore County		Unclassifiable/Attainment		
Freeborn County		Unclassifiable/Attainment		
Goodhue County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Houston County		Unclassifiable/Attainment		
Hubbard County		Unclassifiable/Attainment		
Isanti County		Unclassifiable/Attainment		
Itasca County		Unclassifiable/Attainment		

Minnesota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Jackson County		Unclassifiable/Attainment		
Kanabec County		Unclassifiable/Attainment		
Kandiyohi County		Unclassifiable/Attainment		
Kittson County		Unclassifiable/Attainment		
Koochiching County		Unclassifiable/Attainment		
Lac qui Parle County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lake of the Woods County		Unclassifiable/Attainment		
Le Sueur County		Unclassifiable/Attainment		
Lincon County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Mahnomen County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
McLeod County		Unclassifiable/Attainment		
Meeker County		Unclassifiable/Attainment		
Mille Lacs County		Unclassifiable/Attainment		
Morrison County		Unclassifiable/Attainment		
Mower County		Unclassifiable/Attainment		
Murray County		Unclassifiable/Attainment		
Nicollet County		Unclassifiable/Attainment		
Nobles County		Unclassifiable/Attainment		
Norman County		Unclassifiable/Attainment		
Olmsted County		Unclassifiable/Attainment		
Otter Tail County		Unclassifiable/Attainment		
Pennington County		Unclassifiable/Attainment		
Pine County		Unclassifiable/Attainment		
Pipestone County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Pope County		Unclassifiable/Attainment		
Red Lake County		Unclassifiable/Attainment		
Redwood County		Unclassifiable/Attainment		
Renville County		Unclassifiable/Attainment		
Rice County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		

Minnesota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Roseau County		Unclassifiable/Attainment		
Saint Louis County		Unclassifiable/Attainment		
Sherburne County		Unclassifiable/Attainment		
Sibley County		Unclassifiable/Attainment		
Stearns County		Unclassifiable/Attainment		
Steele County		Unclassifiable/Attainment		
Stevens County		Unclassifiable/Attainment		
Swift County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Traverse County		Unclassifiable/Attainment		
Wabasha County		Unclassifiable/Attainment		
Wadena County		Unclassifiable/Attainment		
Waseca County		Unclassifiable/Attainment		
Watonwan County		Unclassifiable/Attainment		
Wilkin County		Unclassifiable/Attainment		
Winona County		Unclassifiable/Attainment		
Wright County		Unclassifiable/Attainment		
Yellow Medicine County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Minnesota—PM–10

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Minneapolis-Saint Paul Area:.				
Anoka County		Unclassifiable/ Attainment		
Carver County		do		
Dakota County		do		
Hennepin County		do		
Ramsey County	9/24/02	Attainment		
Scott County		Unclassifiable/Attainment		
Washington County		do		
Aitkin County		do		
Becker County		do		
Beltrami County		do		
Benton County		do		
Big Stone County		do		
Blue Earth County		do		
Brown County		do		
Carlton County		do		
Cass County		do		
Chippewa County		do		
Chisago County		do		
Clay County		do		
Clearwater County		do		
Cook County		do		
Cottonwood County		do		
Crow Wing County		do		
Dodge County		do		

Minnesota—PM–10

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Douglas County		do		
Faribault County		do		
Fillmore County		do		
Freeborn County		do		
Goodhue County		do		
Grant County		do		
Houston County		do		
Hubbard County		do		
Isanti County		do		
Itasca County		do		
Jackson County		do		
Kanabec County		do		
Kandiyohi County		do		
Kittson County		do		
Koochiching County		do		
Lac qui Parle County		do		
Lake County		do		
Lake of the Woods County		do		
Le Sueur County		do		
Lincoln County		do		
Lyon County		do		
Mahnomen County		do		
Marshall County		do		
Martin County		do		
McLeod County		do		
Meeker County		do		
Mille Lacs County		do		
Morrison County		do		
Mower County		do		
Murray County		do		
Nicollet County		do		
Nobles County		do		
Norman County		do		
Olmsted County	6/31/95	Attainment		
Otter Tail County		do		
Pennington County		do		
Pine County		do		
Pipestone County		do		
Polk County		do		
Pope County		do		
Red Lake County		do		
Redwood County		do		
Renville County		do		
Rice County		do		
Rock County		do		
Roseau County		do		
Saint Louis County		do		
Sherburne County		do		
Sibley County		do		
Stearns County		do		
Steele County		do		
Stevens County		do		
Swift County		do		
Todd County		do		
Traverse County		do		
Wabasha County		do		
Wadena County		do		
Waseca County		do		
Watonwan County		do		
Wilkin County		do		
Winona County		do		
Wright County		do		
Yellow Medicine County		do		

[1] This date is November 15, 1990, unless otherwise noted.

Minnesota—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 131:.		
Anoka County		X
Carver County		X
Dakota County		X
Hennepin County		X
Ramsey County		X
Scott County		X
Washington County		X
Aitkin County		X
Becker County		X
Beltrami County		X
Benton County		X
Big Stone County		X
Blue Earth County		X
Brown County		X
Carlton County		X
Cass County		X
Chippewa County		X
Chisago County		X
Clay County		X
Clearwater County		X
Cook County		X
Cottonwood County		X
Crow Wing County		X
Dodge County		X
Douglas County		X
Faribault County		X
Fillmore County		X
Freeborn County		X
Goodhue County		X
Grant County		X
Houston County		X
Hubbard County		X
Isanti County		X
Itasca County		X
Jackson County		X
Kanabec County		X
Kandiyohi County		X
Kittson County		X
Koochiching County		X
Lac qui Parle County		X
Lake County		X
Lake of the Woods County		X
Le Sueur County		X
Lincoln County		X
Lyon County		X
Mahnomen County		X
Marshall County		X
Martin County		X
McLeod County		X
Meeker County		X
Mille Lacs County		X
Morrison County		X
Mower County		X
Murray County		X
Nicollet County		X
Nobles County		X
Norman County		X
Olmsted		X
Otter Tail County		X
Pennington County		X
Pine County		X
Pipestone County		X
Polk County		X
Pope County		X
Red Lake County		X
Redwood County		X
Renville County		X
Rice County		X

Minnesota—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Rock County		X
Roseau County		X
Saint Louis County		X
Sherburne County		X
Sibley County		X
Stearns County		X
Steele County		X
Stevens County		X
Swift County		X
Todd County		X
Traverse County		X
Wabasha County		X
Wadena County		X
Waseca County		X
Watonwan County		X
Wilkin County		X
Winona County		X
Wright County		X
Yellow Medicine County		X

[58 FR 50277, Sept. 27, 1993 as amended at 58 FR 60495, Nov. 16, 1993; 59 FR 17709, Apr. 14, 1994; 59 FR 52436, Oct. 18, 1994; 60 FR 28343, May 31, 1995; 60 FR 34461, July 3, 1995; 62 FR 26235, May 13, 1997; 63 FR 31056, June 5, 1998; 64 FR 58354, Oct. 29, 1999; 65 FR 45236, July 20, 2000; 66 FR 14091, Mar. 9, 2001; 67 FR 45639, July 10, 2002; 67 FR 48790, July 26, 2002]

§ 81.325 Mississippi.

Mississippi—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Adams County				X
Alcorn County				X
Amite County				X
Attala County				X
Benton County				X
Bolivar County				X
Calhoun County				X
Carroll County				X
Chickasaw County				X
Choctaw County				X
Clairborne County				X
Clarke County				X
Clay County				X
Coahoma County				X
Copiah County				X
Covington County				X
DeSoto County				X
Forrest County				X
Franklin County				X
George County				X
Greene County				X
Grenada County				X
Hancock County				X
Harrison County				X
Hinds County				X
Holmes County				X
Humphreys County				X
Issaquena County				X
Ittawamba County				X
Jackson County				X
Jasper County				X
Jefferson County				X
Jefferson Davis County				X
Jones County				X
Kemper County				X

Mississippi—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Lafayette County				X
Lamar County				X
Lauderdale County				X
Lawerence County				X
Leake County				X
Lee County				X
Leflore County				X
Lincoln County				X
Lowndes County				X
Madison County				X
Marion County				X
Marshall County				X
Monroe County				X
Montgomery County				X
Neshoba County				X
Newton County				X
Noxubee County				X
Oktibbeha County				X
Panola County				X
Pearl River County				X
Perry County				X
Pike County				X
Pontotoc County				X
Prentiss County				X
Quitman County				X
Rankin County				X
Scott County				X
Sharkey County				X
Simpson County				X
Smith County				X
Stone County				X
Sunflower County				X
Tallahatchie County				X
Tate County				X
Tippah County				X
Tishomingo County				X
Tunica County				X
Union County				X
Walthall County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
Wilkinson County				X
Winston County				X
Yalobusha County				X
Yazoo County				X

Mississippi—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Adams County				X
Alcorn County				X
Amite County				X
Attala County				X
Benton County				X
Bolivar County				X
Calhoun County				X
Carroll County				X
Chickasaw County				X
Choctaw County				X
Clairborne County				X
Clarke County				X
Clay County				X
Coahoma County				X
Copiah County				X

Mississippi—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Covington County				X
DeSoto County				X
Forest County				X
Franklin County				X
George County				X
Greene County				X
Grenada County				X
Hancock County				X
Harrison County				X
Hinds County				X
Holmes County				X
Humphreys County				X
Issaquena County				X
Ittawamba County				X
Jackson County				X
Jasper County				X
Jefferson County				X
Jefferson Davis County				X
Jones County				X
Kemper County				X
Lafayette County				X
Lamar County				X
Lauderdale County				X
Lawrence County				X
Leake County				X
Lee County				X
Leflore County				X
Lincoln County				X
Lowndes County				X
Madison County				X
Marion County				X
Marshall County				X
Monroe County				X
Montgomery County				X
Neshoba County				X
Newton County				X
Noxubee County				X
Oktibbeha County				X
Panola County				X
Pearl River County				X
Perry County				X
Pike County				X
Pontotoc County				X
Prentiss County				X
Quitman County				X
Rankin County				X
Scott County				X
Sharkey County				X
Simpson County				X
Smith County				X
Stone County				X
Sunflower County				X
Tallahatchie County				X
Tate County				X
Tippah County				X
Tishomingo County				X
Tunica County				X
Union County				X
Walthall County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
Wilkinson County				X
Winston County				X
Yalobusha County				X
Yazoo County				X

Mississippi—Carbon Monoxide

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

Mississippi—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Tishomingo County				
Tunica County				
Union County				
Walthall County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wilkinson County				
Winston County				
Yalobusha County				
Yazoo County				

[1] This date is November 15, 1990, unless otherwise noted.

Mississippi—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Memphis:				
De Soto County	11/15/90	Unclassifiable/Attainment	11/15/90	
Statewide	.....	Unclassifiable/Attainment		
Adams County				
Alcorn County				
Amite County				
Attala County				
Benton County				
Bolivar County				
Calhoun County				
Carroll County				
Chickasaw County				
Choctaw County				
Claiborne County				
Clarke County				
Clay County				
Coahoma County				
Copiah County				
Covington County				
Forrest County				
Franklin County				
George County				
Greene County				
Grenada County				
Hancock County				
Harrison County				
Hinds County				
Holmes County				
Humphreys County				
Issaquena County				
Itawamba County				
Jackson County				
Jasper County				
Jefferson County				
Jefferson Davis County				
Jones County				
Kemper County				
Lafayette County				
Lamar County				
Lauderdale County				
Lawrence County				
Leake County				
Lee County				
Leflore County				
Lincoln County				
Lowndes County				
Madison County				
Marion County				
Marshall County				

Mississippi—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Monroe County				
Montgomery County				
Neshoba County				
Newton County				
Noxubee County				
Oktibbeha County				
Panola County				
Pearl River County				
Perry County				
Pike County				
Pontotoc County				
Prentiss County				
Quitman County				
Rankin County				
Scott County				
Sharkey County				
Simpson County				
Smith County				
Stone County				
Sunflower County				
Tallahatchie County				
Tate County				
Tippah County				
Tishomingo County				
Tunica County				
Union County				
Walthall County				
Warren County				
Washington County				
Wayne County				
Webster County				
Wilkinson County				
Winston County				
Yalobusha County				
Yazoo County				

[1] This date is October 18, 2000, unless otherwise noted.

Mississippi—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 47 FR 31878, July 23, 1982; 51 FR 887, Jan. 9, 1986; 56 FR 56783, Nov. 6, 1991; 63 FR 31058, June 5, 1998; 65 FR 45238, July 20, 2000]

§ 81.326 Missouri.

Missouri—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
St. Louis AQCR (070):				
St. Louis (an area extending west about 2 miles from the Mississippi River, north to near I–270 and south to about 1 mile beyond the city limits			X	
Remainder of the city of St. Louis			X	
Remainder of AQCR				X

Missouri—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kansas City AQCR (094):				
Kansas City (an area extending approximately from the Kansas state line east along Red Bridge Road and 115th Street to Missouri Highway 291, then north to I–70, east to Missouri Highway 7, north to U.S. Highway 24 west to Missouri Highway 291, north to Missouri Highway 152, west to Missouri Highway 9, south to U.S. Highway FF, and due south to the state line)	.....	.....	X	.....
St. Joseph: Within city limits	.....	.....	X	.....
Remainder of AQCR	.....	.....	.....	X
Northern AQCR (137): Mexico (township 51 north, range 9 west)	.....	.....	X	.....
Remainder of AQCR	.....	.....	.....	X
Southeastern AQCR (138)	.....	.....	.....	X
Remainder of AQCR	.....	.....	.....	X
Southwestern AQCR (139)	.....	.....	.....	X

[1] EPA designation replaces State designation.

Missouri—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Northern AQCR (137):				
Pike County	.....	.....	.....	X
Ralls County	.....	.....	.....	X
Remainder of AQCR	.....	.....	.....	X
Remainder of State	.....	.....	.....	X

Missouri—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
St. Louis Area:				
St. Louis City	.....	Attainment.		
St. Louis County (part):				
The area encompassed by the I–270 and the, Mississippi River..	.....	Attainment.		
AQCR 137 Northern Missouri Intrastate:				
Pike County	.....	Unclassifiable/Attainment.		
Ralls County	.....	Unclassifiable/Attainment.		
AQCR 137 Northern Missouri Intrastate (Remainder of).	.....	Unclassifiable/Attainment.		
Adair County				
Andrew County				
Atchison County				
Audrain County				
Boone County				
Caldwell County				
Callaway County				
Carroll County				
Chariton County				
Clark County				
Clinton County				
Cole County				
Cooper County				
Daviess County				
De Kalb County				
Gentry County				
Grundy County				
Harrison County				
Holt County				
Howard County				
Knox County				
Lewis County				
Lincoln County				

Missouri—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Linn County				
Livingston County				
Macon County				
Marion County				
Mercer County				
Moniteau County				
Monroe County				
Montgomery County				
Nodaway County				
Osage County				
Putnam County				
Randolph County				
Saline County				
Schuyler County				
Scotland County				
Shelby County				
Sullivan County				
Warren County				
Worth County				
Rest of State	.....	Unclassifiable/Attainment.		
Barry County				
Barton County				
Bates County				
Benton County				
Bollinger County				
Buchanan County				
Butler County				
Camden County				
Cape Girardeau County				
Carter County				
Cass County				
Cedar County				
Christina County				
Clay County				
Crawford County				
Dade County				
Dallas County				
Dent County				
Douglas County				
Dunklin County				
Franklin County				
Gasconade County				
Greene County				
Henry County				
Hickory County				
Howell County				
Iron County				
Jackson County				
Jasper County				
Jefferson County				
Johnson County				
Laclede County				
Lafayette County				
Lawrence County				
Madison County				
Maries County				
McDonald County				
Miller County				
Mississippi County				
Morgan County				
New Madrid County				
Newton County				
Oregon County				
Ozark County				
Pemiscot County				
Perry County				
Pettis County				
Phelps County				
Platte County				
Polk County				
Pulaski County				

Missouri—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ray County				
Reynolds County				
Ripley County				
Scott County				
Shannon County				
St. Charles County				
St. Clair County				
St. Francis County				
St. Louis County (part) Remainder of County				
Ste. Geevieve County				
Stoddard County				
Stone County				
Taney County				
Texas County				
Vernon County				
Washington County				
Wayne County				
Webster County				
Wright County				

[1] This date is November 15, 1990, unless otherwise noted.

Missouri—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Iron County (part) Within boundaries of Dent Township	10/18/00	Attainment		
Iron County (part)	1/6/92	Nonattainment		
Within boundaries of Liberty and Arcadia Townships				
Jefferson County (part)	1/6/92	Nonattainment		
Within city limits of Herculaneum				
Dent County	1/6/92	Unclassifiable		
Holt County	1/6/92	Unclassifiable		
Rest of State Not Designated				

Missouri—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kansas City Area:.				
Clay County	7/23/92	Unclassifiable/Attainment		
Jackson County	7/23/92	Unclassifiable/Attainment		
Platte County	7/23/92	Unclassifiable/Attainment		
St. Louis Area:.				
Franklin County	5/12/03	Attainment		
Jefferson County	5/12/03	Attainment		
St. Charles County	5/12/03	Attainment		
St. Louis	5/12/03	Attainment		
St. Louis County	5/12/03	Attainment		
AQCR 094 Metro Kansas City Interstate (Remainder of).				
Buchanan County				
Cass County				
Ray County				
AQCR 137 N. Missouri Intrastate (part)				
Pike County	.....	Unclassifiable/Attainment		
Ralls County	.....	Unclassifiable/Attainment		
AQCR 137 N. Missouri Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Adair County				
Andrew County				
Atchison County				
Audrain County				
Boone County				
Caldwell County				

Missouri—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Callaway County				
Carroll County				
Chariton County				
Clark County				
Clinton County				
Cole County				
Cooper County				
Daviess County				
DeKalb County				
Gentry County				
Grundy County				
Harrison County				
Holt County				
Howard County				
Knox County				
Lewis County				
Lincoln County				
Linn County				
Livingston County				
Macon County				
Marion County				
Mercer County				
Moniteau County				
Monroe County				
Montgomery County				
Nodaway County				
Osage County				
Putnam County				
Randolph County				
Saline County				
Schuyler County				
Scotland County				
Shelby County				
Sullivan County				
Warren County				
Worth County				
Rest of State	.....	Unclassifiable/Attainment		
Barry County				
Barton County				
Bates County				
Benton County				
Bollinger County				
Butler County				
Camden County				
Cape Girardeau County				
Carter County				
Cedar County				
Christian County				
Crawford County				
Dade County				
Dallas County				
Dent County				
Douglas County				
Dunklin County				
Gasconade County				
Greene County				
Henry County				
Hickory County				
Howell County				
Iron County				
Jasper County				
Johnson County				
Laclede County				
Lafayette County				
Lawrence County				
Madison County				
Maries County				
McDonald County				
Miller County				
Mississippi County				

Missouri—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Morgan County				
New Madrid County				
Newton County				
Oregon County				
Ozark County				
Pemiscot County				
Perry County				
Pettis County				
Phelps County				
Polk County				
Pulaski County				
Reynolds County				
Ripley County				
Scott County				
Shannon County				
St.Clair County				
St. Francois County				
Ste. Genevieve County				
Stoddard County				
Stone County				
Taney County				
Texas County				
Vernon County				
Washington County				
Wayne County				
Webster County				
Wright County				

[1] This date is October 18, 2000, unless otherwise noted.

Missouri—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Northern AQCR (137):		
Pike County	.....	X
Ralls County	.....	X
Remainder of AQCR	.....	X
Remainder of State	.....	X

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 22931, Apr. 4, 1980; 45 FR 27761, Apr. 24, 1980; 45 FR 62821, Sept. 22, 1980; 46 FR 899, Jan. 5, 1981; 46 FR 40008, Aug. 6, 1981; 47 FR 29541, July 7, 1982; 47 FR 56626, Dec. 20, 1982; 49 FR 18835, May 3, 1984; 50 FR 48760, Nov. 27, 1985; 54 FR 31527, July 31, 1989; 56 FR 56786, Nov. 6, 1991; 57 FR 27942, June 23, 1992; 63 FR 31059, June 5, 1998; 64 FR 3859, Jan. 26, 1999; 65 FR 45239, July 20, 2000; 65 FR 62298, Oct. 18, 2000; 65 FR 62298, Oct. 18, 2000; 68 FR 4840, Jan. 30, 2003; 68 FR 7410, Feb. 13, 2003; 68 FR 25442, May 12, 2003]

§ 81.327 Montana.

Montana—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Laurel Area	X	.....	.....	.....
East Helena Area	X	X	.....	.....
Anaconda Area	.....	.....	.....	X
Rest of State	.....	.....	.....	X

Montana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Billings Area				

Montana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Yellowstone County (part):.				
The following areas of Yellowstone Co. (Range and Township) sections: R25E T1N—Sections 24 through 27 and 34 through 36; R25E T1S—Sections 1, 2, and 12; R26E T1N Sections 19 through 22 and 27 through 34; R26E T1S Sections 2 through 11 and 15 through 18..	April 22, 2002.	Attainment		
Great Falls Area	July 8, 2002	Attainment	.....	
Cascade County (part).				
Great Falls designated area: North boundary—9th Avenue South or its straight line extension; East boundary—54th Street South or its straight line extension; South boundary—11th Avenue South or its straight line extension; West boundary—2nd Street South or its straight line extension.				
Missoula Area				
Missoula County (part)		Nonattainment		Moderate ≦ 12.7ppm
Missoula and vicinity including the following (Range and Township) sections: R19W T14N - sections: 29 and 32; R19W T13N - sections: 2, 5, 7, 8, 11, 14 through 24, and 26 through 34; R19W T12N - sections: 4 through 7; R20W T13N - sections: 23 through 26, 35 and 36				
Beaverhead County		Unclassifiable/Attainment		
Big Horn County (part)		Unclassifiable/Attainment		
excluding Crow, Northern Cheyenne Indian Reservations				
Blaine County (part)		Unclassifiable/Attainment		
excluding Fort Belknap Indian Reservation				
Broadwater County		Unclassifiable/Attainment		
Carbon County		Unclassifiable/Attainment		
Carter County		Unclassifiable/Attainment		
Cascade County (part)				
Remainder of Cascade County		Unclassifiable/Attainment		
Chouteau County (part)		Unclassifiable/Attainment		
excluding Rocky Boy Indian Reservation				
Custer County		Unclassifiable/Attainment		
Daniels County (part)		Unclassifiable/Attainment		
excluding Fort Peck Indian Reservation				
Dawson County		Unclassifiable/Attainment		
Deer Lodge County		Unclassifiable/Attainment		
Fallon County		Unclassifiable/Attainment		
Fergus County		Unclassifiable/Attainment		
Flathead County (part)		Unclassifiable/Attainment		
excluding Flathead Indian Resevation				
Gallatin County		Unclassifiable/Attainment		
Garfield County		Unclassifiable/Attainment		
Glacier County (part)		Unclassifiable/Attainment		
excluding Blackfeet Indian Reservation				
Golden Valley County		Unclassifiable/Attainment		
Granite County		Unclassifiable/Attainment		
Hill County (part)		Unclassifiable/Attainment		
excluding Rocky Boy Indian Reservation				
Jefferson County		Unclassifiable/Attainment		

Montana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Judith Basin County		Unclassifiable/Attainment		
Lake County (part) excluding Flathead Indian Reservation		Unclassifiable/Attainment		
Lewis and Clark County		Unclassifiable/Attainment		
Liberty County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
McCone County		Unclassifiable/Attainment		
Meagher County		Unclassifiable/Attainment		
Mineral County		Unclassifiable/Attainment		
Missoula County (part)				
Remainder of Missoula County		Unclassifiable/Attainment		
Musselshell County		Unclassifiable/Attainment		
Park County		Unclassifiable/Attainment		
Petroleum County		Unclassifiable/Attainment		
Phillips County (part) excluding Fort Belknap Indian Reservation		Unclassifiable/Attainment		
Pondera County (part) excluding Blackfeet Indian Reservation		Unclassifiable/Attainment		
Powder River County		Unclassifiable/Attainment		
Powell County		Unclassifiable/Attainment		
Prairie County		Unclassifiable/Attainment		
Ravalli County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Roosevelt County (part) excluding Fort Peck Indian Reservation		Unclassifiable/Attainment		
Rosebud County (part) excluding Northern Cheyenne Indian Reservation		Unclassifiable/Attainment		
Sanders County (part) excluding Flathead Indian Reservation		Unclassifiable/Attainment		
Sheridan County (part) excluding Fort Peck Indian Reservation		Unclassifiable/Attainment		
Silver Bow County		Unclassifiable/Attainment		
Stillwater County		Unclassifiable/Attainment		
Sweet Grass County		Unclassifiable/Attainment		
Teton County		Unclassifiable/Attainment		
Toole County		Unclassifiable/Attainment		
Treasure County		Unclassifiable/Attainment		
Valley County (part) excluding Fort Peck Indian Reservation		Unclassifiable/Attainment		
Wheatland County		Unclassifiable/Attainment		
Wibaux County		Unclassifiable/Attainment		
Yellowstone County (part)				
Remainder of Yellowstone County		Unclassifiable/Attainment		

Montana—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Yellowstone National Park		Unclassifiable/Attainment		
Blackfeet Indian Reservation		Unclassifiable/Attainment		
Glacier County (part)				
area inside Blackfeet Reservation				
Pondera County (part)				
area inside Blackfeet Reservation				
Crow Indian Reservation		Unclassifiable/Attainment		
Bighorn County (part)				
area inside Crow Reservation				
Yellowstone (part)				
area inside Crow Reservation				
Flathead Indian Reservation		Unclassifiable/Attainment		
Flathead County (part)				
area inside Flathead Reservation				
Lake County (part)				
area inside Flathead Reservation				
Missoula County (part)				
area inside Flathead Reservation				
Sanders County (part)				
area inside Flathead Reservation				
Fort Belknap Indian Reservation		Unclassifiable/Attainment		
Blaine County (part)				
area inside Fort Belknap Reservation				
Phillips County (part)				
area inside Fort Belknap Reservation				
Fort Peck Indian Reservation		Unclassifiable/Attainment		
Daniels County (part)				
area inside Fort Peck Reservation				
Roosevelt County (part)				
area inside Fort Peck Reservation				
Sheridan County (part)				
area inside Fort Peck Reservation				
Valley County (part)				
area inside Fort Peck Reservation				
Northern Cheyenne Indian Reservation		Unclassifiable/Attainment		
Bighorn County (part)				
area inside Northern Cheyenne Reservation				
Rosebud County (part)				
area inside Northern Cheyenne Reservation				
Rocky Boy Indian Reservation		Unclassifiable/Attainment		
Chouteau County (part)				
area inside Rocky Boy Reservation				
Hill County (part)				
area inside Rocky Boy Reservation				

[1] This date is November 15, 1990, unless otherwise noted.

Montana—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Lewis & Clark County (part)				
City of East Helena and vicinity	1/6/92	Nonattainment		
Northern boundary - horizontal universal transverse mercatur(UTM) 5,162,000 mN; eastern boundary - vertical UTM 432,500 mE; southern boundary - horizontal UTM 5,158,000 mN; western boundary - vertical UTM 427,000 mE				
Rest of State Not Designated				

Montana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Beaverhead County		Unclassifiable/Attainment		
Big Horn County (part) excluding Crow, Northern Cheyenne Indian Reservations.		Unclassifiable/Attainment		
Blaine County (part) excluding Fort Belknap Indian Reservation				
Broadwater County		Unclassifiable/Attainment		
Carbon County		Unclassifiable/Attainment		
Carter County		Unclassifiable/Attainment		
Cascade County		Unclassifiable/Attainment		
Chouteau County (part) excluding Rocky Boy Indian Reservation.		Unclassifiable/Attainment		
Custer County		Unclassifiable/Attainment		
Daniels County (part) excluding Fort Peck Indian Reservation.		Unclassifiable/Attainment		
Dawson County		Unclassifiable/Attainment		
Deer Lodge County		Unclassifiable/Attainment		
Fallon County		Unclassifiable/Attainment		
Fergus County		Unclassifiable/Attainment		
Flathead County (part) excluding Flathead Indian Reservation.		Unclassifiable/Attainment		
Gallatin County		Unclassifiable/Attainment		
Garfield County		Unclassifiable/Attainment		
Glacier County (part) excluding Blackfeet Indian Reservation		Unclassifiable/Attainment		
Golden Valley County		Unclassifiable/Attainment		
Granite County		Unclassifiable/Attainment		
Hill County (part) excluding Rocky Boy Indian Reservation		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Judith Basin County		Unclassifiable/Attainment		
Lake County (part) excluding Flathead Indian Reservation		Unclassifiable/Attainment		
Lewis and Clark County		Unclassifiable/Attainment		
Liberty County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
McCone County		Unclassifiable/Attainment		
Meagher County		Unclassifiable/Attainment		
Mineral County		Unclassifiable/Attainment		
Missoula County (part) excluding Flathead Indian Reservation.		Unclassifiable/Attainment		
Musselshell County		Unclassifiable/Attainment		
Park County		Unclassifiable/Attainment		
Petroleum County		Unclassifiable/Attainment		

Montana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Phillips County (part) excluding Fort Belknap Indian Reservation.	.....	Unclassifiable/Attainment		
Pondera County (part) excluding Blackfeet Indian Reservation.	.....	Unclassifiable/Attainment		
Powder River County	.....	Unclassifiable/Attainment		
Powell County	.....	Unclassifiable/Attainment		
Prairie County	.....	Unclassifiable/Attainment		
Ravalli County	.....	Unclassifiable/Attainment		
Richland County	.....	Unclassifiable/Attainment		
Roosevelt County (part) excluding Fort Peck Indian Reservation.	.....	Unclassifiable/Attainment		
Rosebud County (part) excluding Northern Cheyenne Indian Reservation.	.....	Unclassifiable/Attainment		
Sanders County (part) excluding Flathead Indian Reservation.	.....	Unclassifiable/Attainment		
Sheridan County (part) excluding Fort Peck Indian Reservation.	.....	Unclassifiable/Attainment		
Silver Bow County	.....	Unclassifiable/Attainment		
Stillwater County	.....	Unclassifiable/Attainment		
Sweet Grass County	.....	Unclassifiable/Attainment		
Teton County	.....	Unclassifiable/Attainment		
Toole County	.....	Unclassifiable/Attainment		
Treasure County	.....	Unclassifiable/Attainment		
Valley County (part) excluding Fort Peck Indian Reservation	.....	Unclassifiable/Attainment		
Wheatland County	.....	Unclassifiable/Attainment		
Wibaux County	.....	Unclassifiable/Attainment		
Yellowstone County (part) excluding Crow Indian Reservation.	.....	Unclassifiable/Attainment		
Yellowstone Natl Park	.....	Unclassifiable/Attainment		
Blackfeet Indian Reservation	.....	Unclassifiable/Attainment		
Glacier County (part) area inside Blackfeet Reservation				
Pondera County (part) area inside Blackfeet Reservation				
Crow Indian Reservation	.....	Unclassifiable/Attainment		
Bighorn County (part) area inside Crow Reservation				
Yellowstone (part) area inside Crow Reservation				
Flathead Indian Reservation	.....	Unclassifiable/Attainment		
Flathead County (part) area inside Flathead Reservation				
Lake County (part) area inside Flathead Reservation				
Missoula County (part) area inside Flathead Reservation				
Sanders County (part) area inside Flathead Reservation				
Fort Belknap Indian Reservation	.....	Unclassifiable/Attainment		
Blaine County (part) area inside Fort Belknap Reservation				
Phillips County (part) area inside Fort Belknap Reservation				

Montana—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Fort Peck Indian Reservation	.....	Unclassifiable/Attainment		
Daniels County (part) area inside Fort Peck Reservation				
Roosevelt County (part) area inside Fort Peck Reservation				
Sheridan County (part) area inside Fort Peck Reservation				
Valley County (part) area inside Fort Peck Reservation				
Northern Cheyenne Indian Reservation	.....	Unclassifiable/Attainment		
Bighorn County (part) area inside Northern Cheyenne Reservation				
Rosebud County (part) area inside Northern Cheyenne Reservation				
Rocky Boy Indian Reservation	.....	Unclassifiable/Attainment		
Chouteau County (part) area inside Rocky Boy Reservation				
Hill County (part) area inside Rocky Boy Reservation				

[1] This date is October 18, 2000, unless otherwise noted.

Montana—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Cascade County, Great Falls area	11/15/90	Unclassifiable	.....	
Flathead County:				
The area bounded by lines from Universal Transmercator (UTM) coordinate 700000mE, 5347000mN, east to 704000mE, 5347000mN, south to 704000mE, 5341000mN, west to 703000mE, 5341000mN, south to 703000mE, 5340000mN, west to 702000mE, 5340000mN, south to 702000mE, 5339000mN, east to 703000mE, 5339000mN, south to 703000mE, 5338000mN, east to 704000mE, 5338000mN, south to 704000mE, 5336000mN, west to 702000mE, 5336000mN, south to 702000mE, 5335000mN, west to 700000mE, 5335000mN, north to 700000mE, 5340000mN, west to 695000mE, 5340000mN, north to 695000mE, 5345000mN, east to 700000mE, 5345000mN, north to 700000mE, 5347000mN.	11/15/90	Nonattainment	11/15/90	Moderate.
Columbia Falls and vicinity	11/15/90	Nonattainment	11/15/90	Moderate.
Township T30N, R20W—Sections 7, 8, 9, 16, 17, and 18				
The City of Whitefish and surrounding vicinity bounded by lines from Universal Transmercator (UTM) coordinates 695000 mE, 5370000 mN, east to 699000 mE, 5370000 mN, south to 699000 mE, 5361000 mN, west to 695000 mN, 5361000 mN, and north to 695000 mE, 5370000 mN.	11/18/93	Nonattainment	11/18/93	Moderate.
Lake County, Ronan, Polson	11/15/90	Nonattainment	11/15/90	Moderate.
Lincoln County, Libby and vicinity	11/15/90	Nonattainment	11/15/90	Moderate.
T30N, R31W—Sections 2, 3, 4, 5, 9, 10, 11, 14, 15, 23, 26, 35, and west ½ of Section 24, west ½ of Section 25, and west ½ of Section 36; plus T31N, R31W—Sections 26, 27, 29, 32, 33, 34, 35 and the east ½ of Section 30.				
Lewis and Clark County, East Helena area	11/15/90	Unclassifiable	.....	
Missoula County, Missoula and vicinity including the following sections:	11/15/90	Nonattainment	11/15/90	Moderate.
T13N, R19W—2, 8, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, and 34; T12N, R19W—Sections 4, 5, 6, 7; T13N, R20W—Sections 23, 24, 25, 26, 35, and 36.				
Rosebud County:				
Lame Deer	11/15/90	Nonattainment	11/15/90	Moderate.

Montana—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Colstrip area	11/15/90	Unclassifiable	.....	
Sanders County (part)	1/20/94	Nonattainment	1/20/94	Moderate.
Thompson Falls and vicinity: Including the following Sections: R29W, T21N—Sections 5, 6, 7, 8, 9, 10, 15, and 16.				
Silver Bow County, Butte	11/15/90	Nonattainment	11/15/90	Moderate.
The following area of Butte-Silver Bow excluding the territorial limits of the City of Walkerville: Beginning at the Northwest corner of Section 2, T.3N., R.8W., thence Easterly to Northeast corner Section 5, T.3N., R.7W.; then Southerly to Northwest corner Section 9, T.3N., R.7W.; thence Easterly to Northeast corner Section 10, T.3N., R.7W.; thence Southerly to Southeast corner Section 22, T.2N., R.7W.; thence Westerly to Southwest corner Section 19, T.2N., R.7W.; thence Northerly to Northwest corner Section 19, T.2N., R.7W.; thence Westerly to Southwest corner Section 14, T.2N., R.8W.; thence Northerly to Southwest corner Section 35, T.3N., R.8W.; thence Westerly to Southwest corner Section 34, T.3N., R.8W.; thence Northerly to Northwest corner Section 27, T.3N., R.8W.; thence Westerly to Southwest corner Section 20, T.3N., R.8W.; thence Northerly to Northwest corner Section 17, T.3N., R.8W.; thence Easterly to Northwest corner Section 14, T.3N., R.8W.; thence Northerly to the point of beginning.				
Yellowstone County, Billings area	11/15/90	Unclassifiable	.....	
Rest of State[1]	11/15/90	Unclassifiable	.....	

[1] Denotes a single area designation for PSD baseline area purposes.

Montana—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State	.....	X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40427, Sept. 11, 1978; 45 FR 59317, Sept. 9, 1980; 45 FR 62985, Sept. 23, 1980; 47 FR 30764, July 15, 1982; 50 FR 16476, Apr. 26, 1985; 56 FR 56790, Nov. 6, 1991; 57 FR 56772, Nov. 30, 1992; 58 FR 53887, Oct. 19, 1993; 58 FR 67343, Dec. 21, 1993; 59 FR 11553, Mar. 11, 1994; 60 FR 55798, Nov. 3, 1995; 63 FR 31061, June 5, 1998; 65 FR 45241, July 20, 2000; 67 FR 7973, Feb. 21, 2002; 67 FR 31150, May 9, 2002]

§ 81.328 Nebraska.

Nebraska—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 085 (Douglas and Sarpy Counties):				
Douglas County:				
Omaha			X	
Remainder of Douglas County				X
Sarpy County:				
Bellevue			X	
Remainder of Sarpy County				X
AQCR 086			[1] X	
AQCR 145				X
AQCR 146:				
Cass County			X	
Dawson County			[1] X	
Remainder of AQCR 146				X

[1] EPA designation replaces state designation.

Nebraska—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire State				X

Nebraska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Adams County				
Antelope County				
Arthur County				
Banner County				
Blaine County				
Boone County				
Box Butte County				
Boyd County				
Brown County				
Buffalo County				
Burt County				
Butler County				
Cass County				
Cedar County				
Chase County				
Cherry County				
Cheyenne County				
Clay County				
Colfax County				
Cuming County				
Custer County				
Dakota County				
Dawes County				
Dawson County				
Deuel County				
Dixon County				
Dodge County				
Douglas County				
Dundy County				
Fillmore County				
Franklin County				
Frontier County				
Furnas County				
Gage County				
Garden County				
Garfield County				
Gosper County				
Grant County				
Greeley County				
Hall County				
Hamilton County				
Harlan County				
Hayes County				
Hitchcock County				
Holt County				
Hooker County				
Howard County				
Jefferson County				
Johnson County				
Kearney County				
Keith County				
Keya Paha County				
Kimball County				
Knox County				
Lancaster County				
Lincoln County				
Logan County				
Loup County				
Madison County				
McPherson County				

Nebraska—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Merrick County				
Morrill County				
Nance County				
Nemaha County				
Nuckolls County				
Otoe County				
Pawnee County				
Perkins County				
Phelps County				
Pierce County				
Platte County				
Polk County				
Red Willow County				
Richardson County				
Rock County				
Saline County				
Sarpy County				
Saunders County				
Scotts Bluff County				
Seward County				
Sheridan County				
Sherman County				
Sioux County				
Stanton County				
Thayer County				
Thomas County				
Thurston County				
Valley County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
York County				

[1] This date is November 15, 1990, unless otherwise noted.

Nebraska—Lead

Designated area	Designation		Classification	
	Date	Type	Date	Type
Douglas County (part):				
Portion of city of Omaha bounded by: Jones Street on the south, Eleventh Street on the west, Avenue H and the Nebraska-Iowa border on the north, and the Missouri River on the east.	4/20/01	Attainment.		

Nebraska—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide	.....	Unclassifiable/Attainment		
Adams County				
Antelope County				
Arthur County				
Banner County				
Blaine County				
Boone County				
Box Butte County				
Boyd County				
Brown County				
Buffalo County				
Burt County				
Butler County				
Cass County				
Cedar County				
Chase County				

Nebraska—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Cherry County				
Cheyenne County				
Clay County				
Colfax County				
Cuming County				
Custer County				
Dakota County				
Dawes County				
Dawson County				
Deuel County				
Dixon County				
Dodge County				
Douglas County				
Dundy County				
Fillmore County				
Franklin County				
Frontier County				
Furnas County				
Gage County				
Garden County				
Garfield County				
Gosper County				
Grant County				
Greeley County				
Hall County				
Hamilton County				
Harlan County				
Hayes County				
Hitchcock County				
Holt County				
Hooker County				
Howard County				
Jefferson County				
Johnson County				
Kearney County				
Keith County				
Keya Paha County				
Kimball County				
Knox County				
Lancaster County				
Lincoln County				
Logan County				
Loup County				
Madison County				
McPherson County				
Merrick County				
Morrill County				
Nance County				
Nemaha County				
Nuckolls County				
Otoe County				
Pawnee County				
Perkins County				
Phelps County				
Pierce County				
Platte County				
Polk County				
Red Willow County				
Richardson County				
Rock County				
Saline County				
Sarpy County				
Saunders County				
Scotts Bluff County				
Seward County				
Sheridan County				
Sherman County				
Sioux County				
Stanton County				
Thayer County				
Thomas County				

Nebraska—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Thurston County				
Valley County				
Washington County				
Wayne County				
Webster County				
Wheeler County				
York County				

[1] This date is October 18, 2000, unless otherwise noted.

Nebraska—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[43 FR 8964, Mar. 3, 1978, as amended at 46 FR 57046, Nov. 20, 1981; 47 FR 10210, Mar. 10, 1982; 47 FR 47813, Oct. 28, 1982; 49 FR 18837, May 3, 1984; 50 FR 5070, Feb. 6, 1985; 51 FR 32641, Sept. 15, 1986; 53 FR 50213, Dec. 14, 1988; 54 FR 21063, May 16, 1989; 56 FR 56794, Nov. 6, 1991; 61 FR 64295, Dec. 4, 1996; 63 FR 31063, June 5, 1998; 65 FR 45243, July 20, 2000; 66 FR 20199, Apr. 20, 2001]

§ 81.329 Nevada.

NEVADA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
(Township Range):				
Clark County:				
Las Vegas Valley (212)(15–24S, 56–64E)	X			
Colorado River Valley (213) (22–33S, 63–66E)			X [1]	
Rest of County [2]				X
Carson Desert (101)(15–24.5N, 25–35E)	X			
Winnemucca Segment (70)(34–38N, 34–41E)	X			
Lower Reese Valley (59)(27–32N, 42–48E)		X		
Fernley Area (76)(19–21N, 23–26E)	X			
Truckee Meadows (87)(17–20N, 18–21E)	X			
Mason Valley (108)(9–16N, 24–26E)	X			
Clovers Area (64)(32–39N, 42–46E)		X		

[1] EPA designation replaces State designation.
[2] Rest of County refers to 27 hydrographic areas either entirely or partially located within Clark County as shown on the State of Nevada Division of Water Resources' map titled Water Resources and Inter-basin Flows (September 1971), excluding the two designated areas in Clark County specifically listed in the table.

NEVADA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
(Township Range):				
Steptoe Valley (179) (10–29N, 61–67E):				
Central				X
Northern (area which is north of Township 21 North and within the drainage basin of the Steptoe Valley)			X	
Southern (area which is south of Township 15 North and within the drainage basin of the Steptoe Valley)			X	
Boulder Flat (61) (31–37N, 45–51E):				
Upper Unit 61				X
Lower Unit 61				X

NEVADA—SO_2—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Rest of State [1]				X

[1] Rest of State refers to hydrographic areas as shown on the State of Nevada Division of Water Resources' map titled Water Resources and Inter-basin Flows (September 1971), excluding the designated areas specifically listed in the table.

Nevada—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lake Tahoe Nevada Area				
Hydrographic Area 90				
Carson City County (part)		Nonattainment		Not Classified
Douglas County (part)		Nonattainment		Not Classified
Washoe County (part)		Nonattainment		Not Classified
Las Vegas Area:.				
Clark County (part):				
Las Vegas Valley Hydrographic Area 212		Nonattainment	11/03/97	Serious.
Reno Area				
Washoe County (part)				
Truckee Meadows Hydrographic Area 87		Nonattainment		Moderate ≦ 12.7ppm
Rest of State		Unclassifiable/Attainment		
Carson City County (part)				
Area outside Hydrographic Area 90				
Churchill County				
Clark County (part)				
Area outside Las Vegas Valley Hydrographic Area 212				
Douglas County (part)				
Area outside Hydrographic Area 90				
Elko County				
Esmeralda County				
Eureka County				
Humboldt County				
Lander County				
Lincoln County				
Lyon County				
Mineral County				
Nye County				
Pershing County				
Storey County				
Washoe County (part)				
Remainder of county				
White Pine County				

[1] This date is November 15, 1990, unless otherwise noted.

Nevada—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Reno Area:				
Washoe County	([2])	Nonattainment	([2])	Marginal.
Rest of State		Unclassifiable/Attainment		
Carson City				
Churchill County				
Clark County				
Douglas County				
Elko County				
Esmeralda County				
Eureka County				
Humboldt County				
Lander County				
Lincoln County				
Lyon County				
Mineral County				
Nye County				
Pershing County				

Nevada—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Storey County				
White Pine County				

[1] This date is October 18, 2000, unless otherwise noted.
[2] This date is January 16, 2001.

NEVADA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Washoe County:				
Reno planning area	11/15/90	Nonattainment	02/07/01	Serious.
Hydrographic area 87				
Clark County:				
Las Vegas planning area	11/15/90	Nonattainment	02/08/93	Serious.
Hydrographic area 212				
Boulder Flat (61) (31–37N, 45–51E):				
Upper Unit 61	11/15/90	Unclassifiable		
Lower Unit 61	11/15/90	Unclassifiable		
Rest of State [1]	11/15/90	Unclassifiable		

[1] Rest of State refers to hydrographic areas as shown on the State of Nevada Division of Water Resources' map titled Water Resources and Inter-basin Flows (September 1971), as revised to include a division of Carson Desert (area 101) into two areas, a smaller area 101 and area 101A, and excluding the designated areas specifically listed in the table.

NEVADA–NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Boulder Flat (61)(31–37N, 45–51E):		
Upper Unit 61		X
Lower Unit 61		X
Rest of State [1]		X

[1] Rest of State refers to hydrographic areas as shown on the State of Nevada Division of Water Resources' map titled Water Resources and Inter-basin Flows (September 1971), excluding the designated areas specifically listed in the table.

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 30071, May 7, 1980; 45 FR 35327, May 27, 1980; 45 FR 46807, July 11, 1980; 46 FR 14892, Mar. 3, 1981; 46 FR 37897, July 23, 1981; 47 FR 20773, May 14, 1982; 51 FR 41789, Nov. 19, 1986; 56 FR 56797, Nov. 6, 1991; 57 FR 56772, Nov. 30, 1992; 58 FR 3342, Jan. 8, 1993; 60 FR 55798, Nov. 3, 1995; 63 FR 31065, June 5, 1998; 65 FR 45244, July 20, 2000; 65 FR 45829, July 25, 2000; 66 FR 1270, Jan. 8, 2001; 67 FR 12477, Mar. 19, 2002; 67 FR 17943, Apr. 12, 2002; 67 FR 68776, Nov. 13, 2002]

§ 81.330 New Hampshire.

New Hampshire—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
Metro Keene				X
Metro Manchester			X	
Remainder of New Hampshire's Portion of So. N.H.M.V. AQCR 121.				X
Central NH Interstate AQCR 149.				X
Metro Berlin			X	
Remainder of New Hampshire's portion of Androscoggin Valley Interstate ACQR 107.				X

New Hampshire—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
N.H. portion of Merrimack Valley So. N.H. Interstate AQCR 121	.....	.....	.....	X
Central N.H. Intrastate AQCR 149	.....	.....	.....	X
N.H. portion of Androscoggin Valley Interstate AQCR 107	.....	.....	.....	X

New Hampshire—Carbon Monoxide

Designated area:	Designation		Classification	
	Date	Type	Date	Type
Manchester Area:				
Hillsborough County (part), City of Manchester	1–29–01	Attainment		
Nashua Area:				
Hillsborough County (part), City of Nashua	1–29–01	Attainment		
AQCR 107 Androscoggin Valley Interstate		Unclassifiable/Attainment		
Coos County				
AQCR 121 Merrimack Valley–S NH Interstate		Unclassifiable/Attainment		
Belknap County				
Cheshire County				
Hillsborough County (part), Area outside of Nashua and Manchester				
Merrimack County				
Rockingham County				
Stratford County				
Sullivan County				
AQCR 149 Central New Hampshire Intrastate		Unclassifiable/Attainment		
Carroll County				
Grafton County				

New Hampshire—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Belknap County Area:				
Belknap County		Unclassifiable/Attainment		
Boston-Lawrence-Worcester Area:				
Hillsborough County (part)	(1)	Nonattainment	(2)	Serious.
Pelham Town, Amherst Town, Brookline Town, Hollis Town, Hudson Town, Litchfield Town, Merrimack Town, Milford Town, Mont Vernon Town, Nashua City Wilton Town.				
Rockingham County (part)				
Atkinson Town, Brentwood Town, Danville Town, Derry Town, E. Kingston Town, Hampstead Town, Hampton Falls Town, Kensington Town, Kingston Town, Londonderry Town, Newton Town, Plaistow Town, Salem Town, Sandown Town, Seabrook Town, South Hampton Town Windham Town.	(2)	Nonattainment	(2)	Serious.
Cheshire County Area:				
Cheshire County	(2)	Nonattainment	(2)	Incomplete Data.
Manchester Area:				
Hillsborough County (part)	(2)	Nonattainment	(2)	Marginal.
Antrim Town, Bedford Town, Bennington Town, Deering Town, Francestown Town, Goffstown Town, Greenfield Town, Greenville Town, Hancock Town, Hillsborough Town, Lyndeborough Town, Manchester city, Mason Town, New Boston Town, New Ipswich Town, Petersborough Town, Sharon Town, Temple town, Weare Town, Windsor Town.				
Merrimack County	(2)	Nonattainment	(2)	Marginal.
Rockingham County (part)	(2)	Nonattainment	(2)	Marginal.

New Hampshire—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Auburn Town, Candia Town, Chester Town, Deerfield Town, Epping Town, Fremont Town, Northwood Town, Nottingham Town, Raymond Town.				
Portsmouth-Dover-Rochester Area:				
Rockingham County (part)	(2)	Nonattainment	(2)	Serious.
Exeter Town, Greenland Town, Hampton Town, New Castle Town, Newfields Town, Newington Town, Newmarket Town, North Hampton Town, Portsmouth city, Rye Town, Stratham Town.				
Strafford County	(2)	Nonattainment	(2)	Serious.
Sullivan County Area:				
Sullivan County		Unclassifiable/Attainment		
AQCR 107 Androscoggin Valley Interstate:				
Coos County		Unclassifiable/Attainment		
AQCR 149 Central New Hampshire Interstate:				
Carroll County		Unclassifiable/Attainment		
Grafton County		Unclassifiable/Attainment		

[1] This date is October 18, 2000 unless otherwise noted.
[2] This date is January 16, 2001.

New Hampshire—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 24877, Apr. 11, 1980; 46 FR 33524, June 30, 1981; 47 FR 764, Jan. 7, 1982; 47 FR 31878, July 23, 1982; 52 FR 3802, Feb. 6, 1987; 52 FR 35082, Sept. 17, 1987; 52 FR 36863, Oct. 1, 1987; 56 FR 56799, Nov. 6, 1991; 59 FR 42769, Aug. 19, 1994; 62 FR 14644, Mar. 27, 1997; 63 FR 31065, June 5, 1998; 64 FR 30916, June 9, 1999; 65 FR 45245, July 20, 2000; 65 FR 71066, Nov. 29, 2000]

§ 81.331 New Jersey.

New Jersey—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
New Jersey-New York-Connecticut Interstate AQCR				X
Metropolitan Philadelphia Interstate AQCR				X
New Jersey Intrastate AQCR				X
Northeast Pennsylvania-Upper Delaware Valley Interstate AQCR:				
The Township of Harmony	X	X		
The Township of White	X	X		
The Township of Oxford	X	X		
The Township of Belvidere	X	X		
Portions of Liberty Township	X	X		
Portions of Mansfield Township	X	X		
Remainder of AQCR	X	X		X

New Jersey—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Atlantic City Area				
Atlantic County (part)				
The City of Atlantic City	2/5/96	Attainment		

New Jersey—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Burlington Area				
Burlington County (part)				
City of Burlington	2/5/96	Attainment		
Freehold Area				
Monmouth County (part)				
Borough of Freehold	2/5/96	Attainment		
Morristown Area				
Morris County (part)				
City of Morristown	2/5/96	Attainment		
New York-N. New Jersey-Long Island Area				
Bergen County		Nonattainment		Moderate > 12.7ppm
Essex County		Nonattainment		Moderate > 12.7ppm
Hudson County		Nonattainment		Moderate > 12.7ppm
Passaic County (part)				
City of Clifton		Nonattainment		Moderate > 12.7ppm
City of Patterson		Nonattainment		Moderate > 12.7ppm
City of Passaic		Nonattainment		Moderate > 12.7ppm
Union County		Nonattainment		Moderate > 12.7ppm
Penns Grove Area				
Salem County (part)				
Borough of Penns Grove. Those portions within 100 yards of the intersections of U.S. Route 130 and County Roads 675 & 607.	2/5/96	Attainment		
Perth Amboy Area				
Middlesex County (part)				
City of Perth Amboy	2/5/96	Attainment		
Philadelphia-Camden County Area				
Camden County	2/5/96	Attainment		
Somerville Area				
Somerset County (part)				
Borough of Somerville	2/5/96	Attainment		
Toms River Area				
Ocean County (part)				
City of Toms River	2/5/96	Attainment		
Trenton Area				
Mercer County (part)				
City of Trenton	2/5/96	Attainment		
AQCR 043 NJ NY Connecticut Interstate (Remainder of)		Unclassifiable/Attainment		
Middlesex County (part)				
Area outside of Perth Amboy				
Monmouth County (part)				
Area outside Freehold				
Morris County (part)				
Area outside of Morristown				
Passaic County (part)				
Area outside Clifton, Patterson, and Passaic				
Somerset County (part)				
Area outside of Somerville				
AQCR 045 Metro. Philadelphia Interstate (Remainder of)		Unclassifiable/Attainment		
Burlington County (part)				
Area outside Burlington				
Gloucester County				
Mercer County (part)				
Area outside Trenton				
Salem County (part)				
Area outside Penns Grove Area				
AQCR 150 New Jersey Intrastate		Unclassifiable/Attainment		
Atlantic County (part)				
Area outside Atlantic City				
Cape May County				
Cumberland County				

New Jersey—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ocean County (part)				
Area outside Toms River				
AQCR 151 NE PA—Upper Delaware Valley		Unclassifiable/Attainment		
Hunterdon County				
Sussex County				
Warren County				

[1] This date is November 15, 1990, unless otherwise noted.

New Jersey—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Allentown-Bethlehem Easton Area:				
Warren County	(2)	Nonattainment	(2)	Marginal.
Atlantic City Area:				
Atlantic County	(2)	Nonattainment	(2)	Moderate.
Cape May County	(2)	Nonattainment	(2)	Moderate.
New York-N. New Jersey-Long Island Area:				
Bergen County	.....	Nonattainment	.....	Severe-17.
Essex County		Nonattainment		Severe-17.
Hudson County		Nonattainment		Severe-17.
Hunterdon County		Nonattainment		Severe-17.
Middlesex County		Nonattainment		Severe-17.
Monmouth County		Nonattainment		Severe-17.
Morris County		Nonattainment		Severe-17.
Ocean County		Nonattainment		Severe-17.
Passaic County		Nonattainment		Severe-17.
Somerset County		Nonattainment		Severe-17.
Sussex County		Nonattainment		Severe-17.
Union County		Nonattainment		Severe-17.
Philadelphia-Wilmington-Trenton Area:				
Burlington County		Nonattainment		Severe-15.
Camden County		Nonattainment		Severe-15.
Cumberland County	.....	Nonattainment		Severe-15.
Gloucester County		Nonattainment		Severe-15.
Mercer County		Nonattainment		Severe-15.
Salem County		Nonattainment		Severe-15.

[1] This date is November 15, 1990, unless otherwise noted.
[2] This date is January 16, 2001.

New Jersey—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
New Jersey-New York-Connecticut Interstate AQCR	.....	X
Metropolitan Philadelphia Interstate AQCR	.....	X
New Jersey Intrastate AQCR	.....	X
Northeast Pennsylvania-Upper Delaware Interstate AQCR	.....	X

[44 FR 5123, Jan. 25, 1979, as amended at 48 FR 37405, Aug. 18, 1983; 48 FR 43328, Sept. 23, 1983; 52 FR 18692, May 19, 1987; 52 FR 49411, Dec. 31, 1987; 53 FR 27347, July 20, 1988; 56 FR 56800, Nov. 6, 1991; 60 FR 62747, Dec. 7, 1995; 61 FR 2941, Jan. 30, 1996; 62 FR 35972, July 3, 1997; 63 FR 31066, June 5, 1998; 65 FR 45245, July 20, 2000]

§ 81.332 New Mexico.

New Mexico—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 152:				
Bernalillo County:				
Portions of City of Albuquerque	X	.....	.....	.....

New Mexico—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of County				X

New Mexico—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 012:				
Portions of Grant County	X			
Remainder of AQCR				X
AQCR 014				X
AQCR 152				X
AQCR 153				X
AQCR 154				X
AQCR 155				X
AQCR 156				X
AQCR 157				X

New Mexico—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Albuquerque Area Bernalillo County	7/15/96	Attainment		
AQCR 012 New Mexico-Southern Border Intrastate		Unclassifiable/Attainment		
Grant County				
Hidalgo County				
Luna County				
AQCR 014 Four Corners Interstate				
San Juan County (part)				
Central Farmington		Unclassifiable/Attainment		
AQCR 014 Four Corners Interstate (Remainder of)		Unclassifiable/Attainment		
McKinley County (part), as described under 40 CFR 81.121.				
Rio Arriba County (part), as described under 40 CFR 81.121.				
San Juan County (part)				
Remainder of county				
Sandoval County, as described under 40 CFR 81.121.				
Valencia County, as described under 40 CFR 81.121.				
AQCR 152 Albuquerque-Mid Rio Grande Intrastate		Unclassifiable/Attainment		
Sandoval County (part), as described under 40 CFR 81.83.				
Valencia County (part), as described under 40 CFR 81.83.				
AQCR 153 El Paso-Las Cruces-Alamogordo		Unclassifiable/Attainment		
Dona Ana County				
Lincoln County				
Otero County				
Sierra County				
AQCR 154 Northeastern Plains Intrastate		Unclassifiable/Attainment		
Colfax County				
Guadalupe County				
Harding County				
Mora County				
San Miguel County				
Torrance County				
Union County				
AQCR 155 Pecos-Permian Basin Intrastate		Unclassifiable/Attainment		
Chaves County				
Curry County				
De Baca County				

New Mexico—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Eddy County				
Lea County				
Quay County				
Roosevelt County				
AQCR 156 S.W. Mountains-Augustine Plains		Unclassifiable/Attainment		
Catron County				
Cibola County				
McKinley County (part), as described under 40 CFR 81.241.				
Socorro County				
Valencia County (part), as described under 40 CFR 81.241.				
AQCR 157 Upper Rio Grande Valley Intrastate (Remainder of).		Unclassifiable/Attainment		
Los Alamos County				
Rio Arriba (part) see 40 CFR 81.239				
Santa Fe County (part) Remainder of county				
Taos County				
AQCR 157 Upper Rio Grande Valley Intrastate				
Santa Fe County (part)				
Narrow corridor in Santa Fe		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

New Jersey—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 012 New Mexico-Southern Border Intrastate		Unclassifiable/Attainment		
Grant County				
Hidalgo County				
Luna County				
AQCR 014 Four Corners Interstate		Unclassifiable/Attainment		
see 40 CFR 81.121				
McKinley County (part)				
Rio Arriba County (part)				
San Juan County				
Sandoval County (part)				
Valencia County (part)				
AQCR 152 Albuquerque-Mid Rio Grande Intrastate		Unclassifiable/Attainment		
Bernalillo County (part)				
AQCR 152 Albuquerque-Mid Rio Grande		Unclassifiable/Attainment		
Sandoval County (part) see 40 CFR 81.83				
Valencia County see 40 CFR 81.83				
AQCR 153 El Paso-Las Cruces-Alamogordo	7/12/95	Nonattainment	7/12/95	Marginal.
Dona Ana County (part)—(Sunland Park Area) The Area bounded by the New Mexico-Texas State line on the east, the New Mexico-Mexico international line on the south, the Range 3E-Range 2E line on the west, and the N3200 latitude line on the north.				
Remainder of Dona Ana County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Otero County		Unclassifiable/Attainment		
Sierra County		Unclassifiable/Attainment		
AQCR 154 Northeastern Plains Intrastate		Unclassifiable/Attainment		
Colfax County				
Guadalupe County				

New Jersey—Ozone (1-Hour Standard)

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

[1] This date is October 18, 2000, unless otherwise noted.

New Mexico—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Dona Ana County				
The area bounded by Anthony Quadrangle, Anthony, New Mexico - Texas.	11/15/90	Nonattainment	11/15/90	Moderate
SE/4 La Mesa 15' Quadrangle, N3200 - W10630/7.5, Township 26S, Range 3E, Sections 35 and 36 as limited by the New Mexico - Texas State line on the south				
Rest of State	11/15/90	Unclassifiable		

New Mexico—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 012		X
AQCR 014		X
AQCR 152		X
AQCR 153		X
AQCR 154		X
AQCR 155		X
AQCR 156		X
AQCR 157		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40428, Sept. 11, 1978; 46 FR 31886, June 18, 1981; 46 FR 33031, June 26, 1981; 47 FR 19137, May 4, 1982; 48 FR 31208, July 5, 1983; 50 FR 11861, Mar. 26, 1985; 55 FR 34017, Aug. 21, 1990; 56 FR 56802, Nov. 6, 1991; 57 FR 56772, Nov. 30, 1992; 60 FR 30789, June 12, 1995; 60 FR 52336, Oct. 6, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 29973, June 13, 1996; 61 FR 53643, Oct. 15, 1996; 63 FR 31066, June 5, 1998; 65 FR 45246, July 20, 2000]

§ 81.333 New York.

New York—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Niagara Frontier AQCR				X
Genesee-Finger Lakes AQCR				X
Southern Tier West AQCR				X
Southern Tier East AQCR				X
Central AQCR				X
Northern (Champlain Valley) AQCR				X
Hudson Valley AQCR				X
New Jersey-New York-Connecticut Interstate AQCR:				
The Borough of Manhattan (except between 59th and 125th Sts.)			X	
The Boroughs of Brooklyn and Queens (south of the Queensborough Bridge and Queens Blvd., west of 44th St., west of I–278, and north of the Brooklyn Bridge.)			X	
The Borough of the Bronx (south of I–95 and west of I–278)			X	
Remainder of AQCR				X

New York—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
New York-N. New Jersey-Long Island Area	5/20/02	Attainment		
Bronx County.				
Kings County.				
Nassau County.				
New York County.				
Queens County.				
Richmond County.				
Westchester County.				
Syracuse Area				
Onondaga County	9/29/93	Unclassifiable/attainment		
AQCR 043 NJ-NY-CT Interstate AQCR (Remainder of)		Unclassifiable/Attainment		
Rockland County				
Suffolk County				
AQCR 158 Central New York Intrastate (Remainder of)		Unclassifiable/Attainment		
Cayuga County				
Cortland County				
Herkimer County				
Jefferson County				
Lewis County				
Madison County				
Oneida County				
Oswego County				
AQCR 159 Champlain Valley Interstate		Unclassifiable/Attainment		
Clinton County				
Essex County				
Franklin County				
Hamilton County				
St. Lawrence County				
Warren County				
Washington County				
AQCR 160 Genessee-Finger Lakes Intrastate		Unclassifiable/Attainment		
Genesee County				
Livingston County				
Monroe County				
Ontario County				
Orleans County				
Seneca County				
Wayne County				
Wyoming County				
Yates County				
AQCR 161 Hudson Valley Intrastate		Unclassifiable/Attainment		

New York—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Albany County				
Columbia County				
Dutchess County				
Fulton County				
Greene County				
Montgomery County				
Orange County				
Putnam County				
Rensselaer County				
Saratoga County				
Schenectady County				
Schoharie County				
Ulster County				
AQCR 162 Niagara Frontier Intrastate		Unclassifiable/Attainment		
Erie County				
Niagara County				
AQCR 163 Southern Tier East Intrastate		Unclassifiable/Attainment		
Broome County				
Chenango County				
Delaware County				
Otsego County				
Sullivan County				
Tioga County				
AQCR 164 Southern Tier West Intrastate		Unclassifiable/Attainment		
Allegany County				
Cattaraugus County				
Chautauqua County				
Chemung County				
Schuyler County				
Steuben County				
Tompkins County				

[1] This date is November 15, 1990, unless otherwise noted.

New York—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Onondaga County	1/6/92	Unclassifiable		
Rest of State Not Designated				

New York—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Albany-Schenectady-Troy Area:				
Albany County	(2)	Nonattainment	(2)	Marginal.
Greene County	(2)	Nonattainment	(2)	Marginal.
Montgomery County	(2)	Nonattainment	(2)	Marginal.
Rensselaer County	(2)	Nonattainment	(2)	Marginal.
Saratoga County	(2)	Nonattainment	(2)	Marginal.
Schenectady County	(2)	Nonattainment	(2)	Marginal.
Buffalo-Niagara Falls Area:				
Erie County	(2)	Nonattainment	(2)	Marginal.
Niagara County	(2)	Nonattainment	(2)	Marginal.
Essex County Area:				
Essex County (part) The portion of Whiteface Mountain above 4500 feet in elevation in Essex County.	(2)	Nonattainment	(2)	Rural Transport (Marginal).
Jefferson County Area:				
Jefferson County	(2)	Nonattainment	(2)	Marginal.
New York-Northern New Jersey-Long Island Area:				
Bronx County	11/15/90	Nonattainment	11/15/90	Severe-17.
Kings County	11/15/90	Nonattainment	11/15/90	Severe-17.
Nassau County	11/15/90	Nonattainment	11/15/90	Severe-17.
New York County	11/15/90	Nonattainment	11/15/90	Severe-17.

New York—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Orange County (part) Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury.	1/15/92	Nonattainment	1/15/92	Severe-17.
Queens County	11/15/90	Nonattainment	11/15/90	Severe-17.
Richmond County	11/15/90	Nonattainment	11/15/90	Severe-17.
Rockland County	11/15/90	Nonattainment	11/15/90	Severe-17.
Suffolk County	11/15/90	Nonattainment	11/15/90	Severe-17.
Westchester County	11/15/90	Nonattainment	11/15/90	Severe-17.
Poughkeepsie Area:				
Dutchess County	([2])	Nonattainment	([2])	Moderate.
Orange County (remainder)	([2])	Nonattainment	([2])	Moderate.
Putnam County	([2])	Nonattainment	([2])	Moderate.
AQCR 158 Central New York Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Cayuga County				
Cortland County				
Herkimer County				
Lewis County				
Madison County				
Oneida County				
Onondaga County				
Oswego County				
AQCR 159 Champlain Valley Interstate (Remainder of)	.....	Unclassifiable/Attainment		
Clinton County				
Franklin County				
Hamilton County				
St. Lawrence County				
Warren County				
Washington County				
AQCR 160 Genessee-Finger Lakes Intrastate	.....	Unclassifiable/Attainment		
Genessee County				
Livingston County				
Monroe County				
Ontario County				
Orleans County				
Seneca County				
Wayne County				
Wyoming County				
Yates County				
AQCR 161 Hudson Valley Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Columbia County				
Fulton County				
Schoharie County				
Ulster County				
AQCR 163 Southern Tier East Intrastate	.....	Unclassifiable/Attainment		
Broome County				
Chenango County				
Delaware County				
Otsego County				
Sullivan County				
Tioga County				
AQCR 164 Southern Tier West Intrastate	.....	Unclassifiable/Attainment		
Allegany County				
Cattaraugus County				
Chautauqua County				
Chemung County				
Schuyler County				
Steuben County				
Tompkins County				

[1] This date is October 18, 2000, unless otherwise noted.
[2] This date is January 16, 2001.

New York—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
New York County	1/20/94	Nonattainment	1/20/94	Moderate

New York—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Niagara Frontier AQCR		X
Genesee-Finger Lakes AQCR		X
Southern Tier West AQCR		X
Southern Tier East AQCR		X
Central AQCR		X
Northern (Champlain Valley) AQCR		X
Hudson Valley AQCR		X
New Jersey-New York-Connecticut Interstate AQCR		X

[44 FR 5125, Jan. 25, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §81.333, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 81.334 North Carolina.

North Carolina—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Alamance County				X
Alexander County				X
Alleghany County				X
Anson County				X
Ashe County				X
Avery County				X
Beaufort County				X
Bertie County				X
Bladen County				X
Brunswick County				X
Buncombe County				X
Burke County				X
Cabarrus County				X
Caldwell County				X
Camden County				X
Carteret County				X
Caswell County				X
Catawba County				X
Chatham County				X
Cherokee County				X
Chowan County				X
Clay County				X
Cleveland County				X
Columbus County				X
Craven County				X
Cumberland County				X
Currituck County				X
Dare County				X
Davidson County				X
Davie County				X
Duplin County				X
Durham County				X
Edgecombe County				X
Forsyth County				X
Franklin County				X
Gaston County				X
Gates County				X

North Carolina—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Graham County				X
Granville County				X
Greene County				X
Guilford County				X
Halifax County				X
Harnett County				X
Haywood County				X
Henderson County				X
Hertford County				X
Hoke County				X
Hyde County				X
Iredell County				X
Jackson County				X
Johnston County				X
Jones County				X
Lee County				X
Lenoir County				X
Lincoln County				X
McDowell County				X
Macon County				X
Madison County				X
Martin County				X
Mecklenburg County				X
Mitchell County				X
Montgomery County				X
Moore County				X
Nash County				X
New Hanover County				X
Northampton County				X
Onslow County				X
Orange County				X
Pamlico County				X
Pasquotank County				X
Pender County				X
Perquimans County				X
Person County				X
Pitt County				X
Polk County				X
Randolph County				X
Richmond County				X
Robeson County				X
Rockingham County				X
Rowan County				X
Rutherford County				X
Sampson County				X
Scotland County				X
Stanly County				X
Stokes County				X
Surry County				X
Swain County				X
Transylvania County				X
Tyrrell County				X
Union County				X
Vance County				X
Wake County				X
Warren County				X
Washington County				X
Watauga County				X
Wayne County				X
Wilkes County				X
Wilson County				X
Yadkin County				X
Yancey County				X

North Carolina—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Alamance County				X
Alexander County				X
Alleghany County				X
Anson County				X
Ashe County				X
Avery County				X
Beaufort County				X
Bertie County				X
Bladen County				X
Brunswick County				X
Buncombe County				X
Burke County				X
Cabarrus County				X
Caldwell County				X
Camden County				X
Carteret County				X
Caswell County				X
Catawba County				X
Chatham County				X
Cherokee County				X
Chowan County				X
Clay County				X
Cleveland County				X
Columbus County				X
Craven County				X
Cumberland County				X
Currituck County				X
Dare County				X
Davidson County				X
Davie County				X
Duplin County				X
Durham County				X
Edgecombe County				X
Forsyth County				X
Franklin County				X
Gaston County				X
Gates County				X
Graham County				X
Granville County				X
Greene County				X
Guilford County				X
Halifax County				X
Harnett County				X
Haywood County				X
Henderson County				X
Hertford County				X
Hoke County				X
Hyde County				X
Iredell County				X
Jackson County				X
Johnston County				X
Jones County				X
Lee County				X
Lenoir County				X
Lincoln County				X
McDowell County				X
Macon County				X
Madison County				X
Martin County				X
Mecklenburg County				X
Mitchell County				X
Montgomery County				X
Moore County				X
Nash County				X
New Hanover County				X
Northampton County				X
Onslow County				X
Orange County				X
Pamlico County				X
Pasquotank County				X

North Carolina—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Pender County				X
Perquimans County				X
Person County				X
Pitt County				X
Polk County				X
Randolph County				X
Richmond County				X
Robeson County				X
Rockingham County				X
Rowan County				X
Rutherford County				X
Sampson County				X
Scotland County				X
Stanly County				X
Stokes County				X
Surry County				X
Swain County				X
Transylvania County				X
Tyrrell County				X
Union County				X
Vance County				X
Wake County				X
Warren County				X
Washington County				X
Watauga County				X
Wayne County				X
Wilkes County				X
Wilson County				X
Yadkin County				X
Yancey County				X

North Carolina—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Winston-Salem Area				
Forsyth County	11/7/94			
Statewide		Unclassifiable/Attainment		
Alamance County				
Alexander County				
Alleghany County				
Anson County				
Ashe County				
Avery County				
Beaufort County				
Bertie County				
Bladen County				
Brunswick County				
Buncombe County				
Burke County				
Cabarrus County				
Caldwell County				
Camden County				
Carteret County				
Caswell County				
Catawba County				
Chatham County				
Cherokee County				
Chowan County				
Clay County				
Cleveland County				
Columbus County				
Craven County				
Cumberland County				
Currituck County				
Dare County				
Davidson County				

North Carolina—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Davie County				
Duplin County				
Durham County	9/18/95			
Edgecombe County				
Franklin County				
Gaston County				
Gates County				
Graham County				
Granville County				
Greene County				
Guilford County				
Halifax County				
Harnett County				
Haywood County				
Henderson County				
Hertford County				
Hoke County				
Hyde County				
Iredell County				
Jackson County				
Johnston County				
Jones County				
Lee County				
Lenoir County				
Lincoln County				
Macon County				
Madison County				
Martin County				
McDowell County				
Mecklenburg County	9/18/95			
Mitchell County				
Montgomery County				
Moore County				
Nash County				
New Hanover County				
Northampton County				
Onslow County				
Orange County				
Pamlico County				
Pasquotank County				
Pender County				
Perquimans County				
Person County				
Pitt County				
Polk County				
Randolph County				
Richmond County				
Robeson County				
Rockingham County				
Rowan County				
Rutherford County				
Sampson County				
Scotland County				
Stanly County				
Stokes County				
Surry County				
Swain County				
Transylvania County				
Tyrrell County				
Union County				
Vance County				
Wake County	9/18/95			
Warren County				
Washington County				
Watauga County				
Wayne County				
Wilkes County				
Wilson County				
Yadkin County				
Yancey County				

[1] This date is November 15, 1990, unless otherwise noted.

North Carolina—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Alamance County				
Alexander County				
Alleghany County				
Anson County				
Ashe County				
Avery County				
Beaufort County				
Bertie County				
Bladen County				
Brunswick County				
Buncombe County				
Burke County				
Cabarrus County				
Caldwell County				
Camden County				
Carteret County				
Caswell County				
Catawba County				
Chatham County				
Cherokee County				
Chowan County				
Clay County				
Cleveland County				
Columbus County				
Craven County				
Cumberland County				
Currituck County				
Dare County				
Davidson County				
Davie County				
Durham County				
Duplin County				
Edgecombe County				
Forsyth County				
Franklin County				
Gaston County				
Gates County				
Graham County				
Granville County				
Greene County				
Guilford County				
Halifax County				
Harnett County				
Haywood County				
Henderson County				
Hertford County				
Hoke County				
Hyde County				
Iredell County				
Jackson County				
Johnston County				
Jones County				
Lee County				
Lenoir County				
Lincoln County				
McDowell County				
Macon County				
Madison County				
Martin County				
Mecklenburg County				
Mitchell County				
Montgomery County				
Moore County				
Nash County				
New Hanover County				
Northhampton County				
Onslow County				
Orange County				
Pamlico County				
Pasquotank County				

North Carolina—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Pender County				
Perquimans County				
Person County				
Pitt County				
Polk County				
Randolph County				
Richmond County				
Robeson County				
Rockingham County				
Rowan County				
Rutherford County				
Sampson County				
Scotland County				
Stanly County				
Stokes County				
Surry County				
Swain County				
Transylvania County				
Tyrrell County				
Union County				
Vance County				
Wake County				
Warren County				
Washington County				
Watauga County				
Wayne County				
Wilkes County				
Wilson County				
Yadkin County				
Yancey County				

[1] This date is October 18, 2000, unless otherwise noted.

North Carolina—NO_2

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Alamance County		X
Alexander County		X
Alleghany County		X
Anson County		X
Ashe County		X
Avery County		X
Beaufort County		X
Bertie County		X
Bladen County		X
Brunswick County		X
Buncombe County		X
Burke County		X
Cabarrus County		X
Caldwell County		X
Camden County		X
Carteret County		X
Caswell County		X
Catawba County		X
Chatham County		X
Cherokee County		X
Chowan County		X
Clay County		X
Cleveland County		X
Columbus County		X
Craven County		X
Cumberland County		X
Currituck County		X
Dare County		X
Davidson County		X
Davie County		X
Duplin County		X

North Carolina—NO_2

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Durham County		X
Edgecombe County		X
Forsyth County		X
Franklin County		X
Gaston County		X
Gates County		X
Graham County		X
Granville County		X
Greene County		X
Guilford County		X
Halifax County		X
Harnett County		X
Haywood County		X
Henderson County		X
Hertford County		X
Hoke County		X
Hyde County		X
Iredell County		X
Jackson County		X
Jones County		X
Lee County		X
Lenoir County		X
Lincoln County		X
McDowell County		X
Macon County		X
Madison County		X
Martin County		X
Mecklenburg County		X
Mitchell County		X
Montgomery County		X
Moore County		X

North Carolina—NO_2

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Nash County		X
New Hanover County.		X
Northampton County		X
Onslow County		X
Orange County		X
Pamlico County		X
Pasquotank County		X
Pender County		X
Perquimans County		X
Person County		X
Pitt County		X
Polk County		X
Randolph County		X
Richmond County		X
Robeson County		X
Rockingham County		X
Rowan County		X
Rutherford County		X

North Carolina—NO_2

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Sampson County		X
Scotland County		X
Stanly County		X
Stokes County		X
Surry County		X
Swain County		X
Transylvania County		X
Tyrrell County		X
Union County		X
Vance County		X
Wake County		X
Warren County		X
Washington County		X
Watauga County		X
Wayne County		X
Wilkes County		X
Wilson County		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40430, Sept. 11, 1978; 44 FR 24846, Apr. 27, 1979; 44 FR 48680, Aug. 20, 1979; 46 FR 27934, May 22, 1981; 46 FR 36701, July 15, 1981; 46 FR 38508, July 28, 1981; 47 FR 31878, July 23, 1982; 56 FR 56806, Nov. 6, 1991; 56 FR 66600, Dec. 24, 1991; 57 FR 56773, Nov. 30, 1992; 59 FR 18305, Apr. 18, 1994; 59 FR 48402, Sept. 21, 1994; 60 FR 34867, July 5, 1995; 60 FR 39263, Aug. 2, 1995; 63 FR 31069, June 5, 1998; 65 FR 45248, July 20, 2000]

§ 81.335 North Dakota.

North Dakota—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Metropolitan Fargo-Moorhead (Minn), AQCR 130				X
Rest of State, AQCR 172				X

North Dakota—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 130 Metropolitan Fargo-Moorhead Intrastate				
Cass County		Unclassifiable/Attainment		
Rest of State		Unclassifiable/Attainment		
Adams County				
Barnes County				
Benson County				
Billings County				
Bottineau County				
Bowman County				
Burke County				
Burleigh County				
Cavalier County				
Dickey County				
Divide County				
Dunn County				
Eddy County				
Emmons County				
Foster County				
Golden Valley County				
Grand Forks County				
Grant County				
Griggs County				
Hettinger County				

North Dakota—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kidder County				
La Moure County				
Logan County				
McHenry County				
McIntosh County				
McKenzie County				
McLean County				
Mercer County				
Morton County				
Mountrail County				
Nelson County				
Oliver County				
Pembina County				
Pierce County				
Ramsey County				
Ransom County				
Renville County				
Richland County				
Rolette County				
Sargent County				
Sheridan County				
Sioux County				
Slope County				
Stark County				
Steele County				
Stutsman County				
Towner County				
Traill County				
Walsh County				
Ward County				
Wells County				
Williams County				

[1] This date is November 15, 1990, unless otherwise noted.

North Dakota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 130 Metropolitan Fargo-Moorhead Interstate.				
Cass County	.....	Unclassifiable/Attainment		
Rest of State, AQCR 172	.....	Unclassifiable/Attainment		
Adams County				
Barnes County				
Benson County				
Billings County				
Bottineau County				
Bowman County				
Burke County				
Burleigh County				
Cavalier County				
Dickey County				
Divide County				
Dunn County				
Eddy County				
Emmons County				
Foster County				
Golden Valley County				
Grand Forks County				
Grant County				
Griggs County				
Hettinger County				
Kidder County				
La Moure County				
Logan County				
McHenry County				
McIntosh County				
McKenzie County				

North Dakota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
McLean County				
Mercer County				
Morton County				
Mountrail County				
Nelson County				
Oliver County				
Pembina County				
Pierce County				
Ramsey County				
Ransom County				
Renville County				
Richland County				
Rolette County				
Sargent County				
Sheridan County				
Sioux County				
Slope County				
Stark County				
Steele County				
Stutsman County				
Towner County				
Traill County				
Walsh County				
Ward County				
Wells County				
Williams County				

[1] This date is October 18, 2000, unless otherwise noted.

North Dakota—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Metropolitan Fargo-Moorhead (Minn.), AQCR 130	11/15/90	Unclassifiable	.....	
Rest of State, AQCR 172 [1]	11/15/90	Unclassifiable	.....	

[1] Denotes a single area designation for PSD baseline area purposes.

North Dakota—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Metropolitan Fargo-Moorhead (Minn), AQCR 130	.....	X
Rest of State, AQCR 172	.....	X

[55 FR 23933, June 13, 1990, as amended at 56 FR 56809, Nov. 6, 1991; 60 FR 55798, 55799, Nov. 3, 1995; 63 FR 31071, June 5, 1998; 65 FR 45250, July 20, 2000]

§ 81.336 Ohio.

OHIO—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Athens County	.....	.....	.....	X
Clermont County	.....	.....	.....	X
Columbiana County	.....	.....	.....	X
Coshocton County	.....	.....	.....	X
Cuyahoga County:				
The Cities of Bay Village, Westlake, North Olmsted, Olmsted Falls, Rock River, Fairview Park, Berea, Middleburg Heights, Strongsville, North Royalton, Broadview Heights, Brecksville and the Townships of Olmsted and Riveredge	.....	.....	.....	X
The remainder of Cuyahoga County	X	.....	.....	.....
Gallia County	.....	.....	.....	X
Greene County	.....	.....	.....	X

OHIO—SO_2—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hamilton County				X
Jefferson County:				
The Cities of Steubenville and Mingo Junction, Townships of Steubenville, Island Creek, Cross Creek, Knox and Wells				X
The remainder of Jefferson County				X
Lake County:				
The Cities of Eastlake, Timberlake, Lakeline, Willoughby (north of U.S. 20) and Mentor (north of U.S. 20, west of S.R. 306)				X
The remainder of Lake County				X
Lorain County				X
Lucas County:				
The area east of Route 23 and west of the eastern boundary of Oregon Township	X			
The remainder of Lucas County				X
Mahoning County				X
Montgomery County				X
Morgan County:				
Center Township				X
The remainder of Morgan County				X
Summit County:				
Area bounded by the following lines—north—Interstate 76, east—Route 93, south—Vanderhoof Road, west—Summit County line	(1)	(1)	(1)	(1)
Area bounded by the following lines— north—Bath Road (48 east to Route 8, Route 8 north to Barlow Road, Barlow Road east to county line, east—Summit/Portage county line, south—Interstate 76 to Route 93, Route 93 south to Route 619, Route 619 east to county line, west—Summit/Medina county line				[2]X
Entire area northwest of the following line: Route 80 east to Route 91, Route 91 north to the county line				[2]X
The remainder of Summit County				[3]X
Trumbull County				[3]X
Washington County:				
Waterford Township				X
The remainder of Washington County				X
All other counties in the State of Ohio				X

[1] This area remains undesignated at this time as a result of a court remand in *PPG Industries, Inc.* v. *Costle,* 630 F.2d 462 (6th Cir. 1980).
[2] This area was affected by the Sixth Circuit Court remand but has since been designated.
[3] This area was not affected by the court remand in *PPG Industries, Inc.* v. *Costle* 630 F.2d 462 (6th Cir. 1980).

Ohio—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Cleveland Area				
Cuyahoga County	3/7/94	Attainment		
Cincinnati				
Hamilton County		Unclassifiable/Attainment		
Columbus				
Franklin County		Unclassifiable/Attainment		
Adams County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Ashland County		Unclassifiable/Attainment		
Ashtabula County		Unclassifiable/Attainment		
Athens County		Unclassifiable/Attainment		
Auglaize County		Unclassifiable/Attainment		

Ohio—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Belmont County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Champaign County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clermont County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Columbiana County		Unclassifiable/Attainment		
Coshocton County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Darke County		Unclassifiable/Attainment		
Defiance County		Unclassifiable/Attainment		
Delaware County		Unclassifiable/Attainment		
Erie County		Unclassifiable/Attainment		
Fairfield County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallia County		Unclassifiable/Attainment		
Geauga County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Guernsey County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Highland County		Unclassifiable/Attainment		
Hocking County		Unclassifiable/Attainment		
Holmes County		Unclassifiable/Attainment		
Huron County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County [2]		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		

Ohio—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Licking County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Lorain County		Unclassifiable/Attainment		
Lucas County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Mahoning County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Medina County		Unclassifiable/Attainment		
Meigs County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Miami County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Morrow County		Unclassifiable/Attainment		
Muskingum County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ottawa County		Unclassifiable/Attainment		
Paulding County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pickaway County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Portage County		Unclassifiable/Attainment		
Preble County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Ross County		Unclassifiable/Attainment		
Sandusky County		Unclassifiable/Attainment		
Scioto County		Unclassifiable/Attainment		
Seneca County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Stark County		Unclassifiable/Attainment		
Summit County		Unclassifiable/Attainment		
Trumbull County		Unclassifiable/Attainment		
Tuscarawas County		Unclassifiable/Attainment		

Ohio—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Union County		Unclassifiable/Attainment		
Van Wert County		Unclassifiable/Attainment		
Vinton County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Williams County		Unclassifiable/Attainment		
Wood County		Unclassifiable/Attainment		
Wyandot County				

[1] This date is November 15, 1990, unless otherwise noted.
[2] The listed designation does not reflect EPA action under section 107(d)(4)(A). At the date of enactment of the Clean Air Act Amendments, Jefferson County, Ohio; Brooke County, West Virginia; and Hancock County, West Virginia, were designated Unclassifiable/attainment, by operation of law, under section 107(d)(1)(C) of the Clean Air Act. However, these States and EPA are reviewing whether to confirm or reverse that designation under the process set out under section 107(d)(4)(A) and will publish a separate notice to that effect.

Ohio—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Cuyahoga County (part)				
Subcounty area in the vicinity of Master Metals	1/6/92	Unclassifiable		
On the west by Interstate 71, on the north by the Conrail tracks, on the east by Interstate 77, and on the south by a line running from the intersection of Interstate 71 and Clark Avenue to the intersection of Interstate 77 and Pershing Avenue				
Rest of State Not Designated				

Ohio—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Canton Area:				
Stark County		Attainment		
Cincinnati-Hamilton Area:				
Butler County		Nonattainment		Moderate.[2]
Clermont County		Nonattainment		Moderate.[2]
Hamilton County		Nonattainment		Moderate.[2]
Warren County		Nonattainment		Moderate.[2]
Cleveland-Akron-Lorain Area:		Attainment		
Ashtabula County				
Cuyahoga County				
Geauga County				
Lake County				
Lorain County				
Medina County				
Portage County				
Summit County				
Clinton County Area:				
Clinton County		Attainment		
Columbiana County Area:				
Columbiana County		Attainment		
Columbus Area:				
Delaware County		Attainment		
Franklin County		Attainment		
Licking County		Attainment		
Dayton-Springfield Area:				
Clark County		Attainment		
Greene County		Attainment		

Ohio—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Miami County		Attainment		
Montgomery County		Attainment		
Preble County Area:				
Preble County		Attainment		
Steubenville Area:				
Jefferson County		Attainment		
Toledo Area:				
Lucas County		Attainment		
Wood County		Attainment		
Youngstown-Warren-Sharon Area:				
Mahoning County		Attainment		
Trumbull County		Attainment		
Adams County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Ashland County		Unclassifiable/Attainment		
Athens County		Unclassifiable/Attainment		
Auglaize County		Unclassifiable/Attainment		
Belmont County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Champaign County		Unclassifiable/Attainment		
Coshocton County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Darke County		Unclassifiable/Attainment		
Defiance County		Unclassifiable/Attainment		
Erie County		Unclassifiable/Attainment		
Fairfield County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallia County		Unclassifiable/Attainment		
Guernsey County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Highland County		Unclassifiable/Attainment		
Hocking County		Unclassifiable/Attainment		
Holmes County		Unclassifiable/Attainment		
Huron County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		

Ohio—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lawrence County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Meigs County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Morrow County		Unclassifiable/Attainment		
Muskingum County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ottawa County		Unclassifiable/Attainment		
Paulding County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pickaway County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Ross County		Unclassifiable/Attainment		
Sandusky County		Unclassifiable/Attainment		
Scioto County		Unclassifiable/Attainment		
Seneca County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Tuscarawas County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Van Wert County		Unclassifiable/Attainment		
Vinton County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Williams County		Unclassifiable/Attainment		
Wyandot County		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.
[2] Attainment date extended to November 15, 1997.

OHIO—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Cuyahoga County	1/10/01	Attainment.		
Jefferson County				
The area bounded by Market Street (State Route 43) from the West Virginia/Ohio border west to Sunset Blvd. (U.S. Route 22), Sunset Blvd. west to the Steubenville Township/Cross Creek Township boundary, the Township boundary south to the Steubenville Corporation limit, the corporation boundary east to State Route 7, State Route 7 South to the Steubenville Township/Wells Township boundary, the Township boundary Unclassifiable east to the West Virginia/Ohio border, and North on the border to Market Street	1/10/01	Attainment.		
Rest of State	11/15/90	Unclassifiable.		

Ohio—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
State of Ohio		X

[43 FR 46011, Oct. 5, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §81.336, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 81.337 Oklahoma.

Oklahoma—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 017				X
AQCR 022				X
AQCR 184				X
AQCR 185				X
AQCR 186:				
Tulsa County			X	
Portions of Muskogee County			X	
Portions of Mayes County			X	
Remainder of AQCR				X
AQCR 187				X
AQCR 188				X
AQCR 189:				
Portion of Comanche County			X	
Remainder of AQCR				X

Oklahoma—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 017				X
AQCR 184				X
AQCR 185				X
AQCR 186				X
AQCR 187				X
AQCR 188				X
AQCR 189				X

Oklahoma—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 017 Metropolitan Fort Smith Interstate		Unclassifiable/Attainment		
Adair County				
Cherokee County				
Le Flore County				
Sequoyah County				
AQCR 022 Shreveport-Texarkana-Tyler Interstate		Unclassifiable/Attainment		
McCurtain County				
AQCR 184 Central Oklahoma Intrastate		Unclassifiable/Attainment		
Canadian County				
Cleveland County				
Grady County				
Kingfisher County				
Lincoln County				
Logan County				
McClain County				
Oklahoma County				
Pottawatomie County				
AQCR 185 North Central Oklahoma Intrastate		Unclassifiable/Attainment		
Garfield County				
Grant County				
Kay County				
Noble County				
Payne County				
AQCR 186 Northeastern Oklahoma Intrastate		Unclassifiable/Attainment		
Craig County				
Creek County				
Delaware County				
Mayes County				
Muskogee County				
Nowata County				
Okmulgee County				
Osage County				
Ottawa County				
Pawnee County				
Rogers County				
Tulsa County				
Wagoner County				
Washington County				
AQCR 187 Northwestern Oklahoma Intrastate		Unclassifiable/Attainment		
Alfalfa County				
Beaver County				
Blaine County				
Cimarron County				
Custer County				
Dewey County				
Ellis County				
Harper County				
Major County				
Roger Mills County				
Texas County				
Woods County				
Woodward County				
AQCR 188 Southeastern Oklahoma Intrastate		Unclassifiable/Attainment		
Atoka County				
Bryan County				
Carter County				
Choctaw County				
Coal County				
Garvin County				
Haskell County				
Hughes County				
Johnston County				
Latimer County				
Love County				

Oklahoma—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Marshall County				
McIntosh County				
Murray County				
Okfuskee County				
Pittsburg County				
Pontotoc County				
Pushmataha County				
Seminole County				
AQCR 189 Southwestern Oklahoma Intrastate		Unclassifiable/Attainment		
Beckham County				
Caddo County				
Comanche County				
Cotton County				
Greer County				
Harmon County				
Jackson County				
Jefferson County				
Kiowa County				
Stephens County				
Tillman County				
Washita County				

[1] This date is November 15, 1990, unless otherwise noted.

Oklahoma—Ozone (1-Hour Standard)

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

Oklahoma—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Pawnee County				
Rogers County				
Tulsa County				
Wagoner County				
Washington County				
AQCR 187 Northwestern Oklahoma Intrastate	.....	Unclassifiable/Attainment		
Alfalfa County				
Beaver County				
Blaine County				
Cimarron County				
Custer County				
Dewey County				
Ellis County				
Harper County				
Major County				
Roger Mills County				
Texas County				
Woods County				
Woodward County				
AQCR 188 Southeastern Oklahoma Intrastate	.....	Unclassifiable/Attainment		
Atoka County				
Bryan County				
Carter County				
Choctaw County				
Coal County				
Garvin County				
Haskell County				
Hughes County				
Johnston County				
Latimer County				
Love County				
Marshall County				
McIntosh County				
Murray County				
Okfuskee County				
Pittsburg County				
Pontotoc County				
Pushmataha County				
Seminole County				
AQCR 189 Southwestern Oklahoma Intrastate	.....	Unclassifiable/Attainment		
Beckham County				
Caddo County				
Comanche County				
Cotton County				
Greer County				
Harmon County				
Jackson County				
Jefferson County				
Kiowa County				
Stephens County				
Tillman County				
Washita County				

[1] This date is October 18, 2000, unless otherwise noted.

Oklahoma—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 017	.....	X
AQCR 184	.....	X
AQCR 185	.....	X
AQCR 186	.....	X
AQCR 187	.....	X
AQCR 188	.....	X

Oklahoma—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 189		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40431, Sept. 11, 1978; 45 FR 73930, Nov. 7, 1980; 46 FR 31014, June 12, 1981; 48 FR 2321, Jan. 19, 1983; 49 FR 27756, July 6, 1984; 51 FR 15323, Apr. 23, 1986; 56 FR 3782, Jan. 31, 1991; 56 FR 5656, Feb. 12, 1991; 56 FR 56815, Nov. 6, 1991; 63 FR 31073, June 5, 1998; 65 FR 45253, July 20, 2000]

§ 81.338 Oregon.

Oregon—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Central Oregon Intrastate AQCR 190				X
Eastern Oregon Intrastate AQCR 191				X
Northwest Oregon Intrastate AQCR 192				X
Portland Interstate AQCR 193 (Oregon Portion)				X
Southwest Oregon Intrastate AQCR 194				X

Oregon—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Eugene-Springfield Area				
Lane County (part)	1/5/94	Attainment	1/5/94	

Oregon—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
The Eugene-Springfield Area is described as: The area within the bounds beginning at the Northwest corner of T17S, R4W; extending South to the Southwest corner of Section 6, T17S, R4W; thence East to the Northwest corner of Section 8, T17S, R4W; thence South to the Southwest corner of Section 32, T17S, R4W; thence East to the Northeast corner of Section 4, T18S, R4W; thence South to the Southwest corner of Section 3, T18S, R4W; thence East to the Northwest corner Section 12, T18S, R4W; thence South to the Southwest corner of Section 13, T18S, R4W; thence East to the Northeast corner of Section 24, T18S, R4W; thence South to the Southeast corner of Section 24, T18S, R4W; thence East to the Northeast corner of Section 21, T18S, R3W; thence North to the Northeast corner of Section 21, T18S, R3W; thence East to the Northeast corner of Section 22, T18S, R3W; thence South to the Southwest corner of Section 23, T18S, R3W; thence East to the Southeast corner of Section 24, T18S, R3W; thence North to the Southeast corner of Section 1, T18S, R3W; thence East to the Southeast corner of Section 2, T18S, R2W; thence North to the Northeast corner of Section 26, T17S, R2W; thence West to the Southwest corner of Section 20, T17S, R2W; thence North to the Northwest corner of Section 20, T17S, R2W; thence West to the Southwest corner of Section 13, T17S, R3W; thence North to the Northwest corner of Section 13, T17S, R3W; thence West to the Southwest corner of Section 11, T17S, R3W; thence North to the Northwest corner of Section 11, T17S, R3W; thence West to the Southwest corner of Section 6, T17S, R3W; thence North to the Northwest corner of Section 31, T16S, R3W; thence West to the Northwest corner of Section 34, T16S, R4W; thence South to the Southwest corner of Section 34, T16S, R4W; thence West to the point of beginning.				
Grants Pass Area:				
Josephine County (part) Central Business District	10/30/00	Attainment		
Klamath Falls Area				
Klamath County (part) Urban Growth Boundary	11/9/01	Attainment	.....	
Medford Area				
Jackson County (part) Medford Urban Growth Boundary	9/23/02;	Attainment		
Portland Area				
Portland Metro Service District Boundary				
Clackamas County (part)		Attainment		
Multnomah County (part)		Attainment		
Washington County (part)		Attainment		
Salem Area				
Salem Area Transportation Study				
Marion County (part)		Nonattainment		Not Classified
Polk County (part)		Nonattainment		Not Classified
AQCR 190 Remainder of Central Oregon Intrastate		Unclassifiable/Attainment		
Crook County				
Deschutes County				
Hood River County				
Jefferson County				
Klamath County (part) area outside Urban Growth Boundary				
Lake County				
Sherman County				
Wasco County				
AQCR 191 Eastern Oregon Intrastate		Unclassifiable/Attainment		
Baker County				
Gilliam County				
Grant County				
Harney County				

Oregon—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Malheur County				
Morrow County				
Umatilla County				
Union County				
Wallowa County				
Wheeler County				
AQCR 192 Northwest Oregon Intrastate		Unclassifiable/Attainment		
Clatsop County				
Lincoln County				
Tillamook County				
AQCR 193 Remainder of Portland Interstate		Unclassifiable/Attainment		
Benton County				
Clackamas County (part)				
area outside Portland Metro Service District Boundary				
Columbia County				
Lane County (part)				
area outside of Air Quality Maintenance area				
Linn County				
Marion County (part)				
area outside the city of Salem				
Multnomah County (part)				
area outside Portand Metro Service District Boundary				
Polk County (part)				
area outside of Salem				
Washington County (part)				
area outside Portland Metro Service District Boundary				
Yamhill County				
AQCR 194 Remainder of Southwest Oregon		Unclassifiable/Attainment		
Coos County				
Curry County				
Douglas County				
Jackson County (part)				
area outside Medford Urban growth boundary				
Josephine County (part)				
area outside of Central Business District				

[1] This date is November 15, 1990, unless otherwise noted.

Oregon—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Portland-Vancouver AQMA Area:	.....	Attainment		
Air Quality Maintenance Area				
Clackamas County (part)				
Multnomah County (part)				
Washington County (part)				
Salem Area:				
Salem Area Transportation Study				
Marion County (part)	([2])	Nonattainment	([2])	Incomplete Data.
Polk County	([2])	Nonattainment	([2])	Incomplete Data.
AQCR 190 Central Oregon Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Crook County				
Deschutes County				
Hood River County				
Jefferson County				
Klamath County				
Lake County				
Sherman County				
Wasco County				
AQCR 191 Eastern Oregon Intrastate	.....	Unclassifiable/Attainment		
Baker County				
Gilliam County				
Grant County				
Harney County				

Oregon—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Malheur County				
Morrow County				
Umatilla County				
Union County				
Wallowa County				
Wheeler County				
AQCR 192 Northwest Oregon Intrastate	.....	Unclassifiable/Attainment		
Clatsop County				
Lincoln County				
Tillamook County				
AQCR 193 Portland Interstate (part)	.....	Unclassifiable/Attainment		
Lane County (part) Eugene Springfield Air Quality Maintenance Area				
AQCR 193 Portland Interstate (Remainder of)	.....	Unclassifiable/Attainment		
Benton County				
Clackamas County (part) Remainder of county				
Columbia County				
Lane County (part) Remainder of county				
Linn County				
Marion County (part) area outside the Salem Area Transportation Study				
Multnomah County (part) Remainder of county				
Polk County (part) area outside the Salem Area Transportation Study				
Washington County (part) Remainder of county				
Yamhill County				
AQCR 194 Southwest Oregon Intrastate (part)				
Jackson County (part)				
Medford-Ashland Air Quality Maintenance Area	.....	Unclassifiable/Attainment		
AQCR 194 Southwest Oregon Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Coos County				
Curry County				
Douglas County				
Jackson County (part) Remainder of county				
Josephine County				

[1] This date is October 18, 2000, unless otherwise noted.
[2] This date is January 16, 2001.

Oregon—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Central Oregon Intrastate AQCR 190:				
Lakeview (the Urban Growth Boundary area)	10/25/93	Nonattainment	10/25/93	Moderate.
Klamath Falls (the Urban Growth Boundary area)	11/15/90	Nonattainment	11/15/90	Moderate.
Remainder of AQCR 190	11/15/90	Unclassifiable		
Eastern Oregon Intrastate AQCR 191:				
LaGrande (the Urban Growth Boundary area)	11/15/90	Nonattainment	11/15/90	Moderate.
Remainder of AQCR 191	11/15/90	Unclassifiable		
Northwest Oregon Intrastate AQCR 192	11/15/90	Unclassifiable		
Portland Interstate AQCR 193 (Oregon Portion):				
Portland-Vancouver (portion of the Air Quality Maintenance Area).	11/15/90	Unclassifiable		
Eugene/Springfield (the Urban Growth Boundary area)	11/15/90	Nonattainment	11/15/90	Moderate.
Oakridge (the Urban Growth Boundary area)	1/20/94	Nonattainment	1/20/94	Moderate.
Remainder of AQCR 193 (Oregon Portion)	11/15/90	Unclassifiable		
Southwest Oregon Intrastate AQCR 194:				
Medford-Ashland Air Quality Maintenance Area (including White City).	11/15/90	Nonattainment	11/15/90	Moderate.
Grants Pass (the Urban Growth Boundary area)	11/15/90	Nonattainment	11/15/90	Moderate.
Remainder of AQCR 194	11/15/90	Unclassifiable		

Oregon—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Central Oregon Intrastate AQCR 190		X
Eastern Oregon Intrastate AQCR 191		X
Northwest Oregon Intrastate AQCR 192		X
Portland Interstate AQCR 193 (Oregon Portion)		X
Southwest Oregon Intrastate AQCR 194		X

[54 FR 27345, June 29, 1989, as amended at 56 FR 56817, Nov. 6, 1991; 57 FR 56774, Nov. 30, 1992; 58 FR 49932, Sept. 24, 1993; 58 FR 64164, Dec. 6, 1993; 58 FR 67344, Dec. 21, 1993; 60 FR 50425, Sept. 29, 1995; 60 FR 55798, Nov. 3, 1995; 62 FR 10463, Mar. 7, 1997; 62 FR 27209, May 19, 1997; 62 FR 46210, Sept. 2, 1997; 63 FR 31075, June 5, 1998; 65 FR 45254, July 20, 2000; 65 FR 52938, Aug. 31, 2000; 66 FR 48354, Sept. 20, 2001; 67 FR 48393, July 24, 2002]

§ 81.339 Pennsylvania.

Pennsylvania—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
I. Metropolitan Philadelphia Interstate AQCR:				
(A) City of Philadelphia:				
Census tracts 1–12, 125–142, 144–157, 162–177, 190–205, 293, 294, 298–302, 315–321, 323, 325, 326, 329–332		X		
Census tracts 13–75, 143, 158–161, 178–189, 295–297, 322, 324, 327			X	
Balance of city				X
(B) Montgomery County:				
Conshohocken Boro				X
Pottstown Boro		X		
West Pottsgrove Township			X	
Upper Pottsgrove Township			X	
(C) Chester County:				
South Coatesville Boro		X		
City of Coatesville			X	
(D) Bucks County: Doylestown Township			X	
(E) Remaining Pennsylvania Portions of AQCR				X
II. Northeast Pennsylvania Interstate AQCR:				
(A) Scranton, W–B Air Basin:				
Lackawanna County: Throop Boro				X
Luzerne County: City of Wilkes-Barre				X
(B) A–B–E Air Basin:				
Lehigh County:				
Coplay Boro	X			
Whitehall Township	X			
Northampton County:				
Northampton Boro	X			
Allen Township	X			
(C) Reading Air Basin				X
(D) Carbon County				X
(E) Remaining Portions of AQCR				X
III. South Central Pennsylvania Intrastate AQCR:				
(A) Harrisburg Air Basin				X
(B) Lancaster Air Basin:				
Lancaster County:				
City of Lancaster		X		
Manheim Township		X		
(C) York Air Basin:				
York County:				
City of York				X
West York Boro		X		
West Manchester Township		X		
(D) Remaining Portions of AQCR				X
IV. Central Pennsylvania Intrastate AQCR:				
(A) Johnstown Air Basin: Cambria County:				
City of Johnstown				X
Dale Boro				X
East Conemaugh Boro				X

Pennsylvania—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Franklin Boro				X
East Taylor Twp				X
Middle Taylor Twp				X
West Taylor Twp				X
(B) Blair County:				
City of Altoona		X		
Allegheny Township			X	
Logan Township			X	
(C) Remaining Portions of AQCR				X
(D) Remaining Portions of AQCR				X
V. Southwest Pennsylvania Intrastate AQCR:				
(A) Monongahela Valley Air Basin:				
Fayette County				X
Washington County				X
Westmoreland County:				
City of Monessen	X			
Rostraver Township	X			
(B) Allegheny County Air Basin:				
(1) A three mile wide strip which is within a perpendicular distance two miles north and east and one mile south and west of the river center line with terminus points as follows:				
(a) The Beaver County line to the I–79 Bridge on the Ohio River				X
(b) I–79 to the McKees Rocks Bridge on the Ohio River				X
(c) McKees Rocks Bridge to the Birmingham Bridge on the Ohio and Monongahela Rivers		X		
(d) Birmingham Bridge to the Glenwood Bridge on the Monongahela River	X			
(e) Glenwood Bridge to the Mansfield Bridge (Dravosburg) on the Monongahela River	X			
(f) Mansfield Bridge to the Westmoreland County line on the Monongahela River	X			
(2) The area within a half-mile radius of the Greater Pittsburgh Airport monitor		X		
(3) The one mile wide strip centered on Turtle Creek running from area (V)(B)(1)(e) above to the Westmoreland County line	X			
(4) The Area #9 within Allegheny County within a radius of 2 miles of the Springdale Monitor				X
(5) The remaining portions of the Allegheny County Air Basin				X
(C) Lower Beaver Valley Air Basin:				
(1) Aliquippa Boro	X			
(2) Baden Boro	X			
(3) Midland Boro	X			
(4) Remaining Portions		X		
(D) Westmoreland County				X
(E) Remaining Portions of AQCR				X
VI. Northwest Penna. Interstate AQCR:				
(A) Upper Beaver Valley Air Basin:				
(1) Ellwood City Boro	X			
(2) City of New Castle	X			
(3) Remaining Portions		X		
(B) Erie Air Basin:				
City of Erie		X		
Wesleyville Boro		X		
Lawrence Park Township		X		
(C) Mercer County:				
City of Sharon	X			
City of Farrell	X			
Sharpsville Boro			X	
Wheatland Boro			X	
Hickory Township			X	
(D) Remaining Portions of AQCR				X

Pennsylvania—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
I. Metropolitan Philadelphia Interstate AQCR:				
(A) City of Philadelphia				X
(B) Delaware County				X
(C) Remaining Pennsylvania Portion of AQCR				X
II. Northeast Pennsylvania Intrastate AQCR				X
III. South Central Pennsylvania Intrastate AQCR				X
IV. Central Pennsylvania Intrastate AQCR:				X
V. Southwest Pennsylvania Intrastate AQCR:.				
(A) Monongahela Valley Air Basin			X	
(B) Allegheny County Air Basin:.				
(1) The area within a two-mile radius of the Hazelwood monitor	X			
(2) That portion of Allegheny County within an eight-mile radius of the Dusquesne Golf Association Club House in West Mifflin excluding the non-attainment area (#1)			X	
(3) The area within a two-mile radius of the Bellevue monitor			X	
(4) The remaining portions of the Allegheny County Air Basin				X
(C) Beaver Valley Air Basin (Beaver County)				X
(D) Armstrong County:.				
Madison Twp	X			
Mahoning Twp	X			
Boggs Twp	X			
Washington Twp	X			
Pine Twp	X			
(E) Remainder of AQCR				X
VI. Northwest Pennsylvania Intrastate AQCR:.				
(A) Warren County:.				
Conewango Twp	X			
Mead Twp			X	
Clarendon Boro			X	
Warren Boro	X	X		
Pleasant Twp	X	X		
Glade Twp	X	X		
(B) Beaver Valley Air Basin (Lawrence County)			X	
(C) Remaining Pennsylvania Portion of the AQCR				X

Pennsylvania—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Philadelphia-Camden County Area				
Philadelphia County (part)				
City of Philadelphia—high traffic areas within the Central Business District and certain other high traffic density areas.	3/15/96	Attainment		
Pittsburgh Area				
Allegheny County (part)				
high traffic density areas within the Central Business District and certain other high traffic density areas.	1/13/03	Attainment		
Rest of State		Unclassifiable/Attainment		
Adams County				
Allegheny County (part)				
Remainder of Allegheny County				
Armstrong County				
Beaver County				
Bedford County				
Berks County				
Blair County				
Bradford County				
Bucks County				
Butler County				
Cambria County				
Cameron County				
Carbon County				
Centre County				

Pennsylvania—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Chester County				
Clarion County				
Clearfield County				
Clinton County				
Columbia County				
Crawford County				
Cumberland County				
Dauphin County				
Delaware County				
Elk County				
Erie County				
Fayette County				
Forest County				
Franklin County				
Fulton County				
Greene County				
Huntingdon County				
Indiana County				
Jefferson County				
Juniata County				
Lackawanna County				
Lancaster County				
Lawrence County				
Lebanon County				
Lehigh County				
Luzerne County				
Lycoming County				
McKean County				
Mercer County				
Mifflin County				
Monroe County				
Montgomery County				
Montour County				
Northampton County				
Northumberland County				
Perry County				
Philadelphia County (part)				
Remainder of Philadelphia county				
Pike County				
Potter County				
Schuylkill County				
Snyder County				
Somerset County				
Sullivan County				
Susquehanna County				
Tioga County				
Union County				
Venango County				
Warren County				
Washington County				
Wayne County				
Westmoreland County				
Wyoming County				
York County				

[1] This date is November 15, 1990, unless otherwise noted.

Pennsylvania—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Allentown-Bethlehem-Easton Area:				
Carbon County	(3)	Nonattainment	(3)	Marginal.
Lehigh County	(3)	Nonattainment	(3)	Marginal.
Northampton County	(3)	Nonattainment	(3)	Marginal.
Altoona Area:				
Blair County	(3)	Nonattainment	(3)	Marginal.
Crawford County Area:				
Crawford County	(3)	Nonattainment	(3)	Incomplete Data.
Erie Area:				
Erie County	(3)	Nonattainment	(3)	Marginal.

Pennsylvania—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Franklin County Area:				
Franklin County	(3)	Nonattainment	(3)	Incomplete Data.
Greene County Area:				
Greene County	(3)	Nonattainment	(3)	Incomplete Data.
Harrisburg-Lebanon-Carlisle Area:				
Cumberland County	(3)	Nonattainment	(3)	Marginal.
Dauphin County	(3)	Nonattainment	(3)	Marginal.
Lebanon County	(3)	Nonattainment	(3)	Marginal.
Perry County	(3)	Nonattainment	(3)	Marginal.
Johnstown Area:				
Cambria County	(3)	Nonattainment	(3)	Marginal.
Somerset County	(3)	Nonattainment	(3)	Marginal.
Juniata County Area:				
Juniata County	(3)	Nonattainment	(3)	Incomplete Data.
Lancaster Area:				
Lancaster County	11/15/90	Nonattainment	11/15/90	Marginal.
Lawrence County Area:				
Lawrence County	(3)	Nonattainment	(3)	Incomplete Data.
Northumberland County Area:				
Northumberland County	(3)	Nonattainment	(3)	Incomplete Data.
Philadelphia-Wilmington-Trenton Area:				
Bucks County	11/15/90	Nonattainment	11/15/90	Severe-15.
Chester County	11/15/90	Nonattainment	11/15/90	Severe-15.
Delaware County	11/15/90	Nonattainment	11/15/90	Severe-15.
Montgomery County	11/15/90	Nonattainment	11/15/90	Severe-15.
Philadelphia County	11/15/90	Nonattainment	11/15/90	Severe-15.
Pike County Area:				
Pike County	(3)	Nonattainment	(3)	Incomplete Data.
Pittsburgh-Beaver Valley Area:				
Allegheny County	10/19/01	Attainment	.....	
Armstrong County	10/19/01	Attainment	.....	
Beaver County	10/19/01	Attainment	.....	
Butler County	10/19/01	Attainment	.....	
Fayette County	10/19/01	Attainment	.....	
Washington County	10/19/01	Attainment	.....	
Westmoreland County	10/19/01	Attainment	.....	
Reading Area:				
Berks County	.....	Unclassifiable/Attainment		
Schuylkill County Area:				
Schuylkill County	(3)	Nonattainment	(3)	Incomplete Data.
Scranton-Wilkes-Barre Area:				
Columbia County	(3)	Nonattainment	(3)	Marginal.
Lackawanna County	(3)	Nonattainment	(3)	Marginal.
Luzerne County	(3)	Nonattainment	(3)	Marginal.
Monroe County	(3)	Nonattainment	(3)	Marginal.
Wyoming County	(3)	Nonattainment	(3)	Marginal.
Snyder County Area:				
Snyder County	(3)	Nonattainment	(3)	Incomplete Data.
Susquehanna County Area:				
Susquehanna County	(3)	Nonattainment	(3)	Incomplete Data.
Warren County Area:				
Warren County	(3)	Nonattainment	(3)	Incomplete Data.
Wayne County Area:				
Wayne County	(3)	Nonattainment	(3)	Incomplete Data.
York Area:				
Adams County	(3)	Nonattainment	(3)	Marginal.
York County	(3)	Nonattainment	(3)	Marginal.
Youngstown-Warren-Sharon Area:				
Mercer County	(3)	Nonattainment	(3)	Marginal.
AQCR 151 NE Pennsylvania Intrastate (Remainder of):				
Bradford County	.....	Unclassifiable/Attainment		
Sullivan County	.....	Unclassifiable/Attainment		
Tioga County	.....	Unclassifiable/Attainment		
AQCR 178 NW Pennsylvania Interstate (Remainder of):				
Cameron County	.....	Unclassifiable/Attainment		
Clarion County	.....	Unclassifiable/Attainment		

Pennsylvania—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Clearfield County		Unclassifiable/Attainment		
Elk County		Unclassifiable/Attainment		
Forest County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
McKean County		Unclassifiable/Attainment		
Potter County		Unclassifiable/Attainment		
Venango County		Unclassifiable/Attainment		
AQCR 195 Central Pennsylvania Intrastate (Remainder of):				
Bedford County		Unclassifiable/Attainment		
Centre County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Huntingdon County		Unclassifiable/Attainment		
Lycoming County		Unclassifiable/Attainment		
Mifflin County		Unclassifiable/Attainment		
Montour County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
AQCR 197 SW Pennsylvania Intrastate (Remainder of):				
Indiana County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.
[2] Attainment date extended to 11/15/97.
[3] This date is January 16, 2001.

Pennsylvania—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Allegheny County				
The area including Liberty, Lincoln, Port Vue, and Glassport Boroughs and the City of Clairton.	11/15/90	Nonattainment	11/15/90	Moderate
Rest of State	11/15/90	Unclassifiable		

Pennsylvania—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[43 FR 40513, Sept. 12, 1978]

EDITORIAL NOTE: For Federal Register citations affecting § 81.339, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 81.340 Rhode Island.

Rhode Island—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Providence		X		
East Providence, Warwick, North Providence, Pawtucket, and Central Falls			X	
Remainder of Rhode Island portion of AQCR 120				X

Rhode Island—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Rhode Island portion of AQCR 120				X

Rhode Island—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Bristol County				
Kent County				
Newport County				
Providence County				
Washington County				

[1] This date is November 15, 1990, unless otherwise noted.

RHODE ISLAND—OZONE (1-HOUR STANDARD)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Providence (all of RI) Area:				
Bristol County		Nonattainment		Serious.
Kent County		Nonattainment		Serious.
Newport County		Nonattainment		Serious.
Providence County		Nonattainment		Serious.
Washington County		Nonattainment		Serious.

[1] This date is January 16, 2001, unless otherwise noted.

Rhode Island—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Rhode Island portion of AQCR 120		X

[43 FR 8964, Mar. 3, 1978, as amended at 46 FR 25461, May 7, 1981; 47 FR 30066, July 12, 1982; 56 FR 56823, Nov. 6, 1991; 63 FR 31077, June 5, 1998; 64 FR 30916, June 9, 1999; 65 FR 45257, July 20, 2000]

§ 81.341 South Carolina.

South Carolina—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Abbeville County				X
Aiken County				X
Allendale County				X

South Carolina—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Anderson County				X
Bamberg County				X
Barnwell County				X
Beaufort County				X
Berkeley County				X
Calhoun County				X
That portion of Charleston County within section of Charleston just west of south end of US Naval Station		X		
Portions of Charleston County not otherwise designated				X
Cherokee County				X
Chester County				X
Chesterfield County				X
Clarendon County				X
Colleton County				X
Darlington County				X
Dillon County				X
Dorchester County				X
Edgefield County				X
Fairfield County				X
Florence County				X
Georgetown County				X
Greenville County				X
Greenwood County				X
Hampton County				X
Horry County				X
Jasper County				X
Kershaw County				X
Lancaster County				X
Laurens County				X
Lee County				X
Lexington County				X
McCormick County				X
Marion County				X
Marlboro County				X
Newberry County				X
Oconee County				X
Orangeburg				X
Pickens County				X
Richland County				X
Saluda County				X
Spartanburg County				X
Sumter County				X
Union County				X
Williamsburg County				X
York County				X

South Carolina—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Abbeville County				X
Aiken County				X
Allendale County				X
Anderson County				X
Bamberg County				X
Barnwell County				X
Beaufort County				X
Berkeley County				X
Calhoun County				X
Charleston County				X
Cherokee County				X
Chester County				X
Chesterfield County				X
Clarendon County				X
Colleton County				X
Darlington County				X
Dillon County				X

South Carolina—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Dorchester County				X
Edgefield County				X
Fairfield County				X
Florence County				X
Georgetown County				X
Greenville County				X
Greenwood County				X
Hampton County				X
Horry County				X
Jasper County				X
Kershaw County				X
Lancaster County				X
Laurens County				X
Lee County				X
Lexington County				X
McCormick County				X
Marion County				X
Marlboro County				X
Newberry County				X
Oconee County				X
Orangeburg County				X
Pickens County				X
Richland County				X
Saluda County				X
Spartanburg County				X
Sumter County				X
Union County				X
Williamsburg County				X
York County				X

South Carolina—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Abbeville County				
Aiken County				
Allendale County				
Anderson County				
Bamberg County				
Barnwell County				
Beaufort County				
Berkeley County				
Calhoun County				
Charleston County				
Cherokee County				
Chester County				
Chesterfield County				
Clarendon County				
Colleton County				
Darlington County				
Dillon County				
Dorchester County				
Edgefield County				
Fairfield County				
Florence County				
Georgetown County				
Greenville County				
Greenwood County				
Hampton County				
Horry County				
Jasper County				
Kershaw County				
Lancaster County				
Laurens County				
Lee County				
Lexington County				

South Carolina—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Marion County				
Marlboro County				
McCormick County				
Newberry County				
Oconee County				
Orangeburg County				
Pickens County				
Richland County				
Saluda County				
Spartanburg County				
Sumter County				
Union County				
Williamsburg County				
York County				

[1] This date is November 15, 1990, unless otherwise noted.

South Carolina—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide	.....	Unclassifiable/Attainment		
Abbeville County				
Aiken County				
Allendale County				
Anderson County				
Bamberg County				
Barnwell County				
Beaufort County				
Berkeley County				
Calhoun County				
Charleston County				
Cherokee County				
Chester County				
Chesterfield County				
Clarendon County				
Colleton County				
Darlington County				
Dillon County				
Dorchester County				
Edgefield County				
Fairfield County				
Florence County				
Georgetown County				
Greenville County				
Greenwood County				
Hampton County				
Horry County				
Jasper County				
Kershaw County				
Lancaster County				
Laurens County				
Lee County				
Lexington County				
Marion County				
Marlboro County				
McCormick County				
Newberry County				
Oconee County				
Orangeburg County				
Pickens County				
Richland County				
Saluda County				
Spartanburg County				
Sumter County				
Union County				
Williamsburg County				
York County				

[1] This date is October 18, 2000, unless otherwise noted.

South Carolina—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		X

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 6576, Jan. 29, 1980; 46 FR 53416, Oct. 29, 1981; 47 FR 952, Jan. 8, 1982; 47 FR 31878, July 23, 1982; 48 FR 50317, Nov. 1, 1983; 49 FR 17758, Apr. 25, 1984; 49 FR 30308, July 30, 1984; 51 FR 30065, Aug. 22, 1986; 53 FR 38725, Oct. 3, 1988; 56 FR 56825, Nov. 6, 1991; 57 FR 59302, Dec. 15, 1992; 63 FR 31077, June 5, 1998; 65 FR 45257, July 20, 2000]

§ 81.342 South Dakota.

South Dakota—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire State				X

South Dakota—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Aurora County				
Beadle County				
Bennett County				
Bon Homme County				
Brookings County				
Brown County				
Brule County				
Buffalo County				
Butte County				
Campbell County				
Charles Mix County				
Clark County				
Clay County				
Codington County				
Corson County				
Custer County				
Davison County				
Day County				
Deuel County				
Dewey County				
Douglas County				
Edmunds County				
Fall River County				
Faulk County				
Grant County				
Gregory County				
Haakon County				
Hamlin County				
Hand County				
Hanson County				
Harding County				
Hughes County				
Hutchinson County				
Hyde County				
Jackson County				
Jerauld County				
Jones County				
Kingsbury County				
Lake County				
Lawrence County				
Lincoln County				
Lyman County				

South Dakota—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Marshall County				
McCook County				
McPherson County				
Meade County				
Mellette County				
Miner County				
Minnehaha County				
Moody County				
Pennington County				
Perkins County				
Potter County				
Roberts County				
Sanborn County				
Shannon County				
Spink County				
Stanley County				
Sully County				
Todd County				
Tripp County				
Turner County				
Union County				
Walworth County				
Yankton County				
Ziebach County				

[1] This date is November 15, 1990, unless otherwise noted.

South Dakota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide	.....	Unclassifiable/Attainment		
Aurora County				
Beadle County				
Bennett County				
Bon Homme County				
Brookings County				
Brown County				
Brule County				
Buffalo County				
Butte County				
Campbell County				
Charles Mix County				
Clark County				
Clay County				
Codington County				
Corson County				
Custer County				
Davison County				
Day County				
Deuel County				
Dewey County				
Douglas County				
Edmunds County				
Fall River County				
Faulk County				
Grant County				
Gregory County				
Haakon County				
Hamlin County				
Hand County				
Hanson County				
Harding County				
Hughes County				
Hutchinson County				
Hyde County				
Jackson County				
Jerauld County				
Jones County				

South Dakota—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Kingsbury County				
Lake County				
Lawrence County				
Lincoln County				
Lyman County				
Marshall County				
McCook County				
McPherson County				
Meade County				
Mellette County				
Miner County				
Minnehaha County				
Moody County				
Pennington County				
Perkins County				
Potter County				
Roberts County				
Sanborn County				
Shannon County				
Spink County				
Stanley County				
Sully County				
Todd County				
Tripp County				
Turner County				
Union County				
Walworth County				
Yankton County				
Ziebach County				

[1] This date is October 18, 2000, unless otherwise noted.

South Dakota—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Rapid City Area	11/15/90	Unclassifiable		
Rest of State[1]	11/15/90	Unclassifiable		

[1] Denotes a single area designation for PSD baseline area purposes.

South Dakota—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[36 FR 22421, Nov. 25, 1971, as amended at 56 FR 56825, Nov. 6, 1991; 60 FR 55798, Nov. 3, 1995; 61 FR 24242, May 14, 1996; 63 FR 31078, June 5, 1998; 65 FR 45258, July 20, 2000]

§ 81.343 Tennessee.

Tennessee—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Anderson County				X
Bedford County				X
Benton County				X
Bledsoe County				X
Blount County				X
Bradley County				X
Campbell County				X
Rest of Campbell County				X
Cannon County				X

Tennessee—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Carroll County				X
Carter County				X
Cheatham County				X
Chester County				X
Claiborne County				X
Clay County				X
Cocke County				X
Coffee County				X
Crockett County				X
Cumberland County				X
Those portions of Davidson County within a section of downtown Nashville and in West Nashville		X		
Rest of Davidson County				X
Decatur County				X
DeKalb County				X
Dickson County				X
Dyer County				X
Fayette County				X
Fentress County				X
Franklin County				X
Gibson County				X
Giles County				X
Grainger County				X
Greene County				X
Grundy County				X
Hamblen County				X
That portion of Hamilton County within approximately the city limits of Chattanooga		X		
Rest of Hamilton County				X
Hancock County				X
Hardeman County				X
Hardin County				X
Hawkins County				X
Haywood County				X
Henderson County				X
Henry County				X
Hickman County				X
Houston County				X
Humphreys County				X
Jackson County				X
Jefferson County				X
Johnson County				X
That portion of Knox County within a section of downtown Knoxville				X
Rest of Knox County				X
Lake County				X
Lauderdale County				X
Lawrence County				X
Lewis County				X
Lincoln County				X
Loudon County				X
McMinn County				X
McNairy County				X
Macon County				X
Madison County				X
Marion County				X
Marshall County				X
That portion of Maury County within the northern section of Columbia			X	
Rest of Maury County				X
Meigs County				X
Monroe County				X
Montgomery County				X
Moore County				X
Morgan County				X
Obion County				X
Overton County				X
Perry County				X
Pickett County				X
Polk County				X

Tennessee—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Putnam County				X
Rhea County				X
Roane County				X
Robertson County				X
Rutherford County				X
Scott County				X
Sequatchie County				X
Sevier County				X
Shelby County				X
Smith County				X
Stewart County				X
Sullivan County				X
Sumner County				X
Tipton County				X
Trousdale County				X
Unicoi County				X
Union County				X
Van Buren County				X
Warren County				X
Washington County				X
Wayne County				X
Weakley County				X
White County				X
Wilson County				X
Williamson County				X

Tennessee—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Anderson County				X
Bedford County				X
That portion of Benton County surrounding TVA's Johnsonville plant				X
Rest of Benton County				X
Bledsoe County				X
Blount County				X
Bradley County				X
Campbell County				X
Cannon County				X
Carroll County				X
Carter County				X
Cheatham County				X
Chester County				X
Claiborne County				X
Clay County				X
Cocke County				X
Coffee County				X
Crockett County				X
Cumberland County				X
Davidson County				X
Decatur County				X
DeKalb County				X
Dickson County				X
Dyer County				X
Fayette County				X
Fentress County				X
Franklin County				X
Gibson County				X
Giles County				X
Grainger County				X
Greene County				X
Grundy County				X
Hamblen County				X
Hamilton County				X
Hancock County				X
Hardeman County				X

Tennessee—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hardin County				X
Hawkins County				X
Haywood County				X
Henderson County				X
Henry County				X
Hickman County				X
Houston County				X
That portion of Humphreys County surrounding TVA's Johnsonville plant				X
Rest of Humphreys County				X
Jackson County				X
Jefferson County				X
Johnson County				X
Knox County				X
Lake County				X
Lauderdale County				X
Lawrence County				X
Lewis County				X
Lincoln County				X
Loudon County				X
McMinn County				X
McNairy County				X
Macon County				X
Madison County				X
Marion County				X
Marshall County				X
Maury County				X
Meigs County				X
Monroe County				X
Montgomery County				X
Moore County				X
Morgan County				X
Obion County				X
Overton County				X
Perry County				X
Pickett County				X
Polk County				X
Putnam County				X
Rhea County				X
Roane County				X
Robertson County				X
Rutherford County				X
Scott County				X
Sequatchie County				X
Sevier County				X
Shelby County				X
Smith County				X
Stewart County				X
Sullivan County				X
Sumner County				X
Tipton County				X
Trousdale County				X
Unicoi County				X
Union County				X
Van Buren County				X
Warren County				X
Washington County				X
Wayne County				X
Weakley County				X
White County				X
Williamson County				X
Wilson County				X

Tennessee—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide				
Anderson County		Unclassifiable/Attainment		
Bedford County.				
Benton County.				
Bledsoe County.				
Blount County.				
Bradley County.				
Campbell County.				
Cannon County.				
Carroll County.				
Carter County.				
Cheatham County.				
Chester County.				
Claiborne County.				
Clay County.				
Cocke County.				
Coffee County.				
Crockett County.				
Cumberland County.				
Davidson County.				
De Kalb County.				
Decatur County.				
Dickson County.				
Dyer County.				
Fayette County.				
Fentress County.				
Franklin County.				
Gibson County.				
Giles County.				
Grainger County.				
Greene County.				
Grundy County.				
Hamblen County.				
Hamilton County.				
Hancock County.				
Hardeman County.				
Hardin County.				
Hawkins County.				
Haywood County.				
Henderson County.				
Henry County.				
Hickman County.				
Houston County.				
Humphreys County.				
Jackson County.				
Jefferson County.				
Johnson County.				
Knox County.				
Lake County.				
Lauderdale County.				
Lawrence County.				
Lewis County.				
Lincoln County.				
Loudon County.				
Macon County.				
Madison County.				
Marion County.				
Marshall County.				
Maury County.				
McMinn County.				
McNairy County.				
Meigs County.				
Monroe County.				
Montgomery County.				
Moore County.				
Morgan County.				
Obion County.				
Overton County.				
Perry County.				

Tennessee—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Pickett County.				
Polk County.				
Putnam County.				
Rhea County.				
Roane County.				
Robertson County.				
Rutherford County.				
Scott County.				
Sequatchie County.				
Sevier County.				
Shelby County	9/26/94			
Smith County.				
Stewart County.				
Sullivan County.				
Sumner County.				
Tipton County.				
Trousdale County.				
Unicoi County.				
Union County.				
Van Buren County.				
Warren County.				
Washington County.				
Wayne County.				
Weakley County.				
White County.				
Williamson County.				
Wilson County.				

[1] This date is November 15, 1990, unless otherwise noted.

Tennessee—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Shelby County (part): Area encompassed by a circle with a ¾ mile radius with center being the intersection of Castex and Mallory Avenue, Memphis, TN.	July 2, 2001	Attainment	.....	
Williamson County (part)				
Area encompassed by a circle centered on Universal Transverse Mercator coordinate 530.38 E, 3961.60 N (Zone 16) with a radius of 1.5 kilometers.	9/10/99	Attainment		
Fayette County (part)				
Area encompassed by a circle centered on Universal Transverse Mercator coordinate 267.59 E, 3881.30 N (Zone 16) with a radius of 1.0 kilometers.	10/17/95	Attainment		
Rest of State Not Designated				

Tennessee—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Jefferson County Area:				
Jefferson County	11/15/90	Unclassifiable/Attainment	11/15/90	
Statewide		Unclassifiable/Attainment		
Anderson County				
Bedford County				
Benton County				
Bledsoe County				
Blount County				
Bradley County				
Campbell County				
Cannon County				
Carroll County				
Carter County				
Cheatham County				
Chester County				
Claiborne County				

Tennessee—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Clay County				
Cocke County				
Coffee County				
Crockett County				
Cumberland County				
DeKalb County				
Decatur County				
Dickson County				
Davidson County				
Dyer County				
Fayette County				
Fentress County				
Franklin County				
Gibson County				
Giles County				
Grainger County				
Greene County				
Grundy County				
Hamblen County				
Hamilton County				
Hancock County				
Hardeman County				
Hardin County				
Hawkins County				
Haywood County				
Henderson County				
Henry County				
Hickman County				
Houston County				
Humphreys County				
Jackson County				
Johnson County				
Knox County				
Lake County				
Lauderdale County				
Lawrence County				
Lewis County				
Lincoln County				
Loudon County				
Macon County				
Madison County				
Marion County				
Marshall County				
Maury County				
McMinn County				
McNairy County				
Meigs County				
Monroe County				
Montgomery County				
Moore County				
Morgan County				
Obion County				
Overton County				
Perry County				
Pickett County				
Polk County				
Putnam County				
Rhea County				
Roane County				
Robertson County				
Rutherford County				
Scott County				
Sequatchie County				
Sevier County				
Shelby County				
Smith County				
Stewart County				
Sullivan County				
Sumner County				
Tipton County				
Trousdale County				

Tennessee—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Unicoi County				
Union County				
Van Buren County				
Warren County				
Washington County				
Wayne County				
Weakley County				
White County				
Williamson County				
Wilson County				

[1] This date is October 18, 2000, unless otherwise noted.

Tennessee—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Statewide		x

[43 FR 8964, Mar. 3, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §81.343, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 81.344 Texas.

Texas—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 022				X
AQCR 106				X
AQCR 153:				
El Paso County			[1] X	
Remainder of AQCR				X
AQCR 210				X
AQCR 211				X
AQCR 212				X
AQCR 213				X
AQCR 214				X
AQCR 215				X
AQCR 216				X
AQCR 217				X
AQCR 218				X

[1] EPA designation replaces State designation.

Texas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
El Paso				
El Paso County (part)		Nonattainment		Moderate ≦ 12.7ppm

Texas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Portion of the City Limits of El Paso: That portion of the city of El Paso bounded on the north by Highway 10 from Porfirio Diaz Street to Raynolds Street, Raynolds Street from Highway 10 to the Southern Pacific Railroad lines, the Southern Pacific Railroad lines from Raynolds Street to Highway 62, Highway 62 from the Southern Pacific Railroad lines to Highway 20 and Highway 20 from Highway 62 to Polo Inn Road; bounded on the east by Polo Inn Road from Highway 20 to the Texas-Mexico border; bounded from the south by the Texas-Mexico border from Polo Inn Road to Porfirio Diaz Street; and bounded on the west by Porfirio Diaz Street from the Texas-Mexico border to Highway 10.				
AQCR 022 Shreveport-Texarkana-Tyler Interstate		Unclassifiable/Attainment		
Anderson County				
Bowie County				
Camp County				
Cass County				
Cherokee County				
Delta County				
Franklin County				
Gregg County				
Harrison County				
Henderson County				
Hopkins County				
Lamar County				
Marion County				
Morris County				
Panola County				
Rains County				
Red River County				
Rusk County				
Smith County				
Titus County				
Upshur County				
Van Zandt County				
Wood County				
AQCR 106 Southern Louisiana-S.E. Texas Interstate		Unclassifiable/Attainment		
Angelina County, Hardin County, Houston County, Jasper County, Jefferson County, Nacogdoches County, Newton County, Orange County, Polk County, Sabine County, San Augustine County, San Jacinto County, Shelby County, Trinity County, Tyler County				
AQCR 153 El Paso-LC-Al Interstate (Remainder of)		Unclassifiable/Attainment		
Brewster County				
Culberson County				
El Paso County (part)				
Remainder of county				
Hudspeth County				
Jeff Davis County				
Presidio County				
AQCR 210 Abilene-Wichita Falls Intrastate		Unclassifiable/ Attainment		
Archer County, Baylor County, Brown County, Callahan County, Clay County, Coleman County, Comanche County, Cottle County, Eastland County, Fisher County, Foard County, Hardeman County, Haskell County, Jack County, Jones County, Kent County, Knox County, Mitchell County, Montague County, Nolan County, Runnels County, Scurry County, Shackelford County, Stephens County, Stonewall County, Taylor County, Throckmorton County, Wichita County, Wilbarger County, Young County				
AQCR 211 Amarillo-Lubbock Intrastate		Unclassifiable/Attainment		

Texas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Armstrong County, Bailey County, Briscoe County, Carson County, Castro County, Childress County, Cochran County, Collingsworth County, Crosby County, Dallam County, Deaf Smith County, Dickens County, Donley County, Floyd County, Garza County, Gray County, Hale County, Hall County, Hansford County, Hartley County, Hemphill County, Hockley County, Hutchinson County, King County, Lamb County, Lipscomb County, Lubbock County, Lynn County, Moore County, Motley County, Ochiltree County, Oldham County, Parmer County, Potter County, Randall County, Roberts County, Sherman County, Swisher County, Terry County, Wheeler County, Yoakum County				
AQCR 212 Austin-Waco Intrastate		Unclassifiable/Attainment		
Bastrop County				
Bell County				
Blanco County				
Bosque County				
Brazos County				
Burleson County				
Burnet County				
Caldwell County				
Coryell County				
Falls County				
Fayette County				
Freestone County				
Grimes County				
Hamilton County				
Hays County				
Hill County				
Lampasas County				
Lee County				
Leon County				
Limestone County				
Llano County				
Madison County				
McLennan County				
Milam County				
Mills County				
Robertson County				
San Saba County				
Travis County				
Washington County				
Williamson County				
AQCR 213 Brownsville Laredo Intrastate		Unclassifiable/Attainment		
Cameron County				
Hidalgo County				
Jim Hogg County				
Starr County				
Webb County				
Willacy County				
Zapata County				
AQCR 214 Corpus Christi-Victoria Intrastate	.....	Unclassifiable/Attainment		
Aransas County, Bee County, Brooks County, Calhoun County, De Witt County, Duval County, Goliad County, Gonzales County, Jackson County, Jim Wells County, Kenedy County, Kleberg County, Lavaca County, Live Oak County, McMullen County, Nueces County, Refugio County, San Patricio County, Victoria County				
AQCR 215 Metropolitan Dallas-Fort Worth Intrastate		Unclassifiable/Attainment		
Collin County				
Cooke County				
Dallas County				
Denton County				
Ellis County				

Texas—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Erath County				
Fannin County				
Grayson County				
Hood County				
Hunt County				
Johnson County				
Kaufman County				
Navarro County				
Palo Pinto County				
Parker County				
Rockwall County				
Somervell County				
Tarrant County				
Wise County				
AQCR 216 Metropolitan Houston-Galveston Intrastate	.....	Unclassifiable/Attainment		
Austin County, Brazoria County, Chambers County, Colorado County, Fort Bend County, Galveston County, Harris County, Liberty County, Matagorda County, Montgomery County, Walker County, Waller County, Wharton County				
AQCR 217 Metropolitan San Antonio Intrastate	.....	Unclassifiable/Attainment		
Atascosa County, Bandera County, Bexar County, Comal County, Dimmit County, Edwards County, Frio County, Gillespie County, Guadalupe County, Karnes County, Kendall County, Kerr County, Kinney County, La Salle County, Maverick County, Medina County, Real County, Uvalde County, Val Verde County, Wilson County, Zavala County				
AQCR 218 Midland-Odessa-San Angelo Intrastate	.....	Unclassifiable/Attainment		
Andrews County, Borden County, Coke County, Concho County, Crane County, Crockett County, Dawson County, Ector County, Gaines County, Glasscock County, Howard County, Irion County, Kimble County, Loving County, Martin County, Mason County, McCulloch County, Menard County, Midland County, Pecos County, Reagan County, Reeves County, Schleicher County, Sterling County, Sutton County, Terrell County, Tom Green County, Upton County, Ward County, Winkler County				

[1] This date is November 15, 1990, unless otherwise noted.

Texas—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Collin County (all)	12/13/99	Attainment		
Eastside:				
Starting at the intersection of south Fifth St. and the fence line approximately 1000' south of the GNB property line going north to the intersection of south Fifth St. and Eubanks St.;				
Northside:				
Proceeding west on Eubanks to the Burlington Railroad tracks;				
Westside:				
Along Burlington Railroad tracks to the fence line approximately 1000' south of the GNB property line;				
Southside:				
Fence line approximately 1000' south of the GNB property line.				
Bexar County (part)	1/6/92	Unclassifiable		
Northside:				
Starting at intersection of Loop 1604 and Nelson Gardens Road and along the Nelson Gardens Road to Covel Road;				
Eastside:				

Texas—Lead

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Along Covel Road to Pearsall Road and along Pearsall Road to Nelson Road;				
Southside:				
Along Nelson Road to where it intersects with Loop 1604;				
Westside:				
Along Loop 1604 where it intersects with Nelson Gardens Road.				
Rest of State Not Designated				

[1] This date is November 15, 1990, unless otherwise noted.

Texas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Beaumont/Port Arthur Area:				
Hardin County	11/15/90	Nonattainment	6/03/96	Moderate.
Jefferson County	11/15/90	Nonattainment	6/03/96	Moderate.
Orange County	11/15/90	Nonattainment	6/03/96	Moderate.
Dallas-Fort Worth Area:				
Collin County	11/15/90	Nonattainment	3/20/98	Serious.
Dallas County	11/15/90	Nonattainment	3/20/98	Serious.
Denton County	11/15/90	Nonattainment	3/20/98	Serious.
Tarrant County	11/15/90	Nonattainment	3/20/98	Serious.
El Paso Area:.				
El Paso County	11/15/90	Nonattainment	11/15/90	Serious.
Houston-Galveston-Brazoria Area:				
Brazoria County	11/15/90	Nonattainment	11/15/90	Severe-17.
Chambers County	11/15/90	Nonattainment	11/15/90	Severe-17.
Fort Bend County	11/15/90	Nonattainment	11/15/90	Severe-17.
Galveston County	11/15/90	Nonattainment	11/15/90	Severe-17.
Harris County	11/15/90	Nonattainment	11/15/90	Severe-17.
Liberty County	11/15/90	Nonattainment	11/15/90	Severe-17.
Montgomery County	11/15/90	Nonattainment	11/15/90	Severe-17.
Waller County	11/15/90	Nonattainment	11/15/90	Severe-17.
Longview Area:				
Gregg County	11/15/90	Unclassifiable/Attainment	11/15/90	
Victoria Area:				
Victoria County	.....	Attainment		
AQCR 022 Shreveport-Texarkana-Tyler Interstate	.....	Unclassifiable/Attainment		
Anderson County				
Bowie County				
Camp County				
Cass County				
Cherokee County				
Delta County				
Franklin County				
Gregg County				
Harrison County				
Henderson County				
Hopkins County				
Lamar County				
Marion County				
Morris County				
Panola County				
Rains County				
Red River County				
Rusk County				
Smith County				
Titus County				
Upshur County				
Van Zandt County				
Wood County				
AQCR 106 S Louisiana-SE Texas Interstate (Remainder of)	.....	Unclassifiable/Attainment		
Angelina County, Houston County, Jasper County, Nacogdoches County,				

Texas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Newton County, Polk County, Sabine County, San Augustine County, San Jacinto County, Shelby County, Trinity County, Tyler County				
AQCR 153 El Paso-Las Cruces-Alamogordo Interstate	.....	Unclassifiable/Attainment		
Brewster County				
Culberson County				
Hudspeth County				
Jeff Davis County				
Presidio County				
AQCR 210 Abilene-Wichita Falls Intrastate	.....	Unclassifiable/Attainment		
Archer County, Baylor County, Brown County, Callahan County, Clay County, Coleman County, Comanche County, Cottle County, Eastland County, Fisher County, Foard County, Hardeman County, Haskell County, Jack County, Jones County, Kent County, Knox County, Mitchell County, Montague County, Nolan County, Runnels County, Scurry County, Shackelford County, Stephens County, Stonewall County, Taylor County, Throckmorton County, Wichita County, Wilbarger County, Young County				
AQCR 211 Amarillo-Lubbock Intrastate	.....	Unclassifiable/Attainment		
Armstrong County, Bailey County, Briscoe County, Carson County, Castro County, Childress County, Cochran County, Collingsworth County, Crosby County, Dallam County, Deaf Smith County, Dickens County, Donley County, Floyd County, Garza County, Gray County, Hale County, Hall County, Hansford County, Hartley County, Hemphill County, Hockley County, Hutchinson County, King County, Lamb County, Lipscomb County, Lubbock County, Lynn County, Moore County, Motley County, Ochiltree County, Oldham County, Parmer County, Potter County, Randall County, Roberts County, Sherman County, Swisher County, Terry County, Wheeler County, Yoakum County				
AQCR 212 Austin-Waco Intrastate	.....	Unclassifiable/Attainment		
Bastrop County				
Bell County				
Blanco County				
Bosque County				
Brazos County				
Burleson County				
Burnet County				
Caldwell County				
Coryell County				
Falls County				
Fayette County				
Freestone County				
Grimes County				
Hamilton County				
Hays County				
Hill County				
Lampasas County				
Lee County				
Leon County				

Texas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Limestone County				
Llano County				
Madison County				
McLennan County				
Milam County				
Mills County				
Robertson County				
San Saba County				
Travis County				
Washington County				
Williamson County				
AQCR 213 Brownsville-Laredo Intrastate	.....	Unclassifiable/Attainment		
Cameron County				
Hidalgo County				
Jim Hogg County				
Starr County				
Webb County				
Willacy County				
Zapata County				
AQCR 214 Corpus Christi-Victoria Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Aransas County, Bee County, Brooks County, Calhoun County, De Witt County, Duval County, Goliad County, Gonzales County, Jackson County, Jim Wells County, Kenedy County, Kleberg County, Lavaca County, Live Oak County, McMullen County, Refugio County, San Patricio County,				
AQCR 214 Corpus Christi-Victoria Intrastate (part)	.....	Unclassifiable/Attainment		
Nueces County				
AQCR 215 Metro Dallas-Fort Worth Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Cooke County				
Ellis County				
Erath County				
Fannin County				
Grayson County				
Hood County				
Hunt County				
Johnson County				
Kaufman County				
Navarro County				
Palo Pinto County				
Parker County				
Rockwall County				
Somervell County				
Wise County				
AQCR 216 Metro Houston-Galveston Intrastate (Remainder of).	.....	Unclassifiable/Attainment		
Austin County, Colorado County, Matagorda County, Walker County, Wharton County				
AQCR 217 Metro San Antonio Intrastate (part)	.....	Unclassifiable/Attainment		
Bexar County				
AQCR 217 Metro San Antonio Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
Atascosa County, Bandera County, Comal County, Dimmit County, Edwards County, Frio County, Gillespie County, Guadalupe County, Karnes County, Kendall County, Kerr County, Kinney County, La Salle County, Maverick County, Medina County, Real County, Uvalde County, Val Verde County, Wilson County, Zavala County				

Texas—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 218 Midland-Odessa-San Angelo Intrastate (part)		Unclassifiable/Attainment		
Ector County				
AQCR 218 Midland-Odessa-San Angelo Intrastate (Remainder of).		Unclassifiable/Attainment		
Andrews County, Borden County, Coke County, Concho County, Crane County, Crockett County, Dawson County, Gaines County, Glasscock County, Howard County, Irion County, Kimble County, Loving County, Martin County, Mason County, McCulloch County, Menard County, Midland County, Pecos County, Reagan County, Reeves County, Schleicher County, Sterling County, Sutton County, Terrell County, Tom Green County, Upton County, Ward County, Winkler County				

[1] This date is October 18, 2000, unless otherwise noted.

Texas-PM–10 Nonattainment Areas

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 022		Unclassifiable		
AQCR 106		Unclassifiable		
AQCR 153:				
El Paso County—city of El Paso	11/15/90	Nonattainment	11/15/90	Moderate
3 limited areas in El Paso County (El Paso 1, 2, and 4).		Unclassifiable		
1 limited area in El Paso County (El Paso 3)		Unclassifiable		
1 limited area in El Paso County (El Paso 5).		Unclassifiable		
Remainder of AQCR		Unclassifiable		
AQCR 210		Unclassifiable		
AQCR 211:				
Lubbock County—That portion of the city of Lubbock enclosed by Loop 289 highway.		Unclassifiable		
Remainder of AQCR		Unclassifiable		
AQCR 212		Unclassifiable		
AQCR 213:				
2 limited areas in Cameron County (Cameron 1 and 2)		Unclassifiable		
Remainder of AQCR		Unclassifiable		
QCR 214:				
2 limited areas in Nueces County (Nueces 1 and 2).		Unclassifiable		
Remainder of AQCR		Unclassifiable		
AQCR 215:				
3 limited areas in Dallas County (Dallas 1, 2, and 3).		Unclassifiable		
1 limited area in Tarrant County (Tarrant 1).		Unclassifiable		
3 limited areas in Tarrant County (Tarrant 2, 3, and 4)		Unclassifiable		
Remainder of AQCR		Unclassifiable		
AQCR 216:				
1 limited area in Harris County (Houston 1).		Unclassifiable		
1 limited area in Harris County (Houston 2).		Unclassifiable		
1 limited area in Harris County (Aldine).		Unclassifiable		
1 limited area in Harris County		Unclassifiable		
1 limited area in Galveston County		Unclassifiable		
Remainder of AQCR		Unclassifiable		
AQCR 217:				
1 limited area in Bexar County		Unclassifiable		

Texas-PM–10 Nonattainment Areas

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Remainder of AQCR		Unclassifiable		
AQCR 218		Unclassifiable		

[1] This date is November 15, 1990, unless otherwise noted.

Texas—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 022		X
AQCR 106		X
AQCR 153		X
AQCR 210		X
AQCR 211		X
AQCR 212		X
AQCR 213		X
AQCR 214		X
AQCR 215		X
AQCR 216		X
AQCR 217		X
AQCR 218		X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40434, Sept. 11, 1978; 45 FR 25063, Apr. 14, 1980; 45 FR 48133, July 18, 1980; 45 FR 78123, Nov. 25, 1980; 46 FR 33269, June 29, 1981; 46 FR 56200, Nov. 16, 1981; 47 FR 2115, Jan. 14, 1982; 47 FR 4067, Jan. 28, 1982; 47 FR 17286, Apr. 22, 1982; 51 FR 40804, Nov. 10, 1986; 55 FR 37714, Sept. 13, 1990; 56 FR 46119, Sept. 10, 1991; 56 FR 56831; Nov. 6, 1991; 57 FR 56775, Nov. 30, 1992; 60 FR 12459, Mar. 7, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 14497, Apr. 2, 1996; 62 FR 30273, June 3, 1997; 62 FR 34504, June 26, 1997; 62 FR 44088, Aug. 19, 1997; 63 FR 8133, Feb. 18, 1998; 63 FR 31081, June 5, 1998; 64 FR 55425, Oct. 13, 1999; 65 FR 45260, July 20, 2000]

§ 81.345 Utah.

Utah—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Salt Lake County	[1] X	[1] X		
Portions of Tooele County	[1] X	[1] X		
Rest of State				X

[1] EPA designation replaces State designation.

Utah—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ogden Area				
Weber County (part)				
city of Ogden	5–8–01	Attainment		
Provo Area				
Utah County (part)				
city of Provo		Nonattainment		Moderate > 12.7ppm
Salt Lake City Area	3–22–99	Attainment.		
Salt Lake County (part), Salt Lake City.				
Rest of State		Unclassifiable/Attainment.		
Beaver County				
Box Elder County				
Cache County				
Carbon County				
Daggett County				
Davis County				
Duchesne County				

Utah—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Emery County				
Garfield County				
Grand County				
Iron County				
Juab County				
Kane County				
Millard County				
Morgan County				
Piute County				
Rich County				
Salt Lake County (part)				
Remainder of Salt Lake County				
San Juan County				
Sanpete County				
Sevier County				
Summit County				
Tooele County				
Uintah County				
Utah County (part)				
Remainder of Utah county				
Wasatch County				
Washington County				
Wayne County				
Weber County (part)				
Remainder of Weber county				

[1] This date is November 15, 1990, unless otherwise noted.

Utah—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Salt Lake City Area:				
Davis County	.....	Attainment		
Salt Lake County	.....	Attainment		
Rest of State	.....	Unclassifiable/Attainment		
Beaver County				
Box Elder County				
Cache County				
Carbon County				
Daggett County				
Duchesne County				
Emery County				
Garfield County				
Grand County				
Iron County				
Juab County				
Kane County				
Millard County				
Morgan County				
Piute County				
Rich County				
San Juan County				
Sanpete County				
Sevier County				
Summit County				
Tooele County				
Uintah County				
Utah County				
Wasatch County				
Washington County				
Wayne County				
Weber County				

[1] This date is October 18, 2000, unless otherwise noted.

Utah—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Salt Lake County	11/15/90	Nonattainment	11/15/90	Moderate.
Utah County	11/15/90	Nonattainment	11/15/90	Moderate.
Ogden Area Weber County (part) City of Ogden	9/26/95	Nonattainment	9/26/95	Moderate.
Rest of State [1]	11/15/90	Unclassifiable	.....	

[1] Denotes a single area designation for PSD baseline area purposes.

Utah—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State	.....	X

[43 FR 8964, Mar. 3, 1978, as amended at 43 FR 40434, Sept. 11, 1978; 46 FR 16258, Mar. 12, 1981; 46 FR 41785, Aug. 18, 1981; 48 FR 54349, Dec. 2, 1983; 56 FR 56839, Nov. 6, 1991; 57 FR 56775, Nov. 30, 1992; 60 FR 55798, 55800, Nov. 3, 1995; 62 FR 38217, July 17, 1997; 63 FR 31085, June 5, 1998; 64 FR 3225, Jan. 21, 1999; 65 FR 45263, July 20, 2000; 66 FR 14086, Mar. 9, 2001]

§ 81.346 Vermont.

VERMONT—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
Champlain Valley Air Management Area: Essex Town (includes Essex Junction), Burlington City, South Burlington City, Winoski City			X	
Central Vermont Air Management area: Barre City			X	
Remainder of State				X

Vermont—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 159 (Vermont portion)	.....	.....	.....	X
AQCR 221 (Vermont portion)	.....	.....	.....	X

Vermont—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Addison County				
Bennington County				
Caledonia County				
Chittenden County				
Essex County				
Franklin County				
Grand Isle County				
Lamoille County				
Orange County				
Orleans County				
Rutland County				
Washington County				
Windham County				
Windsor County				

[1] This date is November 15, 1990, unless otherwise noted.

Vermont—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
AQCR 159 Champlain Calley Interstate (part)				
Addison County Unclassifiable		Unclassifiable/Attainment		
Chittenden County		Unclassifiable/Attainment		
AQCR 159 Champlain Calley Interstate (Remainder of)		Unclassifiable/Attainment		
Franklin County				
Grand Isle County				
Rutland County				
AQCR 221 Vermont Intrastate (part)		Unclassifiable/Attainment		
Windsor County				
AQCR 221 Vermont Intrastate (Remainder of)		Unclassifiable/Attainment		
Bennington County				
Caledonia County				
Essex County				
Lamoille County				
Orange County				
Orleans County				
Washington County				
Windham County				

[1] This date is October 18, 2000, unless otherwise noted.

Vermont—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 159 (Vermont portion)		X
AQCR 211 (Vermont portion)		X

Vermont—PM10

Designation status	Designation		Classification	
	Date	Type	Date	Type
Whole State	11/15/90	Unclassifiable		

[43 FR 8964, Mar. 3, 1978, as amended at 45 FR 10782, Feb. 19, 1980; 46 FR 41784, Aug. 18, 1981; 47 FR 31878, July 23, 1982; 48 FR 2128, Jan. 18, 1983; 49 FR 33018, Aug. 20, 1984; 56 FR 56841, Nov. 6, 1991; 62 FR 41283, Aug. 1, 1997; 62 FR 41870, Aug. 4, 1997; 63 FR 31086, June 5, 1998; 65 FR 45264, July 20, 2000]

§ 81.347 Virginia.

Virginia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Eastern Tennessee-Southwest Virginia Interstate AQCR (Virginia Portion):				
Bland County				X
Buchanan County				X
Carroll County				X
Dickenson County				X
Grayson County				X
Lee County				X
Russell County				X
Scott County				X
Smyth County				X
Tazewell County				X
Washington County				X

Virginia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Wise County				X
Wythe County				X
City of Bristol				X
City of Galax				X
City of Norton				X
Valley of Virginia Intrastate AQCR:				
Alleghany County				X
Augusta County				X
Bath County				X
Botetourt County				X
Clarke County				X
Craig County				X
Floyd County				X
Frederick County				X
Giles County				X
Highland County				X
Montgomery County				X
Page County				X
Pulaski County				X
Roanoke County				X
Rockbridge County				X
Rockingham County				X
Shenandoah County				X
Warren County				X
City of Buena Vista				X
City of Clifton Forge				X
City of Covington				X
City of Harrisonburg				X
City of Lexington				X
City of Radford				X
City of Roanoke				X
City of Salem				X
City of Staunton				X
City of Waynesboro				X
City of Winchester				X
Central Virginia Intrastate AQCR:				
Amelia County				X
Amherst County				X
Appomattox County				X
Bedford County				X
Brunswick County				X
Buckingham County				X
Campbell County				X
Charlotte County				X
Cumberland County				X
Franklin County				X
Halifax County				X
Henry County				X
Lunenburg County				X
Mecklenburg County				X
Nottoway County				X
Patrick County				X
Pittsylvania County				X
Prince Edward County				X
City of Bedford				X
City of Danville				X
City of Lynchburg				X
City of Martinsville				X
City of South Boston				X
Northeastern Virginia Intrastate AQCR:				
Accomack County				X
Albemarle County				X
Caroline County				X
Culpeper County				X
Essex County				X
Fauquier County				X
Fluvanna County				X
Gloucester County				X
Greene County				X
King and Queen County				X

Virginia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
King George County				X
King William County				X
Lancaster County				X
Louisa County				X
Madison County				X
Mathews County				X
Middlesex County				X
Nelson County				X
Northampton Co				X
Northumberland Co				X
Orange County				X
Rappahannock County				X
Richmond County				X
Spotsylvania County				X
Stafford County				X
Westmoreland County				X
City of Charlottesville				X
City of Fredericksburg				X
State Capital Intrastate AQCR:				
Charles City County				X
Chesterfield County				X
Dinwiddie County				X
Goochland County				X
Greensville County				X
Hanover County				X
Henrico County				X
New Kent County				X
Powhatan County				X
Prince George County				X
Surry County				X
Sussex County				X
City of Colonial Heights				X
City of Emporia				X
City of Hopewell				X
City of Petersburg				X
City of Richmond				X
Hampton Roads Intrastate AQCR:				
Isle of Wight County				X
James City County				X
Southampton County				X
York County				X
City of Chesapeake				X
City of Franklin				X
City of Hampton				X
City of Newport News				X
City of Norfolk				X
City of Poquoson				X
City of Portsmouth				X
City of Suffolk				X
City of Virginia Beach				X
City of Wiliamsburg				X
National Capital Interstate AQCR (Virginia Portion):				
Arlington County				X
Fairfax County				X
Loudoun County				X
Prince William County				X
City of Alexandria				X
City of Fairfax				X
City of Falls Church				X
City of Manassas				X
City of Manassas Park				X

Virginia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Eastern Tennessee Southwest Virginia Interstate AQCR (Virginia Portion):				
Bland County				X
Buchanan County				X
Carroll County				X
Dickenson County				X
Grayson County				X
Lee County				X
Russell County				X
Scott County				X
Smyth County				X
Tazewell County				X
Washington County				X
Wise County				X
Wythe County				X
City of Bristol				X
City of Galax				X
City of Norton				X
Valley of Virginia Intrastate AQCR:				
Alleghany County				X
Augusta County				X
Bath County				X
Botetourt County				X
Clarke County				X
Craig County				X
Floyd County				X
Frederick County				X
Giles County				X
Highland County				X
Montgomery County				X
Page County				X
Pulaski County				X
Roanoke County				X
Rockbridge County				X
Rockingham County				X
Shenandoah County				X
Warren County				X
City of Buena Vista				X
City of Clifton Forge				X
City of Covington				X
City of Harrisonburg				X
City of Lexington				X
City of Radford				X
City of Roanoke				X
City of Salem				X
City of Staunton				X
City of Waynesboro				X
City of Winchester				X
Central Virginia Intrastate AQCR:				
Amelia County				X
Amherst County				X
Appomattox County				X
Bedford County				X
Brunswick County				X
Buckingham County				X
Campbell County				X
Charlotte County				X
Cumberland County				X
Franklin County				X
Halifax County				X
Henry County				X
Lunenburg County				X
Mecklenburg County				X
Nottoway County				X
Patrick County				X
Pittsylvania County				X
Prince Edward County				X
City of Bedford				X
City of Danville				X
City of Lynchburg				X

Virginia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
City of Martinsville				X
City of South Boston				X
Northeastern Virginia Intrastate AQCR:				
Accomack County				X
Albemarle County				X
Caroline County				X
Culpeper County				X
Essex County				X
Fauquier County				X
Fluvanna County				X
Gloucester County				X
Greene County				X
King and Queen County				X
King George County				X
King William County				X
Lancaster County				X
Louisa County				X
Madison County				X
Mathews County				X
Middlesex County				X
Nelson County				X
Northampton County				X
Northumberland County				X
Orange County				X
Rappahannock County				X
Richmond County				X
Spotsylvania County				X
Stafford County				X
Westmoreland County				X
City of Charlottesville				X
City of Fredericksburg				X
State Capital Intrastate AQCR:				
Charles City County				X
Chesterfield County				X
Dinwiddie County				X
Goochland County				X
Greensville County				X
Hanover County				X
Henrico County				X
New Kent County				X
Powhatan County				X
Prince George County				X
Surry County				X
Sussex County				X
City of Colonial Heights				X
City of Emporia				X
City of Hopewell				X
City of Petersburg				X
City of Richmond				X
Hampton Roads Intrastate AQCR:				
Isle of Wight County				X
James City County				X
Southampton County				X
York County				X
City of Chesapeake				X
City of Franklin				X
City of Hampton				X
City of Newport News				X
City of Norfolk				X
City of Poquoson				X
City of Portsmouth				X
City of Suffolk				X
City of Virginia Beach				X
City of Williamsburg				X
National Capital Interstate AQCR (Virginia Portion):				
Arlington County				X
Fairfax County				X
Loudoun County				X
Prince William County				X
City of Alexandria				X

Virginia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
City of Fairfax				X
City of Falls Church				X
City of Manassas				X
City of Manassas Park				X

Virginia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Washington Area				
Alexandria		Attainment		
Arlington County		Attainment		
AQCR 047 National Capital Interstate		Unclassifiable/Attainment		
Fairfax				
Fairfax County				
Falls Church				
Loudoun County				
Manassas				
Manassas Park				
Prince William County				
AQCR 207 Eastern Tennessee-SW Virginia Interstate		Unclassifiable/Attainment		
Bland County				
Bristol				
Buchanan County				
Carroll County				
Dickenson County				
Galax				
Grayson County				
Lee County				
Norton				
Russell County				
Scott County				
Smyth County				
Tazewell County				
Washington County				
Wise County				
Wythe County				
AQCR 222 Central Virginia Intrastate		Unclassifiable/Attainment		
Amelia County				
Amherst County				
Appomattox County				
Bedford				
Bedford County				
Brunswick County				
Buckingham County				
Campbell County				
Charlotte County				
Cumberland County				
Danville				
Franklin County				
Halifax County				
Henry County				
Lunenburg County				
Lynchburg				
Martinsville				
Mecklenburg County				
Nottoway County				
Patrick County				
Pittsylvania County				
Prince Edward County				
South Boston				
AQCR 223 Hampton Roads		Unclassifiable/Attainment		
Chesapeake				
Franklin				

Virginia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Hampton				
Isle Of Wight County				
James City County				
Newport News				
Norfolk				
Poquoson				
Portsmouth				
Southampton County				
Suffolk				
Virginia Beach				
Williamsburg				
York County				
AQCR 224 Northeastern Virginia Intrastate		Unclassifiable/Attainment		
Accomack County				
Albemarle County				
Caroline County				
Charlottesville				
Culpeper County				
Essex County				
Fauquier County				
Fluvanna County				
Fredericksburg				
Gloucester County				
Greene County				
King And Queen County				
King George County				
King William County				
Lancaster County				
Louisa County				
Madison County				
Mathews County				
Middlesex County				
Nelson County				
Northampton County				
Northumberland County				
Orange County				
Rappahannock County				
Richmond County				
Spotsylvania County				
Stafford County				
Westmoreland County				
AQCR 225 State Capital Intrastate		Unclassifiable/Attainment		
City of Richmond				
Charles City County				
Chesterfield County				
Colonial Heights				
Dinwiddie County				
Emporia				
Goochland County				
Greensville County				
Hanover County				
Henrico County				
Hopewell				
New Kent County				
Petersburg				
Powhatan County				
Prince George County				
Surry County				
Sussex County				
AQCR 226 Valley of Virginia Intrastate		Unclassifiable/Attainment		
Alleghany County				
Augusta County				
Bath County				
Botetourt County				
Buena Vista				
Clarke County				
Clifton Forge				
Covington				

Virginia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Craig County				
Floyd County				
Frederick County				
Giles County				
Harrisonburg				
Highland County				
Lexington				
Montgomery County				
Page County				
Pulaski County				
Radford				
Roanoke				
Roanoke County				
Rockbridge County				
Rockingham County				
Salem				
Shenandoah County				
Staunton				
Warren County				
Waynesboro				
Winchester				

[1] This date is November 15, 1990, unless otherwise noted.

Virginia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Norfolk-Virginia-Beach Newport News (Hampton Roads) Area.				
Chesapeake		Attainment		
Hampton		Attainment		
James City County		Attainment		
Newport News		Attainment		
Norfolk		Attainment		
Poquoson		Attainment		
Portsmouth		Attainment		
Suffolk		Attainment		
Virginia Beach		Attainment		
Williamsburg		Attainment		
York County		Attainment		
Richmond Area:				
Charles City County (part) Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/ 156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156..		Attainment		
Chesterfield County		Attainment		
Colonial Heights		Attainment		
Hanover County		Attainment		
Henrico County		Attainment		
Hopewell		Attainment		
Richmond		Attainment		
Smyth County Area:				
Smyth County (part) The portion of White Top Mountain above the 4,500 foot elevation in Smyth County..	(2)	Nonattainment	(2)	Rural transport (Marginal).

Virginia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Washington, DC Area:				
Alexandria		Nonattainment	3/25/03	Severe
Arlington County		Nonattainment	3/25/03	Severe
Fairfax		Nonattainment	3/25/03	Severe
Fairfax County		Nonattainment	3/25/03	Severe
Falls Church		Nonattainment	3/25/03	Severe
Loudoun County		Nonattainment	3/25/03	Severe
Manassas		Nonattainment	3/25/03	Severe
Manassas Park		Nonattainment	3/25/03	Severe
Prince William County		Nonattainment	3/25/03	Severe
Stafford County		Nonattainment	3/25/03	Severe
AQCR 207 Eastern Tennessee—SW Virginia Interstate (Remainder of).		Unclassifiable/Attainment		
Bland County				
Bristol				
Buchanan County				
Carroll County				
Dickenson County				
Galax				
Grayson County				
Lee County				
Norton				
Russell County				
Scott County				
Smyth County (part) Remainder of county				
Tazewell County				
Washington County				
Wise County				
Wythe County				
AQCR 222 Central Virginia Intrastate		Unclassifiable/Attainment		
Amelia County				
Amherst County				
Appomattox County				
Bedford				
Bedford County				
Brunswick County				
Buckingham County				
Campbell County				
Charlotte County				
Cumberland County				
Danville				
Franklin County				
Halifax County				
Henry County				
Lunenburg County				
Lynchburg				
Martinsville				
Mecklenburg County				
Nottoway County				
Patrick County				
Pittsylvania County				
Prince Edward County				
South Boston				
AQCR 223 Hampton Roads Intrastate (Remainder of)..		Unclassifiable/Attainment		
Franklin				
Isle Of Wight County				
Southampton County				
AQCR 224 NE Virginia Intrastate (Remainder of)..		Unclassifiable/Attainment		
Accomack County				
Albemarle County				
Caroline County				
Charlottesville				
Culpeper County				
Essex County				
Fauquier County				
Fluvanna County				
Fredericksburg				
Gloucester County				

Virginia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Greene County				
King and Queen County				
King George County				
King William County				
Lancaster County				
Louisa County				
Madison County				
Mathews County				
Middlesex County				
Nelson County				
Northampton County				
Northumberland County				
Orange County				
Rappahannock County				
Richmond County				
Spotsylvania County				
Westmoreland County				
AQCR 225 State Capital Intrastate (Remainder of)				
Charles City County (part)		Unclassifiable/Attainment		
Remainder of County				
Dinwiddie County				
Emporia				
Goochland County				
Greensville County				
New Kent County				
Petersburg				
Powhatan County				
Prince George County				
Surry County				
Sussex County				
AQCR 226 Valley of Virginia Intrastate		Unclassifiable/Attainment		
Alleghany County				
Augusta County				
Bath County				
Botetourt County				
Buena Vista				
Clarke County				
Clifton Forge				
Covington County				
Craig County				
Floyd County				
Frederick County				
Giles County				
Harrisonburg				
Highland County				
Lexington				
Montgomery County				
Page County				
Pulaski County				
Radford				
Roanoke				
Roanoke County				
Rockbridge County				
Rockingham County				
Salem				
Shenandoah County				
Staunton				
Warren County				
Waynesboro				
Winchester				

[1] This date is October 18, 2000, unless otherwise noted.
[2] This date is January 16, 2001.

Virginia—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Virginia portion of Southwest Virginia—Eastern Tennessee Interstate AQCR		X
Valley of Virginia AQCR		X
Central Virginia AQCR		X
Northeastern Virginia AQCR		X
State Capital AQCR		X
Hampton Roads AQCR		X
Virginia portion of National Capital Interstate AQCR		X

[43 FR 40518, Sept. 12, 1978, as amended at 45 FR 43413, June 27, 1980; 46 FR 55258, Nov. 9, 1981; 47 FR 31878, July 23, 1982; 48 FR 7580, Feb. 23, 1983; 49 FR 23047, June 4, 1984; 50 FR 35562, Sept. 3, 1985; 56 FR 56841, Nov. 6, 1991; 57 FR 56776, Nov. 30, 1992; 60 FR 54311, Oct. 23, 1995; 61 FR 2937, Jan. 30, 1996; 62 FR 34413, June 26, 1997; 62 FR 61241, Nov. 17, 1997; 63 FR 31086, June 5, 1998; 65 FR 45265, July 20, 2000; 68 FR 3425, Jan. 24, 2003]

§ 81.348 Washington.

Washington—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Eastern Washington-Northern Idaho Interstate AQCR 62 (Washington Portion):				
Spokane	X			
Clarkston		X		
Remainder of AQCR 62 (Washington Portion)				X
Portland Interstate AQCR 193 (Washington Portion):				
Longview—industrial area		X		
Vancouver—small portions of the industrial port area	X			
Remainder of AQCR 193 (Washington Portion)				X
Northern Washington Intrastate AQCR 227				X
Olympic-Northwest Washington Intrastate AQCR 228:				
Port Angeles—small area of the CBD				X
Remainder of AQCR 228				X
Puget Sound Intrastate AQCR 229 Seattle—that area including the north portion of the Duwamish industrial area, and extending to the southern boundary of the CBD.	X			
Seattle—an area of the Duwamish extending approximately 2½ miles further south than the above area.		X		
Renton		X		
Kent		X		
Tacoma—that area, including the Tide Flats industrial area, east end of the CBD and the north end of the South Tacoma Way corridor.	X			
Remainder of AQCR 229				X
South Central Washington Intrastate AQCR 230				X

Washington—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Eastern Washington-Northern Idaho Interstate AQCR 62 (Washington Portion).				X
Portland Interstate AQCR 193 (Washington Portion).				X
Northern Washington Intrastate AQCR 227				X
Olympic-Northwest Washington Intrastate AQCR 228.				X
Puget Sound Intrastate AQCR 229:				
Tacoma-a parabolic shaped area extending approximately 3½ miles SSW from the ASARCO copper smelter.				X
Remainder of AQCR 229				X

Washington—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
South Central Washington Intrastate AQCR 230.	.....	.....	.....	X

Washington-Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Seattle-Tacoma Area:				
Seattle-Tacoma Urban Area (as defined by the Washington Department of Transportation urban area maps).				
King County (part)	.....	Attainment		
Pierce County (part)	.....	Attainment		
Snohomish County (part)	.....	Attainment		
Spokane Area				
Spokane County (part).				
Spokane urban area (as defined by the Washington Department of Transportation urban area maps)	.....	Nonattainment	4/13/98	Serious
Vancouver Area:				
Clark County (part) Air Quality Maintenance Area.	.....	Attainment		
Yakima Area:				
Yakima County (part)	12–31–2002	[Attainment]		
Portion of the Central Business District Street intersections: S. 16th Ave. & W Mead Ave, S. 16th Ave & Hathaway Ave., E ''I'' St. & N 1st St., N 1st St & E ''G'' St., E ''G'' St & N 8th St., N 8th St. & Pitcher St., Pitcher St. & I–82 Interchange, Nob Hill Blvd & I–82 Interchange, Rudkin Rd & I–82 Interchange, S 1st St. & Old Town Rd., Old Town Rd & Main St., W Washington & S 1st St., E Mead Ave & S 1st St., S 16th Ave & W Mead Ave.				
AQCR 062 E. Washington-N. Idaho Interstate (Remainder of).	.....	Unclassifiable/Attainment		
Adams County				
Asotin County				
Columbia County				
Garfield County				
Grant County				
Lincoln County				
Spokane County (part)				
area outside Spokane urban area				
Whitman County				
AQCR 193 Portland Interstate (Remainder of).	.....	Unclassifiable/Attainment		
Clark County (part)				
area outside of Vancouver AQMA				
Cowlitz County				
Lewis County				
Skamania County				
Wahkiakum County				
AQCR 227 Northern Washington Intrastate	.....	Unclassifiable/Attainment		
Chelan County				
Douglas County				
Ferry County				
Okanogan County				
Pend Oreille County				
Stevens County				
AQCR 228 Olympia-Northwest Washington Intrastate.	.....	Unclassifiable/Attainment		

Washington-Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Clallam County				
Grays Harbor County				
Island County				
Jefferson County				
Mason County				
Pacific County				
San Juan County				
Skagit County				
Thurston County				
Whatcom County				
AQCR 229 Puget Sound Intrastate (Remainder of).	.....	Unclassifiable/Attainment		
King County (part)				
area outside the Seattle-Tacoma Urban Area				
Kitsap County				
Pierce County (part)				
area outside the Seattle-Tacoma Urban Area				
Snohomish County (part)				
area outside the Seattle-Tacoma Urban Area				
AQCR 230 S. Central Washington Intrastate (Remainder of).	.....	Unclassifiable/Attainment		
Benton County				
Franklin County				
Kittitas County				
Klickitat County				
Walla Walla County				
Yakima County (part)				
portion outside the Central Business District				

[1] This date is November 15, 1990, unless otherwise noted.

Washington—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Portland-Vancouver AQMA Area:				
Clark County (part) Air Quality Maintenance Area	.....	Attainment		

Washington—Ozone (1-Hour Standard)

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

Washington—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Stevens County				
AQCR 228 Olympic-Northwest Washington Intrastate	.....	Unclassifiable/Attainment		
Clallam County				
Grays Harbor County				
Island County				
Jefferson County				
Mason County				
Pacific County				
San Juan County				
Skagit County				
Thurston County				
Whatcom County				
AQCR 229 Puget Sound Intrastate (Remainder of)	.....	Unclassifiable/Attainment		
King County (Part) Remainder of County				
Kitsap County				
Snohomish County (Part) Remainder of County				
AQCR 230 South Central Washington Intrastate	.....	Unclassifiable/Attainment		
Benton County				
Franklin County				
Kittitas County				
Klickitat County				
Walla Walla County				
Yakima County				

[1] This date is October 18, 2000, unless otherwise noted.

Washington—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
King County:.				
The portion of the City of Seattle bounded on the east by I–5/East Duwamish Greenbelt, on the south by 104th street, on the west by the West Duwamish Greenbelt north to Fairmont Avenue, S.W., north on Fairmont Avenue to Elliot Bay, and Dearborn Street to I–5.	5/14/01	Attainment		
The City of Kent and a portion of the Green River valley bounded on the east and west by the 100 foot contour, on the north by South 212th Street, and on the south by Highway 516.	5/14/01	Attainment		
Pierce County:.				
Tacoma metropolitan area bounded on the north by Marine View Drive from Commencement Bay east to the 100 foot contour, southeast along the 100 foot contour to 64th Avenue east, south along 64th Avenue east as extended to I–5, I–5 west to the 100 foot contour near Pacific Avenue, and north along the 100 foot contour to Commencement Bay.	5/14/01	Attainment		
Spokane County				
The area bounded on the south by a line from Universal Transmercator (UTM) coordinate 489000mE, 5271000mN west to 458000mE, 5271000mN, thence north along a line to coordinate 458000mE, 5288000mN, thence east to 463000mE, 5288000mN, thence north to 463000mE, 5292000mN, thence east to 481000mE, 5292000mN, thence south to 481000mE, 5288000mN, thence east to 489000mE, 5288000mN, thence south to the beginning coordinate 489000mE, 5271000mN.	11/15/90	Nonattainment	11/15/90	Moderate
Yakima County				
The area bounded on the south by a line from UTM coordinate 694000mW, 5157000mN, west to 681000mW, 5157000mN, thence north along a line to coordinate 681000mN, 5172000mN, thence east to 694000mW, 5172000mN, thence south to the beginning coordinate 694000mW, 5157000mN..	11/15/90	Nonattainment	11/15/90	Moderate
Thurston County				
Cities of Olympia, Tumwater, and Lacey	12/04/00	Attainment	.....	

Washington—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Walla Walla and Benton Counties				
Wallula:.				
The area bounded on the south by a line from UTM coordinate 5099975mN, 362500mE, west to 5099975mN, 342500mE, thence north along a line to coordinate 5118600mN, 342500mE, thence east to 5118600mN, 362500mE, thence south to the beginning coordinate 5099975mN, 362500mE.	11/15/90	Nonattainment	3/12/01	Serious.
Rest of State	11/15/90	Unclassifiable		

Washington—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Eastern Washington-Northern Idaho, Interstate AQCR 62 (Washington Portion)		X
Portland Interstate AQCR 193 (Washington Portion)		X
Northern Washington Intrastate AQCR 227		X
Olympic-Northwest Washington, Intrastate AQCR 228		X
Puget Sound Intrastate AQCR 229		X
South Central Washington Intrastate AQCR 230		X

[54 FR 27346, June 29, 1989, as amended at 56 FR 56846, Nov. 6, 1991; 57 FR 56777, Nov. 30, 1992; 58 FR 64491, Dec. 8, 1993; 59 FR 39701, Aug. 4, 1994; 60 FR 50425, Sept. 29, 1995; 60 FR 55798, Nov. 3, 1995; 61 FR 50442, Sep. 26, 1996; 61 FR 53328, Oct. 11, 1996; 61 FR 54563, Oct. 21, 1996; 62 FR 27209, May 19, 1997; 63 FR 12012, Mar. 12, 1998; 63 FR 31089, June 5, 1998; 65 FR 45267, July 20, 2000; 65 FR 59134, Oct. 4, 2000; 66 FR 9673, Feb. 9, 2001; 66 FR 14499, Mar. 13, 2001; 67 FR 66560, Nov. 1, 2002]

§ 81.349 West Virginia.

West Virginia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Steubenville-Weirton-Wheeling Interstate AQCR	X			
1. Marshall County				X.
2. Remainder of AQCR	X			
Parkersburg-Tygart magisterial district in Wood County		X		
Kanawha County and Valley magisterial district in Fayette County		X		
In Marion County, all portions of Union and Winfield magisterial districts west of Interstate Highway I–79				X
Arden magisterial district in Berkeley County			X	
Remainder of State				X

West Virginia—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hancock County (part):				
The city of Weirton, including Butler and Clay magisterial districts	X	X		
New Manchester-Grant magisterial district in Hancock County	X			
Piedmont magisterial district in Mineral County			X	
Remainder of State				X

West Virginia—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Barbour County				
Berkeley County				
Boone County				
Braxton County				
Brooke County [2]				
Cabell County				
Calhoun County				
Clay County				
Doddridge County				
Fayette County				
Gilmer County				
Grant County				
Greenbrier County				
Hampshire County				
Hancock County [2]				
Hardy County				
Harrison County				
Jackson County				
Jefferson County				
Kanawha County				
Lewis County				
Lincoln County				
Logan County				
Marion County				
Marshall County				
Mason County				
McDowell County				
Mercer County				
Mineral County				
Mingo County				
Monongalia County				
Monroe County				
Morgan County				
Nicholas County				
Ohio County				
Pendleton County				
Pleasants County				
Pocahontas County				
Preston County				
Putnam County				
Raleigh County				
Randolph County				
Ritchie County				
Roane County				
Summers County				
Taylor County				
Tucker County				
Tyler County				
Upshur County				
Wayne County				
Webster County				
Wetzel County				
Wirt County				
Wood County				
Wyoming County				

[1] This date is November 15, 1990, unless otherwise noted.

[2] The listed designation does not reflect EPA action under section 107(d)(4)(A). At the date of enactment of the Clean Air Act Amendments, Jefferson County, Ohio; Brooke County, West Virginia; and Hancock County, West Virginia, were designated Unclassifiable/Attainment by operation of law under section 107(d)(1)(C) of the Clean Air Act. However, these States and EPA are reviewing whether to confirm or reverse that designation under the process set out under section 107(d)(4)(A) and will publish a separate notice to that effect.

West Virginia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Charleston Area:.				
Kanawha County	.....	Unclassifiable/Attainment		

West Virginia—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Putnam County	.....	Unclassifiable/Attainment		
Greenbrier Area:				
Greenbrier County	.....	Unclassifiable/Attainment		
Huntington-Ashland Area:				
Cabell County	.....	Unclassifiable/Attainment		
Wayne County	.....	Unclassifiable/Attainment		
Parkersburg-Marietta Area:				
Wood County	.....	Unclassifiable/Attainment		
Rest of State	.....	Unclassifiable/Attainment		
Barbour County				
Berkeley County				
Boone County				
Braxton County				
Brooke County				
Calhoun County				
Clay County				
Doddridge County				
Fayette County				
Gilmer County				
Grant County				
Hampshire County				
Hancock County				
Hardy County				
Harrison County				
Jackson County				
Jefferson County				
Lewis County				
Lincoln County				
Logan County				
Marion County				
Marshall County				
Mason County				
McDowell County				
Mercer County				
Mineral County				
Mingo County				
Monongalia County				
Monroe County				
Morgan County				
Nicholas County				
Ohio County				
Pendleton County				
Pleasants County				
Pocahontas County				
Preston County				
Raleigh County				
Randolph County				
Ritchie County				
Roane County				
Summers County				
Taylor County				
Tucker County				
Tyler County				
Upshur County				
Webster County				
Wetzel County				
Wirt County				
Wyoming County				

[1] This date is October 18, 2000, unless otherwise noted.

West Virginia—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Brooke	11/15/90	Nonattainment	11/15/90	Moderate
Follansbee area bounded on the north by the Market Street Bridge, on the east by West Virginia Route 12, on the south by the extension of the southern boundary of Steubenville Township in Jefferson County, Ohio, and on the west by the Ohio/West Virginia border				
Hancock and Brooke Counties (part):				
The city of Weirton	1/20/94	Nonattainment	1/20/94	Moderate
Rest of State	11/15/90	Unclassifiable		

West Virginia—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
State of West Virginia		X

[43 FR 40521, Sept. 12, 1978, as amended at 45 FR 54053, Aug. 14, 1980; 46 FR 55262, Nov. 9, 1981; 47 FR 31878, July 23, 1982; 48 FR 2975, Jan. 24, 1983; 48 FR 32987, July 20, 1983; 56 FR 56848, Nov. 6, 1991; 57 FR 56778, Nov. 30, 1992; 58 FR 67345, Dec. 21, 1993; 59 FR 45980, 45986, Sept. 6, 1994; 59 FR 65721, Dec. 21, 1994; 60 FR 39862, Aug. 4, 1995; 60 FR 55798, Nov. 3, 1995; 63 FR 31091, June 5, 1998; 65 FR 45269, July 20, 2000]

§ 81.350 Wisconsin.

Wisconsin—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 68:				
Grant County				X
AQCR 73:				
Rock County				X
AQCR 123:				
Barron County				X
Buffalo County				X
Chippewa County				X
Clark County				X
Crawford County				X
Dunn County				X
Eau Claire County				X
Jackson County				X
LaCrosse County				X
Monroe County				X
Pepin County				X
Pierce County				X
Polk County				X
St. Croix County				X
Trempealeau County				X
Vernon County				X
AQCR 129:				
Ashland County				X
Bayfield County				X
Burnett County				X
Douglas County				X
Iron County				X
Price County				X
Rusk County				X
Sawyer County				X
Taylor County				X
Washburn County				X
AQCR 237:				
Brown County (city of Green Bay): Subcity area defined as follows				X

Wisconsin—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
North: Green Bay				
West: W. Mason St. and Ashland Ave., along Ashland north to Matter St., west to Crocker St., north on Crocker St. to Bylsby St., then to Green Bay				
South: W. Mason St. and Ashland Ave., east along Mason to Irwin Ave.				
East: W. Mason St., and Irwin Ave., along Irwin Ave. north to Green Bay				
Remainder of corporate limits of Green Bay			X	
Remainder of Brown County				X
AQCR 238:				
Adams County				X
Florence County				X
Forest County				X
Juneau County				X
Langlade County				X
Lincoln County				X
Marathon County				X
Oneida County				X
Portage County				X
Vilas County				X
Wood County				X
AQCR 239:				
Kenosha County				X
Milwaukee County				X
Ozaukee County				X
Racine County				X
Walworth County				X
Washington County				X
Waukesha County				X
AQCR 240:				
Columbia County				X
Dane County				X
Dodge County				X
Green County				X
Iowa County				X
Jefferson County				X
Lafayette County				X
Richland County				X
Sauk County				X

Wisconsin—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Oshkosh Area				
Winnebago County (part)				
City of Oshkosh	1/6/92	Unclassifiable	1/6/92	
Adams County		Unclassifiable/Attainment		
Ashland County		Unclassifiable/Attainment		
Barron County		Unclassifiable/Attainment		
Bayfield County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Buffalo County		Unclassifiable/Attainment		
Burnett County		Unclassifiable/Attainment		
Calumet County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		

Wisconsin—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Columbia County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Dane County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Door County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Dunn County		Unclassifiable/Attainment		
Eau Claire County		Unclassifiable/Attainment		
Florence County		Unclassifiable/Attainment		
Fond du Lac County		Unclassifiable/Attainment		
Forest County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Green County		Unclassifiable/Attainment		
Green Lake County		Unclassifiable/Attainment		
Iowa County		Unclassifiable/Attainment		
Iron County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Juneau County		Unclassifiable/Attainment		
Kenosha County		Unclassifiable/Attainment		
Kewaunee County		Unclassifiable/Attainment		
La Crosse County		Unclassifiable/Attainment		
Lafayette County		Unclassifiable/Attainment		
Langlade County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Manitowoc County		Unclassifiable/Attainment		
Marathon County		Unclassifiable/Attainment		
Marinette County		Unclassifiable/Attainment		
Marquette County		Unclassifiable/Attainment		
Menominee County		Unclassifiable/Attainment		
Milwaukee County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Oconto County		Unclassifiable/Attainment		
Oneida County		Unclassifiable/Attainment		
Outagamie County		Unclassifiable/Attainment		

Wisconsin—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ozaukee County		Unclassifiable/Attainment		
Pepin County		Unclassifiable/Attainment		
Pierce County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Portage County		Unclassifiable/Attainment		
Price County		Unclassifiable/Attainment		
Racine County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		
Rusk County		Unclassifiable/Attainment		
St. Croix County		Unclassifiable/Attainment		
Sauk County		Unclassifiable/Attainment		
Sawyer County		Unclassifiable/Attainment		
Shawano County		Unclassifiable/Attainment		
Sheboygan County		Unclassifiable/Attainment		
Taylor County		Unclassifiable/Attainment		
Trempealeau County		Unclassifiable/Attainment		
Vernon County		Unclassifiable/Attainment		
Vilas County		Unclassifiable/Attainment		
Walworth County		Unclassifiable/Attainment		
Washburn County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Waukesha County		Unclassifiable/Attainment		
Waupaca County		Unclassifiable/Attainment		
Waushara County	.....	Unclassifiable/Attainment		
Winnebago County	10/17/94	Unclassifiable/Attainment	10/17/94	
Wood County	.....	Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Wisconsin—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Door County Area:				
Door County	6/16/03	Attainment.		
Kewaunee County Area:				
Kewaunee County	.....	Attainment		
Manitowoc County Area:				
Manitowoc County	6/16/03	Attainment.		
Milwaukee-Racine Area:				
Kenosha County	11/15/90	Nonattainment	11/15/90	Severe-17.
Milwaukee County	11/15/90	Nonattainment	11/15/90	Severe-17.

Wisconsin—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ozaukee County	11/15/90	Nonattainment	11/15/90	Severe-17.
Racine County	11/15/90	Nonattainment	11/15/90	Severe-17.
Washington County	11/15/90	Nonattainment	11/15/90	Severe-17.
Waukesha County	11/15/90	Nonattainment	11/15/90	Severe-17.
Sheboygan County Area:				
Sheboygan County		Attainment		
Walworth County Area:				
Walworth County		Attainment		
Adams County		Unclassifiable/Attainment		
Ashland County		Unclassifiable/Attainment		
Barron County		Unclassifiable/Attainment		
Bayfield County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Buffalo County		Unclassifiable/Attainment		
Burnett County		Unclassifiable/Attainment		
Calumet County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Columbia County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Dane County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Dunn County		Unclassifiable/Attainment		
Eau Claire County		Unclassifiable/Attainment		
Florence County		Unclassifiable/Attainment		
Fond du Lac County		Unclassifiable/Attainment		
Forest County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Green County		Unclassifiable/Attainment		
Green Lake County		Unclassifiable/Attainment		
Iowa County		Unclassifiable/Attainment		
Iron County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Juneau County		Unclassifiable/Attainment		
La Crosse County		Unclassifiable/Attainment		
Lafayette County		Unclassifiable/Attainment		
Langlade County		Unclassifiable/Attainment		

Wisconsin—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Lincoln County		Unclassifiable/Attainment		
Marathon County		Unclassifiable/Attainment		
Marinette County		Unclassifiable/Attainment		
Marquette County		Unclassifiable/Attainment		
Menominee County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Oconto County		Unclassifiable/Attainment		
Oneida County		Unclassifiable/Attainment		
Outagamie County		Unclassifiable/Attainment		
Pepin County		Unclassifiable/Attainment		
Pierce County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Portage County		Unclassifiable/Attainment		
Price County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		
Rusk County		Unclassifiable/Attainment		
St. Croix County		Unclassifiable/Attainment		
Sauk County		Unclassifiable/Attainment		
Sawyer County		Unclassifiable/Attainment		
Shawano County		Unclassifiable/Attainment		
Taylor County		Unclassifiable/Attainment		
Trempealeau County		Unclassifiable/Attainment		
Vernon County		Unclassifiable/Attainment		
Vilas County		Unclassifiable/Attainment		
Washburn County		Unclassifiable/Attainment		
Waupaca County		Unclassifiable/Attainment		
Waushara County		Unclassifiable/Attainment		
Winnebago County		Unclassifiable/Attainment		
Wood County		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.
[2] Attainment date temporarily delayed until November 15, 2007.
[3] This date is January 16, 2001.

Wisconsin—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
State of Wisconsin		X

[43 FR 8964, Mar. 3, 1978]

EDITORIAL NOTE: For Federal Register citations affecting § 81.350, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 81.351 Wyoming.

Wyoming—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire State				X

Wyoming—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Albany County				
Big Horn County				
Campbell County				
Carbon County				
Converse County				
Crook County				
Fremont County				
Goshen County				
Hot Springs County				
Johnson County				
Laramie County				
Lincoln County				
Natrona County				
Niobrara County				
Park County				
Platte County				
Sheridan County				
Sublette County				
Sweetwater County				
Teton County				
Uinta County				
Washakie County				
Weston County				

[1] This date is November 15, 1990, unless otherwise noted.

Wyoming—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Albany County				
Big Horn County				
Campbell County				
Carbon County				
Converse County				
Crook County				
Fremont County				
Goshen County				
Hot Springs County				
Johnson County				

Wyoming—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Laramie County				
Lincoln County				
Natrona County				
Niobrara County				
Park County				
Platte County				
Sheridan County				
Sublette County				
Sweetwater County				
Teton County				
Uinta County				
Washakie County				
Weston County				

[1] This date is October 18, 2000, unless otherwise noted.

Wyoming—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Sheridan County:				
City of Sheridan	11/15/90	Nonattainment	11/15/90	Moderate.
Trona Industrial Area	11/15/90	Unclassifiable	.....	
Campbell County (part)	11/15/90	Unclassifiable	.....	
Converse County (part).				
That area bounded by Township 40 through 52 North, and Ranges 69 through 73 West, inclusive of the Sixth Principal Meridian, Campbell and Converse Counties, excluding the areas defined as the Pacific Power and Light Area, the Hampshire Energy Area, and the Kennecott/Puron PSD Baseline Area.—Powder River Basin.				
Campbell County (part), That areabounded by NW1/4 of Section 27, T50N, R71W, Campbell County, Wyoming—Pacific Power and Light Area.	11/15/90	Unclassifiable	.....	
Campbell County (part), That area bounded by Section 6 excluding the SW¼; E½ Section 7; Section 17 excluding the SW¼; Section 14 excluding the SE¼; Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 of T48N, R70W and Section 26 excluding the NE¼; SW¼ Section 23; Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35 of T49N, R70W.—Hampshire Energy Area.	11/15/90	Unclassifiable	.....	
Campbell County (part), That area described by the W½SW¼ Section 18, W½NW¼, NW¼SW¼ Section 19, T47N, R70W, S½ Section 13, N½, N½SW¼, N½SE¼ Section 24, T47N, R71W.—Kennecott/Puron PSD Baseline Area.	11/15/90	Unclassifiable	.....	
Rest of State[1]	11/15/90	Unclassifiable	.....	

[1] Denotes a single area designation for baseline area purposes.

Wyoming—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State	.....	X

[43 FR 8964, Mar. 3, 1978, as amended at 47 FR 31878, July 23, 1982; 48 FR 54483, Dec. 5, 1983; 56 FR 56853, Nov. 6, 1991; 57 FR 56778, Nov. 30, 1992; 58 FR 4350, Jan. 14, 1993; 60 FR 55798, 55800, Nov. 3, 1995; 61 FR 47060, Sept. 6, 1996; 63 FR 31093, June 5, 1998; 65 FR 45271, July 20, 2000]

§ 81.352 American Samoa.

American Samoa—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State				[1] X

[1] EPA designation only.

American Samoa—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State				[1] X

[1] EPA designation only.

American Samoa—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

American Samoa—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

American Samoa—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Whole State		[1] X

[1] EPA designation only.

[43 FR 8964, Mar. 3, 1978, as amended at 56 FR 56854, Nov. 6, 1991; 63 FR 31094, June 5, 1998; 65 FR 45272, July 20, 2000]

§ 81.353 Guam.

Guam—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State			[1] X	

[1] EPA designation replaces State designation.

Guam—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Guam within a 3½ km radius of the Piti Power Plant	X			
That portion of Guam within a 3½ km radius of the Tanguisson Power Plant	[1] X			

Guam—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of State (Guam)				X

[1] EPA designation replaces State designation.

Guam—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Guam—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Guam—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Whole State		X

[43 FR 8964, Mar. 3, 1978, as amended at 44 FR 16393, Mar. 19, 1979; 47 FR 28626, July 1, 1982; 56 FR 56854, Nov. 6, 1991; 63 FR 31094, June 5, 1998; 65 FR 45272, July 20, 2000]

§ 81.354 Northern Mariana Islands.

Northern Mariana Islands—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State				[1] X

[1] EPA designation only.

Northern Mariana Islands—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Whole State				[1] X

[1] EPA designation only.

Northern Mariana Islands—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Whole State		Unclassifiable/Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

Northern Mariana Islands—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Whole State		Unclassifiable/Attainment		

[1] This date is October 18, 2000, unless otherwise noted.

Northern Mariana Islands—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Whole State		[1] X

[1] EPA designation only.

[43 FR 8964, Mar. 3, 1978, as amended at 56 FR 56855, Nov. 6, 1991; 63 FR 31094, June 5, 1998; 65 FR 45272, July 20, 2000]

§ 81.355 Puerto Rico.

Puerto Rico—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Puerto Rico AQCR				X

Puerto Rico—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Adjuntas Municipio				
Aguada Municipio				
Aguadilla Municipio				
Aguas Buenas Municipio				
Aibonito Municipio				
Anasco Municipio				
Arecibo Municipio				
Arroyo Municipio				
Barceloneta Municipio				
Barranquitas Munic.				
Bayamon County				
Caba Rojo Municipio				
Caguas Municipio				
Camuy Municipio				
Canovanas Municipio				
Carolina Municipio				
Catano County				
Cayey Municipio				
Ceiba Municipio				
Ciales Municipio				
Cidra Municipio				
Coama Municipio				
Comeria Municipio				
Corozal Municipio				
Culebra Municipio				
Dorado Municipio				
Fajardo Municipio				
Florida Municipio				
Guanica Municipio				
Guayama Municipio				
Guayanilla Municipio				
Guaynabo County				
Gurabo Municipio				
Hatillo Municipio				
Hormigueros Municipio				

Puerto Rico—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Humacao Municipio				
Isabela Municipio				
Jayuya Municipio				
Juana Diaz Municipio				
Juncos Municipio				
Lajas Municipio				
Lares Municipio				
Las Marias Municipio				
Las Piedras Municipio				
Loiza Municipio				
Luquillo Municipio				
Manati Municipio				
Maricao Municipio				
Maunabo Municipio				
Mayaguez Municipio				
Moca Municipio				
Morovis Municipio				
Naguabo Municipio				
Naranjito Municipio				
Orocovis Municipio				
Patillas Minicipio				
Penuelas Municipio				
Ponce Municipio				
Quebradillas Municipio				
Rincon Municipio				
Rio Grande Municipio				
Sabana Grande Municipio				
Salinas Municipio				
San German Municipio				
San Juan Municipio				
San Lorenzo Municipio				
San Sebastian Municipio				
Santa Isabel Municipio				
Toa Alta Municipio				
Toa Baja County				
Trujilla Alto Municipio				
Utuado Municipio				
Vega Alta Municipio				
Vega Baja Municipio				
Vieques Municipio				
Villalba Municipio				
Yabucoa Municipio				
Yauco Municipio				

[1] This date is November 15, 1990, unless otherwise noted.

Puerto Rico—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
Adjuntas Municipio				
Aguada Municipio				
Aguadilla Municipio				
Aguas Buenas Municipio				
Aibonito Municipio				
Anasco Municipio				
Arecibo Municipio				
Arroyo Municipio				
Barceloneta Municipio				
Barranquitas Munic.				
Bayamon County				
Cabo Rojo Municipio				
Caguas Municipio				
Camuy Municipio				
Canovanas Municipio				
Carolina Municipio				
Catano County				
Cayey Municipio				

Puerto Rico—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ceiba Municipio				
Ciales Municipio				
Cidra Municipio				
Coamo Municipio				
Comerio Municipio				
Corozal Municipio				
Culebra Municipio				
Dorado Municipio				
Fajardo Municipio				
Florida Municipio				
Guanica Municipio				
Guayama Municipio				
Guayanilla Municipio				
Guaynabo County				
Gurabo Municipio				
Hatillo Municipio				
Hormigueros Municipio				
Humacao Municipio				
Isabela Municipio				
Jayuya Municipio				
Juana Diaz Municipio				
Juncos Municipio				
Lajas Municipio				
Lares Municipio				
Las Marias Municipio				
Las Piedras Municipio				
Loiza Municipio				
Luquillo Municipio				
Manati Municipio				
Maricao Municipio				
Maunabo Municipio				
Mayaguez Municipio				
Moca Municipio				
Morovis Municipio				
Naguabo Municipio				
Naranjito Municipio				
Orocovis Municipio				
Patillas Minicipio				
Penuelas Municipio				
Ponce Municipio				
Quebradillas Municipio				
Rincon Municipio				
Rio Grande Municipio				
Sabana Grande Municipio				
Salinas Municipio				
San German Municipio				
San Juan Municipio				
San Lorenzo Municipio				
San Sebastian Municipio				
Santa Isabel Municipio				
Toa Alta Municipio				
Toa Baja County				
Trujillo Alto Municipio				
Utuado Municipio				
Vega Alta Municipio				
Vega Baja Municipio				
Vieques Municipio				
Villalba Municipio				
Yabucoa Municipio				
Yauco Municipio				

[1] This date is October 18, 2000, unless otherwise noted.

Puerto Rico—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Guaynabo County	11/15/90	Nonattainment	11/15/90	Moderate
Rest of Commonwealth	11/15/90	Unclassifiable		

Puerto Rico—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Puerto Rico AQCR		X

[44 FR 5131, Jan. 25, 1979, as amended at 47 FR 31878, July 23, 1982; 48 FR 41409, Sept. 15, 1983; 52 FR 7866, Mar. 13, 1987; 56 FR 56855, Nov. 6, 1991; 57 FR 56779, Nov. 30, 1992; 60 FR 55798, Nov. 3, 1995; 61 FR 2941, Jan. 30, 1996; 63 FR 31095, June 5, 1998; 65 FR 45273, July 20, 2000]

§ 81.356 Virgin Islands.

Virgin Islands—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Virgin Islands AQCR:				
St. Croix (southern)			[1] X	
Remainder of AQCR				X

[1] EPA designation replaces State designation.

Virgin Islands—Carbon Monoxide

Designated Area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
St. Croix				
St. John				
St. Thomas				

[1] This date is November 15, 1990, unless otherwise noted.

Virgin Islands—Ozone (1-Hour Standard)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Statewide		Unclassifiable/Attainment		
St. Croix				
St. John				
St. Thomas				

[1] This date is October 18, 2000, unless otherwise noted.

Virgin Islands—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Virgin Islands AQCR		X

[44 FR 5133, Jan. 25, 1979, as amended at 47 FR 31878, July 23, 1982; 56 FR 56858, Nov. 6, 1991; 61 FR 2941, Jan. 30, 1996; 63 FR 31096, June 5, 1998; 65 FR 45274, July 20, 2000]

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value

AUTHORITY: Secs. 101(b)(1), 110, 169A(a)(2), and 301(a), Clean Air Act as amended (42 U.S.C. 7401(b), 7410, 7491(a)(2), 7601(a)).

SOURCE: 44 FR 69124, Nov. 30, 1979, unless otherwise noted.

§ 81.400 Scope.

Subpart D, §§81.401 through 81.437, lists those mandatory Federal Class I areas, established under the Clean Air Act Amendments of 1977, where the Administrator, in consultation with the Secretary of the Interior, has determined visibility to be an important value. The following listing of areas where visibility is an important value represents an evaluation of all international parks (IP), national wilderness areas (Wild) exceeding 5,000 acres, national memorial parks (NMP) exceeding 5,000 acres, and national parks (NP) exceeding 6,000 acres, in existence on August 7, 1977. Consultation by EPA with the Federal Land Managers involved: The Department of Interior (USDI), National Park Service (NPS), and Fish and Wildlife Service (FWS); and the Department of Agriculture (USDA), Forest Service (FS).

§ 81.401 Alabama.

Area name	Acreage	Public Law establishing	Federal land manager
Sipsey Wild	12,646	93–622	USDA–FS

§ 81.402 Alaska.

Area name	Acreage	Public Law establishing	Federal land manager
Bering Sea Wild	41,113	91–622	USDI–FWS
Mount McKinley NP	1,949,493	64–353	USDI–NPS
Simeonof Wild	25,141	94–557	USDI–FWS
Tuxedni Wild	6,402	91–504	USDI–FWS

§ 81.403 Arizona.

Area name	Acreage	Public Law establishing	Federal land manager
Chiricahua National Monument Wild.	9,440	94–567	USDI–NPS
Chiricahua Wild	18,000	88–577	USDA–FS
Galiuro Wild	52,717	88–577	USDA–FS
Grand Canyon NP	1,176,913	65–277	USDI–NPS
Mazatzal Wild	205,137	88–577	USDA–FS
Mount Baldy Wild	6,975	91–504	USDA–FS
Petrified Forest NP	93,493	85–358	USDI–NPS
Pine Mountain Wild	20,061	92–230	USDA–FS
Saguaro Wild	71,400	94–567	USDI–FS
Sierra Ancha Wild	20,850	88–577	USDA–FS
Superstition Wild	124,117	88–577	USDA–FS
Sycamore Canyon Wild.	47,757	92–241	USDA–FS

§ 81.404 Arkansas.

Area name	Acreage	Public Law establishing	Federal land manager
Caney Creek Wild	14,344	93–622	USDA–FS
Upper Buffalo Wild	9,912	93–622	USDA–FS

§ 81.405 California.

Area name	Acreage	Public Law establishing	Federal land manager
Agua Tibia Wild	15,934	93–632	USDA–FS
Caribou Wild	19,080	88–577	USDA–FS
Cucamonga Wild	9,022	88–577	USDA–FS
Desolation Wild	63,469	91–82	USDA–FS
Dome Land Wild	62,206	88–577	USDA–FS
Emigrant Wild	104,311	93–632	USDA–FS
Hoover Wild	47,916	88–577	USDY–FS
John Muir Wild	484,673	8–577	USDA–FS
Joshua Tree Wild	429,690	94–567	USDI–NPS
Kaiser Wild	22,500	94–577	USDA–FS
Kings Canyon NP	459,994	76–424	USDI–NPS
Lassen Volcanic NP	105,800	64–184	USDI–NPS
Lava Beds Wild	28,640	92–493	USDI–NPS
Marble Mountain Wild.	213,743	88–577	USDA–FS
Minarets Wild	109,484	88–577	USDA–FS
Mokelumme Wild	50,400	88–577	USDA–FS
Pinnacles Wild	12,952	94–567	USDI–NPS
Point Reyes Wild	25,370	94–544,	USDI–NPS
Redwood NP	27,792	90–545	USDI–NPS
San Gabriel Wild	36,137	90–318	USDA–FS
San Gorgonio Wild	34,644	88–577	USDA–FS
San Jacinto Wild	20,564	88–577	USDA–FS
San Rafael Wild	142,722	90–271	USDA–FS
Sequoia NP	386,642	(1)	USDI–NPS
South Warner Wild	68,507	88–577	USDA–FS
Thousand Lakes Wild.	15,695	88–577	USDA–FS
Ventana Wild	95,152	91–58	USDA–FS
Yolla-Bolly-Middle-Eel Wild.	109,091	88–577	USDA–FS
Yosemite NP	759,172	58–49	USDI–NPS

[1] 26 Stat. 478 (51st Cong.)

§ 81.406 Colorado.

Area name	Acreage	Public Law establishing	Federal land manager
Black Canyon of the Gunnison Wild.	11,180	94–567	USDI–NPS
Eagles Nest Wild	133,910	94–352	USDA–FS
Flat Tops Wild	235,230	94–146	USDA–FS

Area name	Acreage	Public Law establishing	Federal land manager
Great Sand Dunes Wild.	33,450	94–567	USDI–NPS
La Garita Wild	48,486	88–577	USDA–FS
Maroon Bells-Snowmass Wild.	71,060	88–577	USDA–FS
Mesa Verde NP	51,488	59–353	USDI–NPS
Mount Zirkel Wild	72,472	88–577	USDA–FS
Rawah Wild	26,674	88–577	USDA–FS
Rocky Mountain NP	263,138	63–238	USDI–NPS
Weminuche Wild	400,907	93–632	USDA–FS
West Elk Wild	61,412	88–577	USDA–FS

§ 81.407 Florida.

Area name	Acreage	Public Law establishing	Federal land manager
Chassahowitzka Wild.	23,360	94–557	USDI–FWS
Everglades NP	1,397,429	73–267	USDI–NPS
St. Marks Wild	17,745	93–632	USDI–FWS

§ 81.408 Georgia.

Area name	Acreage	Public Law establishing	Federal land manager
Cohotta Wild	33,776	93–622	USDA–FS
Okefenokee Wild	343,850	93–429	USDI–FWS
Wolf Island Wild	5,126	93–632	USDI–FWS

§ 81.409 Hawaii.

Area name	Acreage	Public Law establishing	Federal land manager
Haleakala NP	27,208	87–744	USDI–NPS
Hawaii Volcanoes	217,029	64–171	USDI–NPS

§ 81.410 Idaho.

Area name	Acreage	Public Law establishing	Federal land manager
Craters of the Moon Wild.	43,243	91–504	USDI–NPS
Hells Canyon Wild [1]	83,800	94–199	USDA–FS
Sawtooth Wild	216,383	92–400	USDA–FS
Selway-Bitterroot Wild [2].	988,770	88–577	USDA–FS
Yellowstone NP [3]	31,488	([4])	USDI–NPS

[1] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

[2] Selway Bitterroot Wilderness, 1,240,700 acres overall, of which 988,700 acres are in Idaho and 251,930 acres are in Montana.

[3] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

[4] 17 Stat. 32 (42nd Cong.).

§ 81.411 Kentucky.

Area name	Acreage	Public Law establishing	Federal land manager
Mammoth Cave NP	51,303	69–283	USDI–NPS

§ 81.412 Louisiana.

Area name	Acreage	Public Law establishing	Federal land manager
Breton Wild	5,000+	93–632	USDI–FWS

§ 81.413 Maine.

Area name	Acreage	Public Law establishing	Federal land manager
Acadia NP	37,503	65–278	USDI–NPS
Moosehorn Wild	7,501	.....	USDI–FWS
(Edmunds Unit)	(2,782)	91–504	
(Baring Unit)	(4,719)	93–632	

§ 81.414 Michigan.

Area name	Acreage	Public Law establishing	Federal land manager
Isle Royale NP	542,428	71–835	USDI–NPS
Seney Wild	25,150	91–504	USDI–FWS

§ 81.415 Minnesota.

Area name	Acreage	Public Law establishing	Federal land manager
Boundary Waters Canoe Area Wild.	747,840	99–577	USDA–FS
Voyageurs NP	114,964	99–261	USDI–NPS

§ 81.416 Missouri.

Area name	Acreage	Public Law establishing	Federal land manager
Hercules-Glades Wild.	12,315	94–557	USDA–FS
Mingo Wild	8,000	94–557	USDI–FWS

§ 81.417 Montana.

Area name	Acreage	Public Law establishing	Federal land manager
Anaconda-Pintlar Wild.	157,803	88–577	USDA–FS
Bob Marshall Wild	950,000	88–577	USDA–FS
Cabinet Mountains Wild.	94,272	88–577	USDA–FS
Gates of the Mtn Wild.	28,562	88–577	USDA–FS
Glacier NP	1,012,599	61–171	USDI–NPS
Medicine Lake Wild	11,366	94–557	USDI–FWS
Mission Mountain Wild.	73,877	93–632	USDA–FS

Area name	Acreage	Public Law establishing	Federal land manager
Red Rock Lakes Wild.	32,350	94–557	USDI–FWS
Scapegoat Wild	239,295	92–395	USDA–FS
Selway-Bitterroot Wild [1].	251,930	88–577	USDA–FS
U. L. Bend Wild	20,890	94–557	USDI–FWS
Yellowstone NP [2]	167,624	([3])	USDI–NPS

[1] Selway-Bitterroot Wilderness, 1,240,700 acres overall, of which 988,770 acres are in Idaho and 251,930 acres are in Montana.
[2] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.
[3] 17 Stat. 32 (42nd Cong.)

[44 FR 69124, Nov. 30, 1979; 45 FR 6103, Jan. 25, 1980]

§ 81.418 Nevada.

Area name	Acreage	Public Law establishing	Federal land manager
Jarbidge Wild	64,667	88–577	USDA–FS

§ 81.419 New Hampshire.

Area name	Acreage	Public Law establishing	Federal land manager
Great Gulf Wild	5,552	88–577	USDA–FS
Presidential Range-Dry River Wild.	20,000	93–622	USDA–FS

§ 81.420 New Jersey.

Area name	Acreage	Public Law establishing	Federal land manager
Brigantine Wild	6,603	93–632	USDI–FWS

§ 81.421 New Mexico.

Area name	Acreage	Public Law establishing	Federal land manager
Bandelier Wild	23,267	94–567	USDI–NPS
Bosque del Apache Wild.	80,850	93–632	USDI–FWS
Carlsbad Caverns NP.	46,435	71–216	USDI–NPS
Gila Wild	433,690	88–577	USDA–FS
Pecos Wild	167,416	88–577	USDA–FS
Salt Creek Wild	8,500	91–504	USDI–FWS
San Pedro Parks Wild.	41,132	88–577	USDA–FS
Wheeler Peak Wild	6,027	88–577	USDA–FS
White Mountain Wild.	31,171	88–577	USDA–FS

§ 81.422 North Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP [1].	273,551	69–268	USDI–NPS
Joyce Kilmer-Slickrock Wild [2].	10,201	93–622	USDA–FS
Linville Gorge Wild	7,575	88–577	USDA–FS
Shining Rock Wild ..	13,350	88–577	USDA–FS
Swanguarter Wild ...	9,000	94–557	USDI–FWS

[1] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.
[2] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.423 North Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Lostwood Wild	5,557	93–632	USDI–FWS.
Theodore Roosevelt, NP.	69,675	80–38	USDI–NPS.

[54 FR 41098, Oct. 5, 1989]

§ 81.424 Oklahoma.

Area name	Acreage	Public Law establishing	Federal land manager
Wichita Mountains Wild.	8,900	91–504	USDI–FWS

§ 81.425 Oregon.

Area name	Acreage	Public Law establishing	Federal land manager
Crater Lake NP	160,290	57–121	USDA–NPS
Diamond Peak Wild	36,637	88–577	USDA–FS
Eagle Cap Wild	293,476	88–577	USDA–FS
Gearhart Mountain Wild.	18,709	88–577	USDA–FS
Hells Canyon Wild [1]	108,900	94–199	USDA–FS
Kalmiopsis Wild	76,900	88–577	USDA–FS
Mountain Lakes Wild.	23,071	88–577	USDA–FS
Mount Hood Wild	14,160	88–577	USDA–FS
Mount Jefferson Wild.	100,208	90–548	USDA–FS
Mount Washington Wild.	46,116	88–577	USDA–FS
Strawberry Mountain Wild.	33,003	88–577	USDA–FS
Three Sisters Wild ..	199,902	88–577	USDA–FS

[1] Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon, and 83,800 acres are in Idaho.

§ 81.426 South Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Cape Romain Wild	28,000	93–632	USDI–FWS

§ 81.427 South Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Badlands Wild	64,250	94–567	USDI–NPS
Wind Cave NP	28,060	57–16	USDI–NPS

§ 81.428 Tennessee.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP [1].	241,207	69–268	USDI–NPS
Joyce Kilmer-Slickrock Wild [2].	3,832	93–622	USDA–FS

[1] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.
[2] Joyce Kilmer Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

[44 FR 69124, Nov. 30, 1979; 45 FR 6103, Jan. 25, 1980]

§ 81.429 Texas.

Area name	Acreage	Public Law establishing	Federal land manager
Big Bend NP	708,118	74–157	USDI–NPS
Guadalupe Mountains NP.	76,292	89–667	USDI–NPS

§ 81.430 Utah.

Area name	Acreage	Public Law establishing	Federal land manager
Arches NP	65,098	92–155	USDI–NPS
Bryce Canyon NP	35,832	68–277	USDI–NPS
Canyonlands NP	337,570	88–590	USDI–NPS
Capitol Reef NP	221,896	92–507	USDI–NPS
Zion NP	142,462	68–83	USDI–NPS

§ 81.431 Vermont.

Area name	Acreage	Public Law establishing	Federal land manager
Lye Brook Wild	12,430	93–622	USDA–FS

§ 81.432 Virgin Islands.

Area name	Acreage	Public Law establishing	Federal land manager
Virgin Islands NP	12,295	84–925	USDI–NPS

§ 81.433 Virginia.

Area name	Acreage	Public Law establishing	Federal land manager
James River Face Wild.	8,703	93–622	USDA–FS
Shenandoah NP	190,535	69–268	USDI–NPS

§ 81.434 Washington.

Area name	Acreage	Public Law establishing	Federal land manager
Alpine Lakes Wild	303,508	94–357	USDA–FS
Glacier Peak Wild	464,258	88–577	USDA–FS
Goat Rocks Wild	82,680	88–577	USDA–FS
Mount Adams Wild	32,356	88–577	USDA–FS
Mount Rainer NP	235,239	([1])	USDI–NPS
North Cascades NP	503,277	90–554	USDI–NPS
Olympic NP	892,578	75–778	USDI–NPS
Pasayten Wild	505,524	90–544	USDA–FS

[1] 30 Stat. 993 (55th Cong.).

§ 81.435 West Virginia.

Area name	Acreage	Public Law establishing	Federal land manager
Dolly Sods Wild	10,215	93–622	USDA–FS
Otter Creek Wild	20,000	93–622	USDA–FS

§ 81.436 Wyoming.

Area name	Acreage	Public Law establishing	Federal land manager
Bridger Wild	392,160	88–577	USDA–FS
Fitzpatrick Wild	191,103	94–567	USDA–FS
Grand Teton NP	305,504	81–787	USDI–NPS
North Absaroka Wild.	351,104	88–577	USDA–FS
Teton Wild	557,311	88–577	USDA–FS
Washakie Wild	686,584	92–476	USDA–FS
Yellowstone NP [1]	2,020,625	([2])	USDI–NPS

[1] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.
[2] 17 Stat. 32 (42nd Cong.).

§ 81.437 New Brunswick, Canada.

TABLE 1

Area name	Acreage	Public law establishing	Federal land manager
Roosevelt Campobello International Park.	2,721	88–363	([1])

[1] Chairman, RCIP Commission.

TABLE 2—INTEGRAL VISTAS ASSOCIATED WITH MANDATORY CLASS I AREAS

Park	Observation point	View angle	Key features	Also viewed from—
Roosevelt Campobello International Park	Roosevelt Cottage and Beach Area.	244°–56°	Estes head* Eastport* North Lubec* Cobscook Bay* Shackford Head* St. Andrews* Friar's Head* Treat's Island* Passamaquoddy Bay* Deer Island* Indian Island* Rouen Island* Cherry Island* Thrumcap Island* Owen House* Welshpool*	*Features viewed from Friar's Head.
	Friar's Head	154°–94°	Roosevelt Cottage* Campobello Island* Weir* Friar's Bay* Welshpool* Wilson's Beach* North Road* Head Harbour Passage* Casco Island* Green Island* Pope Island* Thrumcap Island* Cherry Island* Rouen Island* Indian Island* Deer Island* Passamaquoddy Bay* Old Sow Whirlpool* St. Andrews* Eastport* Friar Roads* Estes Head* Perry* Shackford Head* Pembroke* Cobscook Bay* Treat's Island* Major's Island North Lubec* Passamaquoddy Dam, portion of* Roger's Island Dudley Island* Johnson's Bay* Pope's Folly* Cutler Naval Radio Station Lubec Mulholland Point Lighthouse FDR Memorial Bridge South Lubec Grand Manan Island*	*Features viewed from Roosevelt Cottage and Beach Area.

TABLE 2—INTEGRAL VISTAS ASSOCIATED WITH MANDATORY CLASS I AREAS—Continued

Park	Observation point	View angle	Key features	Also viewed from—
	Con Robinson's Point.	308°–150°	Herring Cove Beach. Provincial Park Eastern Head Herring Cove Mainland New Brunswick* Point La Preau* Wolf Islands* Atlantic Ocean* Grand Manan Island	*Features viewed from Liberty Point.*
	Liberty Point	34°–236°	Ragged Point Mainland New Brunswick* Atlantic Ocean* Wolf Islands* Grand Manan Island* Sail Rock West Quoddy Head Lighthouse South Lubec	*Features viewed from Con Robinson's Points.

[54 FR 21906, May 19, 1989]

APPENDIX A TO PART 81—AIR QUALITY CONTROL REGIONS (AQCR'S)

	AQCR No.
Alabama:	
Alabama and Tombigbee Rivers	1
Columbus-Phenix City	2
East Alabama	3
Metropolitan Birmingham	4
Mobile-Pensacola-Panama City-Southern Mississippi (Fla., Miss.)	5
Southeast Alabama	6
Tennessee River Valley-Cumberland Mountains (Tenn.)	7
Alaska:	
Cook Inlet	8
Northern Alaska	9
South Central Alaska	10
Southeastern Alaska	11
Arizona:	
Arizona-New Mexico Southern Border (N. Mex.)	12
Clark-Mohave	13
Four Corners (Colo., N. Mex., Utah)	14
Phoenix-Tucson	15
Arkansas:	
Central Arkansas	16
Metropolitan Fort Smith	17
Metropolitan Memphis	18
Monroe-El Dorado (La.)	19
Northeast Arkansas	20
Northwest Arkansas	21
Shreveport-Texarkana-Tyler (La., Okla., Texas)	22
California:	
Great Basin Valley	23
Metropolitan Los Angeles	24
North Central Coast	25
North Coast	26
Northeast Plateau	27
Sacramento Valley	28
San Diego	29
San Francisco Bay Area	30
San Joaquin Valley	31
South Central Coast	32
Southeast Desert	33
Colorado:	
Comanche	34
Four Corners (Ariz., N. Mex., Utah)	14
Grand Mesa	35
Metropolitan Denver	36
Pawnee	37
San Isabel	38
San Luis	39
Yampa	40
Connecticut:	
Eastern Connecticut	41
Hartford-New Haven-Springfield (Mass.)	42
New Jersey-New York-Connecticut (N.J., N.Y.)	43
Northwestern Connecticut	44
Delaware:	
Metropolitan Philadelphia (N.J., Pa.)	45
Southern Delaware	46
District of Columbia:	
National Capital (Md.)	47
Florida:	
Central Florida	48
Jacksonville-Brunswick (Ga.)	49
Mobile-Pensacola-Panama City-Southern Mississippi (Ala., Miss.)	5
Southeast Florida	50
Southwest Florida	51
West Central Florida	52
Georgia:	
Augusta-Aiken (S.C.)	53
Central Georgia	54
Chattanooga (Tenn.)	55
Columbus-Phenix City (Ala.)	2
Jacksonville-Brunswick (Fla.)	49
Metropolitan Atlanta	56
Northeast Georgia	57
Savannah-Beaufort (S.C.)	58
Southwest Georgia	59

	AQCR No.
Hawaii:	
Entire State	60
Idaho:	
Eastern Idaho	61
Eastern Washington-Northern Idaho (Wash.)	62
Idaho	63
Metropolitan Boise	64
Illinois:	
Burlington-Keokuk (Iowa)	65
East Central Illinois	66
Metropolitan Chicago (Ind.)	67
Metropolitan Dubuque (Iowa, Wis.)	68
Metropolitan Quad Cities (Iowa)	69
Metropolitan St. Louis (Mo.)	70
North Central Illinois	71
Paducah-Cairo (Ky.)	72
Rockford-Janesville-Beloit (Wis.)	73
Southeast Illinois	74
West Central Illinois	75
Indiana:	
East Central Indiana	76
Evansville-Owensboro-Henderson (Ky.)	77
Louisville (Ky.)	78
Metropolitan Chicago (Ill.)	67
Metropolitan Cincinnati (Ky., Ohio)	79
Metropolitan Indianapolis	80
Northeast Indiana	81
South Bend-Elkhart-Benton Harbor (Mich.)	82
Southern Indiana	83
Wabash Valley	84
Iowa:	
Burlington-Keokuk (Ill.)	65
Metropolitan Dubuque (Ill., Wis.)	68
Metropolitan Omaha-Council Bluffs (Nebr.)	85
Metropolitan Quad Cities (Ill.)	69
Metropolitan Sioux City (Nebr., S. Dak.)	86
Metropolitan Sioux Falls (S. Dak.)	87
Northeast Iowa	88
North Central Iowa	89
Northwest Iowa	90
Southeast Iowa	91
South Central Iowa	92
Southwest Iowa	93
Kansas:	
Metropolitan Kansas City (Mo.)	94
Northeast Kansas	95
North Central Kansas	96
Northwest Kansas	97
Southeast Kansas	98
South Central Kansas	99
Southwest Kansas	100
Kentucky:	
Appalachian	101
Bluegrass	102
Evansville-Owensboro-Henderson (Ind.)	77
Huntington-Ashland-Portsmouth-Ironton (Ohio, W. Va.)	103
Louisville (Ind.)	78
Metropolitan Cincinnati (Ind., Ohio)	79
North Central Kentucky	104
Paducah-Cairo (Ill.)	72
South Central Kentucky	105
Louisiana:	
Monroe-El Dorado (Ark.)	19
Shreveport-Texarkana-Tyler (Ark., Okla., Tex.)	22
Southern Louisiana-Southeast Texas (Tex.)	106
Maine:	
Androscoggin Valley (N.H.)	107
Aroostook	108
Down East	109
Metropolitan Portland	110
Northwest Maine	111
Maryland:	
Central Maryland	112
Cumberland-Keyser (W. Va.)	113
Eastern Shore	114
Metropolitan Baltimore	115
National Capital (D.C.)	47
Southern Maryland	116
Massachusetts:	
Berkshire	117
Central Massachusetts	118
Hartford-New Haven-Springfield (Conn.)	42
Metropolitan Boston	119
Metropolitan Providence (R.I.)	120
Merrimack Valley-Southern New Hampshire (N.H.)	121
Michigan:	
Central Michigan	122
Metropolitan Detroit-Port Huron	123
Metropolitan Toledo (Ohio)	124
South Bend-Elkhart-Benton Harbor (Ind.)	82
South Central Michigan	125
Upper Michigan	126
Minnesota:	
Central Minnesota	127
Southeast Minnesota-La Crosse (Wis.)	128
Duluth-Superior (Wis.)	129
Metropolitan Fargo-Moorhead (N. Dak.)	130
Minneapolis-St. Paul	131
Northwest Minnesota	132
Southwest Minnesota	133
Mississippi:	
Metropolitan Memphis (Ark., Tenn.)	18
Mississippi Delta	134
Mobile-Pensacola-Panama City-Southern Mississippi (Ala., Fla.)	5
Northeast Mississippi	135
Missouri:	
Metropolitan Kansas City (Kans.)	94
Metropolitan St. Louis (Ill.)	70
Northern Missouri	137
Southeast Missouri	138
Southwest Missouri	139
Montana:	
Billings	140
Great Falls	141
Helena	142
Miles City	143
Missoula	144
Nebraska:	
Lincoln-Beatrice-Fairbury	145
Metropolitan Omaha-Council Bluffs (Iowa)	85
Metropolitan Sioux City (Iowa, S. Dak.)	86
Nebraska	146
Nevada:	
Clark-Mohave (Ariz.)	13
Nevada	147
Northwest Nevada	148
New Hampshire:	
Androscoggin Valley (Maine)	107
Merrimack Valley-Southern New Hampshire (Mass.)	121
New Hampshire	149
New Jersey:	
Metropolitan Philadelphia (Del., Pa.)	45
New Jersey	150
New Jersey-New York-Connecticut (N.Y., Conn.)	43
Northeast Pennsylvania-Upper Delaware Valley (Pa.)	151
New Mexico:	
Albuquerque-Mid Rio Grande	152
Arizona-New Mexico Southern Border (Ariz.)	12
El Paso-Las Cruces-Alamogordo (Tex.)	153
Four Corners (Ariz., Colo., Utah)	14
Northeastern Plains	154
Pecos-Permian Basin	155

	AQCR No.
Southwestern Mountains-Augustine Plains	156
Upper Rio Grande Valley	157
New York:	
Central New York	158
Champlain Valley (Vt.)	159
Genesee-Finger Lakes	160
Hudson Valley	161
New Jersey-New York-Connecticut (N.J., Conn.)	43
Niagara Frontier	162
Southern Tier East	163
Southern Tier West	164
North Carolina:	
Eastern Mountain	165
Eastern Piedmont	166
Metropolitan Charlotte (S.C.)	167
Northern Coastal Plain	168
Northern Piedmont	136
Sandhills	169
Southern Coastal Plain	170
Western Mountain	171
North Dakota:	
Metropolitan Fargo-Moorhead (Minn.)	130
North Dakota	172
Ohio:	
Dayton	173
Greater Metropolitan Cleveland	174
Huntington-Ashland-Portsmouth-Ironton (Ky., W. Va.)	103
Mansfield-Marion	175
Metropolitan Cincinnati (Ind., Ky.)	79
Metropolitan Columbus	176
Metropolitan Toledo (Mich.)	124
Northwest Ohio	177
Northwest Pennsylvania-Youngstown (Pa.)	178
Parkersburg-Marietta (W. Va.)	179
Sandusky	180
Steubenville-Weirton-Wheeling (W. Va.)	181
Wilmington-Chillicothe-Logan	182
Zanesville-Cambridge	183
Oklahoma:	
Central Oklahoma	184
Metropolitan Fort Smith (Ark.)	17
North Central Oklahoma	185
Northeastern Oklahoma	186
Northwestern Oklahoma	187
Shreveport-Texarkana-Tyler (Ark., La., Texas)	22
Southeastern Oklahoma	188
Southwestern Oklahoma	189
Oregon:	
Central Oregon	190
Eastern Oregon	191
Northwest Oregon	192
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Subpart A—Production and Consumption Controls

SOURCE: 60 FR 24986, May 10, 1995, unless otherwise noted.

§ 82.1 Purpose and scope.

(a) The purpose of the regulations in this subpart is to implement the Montreal Protocol on Substances that Deplete the Ozone Layer and sections 602, 603, 604, 605, 606, 607, 614 and 616 of the Clean Air Act Amendments of 1990, Public Law 101–549. The Protocol and section 604 impose limits on the production and consumption (defined as production plus imports minus exports, excluding transhipments and used controlled substances) of certain ozone-depleting substances, according to specified schedules. The Protocol also requires each nation that becomes a Party to the agreement to impose certain restrictions on trade in ozone-depleting substances with non-Parties.

(b) This subpart applies to any person that produces, transforms, destroys, imports or exports a controlled substance or imports or exports a controlled product.

[63 FR 41642, Aug. 4, 1998]

§ 82.2 [Reserved]

§ 82.3 Definitions for class I and class II controlled substances.

As used in this subpart, the term:

Administrator means the Administrator of the United States Environmental Protection Agency or his authorized representative. For purposes of reports and petitions, the Administrator must be written at the following mailing address: EPA (6205J), Global Programs Division, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Applicator means the person who applies methyl bromide.

Article 5 allowances means the allowances apportioned under § 82.9(a) and § 82.18(a).

Baseline consumption allowances means the consumption allowances apportioned under § 82.6 and § 82.19.

Baseline production allowances means the production allowances apportioned under § 82.5 and § 82.17.

Calculated level means the weighted amount of a controlled substance determined by multiplying the amount (in kilograms) of the controlled substance by that substance's ozone depletion potential (ODP) weight listed in appendix A or appendix B to this subpart.

Class I refers to the controlled substances listed in appendix A to this subpart.

Class II refers to the controlled substances listed in appendix B to this subpart.

Commodity Owner, Shipper or their Agent means the person requesting that an applicator use methyl bromide for quarantine or preshipment applications.

Completely destroy means to cause the expiration of a controlled substance at a destruction efficiency of 98 percent or greater, using one of the destruction technologies approved by the Parties.

Complying with the Protocol, when referring to a foreign state not Party to the 1987 Montreal Protocol, the London Amendments, or the Copenhagen Amendments, means that the non-Party has been determined as complying with the Protocol, as indicated in appendix C to this subpart, by a meeting of the Parties as noted in the records of the directorate of the United Nations Secretariat.

Confer means to shift the essential-use allowances obtained under §82.4(t) from the holder of the unexpended essential-use allowances to a person for the production of a specified controlled substance, or to shift the HCFC–141b exemption allowances granted under §82.16(h) from the holder of the unexpended HCFC–141b exemption allowances to a person for the production or import of the controlled substance.

Consumption means the production plus imports minus exports of a controlled substance (other than transhipments, or used controlled substances).

Consumption allowances means the privileges granted by this subpart to produce and import controlled substances; however, consumption allowances may be used to produce controlled substances only in conjunction with production allowances. A person's consumption allowances for class I substances are the total of the allowances obtained under §§82.6 and 82.7 and 82.10, as may be modified under §82.12 (transfer of allowances). A person's consumption allowances for class II controlled substances are the total of the allowances obtained under §§82.19 and 82.20, as may be modified under §82.23.

Control period means the period from January 1, 1992 through December 31, 1992, and each twelve-month period from January 1 through December 31, thereafter.

Controlled product means a product that contains a controlled substance listed as a Class I, Group I or II substance in appendix A to this subpart. Controlled products include, but are not limited to, those products listed in appendix D to this subpart.

Controlled products belong to one or more of the following six categories of products:

(1) Automobile and truck air conditioning units (whether incorporated in vehicles or not);

(2) Domestic and commercial refrigeration and air-conditioning/heat pump equipment (whether containing controlled substances as a refrigerant and/or in insulating material of the product), e.g. Refrigerators, Freezers, Dehumidifiers, Water coolers, Ice machines, Air-conditioning and heat pump units;

(3) Aerosol products, except medical aerosols;

(4) Portable fire extinguishers;

(5) Insulation boards, panels and pipe covers;

(6) Pre-polymers.

Controlled substance means any substance listed in appendix A or appendix B to this subpart, whether existing alone or in a mixture, but excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance or mixture. Thus, any amount of a listed substance in appendix A or appendix B to this subpart that is not part of a use system containing the substance is a controlled substance. If a listed substance or mixture must first be transferred from a bulk container to another container, vessel, or piece of equipment in order to realize its intended use, the listed substance or mixture is a ''controlled substance.'' The inadvertent or coincidental creation of insignificant quantities of a listed substance in appendix A or appendix B to this subpart; during a chemical manufacturing process, resulting from unreacted feedstock, from the listed substance's use as a process agent present as a trace quantity in the chemical substance being manufactured, or as an unintended byproduct of research and development applications, is not deemed a controlled substance. Controlled substances are divided into two classes, Class I in appendix A to this subpart, and Class II listed in appendix B to this subpart. Class I substances are further divided into seven groups, Group I, Group II, Group III, Group IV, Group V, Group VI, and Group VII, as set forth in appendix A to this subpart.

Copenhagen Amendments means the Montreal Protocol on Substances That Deplete the Ozone Layer, as amended

at the Fourth Meeting of the Parties to the Montreal Protocol in Copenhagen in 1992.

Destruction means the expiration of a controlled substance to the destruction efficiency actually achieved, unless considered completely destroyed as defined in this section. Such destruction does not result in a commercially useful end product and uses one of the following controlled processes approved by the Parties to the Protocol:

(1) Liquid injection incineration;
(2) Reactor cracking;
(3) Gaseous/fume oxidation;
(4) Rotary kiln incineration;
(5) Cement kiln;
(6) Radio frequency plasma; or
(7) Municipal waste incinerators only for the destruction of foams.

Distributor of methyl bromide means the person directly selling a class I, Group VI controlled substance to an applicator.

Essential Metered Dose Inhaler (Essential MDI) means metered dose inhalers for the treatment of asthma and chronic obstructive pulmonary disease, approved by the Food and Drug Administration or by another Party's analogous health authority before December 31, 2000, and considered to be essential by the Party where the MDI product will eventually be sold. In addition, if the MDI product is to be sold in the U.S., the active moiety contained in the MDI must be listed as essential at 21 CFR 2.125(e).

Essential-Use Allowances means the privileges granted by §82.4(t) to produce class I substances, as determined by allocation decisions made by the Parties to the Montreal Protocol and in accordance with the restrictions delineated in the Clean Air Act Amendments of 1990.

Essential-Use Chlorofluorocarbons (Essential-use CFCs) are the CFCs (CFC–11, CFC–12, or CFC–114) produced under the authority of essential-use allowances and not the allowances themselves. Essential-use CFCs include CFCs imported or produced by U.S. entities under the authority of essential-use allowances for use in essential metered dose inhalers, as well as CFCs imported or produced by non-U.S. entities under the authority of privileges granted by the Parties and the national authority of another country for use in essential metered dose inhalers.

Essential-Uses means those uses of controlled substances designated by the Parties to the Protocol to be necessary for the health and safety of, or critical for the functioning of, society; and for which there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health. Beginning January 1, 2000 (January 1, 2002 for methyl chloroform) the essential use designations for class I substances must be made in accordance with the provisions of the Clean Air Act Amendments of 1990.

Export means the transport of virgin or used controlled substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use.

Exporter means the person who contracts to sell controlled substances for export or transfers controlled substances to his affiliate in another country.

Export production allowances means the privileges granted by §82.18(b) to produce HCFC–141b for export following the phaseout of HCFC–141b on January 1, 2003.

Facility means any process equipment (e.g., reactor, distillation column) used to convert raw materials or feedstock chemicals into controlled substances or consume controlled substances in the production of other chemicals.

Foreign state means an entity which is recognized as a sovereign nation or country other than the United States of America.[1]

Foreign state not Party to or *Non-Party* means a foreign state that has not deposited instruments of ratification, acceptance, or other form of approval with the Directorate of the United Nations Secretariat, evidencing the foreign state's ratification of the provisions of the 1987 Montreal Protocol, the London Amendments, or of the Copenhagen Amendments, as specified.

[1] Taiwan is not considered a foreign state.

Formulator means an entity that distributes a class II controlled substance(s) or blends of a class II controlled substance(s) to persons who use the controlled substance(s) for a specific application identified in the formulator's petition for HCFC–141b exemption allowances.

HCFC–141b exemption allowances means the privileges granted to a HCFC–141b formulator; an agency, department, or instrumentality of the U.S.; or a non-governmental space vehicle entity by this subpart to order production of or to import HCFC–141b, as determined in accordance with §82.16(h).

Heel means the amount of a controlled substance that remains in a container after it is discharged or offloaded (that is no more than ten percent of the volume of the container) and that the person owning or operating the container certifies the residual amount will remain in the container and be included in a future shipment, or be recovered for transformation, destruction or a non-emissive purpose.

Individual shipment means the kilograms of a used controlled substance for which a person may make one (1) U.S. Customs entry as, as identified in the non-objection letter from the Administrator under §§82.13(g) and 82.24(c)(4).

Import means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with the following exemptions:

(1) Off-loading used or excess controlled substances or controlled products from a ship during servicing,

(2) Bringing controlled substances into the U.S. from Mexico where the controlled substance had been admitted into Mexico in bond and was of U.S. origin, and

(3) Bringing a controlled product into the U.S. when transported in a consignment of personal or household effects or in a similar non-commercial situation normally exempted from U.S. Customs attention.

Importer means the importer of record listed on U.S. Customs Service forms for imported controlled substances, used controlled substances or controlled products.

London Amendments means the Montreal Protocol, as amended at the Second Meeting of the Parties to the Montreal Protocol in London in 1990.

Montreal Anniversary amendments means the Montreal Protocol, as amended at the Ninth Meeting of the Parties to the Montreal Protocol in Montreal in 1997.

Montreal Protocol means the Montreal Protocol on Substances that Deplete the Ozone Layer, a protocol to the Vienna Convention for the Protection of the Ozone Layer, including adjustments adopted by the Parties thereto and amendments that have entered into force.

1987 Montreal Protocol means the Montreal Protocol, as originally adopted by the Parties in 1987.

Nations complying with, but not joining, the Protocol means any nation listed in Appendix C, Annex 2, to this subpart.

Non-Objection notice means the privilege granted by the Administrator to import a specific individual shipment of used controlled substance in accordance with §§82.13(g) and 82.24(c)(3) and (4).

Party means any foreign state that is listed in Appendix C to this subpart (pursuant to instruments of ratification, acceptance, or approval deposited with the Depositary of the United Nations Secretariat), as having ratified the specified control measure in effect under the Montreal Protocol. Thus, for purposes of the trade bans specified in §82.4(l)(2) pursuant to the London Amendments, only those foreign states that are listed in Appendix C to this subpart as having ratified both the 1987 Montreal Protocol and the London Amendments shall be deemed to be Parties.

Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of

the United States; and any officer, agent, or employee thereof.

Plant means one or more facilities at the same location owned by or under common control of the same person.

Preshipment applications, with respect to class I, Group VI controlled substances, are those non-quarantine applications applied within 21 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those which are performed by, or authorized by, a national plant, animal, environmental, health or stored product authority.

Production means the manufacture of a controlled substance from any raw material or feedstock chemical, but does not include:

(1) The manufacture of a controlled substance that is subsequently transformed;

(2) The reuse or recycling of a controlled substance;

(3) Amounts that are destroyed by the approved technologies; or

(4) Amounts that are spilled or vented unintentionally.

Production allowances means the privileges granted by this subpart to produce controlled substances; however, production allowances may be used to produce controlled substances only in conjunction with consumption allowances. A person's production allowances for class I substances are the total of the allowances obtained under §§82.5, 82.7 and 82.9, and as may be modified under §82.12 (transfer of allowances). A person's production allowances for class II controlled substances are the total of the allowances obtained under §82.17 and as may be modified under §§82.18 and 82.23.

Quarantine applications, with respect to class I, Group VI controlled substances, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where: (1) Official control is that performed by, or authorized by, a national (including state, tribal or local) plant, animal or environmental protection or health authority; (2) quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled. This definition excludes treatments of commodities not entering or leaving the United States or any State (or political subdivision thereof).

Source facility means the location at which a used controlled substance was recovered from a piece of equipment, including the name of the company responsible for, or owning the piece of equipment, a contact person at the location, the mailing address for that specific location, and a phone number and a fax number for the contact person at the location.

Space vehicle means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. Also included is auxiliary equipment associated with tests, transport, and storage, which through contamination can compromise the space vehicle performance.

Transform means to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes.

Transhipment means the continuous shipment of a controlled substance, from a foreign state of origin through the United States or its territories, to a second foreign state of final destination, as long as the shipment does not enter into United States jurisdiction. A transhipment, as it moves through the United States or its territories, cannot be re-packaged, sorted or otherwise changed in condition.

Unexpended Article 5 allowances means Article 5 allowances that have not been used. At any time in any control period a person's unexpended Article 5 allowances are the total of the level of Article 5 allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced in that control period until that time.

Unexpended consumption allowances means consumption allowances that have not been used. At any time in any

control period a person's unexpended consumption allowances are the total of the level of consumption allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced or imported (not including transhipments and used controlled substances) in that control period until that time.

Unexpended destruction and transformation credits means destruction and transformation credits that have not been used. At any time in any control period a person's unexpended destruction and transformation credits are the total of the level of destruction and transformation credits the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced or imported (not including transhipments and used controlled substances) in that control period until that time.

Unexpended essential-use allowances means essential-use allowances that have not been used. At any time in any control period a person's unexpended essential-use allowances are the total of the level of essential-use allowances the person has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has imported or had produced in that control period until that time.

Unexpended export production allowances means export production allowances that have not been used. A person's unexpended export production allowances are the total of the quantity of the export production allowances the person has authorization under § 82.18(h) to hold for that control period, minus the quantity of class II controlled substances that the person has produced at that time during the same control period.

Unexpended HCFC–141b exemption allowances means HCFC–141b exemption allowances that have not been used. A person's unexpended HCFC–141b exemption allowances are the total of the quantity of the HCFC–141b exemption allowances the person has authorization under § 82.16(h) to hold for that control period, minus the quantity of HCFC–141b that the person has had produced or has had imported at that time during the same control period.

Unexpended production allowances means production allowances that have not been used. At any time in any control period a person's unexpended production allowances are the total of the level of production allowances he has authorization under this subpart to hold at that time for that control period, minus the level of controlled substances that the person has produced in that control period until that time.

Used controlled substances means controlled substances that have been recovered from their intended use systems (may include controlled substances that have been, or may be subsequently, recycled or reclaimed).

[60 FR 24986, May 10, 1995, as amended at 63 FR 41642, Aug. 4, 1998; 66 FR 37767, July 19, 2001; 67 FR 6359, Feb. 11, 2002; 67 FR 79872, Dec. 31, 2002; 67 FR 251, Jan. 2, 2003; 68 FR 2847, Jan. 21, 2003]

§ 82.4 Prohibitions for class I controlled substances.

(a)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, no person may produce, at any time in any control period, (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of unexpended production allowances or unexpended Article 5 allowances for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(2) Effective January 1, 2003, production of class I, Group VI controlled substances is not subject to the prohibitions in paragraph (a)(1) of this section if it is solely for quarantine or preshipment applications as defined in this subpart.

(b) Effective January 1, 1996, for any class I, Group I, Group II, Group III, Group IV, Group V, or Group VII controlled substances, and effective January 1, 2005, for any class I, Group VI controlled substances, no person may

produce, at any time in any control period, (except that are transformed or destroyed domestically or by a person of another Party) in excess of the amount of conferred unexpended essential-use allowances or exemptions under this section, the amount of unexpended Article 5 allowances as allocated under § 82.9, or the amount of conferred unexpended destruction and transformation credits as obtained under § 82.9 for that substance held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production constitutes a separate violation of this subpart.

(c)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, no person may produce or (except for transhipments, heels or used controlled substances) import, at any time in any control period, (except for controlled substances that are transformed or destroyed) in excess of the amount of unexpended consumption allowances held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess production or importation (other than transhipments, heels or used controlled substances) constitutes a separate violation of this subpart.

(2) Effective January 1, 2003, production and import of class I, Group VI controlled substances is not subject to the prohibitions in paragraph(c)(1) of this section if it is solely for quarantine or preshipment applications as defined in this subpart.

(d) Effective January 1, 1996, for any class I , Group I, Group II, Group III, Group IV, Group V, or Group VII controlled substances, and effective January 1, 2005, for any class I, Group VI controlled substances, no person may import (except for transhipments or heels), at any time in any control period (except for controlled substances that are transformed or destroyed, or transfers of essential-use CFCs) in excess of the amount of unexpended essential-use allowances or exemptions as allocated under this section, or the amount of unexpended destruction and transformation credits obtained under § 82.9 held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation (other than transhipments or heels) constitutes a separate violation of this subpart. It is a violation of this subpart to obtain unused class I ODSs under the general laboratory exemption in excess of actual need and to recycle that material for sale into other markets.

(e) Effective January 1, 1996, no person may place an order by conferring essential-use allowances for the production of the class I controlled substance, at any time in any control period, in excess of the amount of unexpended essential-use allowances, held by that person under the authority of this subpart at that time for that control period. Effective January 1, 1996, no person may import a class I controlled substance with essential-use allowances, at any time in any control period, in excess of the amount of unexpended essential-use allowances, held by that person under the authority of this subpart at that time for that control period. No person may import or place an order for the production of a class I controlled substance with essential-use allowances, at any time in any control period, other than for the class I controlled substance(s) for which they received essential-use allowances under paragraph (u) of this section. Every kilogram of excess production ordered in excess of the unexpended essential-use allowances conferred to the producer constitutes a separate violation of this subpart. Every kilogram of excess import in excess of the unexpended essential-use allowances held at that time constitutes a separate violation of this subpart.

(f) Effective January 1, 1996, no person may place an order by conferring transformation and destruction credits for the production of the class I controlled substance, at any time in any control period, in excess of the amount of transformation and destruction credits, held by that person under the authority of this subpart at that time for that control period. Effective January 1, 1996, no person may import class I controlled substance, at any time in any control period, in excess of the amount of transformation and destruction credits, held by that person under

the authority of this subpart at that time for that control period. No person may import or place an order for the production of a class I controlled substance with transformation and destruction credits, at any time in any control period, other than for the class I controlled substance(s) for which they received transformation and destruction credits as under §82.9(f). Every kilogram of excess production ordered in excess of the unexpended transformation and destruction credits conferred to the producer constitutes a separate violation of this subpart. Every kilogram of excess import in excess of the unexpended transformation and destruction credits held at that time constitutes a separate violation of this subpart.

(g) Effective January 1, 1996, the U.S. total production and importation of a class I controlled substance (except Group VI) as allocated under this section for essential-use allowances and exemptions, and as obtained under §82.9 for destruction and transformation credits, may not, at any time, in any control period until January 1, 2000, exceed the percent limitation of baseline production in appendix H of this subpart, as set forth in the Clean Air Act Amendments of 1990. No person shall cause or contribute to the U.S. exceedance of the national limit for that control period.

(h) In addition to total production permitted under paragraph (f) of this section, effective January 1, 1996, for class I, Group I, Group III, Group IV and Group V controlled substances, and effective January 1, 1995, for class I, Group II, a person may, at any time, in any control period until January 1, 2000, produce 10 percent of baseline production as apportioned under §82.5 for export to Article 5 countries. In addition to total production permitted under paragraph (f) of this section, effective January 1, 2001, for class I, Group VI controlled substances, a person may, at any time, until January 1, 2002, produce 15 percent of baseline production as apportioned under §82.5 for export to Article 5 countries. No person may, at any time, in any control period until January 1, 2000, produce class I, Group I, Group II, Group III, Group IV, and Group V controlled substances, and no person may, at any time until January 1, 2002, produce class I Group VI controlled substances for export to Article 5 countries in excess of the Article 5 allowances allocated under §82.9(a). No person may sell in the U.S. any class I controlled substance produced explicitly for export to an Article 5 country.

(i) Effective January 1, 1995, no person may import, at any time in any control period, a heel of any class I controlled substance that is greater than 10 percent of the volume of the container in excess of the amount of unexpended consumption allowances, or unexpended destruction and transformation credits held by that person under the authority of this subpart at that time for that control period. Every kilogram of excess importation constitutes a separate violation of this subpart.

(j) Effective January 1, 1995, no person may import, at any time in any control period, a used class I controlled substance, without having received a non-objection notice from the Administrator in accordance with §82.13(g)(2) and (3). A person who receives a non-objection notice for the import of an individual shipment of used controlled substances may not transfer or confer the right to import, and may not import any more than the exact quantity, in kilograms, of the used controlled substance cited in the non-objection notice. Every kilogram of importation of used controlled substance in excess of the quantity cited in the non-objection notice issued by the Administrator in accordance with §82.13(g)(2) and (3) constitutes a separate violation.

(k)(1) Prior to January 1, 1996, for all Groups of class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, a person may not use production allowances to produce a quantity of a class I controlled substance unless that person holds under the authority of this subpart at the same time consumption allowances sufficient to cover that quantity of class I controlled substances nor may a person use consumption allowances to produce a quantity of class I controlled substances unless the person holds under authority of this subpart

at the same time production allowances sufficient to cover that quantity of class I controlled substances. However, prior to January 1, 1996, for all class I controlled substances, and prior to January 1, 2005, for class I, Group VI controlled substances, only consumption allowances are required to import, with the exception of transhipments, heels, and used controlled substances. Effective January 1, 1996, for all Groups of class I controlled substances, except Group VI, only essential-use allowances or exemptions are required to import class I controlled substances, with the exception of transhipments, heels and used controlled substances.

(2) Notwithstanding paragraph (k)(1) of this section, effective January 1, 2003, for class I, Group VI controlled substances, consumption allowances are not required to import quantities solely for quarantine or preshipment applications as defined in this subpart.

(l) Every kilogram of a controlled substance, and every controlled product, imported or exported in contravention of this subpart constitutes a separate violation of this subpart, thus no person may:

(1) Import or export any quantity of a controlled substance listed in Class I, Group I or Group II, in appendix A to this subpart from or to any foreign state not listed as a Party to the 1987 Montreal Protocol unless that foreign state is complying with the 1987 Montreal Protocol (See appendix C, Annex 2 of this subpart);

(2) Import or export any quantity of a controlled substance listed in Class I, Group III, Group IV or Group V, in appendix A to this subpart, from or to any foreign state not Party to the London Amendments (as noted in appendix C, Annex l, to this subpart), unless that foreign state is complying with the London Amendments (as noted in appendix C, Annex 2, to this subpart); or

(3) Import a controlled product, as noted in appendix D, Annex 1 to this subpart, from any foreign state not Party to the 1987 Montreal Protocol (as noted in appendix C, Annex 1, to this subpart), unless that foreign state is complying with the Protocol (as noted in appendix C, Annex 2, to this subpart).

(4) Import or export any quantity of a controlled substance listed in Class I, Group VII, in Appendix A to this subpart, from or to any foreign state not Party to the Copenhagen Amendments (as noted in Appendix C, Annex l, to this subpart), unless that foreign state is complying with the Copenhagen Amendments (as noted in Appendix C, Annex 2, to this subpart.

(m) Effective October 5, 1998, no person may export a controlled product to a Party listed in Appendix J of this subpart in any control period after the control period in which EPA publishes a notice in the FEDERAL REGISTER listing that Party in Appendix J of this subpart. EPA will publish a notice in the FEDERAL REGISTER that lists a Party in Appendix J if the Party formally presents to the U.S. a government document through its embassy in the United States stating that it has established a ban on the import of controlled products and a ban on the manufacture of those same controlled products.

(n) Effective January 1, 1996, essential-use allowances are apportioned to a person under paragraphs (t)(2) and (t)(3) of this section for the exempted production or importation of specified class I controlled substances solely for the purposes listed in paragraphs (t)(1)(i) through (iii) of this section.

(1) Essential-uses for the production or importation of controlled substances as agreed to by the Parties to the Protocol and subject to the periodic revision of the Parties are:

(i) Metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary disease that were approved by the Food and Drug Administration before December 31, 2000.

(ii) Space Shuttle—solvents.

(iii) Essential Laboratory and Analytical Uses (Defined at appendix G of this subpart).

(2) Persons in the following list are allocated essential-use allowances or exemptions for quantities of a specific class I controlled substance for a specific essential-use (the Administrator reserves the right to revise the allocations based on future decisions of the Parties).

TABLE I—ESSENTIAL USE ALLOCATION FOR CALENDAR YEAR 2003

Company	Chemical	Quantity (metric tons)
(i) Metered Dose Inhalers (for oral inhalation) for Treatment of Asthma and Chronic Obstructive Pulmonary Disease		
Armstrong Pharmaceuticals	CFC–11 or CFC–12 or CFC–114	574
Aventis	CFC–11 or CFC–12 or CFC–114	48
Boehringer Ingelheim Pharmaceuticals	CFC–11 or CFC–12 or CFC–114	907
GlaxoSmithKline	CFC–11 or CFC–12 or CFC–114	535
Schering-Plough Corporation	CFC–11 or CFC–12 or CFC–114	937
Sidmak Laboratories	CFC–11 or CFC–12 or CFC–114	136
3M Pharmaceuticals	CFC–11 or CFC–12 or CFC–114	133
(ii) Cleaning, Bonding and Surface Activation Applications for the Space Shuttle Rockets and Titan Rockets		
National Aeronautics and Space Administration (NASA)/Thiokol Rocket.	Methyl Chloroform	9.8
United States Air Force/Titan Rocket	Methyl Chloroform	3.4

(3) A global exemption for class I controlled substances for essential laboratory and analytical uses shall be in effect through December 31, 2005 subject to the restrictions in appendix G of this subpart, and subject to the record keeping and reporting requirements at §82.13(u) through (z). There is no amount specified for this exemption.

(4) Any person acquiring unused class I ODSs produced under the authority of essential-use allowances or the essential-use exemption in paragraph (t)(3) of this section for use in anything other than an essential-use (i.e. for uses other than those specifically listed in paragraph (t)(1) of this section) is in violation of this subpart. Each kilogram of unused class I ODS produced or imported under the authority of essential-use allowances or the essential-use exemption and used for a non-essential-use is a separate violation of this subpart. Any person selling unused class I material produced or imported under the authority of essential-use allowances or the essential-use exemption for uses other than an essential-use is in violation of this subpart. Each kilogram of unused class I ODS produced under the authority of essential-use allowances or the essential-use exemption and sold for a use other than an essential-use is a separate violation of this subpart. It is a violation of this subpart to obtain unused class I ODSs under the exemption for laboratory and analytical uses in excess of actual need and to recycle that material for sale into other markets.

(o) [Reserved]

(p) Critical use exemption. [Reserved]

(q) Emergency use exemption. [Reserved]

[60 FR 24986, May 10, 1995, as amended at 63 FR 4363, Jan. 28, 1998; 63 FR 41642, Aug. 4, 1998; 63 FR 53290, Oct. 5, 1998; 64 FR 1096, Jan. 7, 1999; 65 FR 728, Jan. 6, 2000; 65 FR 40535, June 30, 2000; 65 FR 70803, Nov. 28, 2000; 66 FR 1470, Jan. 8, 2001; 66 FR 14770, Mar. 13, 2001; 66 FR 37767, July 19, 2001; 67 FR 6359, Feb. 11, 2002; 67 FR 79511, Dec. 27, 2002; 67 FR 79872, Dec. 31, 2002; 68 FR 251, Jan. 2, 2003; 68 FR 2848, Jan. 21, 2003]

§82.5 Apportionment of baseline production allowances for class I controlled substances.

Persons who produced controlled substances in Group I or Group II in 1986 are apportioned baseline production allowances as set forth in paragraphs (a) and (b) of this section. Persons who produced controlled substances in Group III, IV, or V in 1989 are apportioned baseline production allowances as set forth in paragraphs (c), (d), and (e) of this section. Persons who produced controlled substances in Group VI and VII in 1991 are apportioned baseline allowances as set forth in paragraphs (f) and (g) of this section.

Controlled substance	*Person*	*Allowances* (kg)
(a) For Group I controlled substances:		
CFC–11.		
	E.I. DuPont de Nemours & Co	33,830,000
	Elf Atochem, N.A	21,821,500
CFC–12	Laroche Chemicals	12,856,364
	Allied-Signal, Inc	35,699,776
	E.I. DuPont de Nemours & Co	64,849,000
	Elf Atochem, N.A	31,089,807
CFC–113	Laroche Chemicals	15,330,909
	Allied-Signal, Inc	21,788,896
CFC–114	E.I. DuPont de Nemours & Co	58,553,000
	Allied-Signal, Inc	1,488,569
CFC–115	E.I. DuPont de Nemours & Co	4,194,000
	E.I. DuPont de Nemours & Co	4,176,000
(b) For Group II controlled substances:		
Halon-1211.		
	ICI Americas, Inc	2,135,484
Halon-1301	E.I. DuPont de Nemours & Co	3,220,000
	Great Lakes Chemical Corp	1,766,850
Halon-2402		
(c) For Group III controlled substances:		
CFC–13.		
	E.I. DuPont de Nemours & Co	187,831
	Elf Atochem, N.A	3,992
	Great Lakes Chemical Corp	56,381
	Laroche Chemicals	29,025
CFC–111		
CFC–112		
CFC–211	E.I. DuPont de Nemours & Co	11
CFC–212	E.I. DuPont de Nemours & Co	11
CFC–213	E.I. DuPont de Nemours & Co	11
CFC–214	E.I. DuPont de Nemours & Co	11
CFC–215	E.I. DuPont de Nemours & Co	511
	Halocarbon Products Corp	1,270
CFC–216	E.I. DuPont de Nemours & Co	170,574
CFC–217	E.I. DuPont de Nemours & Co	511
(d) For Group IV controlled substances:		
CCl_4	Akzo Chemicals, Inc	7,873,615
	Degussa Corporation	26,546
	Dow Chemical Company, USA	18,987,747
	E.I. DuPont de Nemours & Co	9,099
	Hanlin Chemicals-WV, Inc	219,616
	ICI Americas, Inc	853,714
	Occidental Chemical Corp	1,059,358
	Vulcan Chemicals	21,931,987
(e) For Group V controlled substances:		
Methyl Chloroform.		
	E.I. DuPont de Nemours & Co	2
	PPG Industries, Inc	57,450,719
	Vulcan Chemicals	89,689,064
(f) For Group VI controlled substances:		
Methyl Bromide.		
	Ethyl Corporation	8,233,894
(g) For Group VII controlled substances:		
HBFC 22B1–1.		

[60 FR 24986, May 10, 1995, as amended at 68 FR 2848, Jan. 21, 2003]

§ 82.6 Apportionment of baseline consumption allowances for class I controlled substances.

Persons who produced, imported, or produced and imported controlled substances in Group I or Group II in 1986 are apportioned chemical-specific baseline consumption allowances as set forth in paragraphs (a) and (b) of this section. Persons who produced, imported, or produced and imported controlled substances in Group III, Group IV, or Group V in 1989 are apportioned chemical-specific baseline consumption allowances as set forth in paragraphs (c), (d) and (e) of this section. Persons who produced, imported, or produced and imported controlled substances in Group VI or VII in 1991 are apportioned chemical specific baseline consumption allowances as set forth in paragraphs (f) and (g) of this section.

Controlled substance	*Person*	*Allowances* (kg)
	(a) For Group I controlled substances:	
CFC–11	Allied-Signal, Inc	22,683,833
	E.I. DuPont de Nemours & Co	32,054,283
	Elf Atochem, N.A	21,740,194
	Hoechst Celanese Corporation	185,396
	ICI Americas, Inc	1,673,436
	Kali-Chemie Corporation	82,500
	Laroche Chemicals	12,695,726
	National Refrigerants, Inc	693,707
	Refricentro, Inc	160,697
	Sumitomo Corporation of America	5,800
CFC–12	Allied-Signal, Inc	35,236,397
	E.I. DuPont de Nemours & Co	61,098,726
	Elf Atochem, N.A	32,403,869
	Hoechst Celanese Corporation	138,865
	ICI Americas, Inc	1,264,980
	Kali-Chemie Corporation	355,440
	Laroche Chemicals	15,281,553
	National Refrigerants, Inc	2,375,384
	Refricentro, Inc	242,526
CFC–113	Allied-Signal, Inc	18,241,928
	E.I. DuPont de Nemours & Co	49,602,858
	Elf Atochem, N.A	244,908
	Holchem	265,199
	ICI Americas, Inc	2,399,700
	Refricentro, Inc	37,385
	Sumitomo Corp. of America	280,163
CFC–114	Allied-Signal, Inc	1,429,582
	E.I. DuPont de Nemours & Co	3,686,103
	Elf Atochem, N.A	22,880
	ICI Americas, Inc	32,930
CFC–115	E.I. DuPont de Nemours & Co	2,764,109
	Elf Atochem, N.A	633,007
	Hoechst Celanese Corporation	8,893
	ICI Americas, Inc	2,366,351
	Laroche Chemicals	135,520
	Refricentro, Inc	27,337
	(b) For Group II controlled substances:	
Halon-1211	Elf Atochem, N.A	411,292
	Great Lakes Chemical Corp	772,775
	ICI Americas, Inc	2,116,641
	Kali-Chemie Corporation	330,000
Halon-1301	E.I. DuPont de Nemours & Co	2,772,917
	Elf Atochem, N.A	89,255
	Great Lakes Chemical Corp	1,744,132
	Kali-Chemie Corporation	54,380
Halon-2402	Ausimont	34,400
	Great Lakes Chemical Corp	15,900

Controlled substance	*Person*	*Allowances* (kg)
	(c) For Group III controlled substances:	
CFC–13	Allied-Signal, Inc	127,124
	E.I. DuPont de Nemours & Co	158,508
	Elf Atochem, N.A	3,992
	Great Lakes Chemical Corp	56,239
	ICI Americas, Inc	5,855
	Laroche Chemicals	29,025
	National Refrigerants, Inc	16,665
CFC–111		
CFC–112	Sumitomo Corp of America	5,912
	TG (USA) Corporation	9,253
CFC–211	E.I. DuPont de Nemours & Co	11
CFC–212	E.I. DuPont de Nemours & Co	11
CFC–213	E.I. DuPont de Nemours & Co	11
CFC–214	E.I. DuPont de Nemours & Co	11
CFC–215	E.I. DuPont de Nemours & Co	511
	Halocarbon Products Corp	1,270
CFC–216	E.I. DuPont de Nemours & Co	170,574
CFC–217	E.I. DuPont de Nemours & Co	511
	(d) For Group IV controlled substances:	
CCl_4	Crescent Chemical Co	56
	Degussa Corporation	12,466
	Dow Chemical Company, USA	8,170,561
	E.I. DuPont de Nemours & Co	26,537
	Elf Atochem, N.A	41
	Hanlin Chemicals-WV, Inc	103,133
	Hoechst Celanese Corporation	3
	ICC Chemical Corp	1,173,723
	ICI Americas, Inc	855,466
	Occidental Chemical Corp	497,478
	Sumitomo Corporation of America	9
	(e) For Group V controlled substances:	
Methyl Chloroform	3V Chemical Corp	3,528
	Actex, Inc	50,171
	Atochem North America	74,355
	Dow Chemical Company, USA	125,200,200
	E.I. DuPont de Nemours & Co	2
	IBM	2,026
	ICI Americas, Inc	14,179,850
	Laidlaw	420,207
	PPG Industries	45,254,115
	Sumitomo	1,954
	TG (USA) Corporation	7,073
	Unitor Ships Service, Inc	14,746
	Vulcan Chemicals	70,765,072
	(f) For Group VI controlled substances:	
Methyl Bromide	Great Lakes Chemical Corporation	15,514,746
	Ethyl Corporation	6,379,906
	AmeriBrom, Inc	3,524,393
	TriCal, Inc	109,225
	(g) For Group VII controlled substances:	
HBFC 22B1–1	Great Lakes Chemical Corporation	40,110

[60 FR 24986, May 10, 1995, as amended at 68 FR 2848, Jan. 21, 2003]

§82.7 Grant and phase reduction of baseline production and consumption allowances for class I controlled substances.

For each control period specified in the following table, each person is granted the specified percentage of the baseline production and consumption allowances apportioned to him under §82.5 and 82.6 of this subpart.

Control period	Class I substances in groups I and III, (In percent)	Class I substances in group II, (In percent)	Class I substances in group IV (In percent)	Class I substances in group V (In percent)	Class I substances in group VI (In percent)	Class I substances in group VII (In percent)
1994	25	0	50	50	100	100
1995	25	0	15	30	100	100
1996	0	0	0	0	100	0
1997	0	0	0	0	100	0
1998	0	0	0	0	100	0
1999	0	0	0	0	75	0
2000	0	0	0	0	75	0
2001					50	
2002					50	
2003					30	
2004					30	
2005					0	

[65 FR 70803, Nov. 28, 2000]

§82.8 [Reserved]

§82.9 Availability of production allowances in addition to baseline production allowances for class I controlled substances.

(a) Every person apportioned baseline production allowances for class I controlled substances under §82.5 (a) through (f) of this subpart is also granted Article 5 allowances equal to:

(1) 10 percent of their baseline production allowances listed for class I, Group I, Group III, Group IV, and Group V controlled substances listed under §82.5 of this subpart for each control period ending before January 1, 1996;

(2) 15 percent of their baseline production allowances for class I, Group VI controlled substances listed under §82.5 of this subpart for each control period ending before January 1, 2005;

(3) 15 percent of their baseline production allowances for class I, Group II controlled substances listed under §82.5 of this subpart for each control period beginning January 1, 1994, until January 1, 2003;

(4) 15 percent of their baseline production allowances for class I, Group I, Group III, Group IV, and Group V controlled substances listed under §82.5 of this subpart for each control period beginning January 1, 1996, until January 1, 2010; and

(b) Effective January 1, 1995, a person allocated Article 5 allowances may produce class I controlled substances for export to Article 5 countries as under §82.11 and transfer Article 5 allowances as under §82.12.

(c) A company may increase or decrease its production allowances, its Article 5 allowances by trading with another Party to the Protocol according to the provision under this paragraph (c). A company may increase or decrease its essential-use allowances for CFCs for use in essential MDIs according to the provisions under this paragraph (c). A nation listed in appendix C to this subpart (Parties to the Montreal Protocol) must agree either to transfer to the person for the current control period some amount of production or import that the nation is permitted under the Montreal Protocol or to receive from the person for the current control period some amount of production or import that the person is permitted under this subpart. If the controlled substance is produced under the authority of production allowances and is to be returned to the Party from whom production allowances are received, the request for production allowances shall also be considered a request for consumption allowances

under §82.10(c). If the controlled substance is produced under the authority of production allowances and is to be sold in the United States or to another Party (not the Party from whom the allowances are received), the U.S. company must expend its consumption allowances allocated under §82.6 and §82.7 in order to produce with the additional production allowances.

(1) For trades from a Party, the person must obtain from the principal diplomatic representative in that nation's embassy in the United States a signed document stating that the appropriate authority within that nation has established or revised production limits or essential-use allowance limits for the nation to equal the lesser of the maximum production that the nation is allowed under the Protocol minus the amount transferred, the maximum production or essential-use allowances that are allowed under the nation's applicable domestic law minus the amount transferred, or the average of the nation's actual national production level for the three years prior to the transfer minus the production transferred. The person must submit to the Administrator a transfer request that includes a true copy of this document and that sets forth the following:

(i) The identity and address of the person;

(ii) The identity of the Party;

(iii) The names and telephone numbers of contact persons for the person and for the Party;

(iv) The chemical type, type of allowance being transferred, and the level of allowances being transferred;

(v) The control period(s) to which the transfer applies; and

(vi) For increased production intended for export to the Party from whom the allowances would be received, a signed statement of intent to export to the Party.

(vii) In the case of transferring essential-use allowances, the transferor must include a signed document from the transferee identifying the CFC MDI products that will be produced using the essential-use allowances.

(2) For trades to a Party, a person must submit a transfer request that sets forth the following:

(i) The identity and address of the person;

(ii) The identity of the Party;

(iii) The names and telephone numbers of contact persons for the person and for the Party;

(iv) The chemical type, type of allowance being transferred, and the level of allowances being transferred; and

(v) The control period(s) to which the transfer applies.

(3) After receiving a transfer request that meets the requirements of paragraph (c)(2) of this section, the Administrator may, at his discretion, consider the following factors in deciding whether to approve such a transfer:

(i) Possible creation of economic hardship;

(ii) Possible effects on trade;

(iii) Potential environmental implications; and

(iv) The total amount of unexpended production or essential-use allowances held by a U.S. entity.

(v) In the case of transfer of essential-use allowances the Administrator may consider whether the CFCs will be used for production of essential MDIs.

(4) The Administrator will issue the person a notice either granting or deducting production allowances, Article 5 allowances, or essential-use allowances, and specifying the control period to which the transfer applies, provided that the request meets the requirement of paragraph (c)(1) of this sections for trades from Parties and paragraph (c)(2) of this section for trades to Parties, unless the Administrator has decided to disapprove the trade under paragraph (c)(3) of this section. For a trade from a Party, the Administrator will issue a notice that revises the allowances held by the person to equal the unexpended production, Article 5, or essential-use allowances held by the person under this subpart plus the level of allowable production transferred from the Party. For a trade to a Party, the Administrator will issue a notice that revises the production limit for the person to equal the lesser of:

(i) The unexpended production allowances, essential-use allowances, or Article 5 allowances held by the person under this subpart minus the amount transferred; or

(ii) The unexpended production allowances, essential-use allowances, or Article 5 allowances held by the person under this subpart minus the amount by which the United States average annual production of the controlled substance being traded for the three years prior to the transfer is less than the total production allowable for that substance under this subpart minus the amount transferred. The change in allowances will be effective on the date that the notice is issued.

(5) If after one person obtains approval for a trade of allowable production of a controlled substance to a Party, one or more other persons obtain approval for trades involving the same controlled substance and the same control period, the Administrator will issue notices revising the production limits for each of the other persons trading that controlled substance in that control period to equal the lesser of:

(i) The unexpended production allowances or Article 5 allowances held by the person under this subpart minus the amount transferred; or

(ii) The unexpended production allowances or Article 5 allowances held by the person under this subpart minus the amount by which the United States average annual production of the controlled substance being traded for the three years prior to the transfer is less than the total allowable production for that substance under this subpart multiplied by the amount transferred divided by the total amount transferred by all the other persons trading the same controlled substance in the same control period minus the amount transferred by that person.

(iii) The Administrator will also issue a notice revising the production limit for each person who previously obtained approval of a trade of that substance in that control period to equal the unexpended production allowances or unexpended Article 5 allowances held by the person under this subpart plus the amount by which the United States average annual production of the controlled substance being traded for the three years prior to the transfer is less than the total allowable production under this subpart multiplied by the amount transferred by that person divided by the amount transferred by all of the persons who have traded that controlled substance in that control period. The change in production allowances or Article 5 allowances will be effective on the date that the notice is issued.

(d) Effective January 1, 1996, there will be no trade in production or consumption allowances with other Parties to the Protocol for class I controlled substances, except for class I, Group VI, methyl bromide.

(e) Until January 1, 1996 for all class I controlled substances, except Group VI, and until January 1, 2005 for class I, Group VI, a person may obtain production allowances for that controlled substance equal to the amount of that controlled substance produced in the United States that was transformed or destroyed within the United States, or transformed or destroyed by a person of another Party, in the cases where production allowances were expended to produce such substance in the U.S. in accordance with the provisions of this paragraph. A request for production allowances under this section will be considered a request for consumption allowances under §82.10(b).

(1) Until January 1, 1996, for all class I controlled substances, except Group VI, and until January 1, 2005, for class I, Group VI, a person must submit a request for production allowances that includes the following:

(i) The name, address, and telephone number of the person requesting the allowances, and the Employer Identification Number if the controlled substance is being exported;

(ii) The name, quantity, and level of controlled substance transformed or the name, quantity and volume destroyed, and the commodity code if the substance was exported;

(iii) A copy of the invoice or receipt documenting the sale of the controlled substance, including the name, address, contact person and telephone number of the transformer or destroyer;

(iv) A certification that production allowances were expended for the production of the controlled substance, and the date of purchase, if applicable;

(v) If the controlled substance is transformed, the name, quantity, and verification of the commercial use of

the resulting chemical and a copy of the IRS certificate of intent to use the controlled substance as a feedstock; and,

(vi) If the controlled substance is destroyed, the verification of the destruction efficiency.

(2) Until January 1, 1996 for all class I controlled substances, except Group VI, and until January 1, 2005, for class I, Group VI, the Administrator will review the information and documentation submitted under paragraph (e)(1) of this section and will assess the quantity of class I controlled substance that the documentation and information verifies was transformed or destroyed. The Administrator will issue the person production allowances equivalent to the controlled substances that the Administrator determines were transformed or destroyed. For controlled substances completely destroyed under this rule, the Agency will grant allowances equal to 100 percent of volume intended for destruction. For those controlled substances destroyed at less than a 98 percent destruction efficiency, the Agency will grant allowances commensurate with that percentage of destruction efficiency that is actually achieved. The grant of allowances will be effective on the date that the notice is issued.

(3) Until January 1, 1996 for all class I controlled substances, except Group VI, and until January 1, 2005, for class I, Group VI, if the Administrator determines that the request for production allowances does not satisfactorily substantiate that the person transformed or destroyed controlled substances as claimed, or that modified allowances were not expended, the Administrator will issue a notice disallowing the request for additional production allowances. Within ten working days after receipt of notification, the person may file a notice of appeal, with supporting reasons, with the Administrator. The Administrator may affirm the disallowance or grant an allowance, as she/he finds appropriate in light of the available evidence. If no appeal is taken by the tenth day after notification, the disallowance will be final on that day.

(f) Effective January 1, 1996, and until January 1, 2000, a person who was nominated by the United States to the Secretariat of the Montreal Protocol for an essential use exemption may obtain destruction and transformation credits for a class I controlled substance (except class I, Group VI) equal to the amount of that controlled substance produced in the United States that was destroyed or transformed within the United States in cases where the controlled substance was produced for other than destruction or transformation in accordance with the provisions of this subpart, subtracting an offset of 15 percent.

(1) Effective January 1, 1996, and until January 1, 2000, a person must submit a request for destruction and transformation credits that includes the following:

(i) The identity and address of the person and the essential-use exemption and years for which the person was nominated to the Secretariat of the Montreal Protocol;

(ii) The name, quantity and volume of controlled substance destroyed or transformed;

(iii) A copy of the invoice or receipt documenting the sale or transfer of the controlled substance to the person;

(iv) A certification of the previous use of the controlled substance;

(v) For destruction credits, a certification that the controlled substance was destroyed and a certification of the efficiency of the destruction process; and

(vi) For transformation credits, an IRS certificate of feedstock use or transformation of the controlled substance.

(2) Effective January 1, 1996, and until January 1, 2000, the Administrator will issue the person destruction and transformation credits equivalent to the class I controlled substance (except class I, Group VI) recovered from a use system in the United States, that the Administrator determines were destroyed or transformed, subtracting the offset of 15 percent. For controlled substances completely destroyed under this rule, the Agency will grant destruction credits equal to 100 percent of volume destroyed minus the offset. For those controlled substances destroyed

at less than a 98 percent destruction efficiency, the Agency will grant destruction credits commensurate with that percentage of destruction efficiency that is actually achieved minus the offset. The grant of credits will be effective on the date that the notice is issued.

(3) Effective January 1, 1996, and until January 1, 2000, if the Administrator determines that the request for destruction and transformation credits does not satisfactorily substantiate that the person was nominated for an essential-use exemption by the United States to the Secretariat for the Montreal Protocol for the control period, or that the person destroyed or transformed a class I controlled substance as claimed, or that the controlled substance was not recovered from a U.S. use system the Administrator will issue a notice disallowing the request for additional destruction and transformation credits. Within ten working days after receipt of notification, the person may file a notice of appeal, with supporting reasons, with the Administrator. The Administrator may affirm the disallowance or grant an allowance, as she/he finds appropriate in light of the available evidence. If no appeal is taken by the tenth day after notification, the disallowance will be final on that day.

(g) *International transfer of essential-use CFCs.* (1) For trades of essential-use CFCs where the transferee or the transferor is a person in another nation (Party), the persons involved in the transfer must submit the information requested in §82.12(d)(2) and (d)(3), along with a signed document from the principal diplomatic representative in the Party's embassy in the United States stating that the appropriate authority within that nation has approved the transfer of the essential-use CFCs.

(2) If the transfer claim is complete, and EPA does not object to the transfer, then EPA will issue letters to the transferor and the transferee indicating that the transfer may proceed. EPA reserves the right to disallow a transfer if the transfer request is incomplete, or if it has reason to believe that the transferee plans to produce MDIs that are not essential MDIs. If EPA objects to the transfer, EPA will issue letters to the transferor and transferee stating the basis for disallowing the transfer. The burden of proof is placed on the transferee to retain sufficient records to prove that the transferred essential-use CFCs are used only for production of essential MDIs. If EPA ultimately finds that the transferee did not use the essential-use CFCs for production of essential MDIs then the transferee is in violation of this subpart.

[60 FR 24986, May 10, 1995, as amended at 63 FR 41643, Aug. 4, 1998; 63 FR 53290, Oct. 5, 1998; 65 FR 70804, Nov. 28, 2000; 67 FR 6360, Feb. 11, 2002; 67 FR 21134, Apr. 29, 2002]

§82.10 Availability of consumption allowances in addition to baseline consumption allowances for class I controlled substances.

(a) Until January 1, 1996 for all class I controlled substances, except Group VI, and until January 1, 2005, for class I, Group VI, any person may obtain, in accordance with the provisions of this subsection, consumption allowances equivalent to the level of class I controlled substances (other than used controlled substances or transhipments) that the person has exported from the United States and its territories to a Party (as listed in appendix C to this subpart).

(1) Until January 1, 1996 for all class I controlled substances, except Group VI, and until January 1, 2005, for class I, Group VI, to receive consumption allowances in addition to baseline consumption allowances, the exporter of the class I controlled substances must submit to the Administrator a request for consumption allowances setting forth the following:

(i) The identities and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employer Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and the recipient;

(iv) The quantity and type of controlled substances exported;

(v) The source of the controlled substance and the date purchased;

(vi) The date on which, and the port from which, the controlled substances

were exported from the United States or its territories;

(vii) The country to which the controlled substances were exported;

(viii) A copy of the bill of lading and the invoice indicating the net quantity of controlled substances shipped and documenting the sale of the controlled substances to the purchaser.

(ix) The commodity code of the controlled substance exported; and

(x) Written statement from the producer that the controlled substance was produced with expended allowances.

(2) The Administrator will review the information and documentation submitted under paragraph (a)(1) of this section and will assess the quantity of controlled substances that the documentation verifies was exported. The Administrator will issue the exporter consumption allowances equivalent to the level of controlled substances that the Administrator determined were exported. The grant of the consumption allowances will be effective on the date the notice is issued. If the Administrator determines that the information and documentation does not satisfactorily substantiate that the person exported controlled substances as claimed the Administrator will issue a notice that the consumption allowances are not granted.

(b) Until January 1, 1996, a person may obtain consumption allowances for a class I controlled substance (and until January 1, 2005 for class I, Group VI) equal to the amount of a controlled substance either produced in, or imported into, the United States that was transformed or destroyed in the case where consumption allowances were expended to produce or import such substance in accordance with the provisions of this paragraph. However, a person producing or importing a controlled substance (except class I, Group VI) that was transformed or destroyed must submit to the Administrator the information described under § 82.13 (f)(3) (i) and (ii).

(c) A company may also increase its consumption allowances by receiving production from another Party to the Protocol for class I, Group I through Group V and Group VII controlled substances until January 1, 1996 and for class I, Group VI controlled substances until January 1, 2005. A nation listed in appendix C to this subpart (Parties to the Montreal Protocol) must agree to transfer to the person for the current control period some amount of production that the nation is permitted under the Montreal Protocol. If the controlled substance is to be returned to the Party from whom allowances are received, the request for consumption allowances shall also be considered a request for production allowances under § 82.9(c). For trades from a Party, the person must obtain from the principal diplomatic representative in that nation's embassy in the United States a signed document stating that the appropriate authority within that nation has established or revised production limits for the nation to equal the lesser of the maximum production that the nation is allowed under the Protocol minus the amount transferred, the maximum production that is allowed under the nation's applicable domestic law minus the amount transferred, or the average of the nation's actual national production level for the three years prior to the transfer minus the production allowances transferred. The person must submit to the Administrator a transfer request that includes a true copy of this document and that sets forth the following:

(1) The identity and address of the person;

(2) The identity of the Party;

(3) The names and telephone numbers of contact persons for the person and for the Party;

(4) The chemical type and level of production being transferred;

(5) The control period(s) to which the transfer applies; and

(6) For increased production intended for export to the Party from whom allowances would be received, a signed statement of intent to export to this Party.

(d) On the first day of each control period, until January 1, 1996, the Agency will grant consumption allowances to any person that produced and exported a Group IV controlled substance in the baseline year and that was not granted baseline consumption allowances under § 82.5.

(1) The number of consumption allowances any such person will be granted for each control period will be equal to the number of production allowances granted to that person under §82.7 for that control period.

(2) Any person granted allowances under this paragraph must hold the same number of unexpended consumption allowances for the control period for which the allowances were granted by February 15 of the following control period. Every kilogram by which the person's unexpended consumption allowances fall short of the amount the person was granted under this paragraph constitutes a separate violation.

[60 FR 24986, May 10, 1995, as amended at 65 FR 70804, Nov. 28, 2000]

§82.11 Exports of class I controlled substances to Article 5 Parties.

(a) If apportioned Article 5 allowances under §82.9(a), a person may produce class I controlled substances, in accordance with the prohibitions in §82.4, to be exported (not including exports resulting in transformation or destruction, or used controlled substances) to foreign states listed in appendix E to this subpart (Article 5 countries).

(1) A person must submit a notice to the Administrator of exports to Article 5 countries (except exports resulting in transformation or destruction, or used controlled substances) at the end of the quarter that includes the following:

(i) The identities and addresses of the exporter and the Article 5 country recipient of the exports;

(ii) The exporter's Employee Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and for the recipient;

(iv) The quantity and the type of controlled substances exported, its source and date purchased;

(v) The date on which, and the port from which, the controlled substances were exported from the United States or its territories;

(vi) The Article 5 country to which the controlled substances were exported;

(vii) A copy of the bill of lading and invoice indicating the net quantity shipped and documenting the sale of the controlled substances to the Article 5 purchaser;

(viii) The commodity code of the controlled substance exported; and

(ix) A copy of the invoice or sales agreement covering the sale of the controlled substances to the recipient Article 5 country that contains provisions forbidding the reexport of the controlled substance in bulk form and subjecting the recipient or any transferee of the recipient to liquidated damages equal to the resale price of the controlled substances if they are reexported in bulk form.

(2) [Reserved]

(b) [Reserved]

§82.12 Transfers of allowances for class I controlled substances.

(a) Inter-company transfers. (1) Until January 1, 1996, for all class I controlled substances, except for Group VI, and until January 1, 2005, for Group VI, any person (''transferor'') may transfer to any other person (''transferee'') any amount of the transferor's consumption allowances or production allowances, and effective January 1, 1995, for all class I controlled substances any person (''transferor'') may transfer to any other person (''transferee'') any amount of the transferor's Article 5 allowances. After January 1, 2002 any essential-use allowance holder (including those persons that hold essential-use allowances issued by a Party other than the United States) (''transferor'') may transfer essential-use allowances for CFCs to a metered dose inhaler company solely for the manufacture of essential MDIs.

(i) The transferor must submit to the Administrator a transfer claim setting forth the following:

(A) The identities and addresses of the transferor and the transferee;

(B) The name and telephone numbers of contact persons for the transferor and the transferee;

(C) The type of allowances being transferred, including the names of the controlled substances for which allowances are to be transferred;

(D) The group of controlled substances to which the allowances being transferred pertains;

(E) The amount of allowances being transferred;

(F) The control period(s) for which the allowances are being transferred;

(G) The amount of unexpended allowances of the type and for the control period being transferred that the transferor holds under authority of this subpart as of the date the claim is submitted to EPA; and

(H) The amount of the one percent offset applied to the unweighted amount traded that will be deducted from the transferor's production or consumption allowance balance (except for trades from transformers and destroyers to producers or importers for the purpose of allowance reimbursement). In the case of transferring essential use allowances, the amount of one tenth of one percent of the amount traded will be deducted from the transferor's allowance balance.

(I) The transferor must include a signed document from the transferee identifying the CFC MDI products that will be produced using the essential-use allowances.

(ii) The Administrator will determine whether the records maintained by EPA, taking into account any previous transfers and any production, allowable imports and exports of controlled substances reported by the transferor, indicate that the transferor possesses, as of the date the transfer claim is processed, unexpended allowances sufficient to cover the transfer claim (*i.e.*, the amount to be transferred plus, in the case of transferors of essential use allowances, one tenth of one percent of the transferred amount, and in the case of transferors of production or consumption allowances, one percent of the transferred amount). Within three working days of receiving a complete transfer claim, the Administrator will take action to notify the transferor and transferee as follows:

(A) If EPA's records show that the transferor has sufficient unexpended allowances to cover the transfer claim, the Administrator will issue a notice indicating that EPA does not object to the transfer and will reduce the transferor's balance of unexpended allowances by the amount to be transferred plus, in the case of transfers of production or consumption allowances, one percent of that amount, or in the case of transfers of essential use allowances, one tenth of one percent of that amount. When EPA issues a no objection notice, the transferor and the transferee may proceed with the transfer. However, if EPA ultimately finds that the transferor did not have sufficient unexpended allowances to cover the claim, the transferor and transferee will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(B) If EPA's records show that the transferor has insufficient unexpended allowances to cover the transfer claim, or that the transferor has failed to respond to one or more Agency requests to supply information needed to make a determination, the Administrator will issue a notice disallowing the transfer. Within 10 working days after receipt of notification, either party may file a notice of appeal, with supporting reasons, with the Administrator. The Administrator may affirm or vacate the disallowance. If no appeal is taken by the tenth working day after notification, the disallowance shall be final on that day.

(iii) In the event that the Administrator does not respond to a transfer claim within the three working days specified in paragraph (a)(1)(ii) of this section, the transferor and transferee may proceed with the transfer. EPA will reduce the transferor's balance of unexpended allowances by the amount to be transferred plus, in the case of transfers of production or consumption allowances, one percent of that amount, and in the case of essential use allowances, one tenth of one percent of that amount. However if EPA ultimately finds that the transferor did not have sufficient unexpended allowances to cover the claim, the transferor and transferee will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(2) Effective January 1, 1996, any person (''transferor'') may transfer to an eligible person (''transferee'') as defined in § 82.9 any amount of the transferor's destruction and transformation credits. The transfer proceeds as follows:

(i) The transferor must submit to the Administrator a transfer claim setting forth the following:

(A) The identities and addresses of the transferor and the transferee;

(B) The name and telephone numbers of contact persons for the transferor and the transferee;

(C) The type of credits being transferred, including the names of the controlled substances for which credits are to be transferred;

(D) The group of controlled substances to which the credits being transferred pertains;

(E) The amount of destruction and transformation credits being transferred;

(F) The control period(s) for which the destruction and transformation credits are being transferred;

(G) The amount of unexpended destruction and transformation credits for the control period being transferred that the transferor holds under authority of this subpart as of the date the claim is submitted to EPA; and

(H) The amount of the one-percent offset applied to the unweighted amount traded that will be deducted from the transferor's balance.

(ii) The Administrator will determine whether the records maintained by EPA, taking into account any previous transfers and any production of controlled substances reported by the transferor, indicate that the transferor possesses, as of the date the transfer claim is processed, unexpended destruction and transformation credits sufficient to cover the transfer claim (i.e., the amount to be transferred plus one percent of that amount). Within three working days of receiving a complete transfer claim, the Administrator will take action to notify the transferor and transferee as follows:

(A) If EPA's records show that the transferor has sufficient unexpended destruction and transformation credits to cover the transfer claim, the Administrator will issue a notice indicating that EPA does not object to the transfer and will reduce the transferor's balance of unexpended or credits by the amount to be transferred plus one percent of that amount. When EPA issues a no objection notice, the transferor and the transferee may proceed with the transfer. However, if EPA ultimately finds that the transferor did not have sufficient unexpended credits to cover the claim, the transferor and transferee will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(B) If EPA's records show that the transferor has insufficient unexpended destruction and transformation credits to cover the transfer claim, or that the transferor has failed to respond to one or more Agency requests to supply information needed to make a determination, the Administrator will issue a notice disallowing the transfer. Within 10 working days after receipt of notification, either party may file a notice of appeal, with supporting reasons, with the Administrator. The Administrator may affirm or vacate the disallowance. If no appeal is taken by the tenth working day after notification, the disallowance shall be final on that day.

(iii) In the event that the Administrator does not respond to a transfer claim within the three working days specified in paragraph (a)(2)(ii) of this section, the transferor and transferee may proceed with the transfer. EPA will reduce the transferor's balance of unexpended destruction and transformation credits by the amount to be transferred plus one percent of that amount. However, if EPA ultimately finds that the transferor did not have sufficient unexpended credits to cover the claim, the transferor and transferee will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(b) Inter-pollutant conversions.

(1) Until January 1, 1996, for all class I controlled substances, except Group VI, and until January 1, 2005 for Group VI, any person (''convertor'') may convert consumption allowances or production allowances for one class I controlled substance to the same type of allowance for another class I controlled substance within the same Group as the first as listed in appendix A of this subpart, following the procedures described in paragraph (b)(4) of this section.

(2) Effective January 1, 1995, any person (''convertor'') may convert Article 5 allowances for one class I controlled substance to the same type of allowance for another class I controlled substance within the same Group of controlled substances as the first as listed in appendix A of this subpart, following the procedures described in paragraph (b)(4) of this section.

(3) Effective January 1, 1996, any person (''convertor'') may convert destruction and/or transformation credits for one class I controlled substance to the same type of credits for another class I controlled substance within the same Group of controlled substances as the first as listed in appendix A of this subpart, following the procedures in paragraph (b)(4) of this section.

(4) The convertor must submit to the Administrator a conversion claim.

(i) The conversion claim would include the following:

(A) The identity and address of the convertor;

(B) The name and telephone number of a contact person for the convertor;

(C) The type of allowances or credits being converted, including the names of the controlled substances for which allowances or credits are to be converted;

(D) The group of controlled substances to which the allowances or credits being converted pertains;

(E) The amount and type of allowances or credits to be converted;

(F) The amount of allowances or credits to be subtracted from the convertor's unexpended allowances or credits for the first controlled substance, to be equal to 101 percent of the amount of allowances or credits converted;

(G) The amount of allowances or credits to be added to the convertor's unexpended allowances or credits for the second controlled substance, to be equal to the amount of allowances or credits for the first controlled substance being converted multiplied by the quotient of the ozone depletion factor of the first controlled substance divided by the ozone depletion factor of the second controlled substance, as listed in appendix A to this subpart;

(H) The control period(s) for which the allowances or credits are being converted; and

(I) The amount of unexpended allowances or credits of the type and for the control period being converted that the convertor holds under authority of this subpart as of the date the claim is submitted to EPA.

(ii) The Administrator will determine whether the records maintained by EPA, taking into account any previous conversions, any transfers, any credits, and any production, imports (not including transhipments or used controlled substances), or exports (not including transhipments or used controlled substances) of controlled substances reported by the convertor, indicate that the convertor possesses, as of the date the conversion claim is processed, unexpended allowances or credits sufficient to cover the conversion claim (i.e., the amount to be converted plus one percent of that amount). Within three working days of receiving a complete conversion claim, the Administrator will take action to notify the convertor as follows:

(A) If EPA's records show that the convertor has sufficient unexpended allowances or credits to cover the conversion claim, the Administrator will issue a notice indicating that EPA does not object to the conversion and will reduce the convertor's balance of unexpended allowances or credits by the amount to be converted plus one percent of that amount. When EPA issues a no objection notice, the convertor may proceed with the conversion. However, if EPA ultimately finds that the convertor did not have sufficient unexpended allowances or credits to cover the claim, the convertor will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper conversion.

(B) If EPA's records show that the convertor has insufficient unexpended allowances or credits to cover the conversion claim, or that the convertor has failed to respond to one or more Agency requests to supply information needed to make a determination, the Administrator will issue a notice disallowing the conversion. Within 10

working days after receipt of notification, the convertor may file a notice of appeal, with supporting reasons, with the Administrator. The Administrator may affirm or vacate the disallowance. If no appeal is taken by the tenth working day after notification, the disallowance shall be final on that day.

(iii) In the event that the Administrator does not respond to a conversion claim within the three working days specified in paragraph (b)(4)(ii) of this section, the convertor may proceed with the conversion. EPA will reduce the convertor's balance of unexpended allowances or credits by the amount to be converted plus one percent of that amount. However, if EPA ultimately finds that the convertor did not have sufficient unexpended allowances or credits to cover the claims, the convertor will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper conversion.

(5) Effective January 1, 1995, and for every control period thereafter, inter-pollutant trades will be permitted during the 45 days after the end of a control period.

(c) Inter-company transfers and Inter-pollutant conversions.

(1) Until January 1, 1996, for production and consumption allowances; effective January 1, 1995, for Article 5 allowances; and effective January 1, 1996, for destruction and/or transformation credits; if a person requests an inter-company transfer and an inter-pollutant conversion simultaneously, the amount subtracted from the convertor-transferor's unexpended allowances or unexpended credits for the first controlled substance will be equal to 101 percent of the amount of allowances or credits that are being converted and transferred.

(2) [Reserved]

(d) *Transfers of essential-use CFCs.* (1) Effective January 1, 2002, any metered dose inhaler company (transferor) may transfer essential-use CFCs to another metered dose inhaler company (transferee) provided that the Administrator approves the transfer.

(2) The transferee must submit a transfer claim to the Administrator for approval before the transfer can take place. The transfer claim must set forth the following:

(i) The identities and addresses of the transferor and the transferee; and

(ii) The name and telephone numbers of contact persons for the transferor and the transferee; and

(iii) The amount of each controlled substance (CFC–11, CFC–12, or CFC–114) being transferred; and

(iv) The specific metered dose inhaler products (i.e. the MDI drug product or active moiety) that the transferee plans to produce with the transferred CFCs; and

(v) The country(ies) where the CFC metered dose inhalers produced with the transferred essential-use CFCs will be sold if other than in the United States; and

(vi) Certification that the essential-use CFCs will be used in the production of essential MDIs. If the MDIs are to be sold in the United States, the certification must state that MDIs produced with the transferred essential-use CFCs are listed as essential at 21 CFR 2.125, and were approved by the Food and Drug Administration before December 31, 2000. If the MDIs produced with the essential-use CFCs are to be sold outside the United States, the transferee must certify that the metered dose inhalers produced with the essential-use CFCs are considered essential by the importing country.

(3) The transferor must submit a letter stating that it concurs with the terms of the transfer as requested by the transferee.

(4) Once the transfer claim is complete, and if EPA does not object to the transfer, then EPA will issue letters to the transferor and the transferee within 10 business days indicating that the transfer may proceed. EPA reserves the right to disallow a transfer if the transfer request is incomplete, or if it has reason to believe that the transferee plans use the essential-use CFCs in anything other than essential MDIs. If EPA objects to the transfer, within EPA will issue letters to the transferor and transferee stating the basis for disallowing the transfer. The burden of proof is placed on the transferee to retain sufficient records to prove that the transferred essential-use CFCs are used only for production of essential

MDIs. If EPA ultimately finds that the transferee did not use the essential-use CFCs for production of essential MDIs then the transferee is in violation of this subpart.

[60 FR 24986, May 10, 1995, as amended at 65 FR 70804, Nov. 28, 2000; 66 FR 1471, Jan. 8, 2001; 67 FR 6361, Feb. 11, 2002]

§ 82.13 Recordkeeping and reporting requirements for class I controlled substances.

(a) Unless otherwise specified, the recordkeeping and reporting requirements set forth in this section take effect on January 1, 1995.

(b) Reports and records required by this section may be used for purposes of compliance determinations. These requirements are not intended as a limitation on the use of other evidence admissible under the Federal Rules of Evidence. Failure to provide the reports, petitions and records required by this section, and to certify the accuracy of the information in the reports, petitions and records required by this section, will be considered a violation of this subpart. False statements made in reports, petitions and records will be considered violations of Section 113 of the Clean Air Act.

(c) Unless otherwise specified, reports required by this section must be mailed to the Administrator within 45 days of the end of the applicable reporting period.

(d) Records and copies of reports required by this section must be retained for three years.

(e) In reports required by this section, quantities of controlled substances must be stated in terms of kilograms.

(f) Every person (''producer'') who produces class I controlled substances during a control period must comply with the following recordkeeping and reporting requirements:

(1) Within 120 days of May 10, 1995, or within 120 days of the date that a producer first produces a class I controlled substance, whichever is later, every producer who has not already done so must submit to the Administrator a report describing:

(i) The method by which the producer in practice measures daily quantities of controlled substances produced;

(ii) Conversion factors by which the daily records as currently maintained can be converted into kilograms of controlled substances produced, including any constants or assumptions used in making those calculations (e.g., tank specifications, ambient temperature or pressure, density of the controlled substance);

(iii) Internal accounting procedures for determining plant-wide production;

(iv) The quantity of any fugitive losses accounted for in the production figures; and

(v) The estimated percent efficiency of the production process for the controlled substance. Within 60 days of any change in the measurement procedures or the information specified in the above report, the producer must submit a report specifying the revised data or procedures to the Administrator.

(2) Every producer of a class I or class II controlled substance during a control period must maintain the following records:

(i) Dated records of the quantity of each controlled substance produced at each facility;

(ii) Dated records of the quantity of controlled substances produced for use in processes that result in their transformation or for use in processes that result in their destruction and quantity sold for use in processes that result in their transformation or for use in processes that result in their destruction;

(iii) Dated records of the quantity of controlled substances produced for an essential-use and quantity sold for use in an essential-use process;

(iv) Dated records of the quantity of controlled substances produced with expended destruction and/or transformation credits;

(v) Dated records of the quantity of controlled substances produced with Article 5 allowances;

(vi) Copies of invoices or receipts documenting sale of controlled substance for use in processes resulting in their transformation or for use in processes resulting in destruction;

(vii) Dated records of the quantity of each controlled substance used at each facility as feedstocks or destroyed in

the manufacture of a controlled substance or in the manufacture of any other substance, and any controlled substance introduced into the production process of the same controlled substance at each facility;

(viii) Dated records identifying the quantity of each chemical not a controlled substance produced within each facility also producing one or more controlled substances;

(ix) Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of controlled substances;

(x) Dated records of the shipments of each controlled substance produced at each plant;

(xi) The quantity of controlled substances, the date received, and names and addresses of the source of used materials containing controlled substances which are recycled or reclaimed at each plant;

(xii) Records of the date, the controlled substance, and the estimated quantity of any spill or release of a controlled substance that equals or exceeds 100 pounds;

(xiii) Internal Revenue Service Certificates in the case of transformation, or the destruction verification in the case of destruction (as in §82.13(k)), showing that the purchaser or recipient of a controlled substance, in the United States or in another country that is a Party, certifies the intent to either transform or destroy the controlled substance, or sell the controlled substance for transformation or destruction in cases when production and consumption allowances were not expended;

(xiv) Written verifications that essential-use allowances were conveyed to the producer for the production of specified quantities of a specific controlled substance that will only be used for the named essential-use and not resold or used in any other manufacturing process.

(xv) Written certifications that quantities of controlled substances, meeting the purity criteria in appendix G of this subpart, were purchased by distributors of laboratory supplies or by laboratory customers to be used only in essential laboratory and analytical uses as defined by appendix G, and not to be resold or used in manufacturing.

(xvi) Written verifications from a U.S. purchaser that the controlled substance was exported to an Article 5 country in cases when Article 5 allowances were expended during production; and

(xvii) For class I, Group VI controlled substances, dated records of the quantity of controlled substances produced for quarantine and preshipment applications and quantity sold for quarantine and preshipment applications;

(xviii) Written certifications that quantities of class I, Group VI controlled substances produced solely for quarantine and preshipment applications were purchased by distributors or applicators to be used only for quarantine and preshipment applications in accordance with the definitions in this subpart; and

(xix) Written verifications from a U.S. purchaser that class I, Group VI controlled substances produced solely for quarantine and preshipment applications, if exported, will be exported solely for quarantine and preshipment applications upon receipt of a certification in accordance with the definitions of this subpart and requirements in paragraph (h) of this section.

(3) For each quarter, each producer of a class I controlled substance must provide the Administrator with a report containing the following information:

(i) The production by company in that quarter of each controlled substance, specifying the quantity of any controlled substance used in processing, resulting in its transformation by the producer;

(ii) The amount of production for use in processes resulting in destruction of controlled substances by the producer;

(iii) The levels of production (expended allowances and credits) for each controlled substance;

(iv) The producer's total of expended and unexpended production allowances, consumption allowances, Article 5 allowances, and amount of essential-use allowances and destruction and transformation credits conferred at the end of that quarter;

(v) The amount of controlled substance sold or transferred during the

quarter to a person other than the producer for use in processes resulting in its transformation or eventual destruction;

(vi) A list of the quantities and names of controlled substances exported, by the producer and or by other U.S. companies, to a Party to the Protocol that will be transformed or destroyed and therefore were not produced expending production or consumption allowances;

(vii) For transformation in the United States or by a person of another Party, one copy of an IRS certification of intent to transform the same controlled substance for a particular transformer and a list of additional quantities shipped to that same transformer for the quarter;

(viii) For destruction in the United States or by a person of another Party, one copy of a destruction verification (as under § 82.13(k)) for a particular destroyer, destroying the same controlled substance, and a list of additional quantities shipped to that same destroyer for the quarter;

(ix) A list of U.S. purchasers of controlled substances that exported to an Article 5 country in cases when Article 5 allowances were expended during production;

(x) A list of the essential-use allowance holders, distributors of laboratory supplies and laboratory customers from whom orders were placed and the quantity of specific essential-use controlled substances requested and produced;

(xi) The certifications from essential-use allowance holders stating that the controlled substances were purchased solely for specified essential uses and will not be resold or used in any other manufacturing process;

(xii) In the case of laboratory essential-uses, certifications from distributors of laboratory supplies that controlled substances were purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses as defined by appendix G of this subpart, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories, certification from laboratories that the controlled substances will only be used for essential laboratory and analytical uses (defined at appendix G of this subpart) and will not be resold or used in manufacturing.

(xiii) The amount of class I, Group VI controlled substances sold or transferred during the quarter to a person other than the producer solely for quarantine and preshipment applications;

(xiv) A list of the quantities of class I, Group VI controlled substances produced by the producer and exported by the producer and/or by other U.S. companies, to a Party to the Protocol that will be used solely for quarantine and preshipment applications and therefore were not produced expending production or consumption allowances; and

(xv) For quarantine and preshipment applications of class I, Group VI controlled substances in the United States or by a person of another Party, one copy of a certification that the material will be used only for quarantine and preshipment applications in accordance with the definitions in this subpart from each recipient of the material and a list of additional quantities shipped to that same person for the quarter.

(4) For any person who fails to maintain the records required by this paragraph, or to submit the report required by this paragraph, the Administrator may assume that the person has produced at full capacity during the period for which records were not kept, for purposes of determining whether the person has violated the prohibitions at § 82.4.

(g) Importers of class I controlled substances during a control period must comply with record-keeping and reporting requirements specified in this paragraph (g).

(1) Recordkeeping—Importers. Any importer of a class I controlled substance (including used, recycled and reclaimed controlled substances) must maintain the following records:

(i) The quantity of each controlled substance imported, either alone or in mixtures, including the percentage of each mixture which consists of a controlled substance;

(ii) The quantity of those controlled substances imported that are used (including recycled or reclaimed) and the

information provided with the petition as under §82.13(g)(2);

(iii) The quantity of controlled substances other than transhipments or used, recycled or reclaimed substances imported for use in processes resulting in their transformation or destruction and quantity sold for use in processes that result in their destruction or transformation;

(iv) The date on which the controlled substances were imported;

(v) The port of entry through which the controlled substances passed;

(vi) The country from which the imported controlled substances were imported;

(vii) The commodity code for the controlled substances shipped, which must be one of those listed in Appendix K to this subpart;

(viii) The importer number for the shipment;

(ix) A copy of the bill of lading for the import;

(x) The invoice for the import;

(xi) The quantity of imports of used, recycled or reclaimed class I controlled substances and class II controlled substances;

(xii) The U.S. Customs entry form;

(xiii) Dated records documenting the sale or transfer of controlled substances for use in processes resulting in transformation or destruction;

(xiv) Copies of IRS certifications that the controlled substance will be transformed or destruction verifications that it will be destroyed (as in §82.13(k));

(xv) Dated records of the quantity of controlled substances imported for an essential-use or imported with destruction and transformation credits; and

(xvi) Copies of certifications that imported controlled substances are being purchased for essential laboratory and analytical uses (defined at appendix G of this subpart) or being purchased for eventual sale to laboratories that certify that controlled substances are for essential laboratory and analytical uses (defined at appendix G of this subpart).

(xvii) For class I, Group VI controlled substances, dated records of the quantity of controlled substances imported for quarantine and preshipment applications and quantity sold for quarantine and preshipment applications;

(xviii) Written certifications that quantities of class I, Group VI controlled substances imported solely for quarantine and preshipment applications were purchased by distributors or applicators to be used only for quarantine and preshipment applications in accordance with the definitions in this subpart; and

(xix) Written verifications from a U.S. purchaser that class I, Group VI controlled substances imported solely for quarantine and preshipment applications, if exported, will be exported solely for quarantine and preshipment applications upon receipt of a certification in accordance with the definitions of this Subpart and requirements in paragraph (h) of this section.

(2) Petitioning—Importers of Used, Recycled or Reclaimed Controlled Substances. For each individual shipment over 5 pounds of a used controlled substance as defined in §82.3, an importer must submit directly to the Administrator, at least 40 working days before the shipment is to leave the foreign port of export, the following information in a petition:

(i) Name and quantity in kilograms of the used controlled substance to be imported;

(ii) Name and address of the importer, the importer ID number, the contact person, and the phone and fax numbers;

(iii) Name, address, contact person, phone number and fax number of all previous source facilities from which the used controlled substance was recovered;

(iv) A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment;

(v) A list of the name, make and model number of the equipment from which the material was recovered at each source facility;

(vi) Name, address, contact person, phone number and fax number of the exporter and of all persons to whom

the material was transferred or sold after it was recovered from the source facility;

(vii) The U.S. port of entry for the import, the expected date of shipment and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment and the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;

(viii) A description of the intended use of the used controlled substance, and, when possible, the name, address, contact person, phone number and fax number of the ultimate purchaser in the United States;

(ix) Name, address, contact person, phone number and fax number of the U.S. reclamation facility, where applicable;

(x) If someone at the source facility recovered the controlled substance from the equipment, the name and phone and fax numbers of that person;

(xi) If the imported controlled substance was reclaimed in a foreign Party, the name, address, contact person, phone number and fax number of any or all foreign reclamation facility(ies) responsible for reclaiming the cited shipment;

(xii) An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from the appropriate government agency in that country;

(xiii) If the imported used controlled substance is intended to be sold as a refrigerant in the U.S., the name and address of the U.S. reclaimer who will bring the material to the standard required under section 608 (§ 82.152(g)) of the CAA, if not already reclaimed to those specifications; and

(xiv) A certification of accuracy of the information submitted in the petition.

(3) Starting on the first working day following receipt by the Administrator of a petition to import a used class I controlled substance, the Administrator will initiate a review of the information submitted under paragraph (g)(2) of this section and take action within 40 working days to issue either an objection-notice or a non-objection notice for the individual shipment to the person who submitted the petition to import the used class I controlled substance.

(i) For the following reasons, the Administrator may issue an objection notice to a petition:

(A) If the Administrator determines that the information is insufficient, that is, if the petition lacks or appears to lack any of the information required under § 82.13(g)(2);

(B) If the Administrator determines that any portion of the petition contains false or misleading information, or the Administrator has information from other U.S. or foreign government agencies indicating that the petition contains false or misleading information;

(C) If the importer wishes to import a used class I controlled substance from a country which is, for that particular controlled substance, out of compliance regarding its phaseout obligations under the Protocol or the transaction in the petition is contrary to other provisions in the Vienna Convention or the Montreal Protocol;

(D) If the appropriate government agency in the exporting country has not agreed to issue an export license for the cited individual shipment of used controlled substance;

(E) If allowing the import of the used class I controlled substance would run counter to government restrictions from either the country of recovery or export regarding controlled ozone-depleting substances;

(F) If reclamation capacity is installed or is being installed for that specific controlled substance in the country of recovery or country of export and the capacity is funded in full or in part through the Multilateral Fund.

(ii) Within ten (10) working days after receipt of the objection notice, the importer may re-petition the Administrator, only if the Administrator indicated ''insufficient information'' as the basis for the objection notice. If no appeal is taken by the tenth working

day after the date on the objection notice, the objection shall become final. Only one appeal of re-petition will be accepted for any petition received by EPA.

(iii) Any information contained in the re-petition which is inconsistent with the original petition must be identified and a description of the reason for the inconsistency must accompany the re-petition.

(iv) In cases where the Administrator does not object to the petition based on the criteria listed in paragraph (g)(3)(i) of this section, the Administrator will issue a non-objection notice.

(v) To pass the approved used class I controlled substances through U.S. Customs, the petition and the non-objection notice issued by EPA must accompany the shipment through U.S. Customs.

(vi) If for some reason, following EPA's issuance of a non-objection notice, new information is brought to EPA's attention which shows that the non-objection notice was issued based on false information, then EPA has the right to:

(A) Revoke the non-objection notice;

(B) Pursue all means to ensure that the controlled substance is not imported into the United States; and

(C) Take appropriate enforcement actions.

(vii) Once the Administrator issues a non-objection notice, the person receiving the non-objection notice is required to import the individual shipment of used class I controlled substance within the same control period as the date stamped on the non-objection notice.

(viii) A person receiving a non-objection notice from the Administrator for a petition to import used class I controlled substances must maintain the following records:

(A) a copy of the petition;

(B) the EPA non-objection notice;

(C) the bill of lading for the import; and

(D) U.S. Customs entry documents for the import that must include one of the commodity codes from Appendix K to this subpart.

(4) Reporting Requirements—Importers. For each quarter, every importer of a class I controlled substance (including importers of used, recycled or reclaimed controlled substances) must submit to the Administrator a report containing the following information:

(i) Summaries of the records required in paragraphs (g)(1) (i) through (xvi) of this section for the previous quarter;

(ii) The total quantity imported in kilograms of each controlled substance for that quarter;

(iii) The quantity of those controlled substances imported that are used controlled substances.

(iv) The levels of import (expended consumption allowances before January 1, 1996) of controlled substances for that quarter and totaled by chemical for the control-period-to-date;

(vii) The importer's total sum of expended and unexpended consumption allowances by chemical as of the end of that quarter;

(viii) The amount of controlled substances imported for use in processes resulting in their transformation or destruction;

(ix) The amount of controlled substances sold or transferred during the quarter to each person for use in processes resulting in their transformation or eventual destruction;

(x) The amount of controlled substances sold or transferred during the quarter to each person for an essential use;

(xi) The amount of controlled substances imported with destruction and transformation credits;

(xii) Internal Revenue Service Certificates showing that the purchaser or recipient of imported controlled substances intends to transform those substances or destruction verifications (as in §82.13(k)) showing that purchaser or recipient intends to destroy the controlled substances; and

(xiii) The certifications from essential-use allowance holders stating that the controlled substances were purchased solely for specified essential-uses and will not be resold or used in manufacturing; and the certifications from distributors of laboratory supplies that the controlled substances were purchased solely for eventual sale to laboratories that certify the controlled substances are for essential laboratory and analytical uses (defined at appendix G of this subpart), or if sales

are made directly to laboratories, certifications from laboratories that the controlled substances will only be used for essential laboratory and analytical uses (defined at appendix G of this subpart) and will not be resold or used in manufacturing.

(xiv) In the case of laboratory essential uses, a certification from distributors of laboratory supplies that controlled substances were purchased for sale to laboratory customers who certify that the substances will only be used for laboratory applications and will not be resold or used in manufacturing; and

(xv) The amount of class I, Group VI controlled substance sold or transferred during the quarter to a person other than the importer solely for quarantine and preshipment applications;

(xvi) A list of the quantities of class I, Group VI controlled substances exported by the importer and or by other U.S. companies, to a Party to the Protocol that will be used solely for quarantine and preshipment applications and therefore were not imported expending consumption allowances; and

(xvii) For quarantine and preshipment applications of class I, Group VI controlled substances in the United States or by a person of another Party, one copy of a certification that the material will be used only for quarantine and preshipment applications in accordance with the definitions in this subpart from each recipient of the material and a list of additional quantities shipped to that same person for the quarter.

(h) *Reporting Requirements—Exporters.* (1) For any exports of class I controlled substances (except Group VI) not reported under § 82.10 of this subpart (additional consumption allowances), or under paragraph (f)(3) of this section (reporting for producers of controlled substances), the exporter who exported a class I controlled substance (except Group VI) must submit to the Administrator the following information within 45 days after the end of the control period in which the unreported exports left the United States:

(i) The names and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employee Identification Number;

(iii) The type and quantity of each controlled substance exported and what percentage, if any, of the controlled substance is used, recycled or reclaimed;

(iv) The date on which, and the port from which, the controlled substances were exported from the United States or its territories;

(v) The country to which the controlled substances were exported;

(vi) The amount exported to each Article 5 country;

(vii) The commodity code of the controlled substance shipped; and

(viii) The invoice or sales agreement containing language similar to the Internal Revenue Service Certificate that the purchaser or recipient of imported controlled substances intends to transform those substances, or destruction verifications (as in paragraph(k) of this section) showing that the purchaser or recipient intends to destroy the controlled substances.

(2) For any exports of class I, Group VI controlled substances not reported under § 82.10 of this subpart (additional consumption allowances), or under paragraph (f)(3) of this section (reporting for producers of controlled substances), the exporter who exported a class I, Group VI controlled substance must submit to the Administrator the following information within 45 days after the end of each quarter in which the unreported exports left the United States:

(i) The names and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employee Identification Number;

(iii) The type and quantity of each controlled substance exported and what percentage, if any, of the controlled substance is used, recycled or reclaimed;

(iv) The date on which, and the port from which, the controlled substances were exported from the United States or its territories;

(v) The country to which the controlled substances were exported;

(vi) The amount exported to each Article 5 country;

(vii) The commodity code of the controlled substance shipped; and

(viii) The invoice or sales agreement containing language similar to the Internal Revenue Service Certificate that the purchaser or recipient of imported controlled substances intends to transform those substances, the destruction verifications (as in paragraph (k) of this section) showing that the purchaser or recipient intends to destroy the controlled substances, or the certification that the purchaser or recipient and the eventual applicator will only use the material for quarantine and preshipment applications in accordance with the definitions in this subpart.

(i) Every person who has requested additional production allowances under §82.9(e) of this subpart or destruction and transformation credits under §82.9(f) of this subpart or consumption allowances under §82.10(b) of this subpart or who transforms or destroys class I controlled substances not produced or imported by that person must maintain the following:

(1) Dated records of the quantity and level of each controlled substance transformed or destroyed;

(2) Copies of the invoices or receipts documenting the sale or transfer of the controlled substance to the person;

(3) In the case where those controlled substances are transformed, dated records of the names, commercial use, and quantities of the resulting chemical(s);

(4) In the case where those controlled substances are transformed, dated records of shipments to purchasers of the resulting chemical(s);

(5) Dated records of all shipments of controlled substances received by the person, and the identity of the producer or importer of the controlled substances;

(6) Dated records of inventories of controlled substances at each plant on the first day of each quarter; and

(7) A copy of the person's IRS certification of intent to transform or the purchaser's or recipient's destruction verification of intent to destroy (as under §82.13(k)), in the case where substances were purchased or transferred for transformation or destruction purposes.

(j) Persons who destroy class I controlled substances shall, following promulgation of this rule, provide EPA with a one-time report stating the destruction unit's destruction efficiency and the methods used to record the volume destroyed and those used to determine destruction efficiency and the name of other relevant federal or state regulations that may apply to the destruction process. Any changes to the unit's destruction efficiency or methods used to record volume destroyed and to determine destruction efficiency must be reflected in a revision to this report to be submitted to EPA within 60 days of the change.

(k) Persons who purchase or receive and subsequently destroy controlled class I substances that were originally produced without expending allowances shall provide the producer or importer from whom they purchased or received the controlled substances with a verification that controlled substances will be used in processes that result in their destruction.

(1) The destruction verification shall include the following:

(i) Identity and address of the person intending to destroy controlled substances;

(ii) Indication of whether those controlled substances will be completely destroyed, as defined in §82.3 of this rule, or less than completely destroyed, in which case the destruction efficiency at which such substances will be destroyed must be included;

(iii) Period of time over which the person intends to destroy controlled substances; and

(iv) Signature of the verifying person.

(2) If, at any time, any aspects of this verification change, the person must submit a revised verification reflecting such changes to the producer from whom that person purchases controlled substances intended for destruction.

(l) Persons who purchase class I controlled substances and who subsequently transform such controlled substances shall provide the producer or importer with the IRS certification that the controlled substances are to be used in processes resulting in their transformation.

(m) Any person who transforms or destroys class I controlled substances who has submitted an IRS certificate of intent to transform or a destruction verification (as under paragraph (k) of this sectioin) to the producer or importer of the controlled substance, must report the names and quantities of class I controlled substances transformed and destroyed for each control period within 45 days of the end of such control period.

(n) Persons who import or export used controlled substances (including recycled or reclaimed) must label their bill of lading or invoice indicating that the controlled substance is used, recycled or reclaimed.

(o) Persons who import heels of controlled substances must label their bill of lading or invoice indicating that the controlled substance in the container is a heel.

(p) Every person who brings back a container with a heel to the United States, as defined in §82.3, must report quarterly the amount brought into the United States certifying that the residual amount in each shipment is less than 10 percent of the volume of the container and will either:

(1) Remain in the container and be included in a future shipment;

(2) Be recovered and transformed;

(3) Be recovered and destroyed; or

(4) Be recovered for a non-emissive use.

(q) Every person who brings a container with a heel into the United States must report on the final disposition of each shipment within 45 days of the end of the control period.

(r) Every person who transships a controlled substance must maintain records that indicate that the controlled substance shipment originated in a foreign country destined for another foreign country, and does not enter interstate commerce with the United States.

(s) Any person allocated essential-use allowances who submits an order to a producer or importer for a controlled substance must report the quarterly quantity received from each producer or importer.

(t) Any distributor of laboratory supplies receiving controlled substances under the global laboratory essential-use exemption for sale to laboratory customers must report quarterly the quantity received of each controlled substance from each producer or importer.

(u) Holders of Essential-Use Allowances—Reporting.

(1) Within 30 days of the end of every quarter, any person allocated essential-use allowances must submit to the Administrator a report containing the quantity of each controlled substance, in kilograms, purchased and received from each producer and each importer during that quarter as well as from which country the controlled substance was imported.

(2) Any person allocated essential-use allowances must submit to the Administrator a report containing the following information within 30 days of the end of the control period, and, if possible, within 20 days of the end of the control period:

(i) The gross quantity of each controlled substance, in kilograms, that was used for the essential use during the control period; and

(ii) The quantity of each controlled substance, in kilograms, contained in exported products during the control period; and

(iii) The quantity of each controlled substance, in kilograms, that was destroyed or recycled during the control period; and

(iv) The quantity of each controlled substance, in kilograms, held in inventory as of the last day of the control period, that was acquired with essential use allowances in all control periods (*i.e.* quantity on hand at the end of the year); and

(v) The quantity of each controlled substance, in kilograms, in a stockpile that is owned by the company or is being held on behalf of the company under contract, and was produced or imported through the use of production allowances and consumption allowances prior to the phaseout (*i.e.* class I ODSs produced before their phaseout dates); and

(vi) For essential use allowances for metered-dose inhalers only, the allowance holder must report the total number of marketable units of each specific metered-dose inhaler product manufactured in the control period.

(v) Any distributor of laboratory supplies who purchased controlled substances under the global laboratory essential-use exemption must submit quarterly (except distributors following procedures in §82.4(z)) the quantity of each controlled substance purchased by each laboratory customer whose certification was previously provided to the distributor pursuant to paragaph (y) of this section.

(w) A laboratory customer purchasing a controlled substance under the global laboratory essential-use exemption must provide the producer, importer or distributor with a one-time-per-year certification for each controlled substance that the substance will only be used for essential laboratory and analytical uses (defined at appendix G of this subpart) and not be resold or used in manufacturing. The certification must also include:

(1) The identity and address of the laboratory customer;

(2) The name and phone number of a contact person for the laboratory customer;

(3) The name and quantity of each controlled substance purchased, and the estimated percent of the controlled substance that will be used for each listed type of laboratory application.

(x) Any distributor of laboratory supplies, who purchased class I controlled substances under the global laboratory essential-use exemption, and who only sells the class I controlled substances as reference standards for calibrating laboratory analytical equipment, may write a letter to the Administrator requesting permission to submit the reports required under paragraph (x) of this section annually rather than quarterly. The Administrator will review the request and issue a notification of permission to file annual reports if, in the Administrator's judgment, the distributor meets the requirements of this paragraph. Upon receipt of a notification of extension from the Administrator, the distributor must submit annually the quantity of each controlled substance purchased by each laboratory customer whose certification was previously provided to the distributor pursuant to paragraph (y) of this section.

(y) Every distributor of methyl bromide (class I, Group VI controlled substances) who purchases or receives a quantity produced or imported solely for quarantine or preshipment applications under the exemptions in this subpart must comply with recordkeeping and reporting requirements specified in this paragraph (aa) of this section.

(1) Every distributor of methyl bromide must certify to the producer or importer that quantities received that were produced or imported solely for quarantine and preshipment applications under the exemptions in this subpart will be used only for quarantine applications or preshipment applications in accordance with the definitions in this subpart.

(2) Every distributor of a quantity of methyl bromide that was produced or imported solely for quarantine or preshipment applications under the exemptions in this subpart must receive from an applicator a certification of the quantity of class I, Group VI controlled substances ordered, prior to delivery of the quantity, stating that the quantity will be used solely for quarantine or preshipment applications in accordance with definitions in this subpart.

(3) Every distributor of methyl bromide who receives a certification from an applicator that the quantity ordered and delivered will be used solely for quarantine and preshipment applications in accordance with definitions in this subpart must maintain the certifications as records for 3 years.

(4) Every distributor of methyl bromide who receives a certification from an applicator that the quantity ordered and delivered will be used solely for quarantine and preshipment applications in accordance with definitions in this subpart must report to the Administrator within 45 days after the end of each quarter, the total quantity delivered for which certifications were received that stated the class I, Group VI controlled substance would be used solely for quarantine and preshipment applications in accordance with definitions in this Subpart.

(z) Every applicator of class I, Group VI controlled substances who purchases or receives a quantity produced or imported solely for quarantine and

preshipment applications under the exemptions in this subpart must comply with recordkeeping and reporting requirements specified in this paragraph (bb) of this section.

(1) Recordkeeping—Applicators. Every applicator of class I, Group VI controlled substances produced or imported solely for quarantine and preshipment applications under the exemptions of this subpart must maintain, for every application, a document from the commodity owner, shipper or their agent requesting the use of class I, Group VI controlled substances citing the regulatory requirement that justifies its use in accordance with definitions in this subpart. These documents shall be retained for 3 years.

(2) Reporting—Applicators. Every applicator of class I, Group VI controlled substances who purchases or receives a quantity of class I, Group VI controlled substance that was produced or imported solely for quarantine and preshipment applications under the exemptions in this subpart shall provide the distributor of the methyl bromide, prior to shipment of the class I, Group VI controlled substance, with a certification that the quantity of controlled substances will be used only for quarantine and preshipment applications as defined in this subpart.

(aa) Every commodity owner, shipper or their agent requesting an applicator to use a quantity of class I, Group VI controlled substance that was produced or imported solely for quarantine and preshipment applications under the exemptions of this subpart must maintain a record for 3 years, for each request, certifying knowledge of the requirements associated with the exemption for quarantine and preshipment applications in this subpart and citing the regulatory requirement that justifies the use of the class I, Group VI controlled substance in accordance with definitions in this subpart. The record must include the following statement: ''I certify knowledge of the requirements associated with the exempted quarantine and preshipment applications published in 40 CFR part 82, including the requirement that this letter cite the treatments or official controls for quarantine applications or the official requirements for preshipment requirements.''

[60 FR 24986, May 10, 1995, as amended at 61 FR 3318, Jan. 31, 1996; 61 FR 29486, June 11, 1996; 63 FR 41646, Aug. 4, 1998; 66 FR 37767, July 19, 2001; 67 FR 6362, Feb. 11, 2002; 67 FR 79872, Dec. 31, 2002; 67 FR 252, Jan. 2, 2003; 68 FR 2848, Jan. 21, 2003]

§ 82.15 Prohibitions for class II controlled substances.

(a) *Production.* (1) Effective January 21, 2003, no person may produce class II controlled substances in excess of the quantity of unexpended production allowances, unexpended Article 5 allowances, unexpended export production allowances, or conferred unexpended HCFC–141b exemption allowances held by that person for that substance under the authority of this subpart at that time in that control period, unless the substances are transformed or destroyed domestically or by a person of another Party, or unless they are produced using an exemption granted in paragraph (f) of this section. Every kilogram of excess production constitutes a separate violation of this subpart.

(2) Effective January 21, 2003, no person may use production allowances to produce a quantity of class II controlled substance unless that person holds under the authority of this subpart at the same time consumption allowances sufficient to cover that quantity of class II controlled substances. No person may use consumption allowances to produce a quantity of class II controlled substances unless the person holds under authority of this subpart at the same time production allowances sufficient to cover that quantity of class II controlled substances.

(b) *Import.* (1) Effective January 21, 2003, no person may import class II controlled substances (other than transhipments, heels or used class II controlled substances), in excess of the quantity of unexpended consumption allowances, or conferred unexpended HCFC–141b exemption allowances held by that person under the authority of this subpart at that time in that control period, unless the substances are for use in a process resulting in their transformation or their destruction, or

unless they are produced using an exemption granted in paragraph (f) of this section. Every kilogram of excess import constitutes a separate violation of this subpart.

(2) Effective January 21, 2003, no person may import, at any time in any control period, a used class II controlled substance, without having submitted a petition to the Administrator and received a non-objection notice in accordance with §82.24(c)(3) and (4). A person issued a non-objection notice for the import of an individual shipment of used class II controlled substances may not transfer or confer the right to import, and may not import any more than the exact quantity (in kilograms) of the used class II controlled substance stated in the non-objection notice. Every kilogram of import of used class II controlled substance in excess of the quantity stated in the non-objection notice issued by the Administrator in accordance with §82.24(c)(3) and (4) constitutes a separate violation of this subpart.

(c) Production with Article 5 allowances. No person may introduce into U.S. interstate commerce any class II controlled substance produced with Article 5 allowances. Every kilogram of a class II controlled substance that was produced with Article 5 allowances that is introduced into U.S. interstate commerce constitutes a separate violation under this subpart. No person may export any class II controlled substance produced with Article 5 allowances to a non-Article 5 Party to the Protocol as listed in Appendix E to this subpart. Every kilogram of a class II controlled substance that was produced with Article 5 allowances that is exported to a non-Article 5 Party to the Protocol as listed in Appendix E of this subpart constitutes a separate violation under this subpart.

(d) Production with export production allowances. No person may introduce into U.S. interstate commerce any class II controlled substance produced with export production allowances. Every kilogram of a class II controlled substance that was produced with export production allowances that is introduced into U.S. interstate commerce constitutes a separate violation under this subpart.

(e) Trade with Parties. Effective January 1, 2004, no person may import or export any quantity of a class II controlled substance listed in Appendix A to this subpart, from or to any foreign state that is not listed as a Party either:

(1) In Appendix L of this subpart and also listed in Appendix C, Annex 1 of the Protocol as having ratified the Beijing Amendments, or

(2) In Appendix C, Annex 1 of the Protocol as having ratified the Copenhagen Amendments but not listed in Appendix L of this subpart, or

(3) In Appendix C, Annex 2 of the Protocol, as being a foreign state complying with the Beijing Amendments if the foreign state is listed in Appendix L of this subpart, or as being a foreign state complying with the Copenhagen Amendments if the foreign state is not listed in Appendix L of this subpart.

(f) Exemptions. (1) Medical Devices [Reserved]

[68 FR 2848, Jan. 21, 2003]

§82.16 Phaseout schedule of class II controlled substances.

(a) In each control period as indicated in the following table, each person is granted the specified percentage of baseline production allowances and baseline consumption allowances for the specified class II controlled substances apportioned under §§82.17 and 82.19:

Control period	Percent of HCFC–141b	Percent of HCFC–22 & HCFC–142b
2003	0	100
2004	0	100
2005	0	100
2006	0	100
2007	0	100
2008	0	100
2009	0	100

(b) Effective January 1, 2003, no person may produce HCFC–141b except for use in a process resulting in its transformation or its destruction, for export under §82.18(a) using unexpended Article 5 allowances, for export under §82.18(b) using unexpended export production allowances, for HCFC–141b exemption needs using unexpended HCFC–141b exemption allowances, or

for exemptions permitted in § 82.15(f). Effective January 1, 2003, no person may import HCFC–141b (other than transhipments, heels or used class II controlled substances) in excess of the quantity of unexpended HCFC–141b exemption allowances held by that person except for use in a process resulting in its transformation or its destruction, or for exemptions permitted in § 82.15(f).

(c) Effective January 1, 2010, no person may produce HCFC–22 or HCFC–142b for any purpose other than for use in a process resulting in their transformation or their destruction, for use in equipment manufactured before January 1, 2010, for export under § 82.18(a) using unexpended Article 5 allowances, or for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2010, no person may import HCFC–22 or HCFC–142b (other than transhipments, heels or used class II controlled substances) for any purpose other than for use in a process resulting in their transformation or their destruction, for exemptions permitted in § 82.15(f), or for use in equipment manufactured prior to January 1, 2010.

(d) Effective January 1, 2015, no person may produce class II controlled substances not previously controlled, for any purpose other than for use in a process resulting in their transformation or their destruction, for use as a refrigerant in equipment manufactured before January 1, 2020, for export under § 82.18(a) using unexpended Article 5 allowances, or for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2015, no person may import class II controlled substances not subject to the requirements of paragraph (b) or (c) of this section (other than transhipments, heels or used class II controlled substances) for any purpose other than for use in a process resulting in their transformation or their destruction, for exemptions permitted in § 82.15(f), or for use as a refrigerant in equipment manufactured prior to January 1, 2020.

(e) Effective January 1, 2020, no person may produce HCFC–22 or HCFC–142b for any purpose other than for use in a process resulting in their transformation or their destruction, for export under § 82.18(a) using unexpended Article 5 allowances, or for export under § 82.18(b) using unexpended export production allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2020, no person may import HCFC–22 or HCFC–142b for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in § 82.15(f).

(f) Effective January 1, 2030, no person may produce class II controlled substances, for any purpose other than for use in a process resulting in their transformation or their destruction, for export under § 82.18(a) using unexpended Article 5 allowances, or for exemptions permitted in § 82.15(f). Effective January 1, 2030, no person may import class II controlled substances for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in § 82.15(f).

(g) Effective January 1, 2040, no person may produce class II controlled substances for any purpose other than for use in a process resulting in their transformation or their destruction, or for exemptions permitted in § 82.15(f).

(h) Petition for HCFC–141b exemption allowances.

(1) Effective January 21, 2003, a formulator of HCFC–141b, an agency, department, or instrumentality of the U.S., or a non-governmental space vehicle entity, may petition EPA for HCFC–141b exemption allowances for the production or import of HCFC–141b after the phaseout date, in accordance with this section. The petitioner must submit the following information to the Director of EPA's Office of Atmospheric Programs no later than April 21, 2003, for the 2003 control period; and, for any subsequent control period, no later than October 31st of the year preceding the control period for which the HCFC–141b exemption allowances are requested:

(i) Name and address of the HCFC–141b formulator, U.S. government entity or non-governmental space vehicle entity;

(ii) Name of contact person, phone number, fax number and e-mail address;

(iii) Quantity (in kilograms) of HCFC–141b needed for each relevant calendar year, supported by documentation about past use for at least the previous three years;

(iv) Quantities of HCFC–141b, if any, contained in systems that were sold to other systems houses for at least the previous three years;

(v) Description of the markets and applications served by the use of HCFC–141b or systems based on HCFC–141b;

(vi) Technical description of processes in which HCFC–141b is being used;

(vii) Technical description of the specific conditions under which the product will be applied;

(viii) Technical description of why alternatives and substitutes are not sufficient to eliminate the use of HCFC–141b;

(ix) Amount of stockpiled HCFC–141b (on-hand, taken title to, or available from a supplier) along with a detailed analysis showing why stockpiled, recovered or recycled quantities are deemed to be unavailable, or technically or commercially infeasible for use (for example, taking into consideration undue costs for storage and transportation);

(x) An estimate of the number of control periods over which such an exemption would be necessary;

(xi) A detailed description of continuing investigations into and progress on possible alternatives and substitutes;

(xii) A list of alternatives considered, purchased or sampled, including dates and copies of receipts for verification;

(xiii) A summary of the petitioner's in-house development program including summaries of all relevant test results and their significance to subsequent decision-making and technology selection. Full supporting test data must be available on request including alternative tested and date on which it was tested;

(xiv) A clear statement of the preferred technical option(s) being pursued at the time of the petition and the reasoning for this selection;

(xv) A summary of product test results conducted on the preferred technical option(s) by accredited organizations in order to determine whether products meet applicable codes. Relevant test reports and certifications must be made available on request; and

(xvi) A description of the further development testing to be carried out over the number of control periods identified under paragraph (h)(1)(x) of this section.

(2) Within 21 business days of receipt of the petition, the Director of EPA's Office of Atmospheric Programs will issue to a HCFC–141b formulator, agency, department, or instrumentality of the U.S., or non-governmental space vehicle entity that has petitioned for HCFC–141b exemption allowances, based on information received in accordance with paragraph (h)(1) of this section, a notice indicating one of the following:

(i) A determination by the Director of EPA's Office of Atmospheric Programs to grant a specific quantity of HCFC–141b exemption allowances (in kilograms) for the production or import of HCFC–141b in a specified control period based on an assessment that HCFC–141b is necessary to maintain either safety, or operational or technical viability;

(ii) A determination by the Director of EPA's Office of Atmospheric Programs to request additional information because the information received in accordance with paragraph (h)(1) of this section is not sufficient to decide whether to grant or deny HCFC–141b exemption allowances. The Director of EPA's Office of Atmospheric Programs will decide whether to grant or deny HCFC–141b exemption allowances within 30 days of receipt of the additional information. However, if the petitioner fails to submit the additional information within 20 days of the request, such failure constitutes a basis for denying the petition for HCFC–141b exemption allowances.

(iii) A determination by the Director of EPA's Office of Atmospheric Programs to deny a grant of HCFC–141b exemption allowances due to one or more of the following reasons:

(A) The needs can be met by the use of a substance other than HCFC–141b;

(B) The needs can be met by the use of existing supplies of HCFC–141b;

(C) There is evidence of fraud or misrepresentation;

(D) Approval of the HCFC–141b exemption allowances would be inconsistent with U.S. obligations under the provisions of the Montreal Protocol (including Decisions agreed by the Parties);

(E) Approval of the HCFC–141b exemption allowances would be inconsistent with the Clean Air Act;

(F) There is an inadequate demonstration of efforts undertaken to research and implement alternatives; or

(G) Granting the HCFC–141b exemption allowances may reasonably be expected to endanger human health or the environment.

(3) Within ten working days after receipt of a notice outlining a determination by the Director of EPA's Office of Atmospheric Programs to deny a grant of HCFC–141b exemption allowances due to one or more of the reasons in paragraph (h)(2)(iii) of this section, the petitioner may file with the Director of EPA's Office of Atmospheric Programs a one-time appeal with elaborated information. The Director of EPA's Office of Atmospheric Programs may affirm the determination to deny a grant of HCFC–141b exemption allowances or make a determination to grant HCFC–141b exemption allowance, in light of the available evidence submitted with the appeal. If no appeal is submitted by the tenth day after receipt of the notice outlining a determination by the Director of EPA's Office of Atmospheric Programs to deny a grant of HCFC–141b exemption allowances, the denial will be final on that day.

(4) Any entity that has previously petitioned for HCFC–141b exemption allowances under paragraph (h)(1) of this section may file a petition for renewal for a subsequent control period by October 31st of the year preceding that control period. The petition for renewal must contain the following information:

(i) Name and address of the HCFC–141b formulator, U.S. government entity or non-governmental space vehicle entity;

(ii) Name of contact person, phone number, fax number and e-mail address;

(iii) Quantity (in kilograms) of HCFC–141b needed for the control period;

(iv) Description of markets and applications being served by the use of HCFC–141b;

(v) A technical description of the process in which HCFC–141b is still being used;

(vi) A technical description of the specific conditions under which the product is still being applied;

(vii) Technical description of why alternatives and substitutes are still not sufficient to eliminate the use of HCFC–141b;

(viii) Amount of stockpiled HCFC–141b (on-hand, taken title to, or available from a supplier) along with a detailed analysis showing why stockpiled, recovered or recycled quantities are deemed to be technically or economically infeasible for use; and

(ix) A detailed description of continuing investigations into and progress on possible alternatives and substitutes and how this activity differs from information given in the previous request.

(5) A person granted HCFC–141b exemption allowances by the Director of EPA's Office of Atmospheric Programs under paragraph (h)(2)(i) or (h)(3) of this section may request a quantity of HCFC–141b be produced or imported in the specified control period listed in the notice by conferring the rights to produce or import to a producer or importer.

(6) The HCFC–141b exemption allowances held by one entity do not automatically transfer to an acquiring entity. Any entity acquiring another company holding HCFC–141b exemption allowances must submit a renewal application in accordance with paragraph (h)(4) of this section at the time of the acquisition in order to qualify for the HCFC–141b exemption allowances.

[68 FR 2848, Jan. 21, 2003]

§ 82.17 Apportionment of baseline production allowances for class II controlled substances.

Effective January 1, 2003, the following persons are apportioned baseline production allowances for HCFC–141b, HCFC–22, or HCFC–142b as set forth in the following table:

Person	Controlled substance	Allowances(kg.)
AlliedSignal (Honeywell)	HCFC–22	37,378,252
	HCFC–141b	28,705,200
	HCFC–142b	2,417,534
Ausimont USA	HCFC–142b	6,541,764
DuPont Company	HCFC–22	42,638,049
Elf Atochem (ATOFINA)	HCFC–22	28,219,223
	HCFC–141b	24,647,925
	HCFC–142b	16,131,096
LaRoche Industries	HCFC–141b	17,756,508
MDA Manufacturing	HCFC–22	2,383,835

[68 FR 2848, Jan. 21, 2003]

§ 82.18 Availability of production in addition to baseline production allowances for class II controlled substances.

(a) *Article 5 allowances.* (1) Effective January 1, 2003, a person apportioned baseline production allowances under § 82.17 is also apportioned Article 5 allowances, equal to 15 percent of their baseline production allowances for the specified HCFC for each control period up until December 31, 2014, to be used for the production of the specified HCFC for export only to foreign states listed in Appendix E to this subpart.

(2) Effective January 1, 2015, for all HCFCs, a person apportioned baseline production allowances under § 82.17 is also apportioned Article 5 allowances, equal to 10 percent of their baseline production allowances for the specified HCFC for each control period up until December 31, 2029, to be used for the production of the specified HCFC for export only to foreign states listed in Appendix E to this subpart.

(3) Effective January 1, 2030, for all HCFCs, a person apportioned baseline production allowances under § 82.17 is also apportioned Article 5 allowances, equal to 15 percent of their baseline production allowances for the specified HCFC for each control period up until December 31, 2039, to be used for the production of the specified HCFC for export only to foreign states listed in Appendix E to this subpart.

(b) *Export production allowances.* (1) Effective January 1, 2003, a person apportioned baseline production allowances for HCFC–141b under § 82.17 is also apportioned export production allowances equal to 100 percent of their baseline production allowances for HCFC–141b for each control period up until December 31, 2029, to be used for the production of HCFC–141b for export only, in accordance with this section.

(2) [Reserved]

(c) *International trades of production allowances, export production allowances and Article 5 allowances.* (1) A person may increase or decrease its production allowances, export production allowances, or Article 5 allowances, for a specified control period through trades with another Party to the Protocol as set forth in this paragraph (c). Effective January 1, 2004, a nation listed either: in Appendix L of this subpart that is also listed in Appendix C, Annex 1 of the Protocol as having ratified the Beijing Amendments, or in Appendix C, Annex 1 of the Protocol as having ratified the Copenhagen Amendments but not listed in Appendix L of this subpart, or in Appendix C, Annex 2 of the Protocol, as being a foreign state complying with the Beijing Amendments if the foreign state is listed in Appendix L of this subpart, or as being a foreign state complying with the Copenhagen Amendments if the foreign state is not listed in Appendix L of this subpart must agree either to trade to the person for the current control period some quantity of production that the nation is permitted under the Montreal Protocol or to receive from the person for

the current control period some quantity of production that the person is permitted under this subpart. The person must expend its consumption allowances allocated under § 82.19, or obtained under § 82.20 in order to produce with the additional production allowances.

(2) *Trade from a Party—Information requirements.* (i) A person requesting a trade from a Party must submit to the Administrator a signed document from the principal diplomatic representative in that nation's embassy in the U.S. stating that the appropriate authority within that nation will establish or revise production limits for the nation to equal the lowest of the following three production quantities:

(A) The maximum production that the nation is allowed under the Protocol minus the quantity (in kilograms) to be traded;

(B) The maximum production that is allowed under the nation's applicable domestic law minus the quantity (in kilograms) to be traded; or

(C) The average of the nation's actual national production level for the three years prior to the trade minus the production to be traded.

(ii) A person requesting a trade from a Party must also submit to the Administrator a true copy of the document that sets forth the following:

(A) The identity and address of the person;

(B) The identity of the Party;

(C) The names and telephone numbers of contact persons for the person and for the Party;

(D) The chemical type and quantity (in kilograms) of production being traded;

(E) Documentation that the Party possesses the necessary quantity of unexpended production rights;

(F) The control period(s) to which the trade applies; and

(G) For increased production intended for export to the Party from whom the allowances would be received, a signed statement of intent to export to the Party.

(3) *Trade to a Party—Information requirements.* A person requesting a trade to a Party must submit a request that sets forth the following information to the Administrator:

(i) The identity and address of the person;

(ii) The identity of the Party;

(iii) The names and telephone numbers of contact persons for the person and for the Party;

(iv) The chemical type and quantity (in kilograms) of allowable production being traded; and

(v) The control period(s) to which the trade applies.

(4) *Review of international trade request to a Party.* After receiving a trade request that meets the requirements of paragraph (c)(3) of this section, the Administrator may, at his/her discretion, consider the following factors by seeking concurrence from the Department of Commerce, the United States Trade Representative, and the Department of State, where appropriate, in deciding whether to approve such a trade:

(i) Possible creation of domestic economic hardship;

(ii) Possible effects on trade;

(iii) Potential environmental implications; and

(iv) The total quantity of unexpended production allowances held by U.S. entities.

(5) *Notice of trade.* If the request meets the requirement of paragraph (c)(2) of this section for trades from Parties and paragraphs (c)(3) and (4) of this section for trades to Parties, the Administrator will issue the person a notice. The notice will either grant or deduct production allowances or export production allowances or Article 5 allowances and specify the control period to which the trade applies. The Administrator may disapprove the trade request contingent on the consideration of factors listed in paragraph (c)(4) of this section for trades to Parties.

(i) For trades from a Party, the Administrator will issue a notice revising the allowances held by the recipient of the trade to equal the unexpended production allowances, unexpended export production allowances, or unexpended Article 5 allowances held by the recipient of the trade under this subpart plus the quantity of allowable production traded from the Party.

(ii) For trades to a Party, the Administrator will issue a notice revising the production limit for the trader to equal the lesser of:

(A) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the trade or minus the quantity traded; or

(B) The unexpended production allowances held by the trader minus the amount by which the U.S. average annual production of the class II controlled substance being traded for the three years prior to the trade is less than the total allowable production of that class II controlled substance under this subpart minus the amount traded; or

(C) The total U.S. allowable production of the class II controlled substance being traded minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade.

(6) Revised notices of production limits for subsequent traders. If after one person obtains approval of a trade of allowable production of a class II controlled substance to a Party and other persons obtain approval for trades of the same class II controlled substance during the same control period, the Administrator will issue revised notices. The notices will revise the production limits for each of the other persons trading to equal the lesser of:

(i) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the trader under this subpart minus the quantity traded; or

(ii) The result of the following set of calculations:

(A) The total U.S. allowable production of the class II controlled substance minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade;

(B) The quantity traded divided by the total quantity traded by all the other persons trading the same class II controlled substance in the same control period;

(C) The result of paragraph (c)(6)(ii)(A) of this section multiplied by the result of paragraph (c)(6)(ii)(B) of this section;

(D) The quantity derived in paragraph (c)(6)(i) of this section, minus the result of paragraph (c)(6)(ii)(C) of this section;

(7) Production limit for previous traders. The Administrator will also issue a notice revising the production limit for each trader who previously obtained approval of a trade of the class II controlled substance to a Party in the same control period to equal the result of the following set of calculations:

(i) The total U.S. allowable production of the class II controlled substance minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade;

(ii) The quantity traded by the person divided by the quantity traded by all the persons who have traded that class II controlled substance in that control period;

(iii) The result of paragraph (c)(7)(i) of this section multiplied by the result of paragraph (c)(7)(ii) of this section.

(iv) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the person plus the result of paragraph (c)(7)(iii) of this section;

(8) Effective date of revised production limits. The change in production allowances, export production allowances or Article 5 allowances will be effective on the date that the notice is issued.

[68 FR 2848, Jan. 21, 2003]

§ 82.19 Apportionment of baseline consumption allowances for class II controlled substances.

(a) Effective January 1, 2003, the following persons are apportioned baseline consumption allowances for HCFC–141b, HCFC–22, or HCFC–142b as set forth in the following table:

Person	Controlled substance	Allowances (kg)
ABCO Refrigeration Supply	HCFC–22	279,366
Air Systems	HCFC–22	13,514
Allied (Honeywell)	HCFC–22	35,392,492
	HCFC–141b	20,749,489

Person	Controlled substance	Allowances (kg)
	HCFC–142b	1,315,819
Altair Industries	HCFC–22	279,935
Ausimont USA	HCFC–22	99,643
	HCFC–142b	3,047,386
Automatic Equipment Sales of VA	HCFC–22	54,088
Condor Products	HCFC–22	666,171
Continental	HCFC–141b	20,315
Discount Refrigerants	HCFC–22	375,328
	HCFC–141b	994
DuPont Company	HCFC–22	38,814,862
	HCFC–141b	9,049
	HCFC–142b	52,797
Elf Atochem (ATOFINA)	HCFC–22	29,524,481
	HCFC–141b	25,405,570
	HCFC–142b	16,672,675
Full Circle	HCFC–22	14,865
HG Refrigeration Supply	HCFC–22	40,068
ICC Chemical Corp.	HCFC–141b	81,225
ICI Americas (INEOS)	HCFC–22	2,546,305
Kivlan & Co. (Dynatemp)	HCFC–22	2,028,980
Klomar Ship Supply	HCFC–22	8,585
LaRoche Industries	HCFC–141b	16,097,869
MDA Manufacturing	HCFC–22	2,541,545
Mondy-Global	HCFC–22	281,824
National Refrigerants	HCFC–22	5,480,315
Refricenter of Miami	HCFC–22	381,293
Refricentro	HCFC–22	45,979
Rhone-Poulenc	HCFC–22	52,090
R-Lines	HCFC–22	63,172
Saez	HCFC–22	37,936
Solvay Fluorides	HCFC–22	313,966
	HCFC–141b	3,940,115
TESCO Distributors	HCFC–22	48,049
Tulstar Products	HCFC–141b	89,913

[68 FR 2848, Jan. 21, 2003]

§ 82.20 Availability of consumption allowances in addition to baseline consumption allowances for class II controlled substances.

(a) A person may obtain at any time during the control period, in accordance with the provisions of this section, consumption allowances equivalent to the quantity of class II controlled substances that the person exported from the U.S. and its territories to a foreign state, in accordance with this section, when that quantity of class II controlled substance was produced in the U.S. with expended consumption allowances.

(1) The exporter must submit to the Administrator a request for consumption allowances setting forth the following:

(i) The identities and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employer Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and the recipient;

(iv) The quantity (in kilograms) and type of class II controlled substances reported;

(v) The source of the class II controlled substances and the date purchased;

(vi) The date on which, and the port from which, the class II controlled substances were exported from the U.S. or its territories;

(vii) The country to which the class II controlled substances were exported;

(viii) A copy of the bill of lading and the invoice indicating the net quantity (in kilograms) of class II controlled substances shipped and documenting the sale of the class II controlled substances to the purchaser;

(ix) The commodity codes of the class II controlled substances reported; and

(x) A written statement from the producer that the class II controlled substances were produced with expended allowances.

(2) The Administrator will review the information and documentation submitted under paragraph (a)(1) of this section and will issue a notice.

(i) The Administrator will determine the quantity of class II controlled substances that the documentation verifies was exported and issue consumption allowances equivalent to the quantity of class II controlled substances that were exported.

(A) The grant of the consumption allowances will be effective on the date the notice is issued.

(B) The consumption allowances will be granted to the person the exporter indicates, whether it is the producer or the exporter.

(ii) The Administrator will issue a notice that the consumption allowances are not granted if the Administrator determines that the information and documentation do not satisfactorily substantiate the exporter's claims.

(b) *International trades of consumption allowances.* (1) A person may increase its consumption allowances for a specified control period through trades with another Party to the Protocol as set forth in this paragraph (b). A person may only receive consumption from Poland or Norway, or both, and only if the nation agrees to trade to the person for the current control period some quantity of consumption that the nation is permitted under the Montreal Protocol.

(2) Trade from a Party—Information requirements. A person must submit the following information to the Administrator:

(i) A signed document from the principal diplomatic representative in the Polish or Norwegian embassy in the U.S. stating that the appropriate authority within that nation will establish or revise consumption limits for the nation to equal the lowest of the following three consumption quantities:

(A) The maximum consumption that the nation is allowed under the Protocol minus the quantity (in kilograms) traded;

(B) The maximum consumption that is allowed under the nation's applicable domestic law minus the quantity (in kilograms) traded; or

(C) The average of the nation's actual consumption level for the three years prior to the trade minus the consumption traded.

(ii) A person requesting a consumption trade from Poland or Norway must also submit to the Administrator a true copy of the document that sets forth the following:

(A) The identity and address of the person;

(B) The identity of the Party;

(C) The names and telephone numbers of contact persons for the person and for the Party;

(D) The chemical type and quantity (in kilograms) of consumption being traded;

(E) Documentation that the Party possesses the necessary quantity of unexpended consumption rights;

(F) The control period(s) to which the trade applies; and

(3) *Notice of trade.* If the request meets the requirement of paragraph (b)(2) of this section for trades from Parties, the Administrator will issue the person a notice. The notice will grant consumption allowances and specify the control period to which the trade applies. The Administrator may disapprove the trade request if it does not meet the requirements of paragraph (b)(2) of this section.

(4) *Trade from a Party.* The Administrator will issue a notice revising the allowances held by the recipient of the trade to equal the unexpended consumption allowances held by the recipient of the trade under this subpart plus the quantity of allowable consumption traded from the Party.

(5) *Effective date of revised consumption limits.* The change in consumption allowances will be effective on the date that the notice is issued.

[68 FR 2848, Jan. 21, 2003]

§ 82.21 [Reserved]

§ 82.22 [Reserved]

§ 82.23 Transfers of allowances of class II controlled substances.

(a) *Inter-company transfers.* Effective January 1, 2003, a person (''transferor'') may transfer to any other person (''transferee'') any quantity of the

transferor's class II consumption allowances, production allowances, export production allowances, or Article 5 allowances for the same type of allowance as follows:

(i) The transferor must submit to the Administrator a transfer claim setting forth the following:

(A) The identities and addresses of the transferor and the transferee;

(B) The name and telephone numbers of contact persons for the transferor and the transferee;

(C) The type of allowances being transferred, including the names of the class II controlled substances for which allowances are to be transferred;

(D) The quantity (in kilograms) of allowances being transferred;

(E) The control period(s) for which the allowances are being transferred;

(F) The quantity of unexpended allowances of the type and for the control period being transferred that the transferor holds under authority of this subpart on the date the claim is submitted to EPA; and

(G) For trades of consumption allowances, production allowances, export production allowances, or Article 5 allowances, the quantity of the 0.1 percent offset applied to the unweighted quantity traded that will be deducted from the transferor's allowance balance.

(ii) The Administrator will determine whether the records maintained by EPA indicate that the transferor possesses unexpended allowances sufficient to cover the transfer claim on the date the transfer claim is processed. The transfer claim is the quantity (in kilograms) to be transferred plus, in the case of transfers of production or consumption allowances, 0.1 percent of that quantity. The Administrator will take into account any previous transfers, any production, and allowable imports and exports of class II controlled substances reported by the transferor. Within three working days of receiving a complete transfer claim, the Administrator will take action to notify the transferor and transferee as follows:

(A) The Administrator will issue a notice indicating that EPA does not object to the transfer if EPA's records show that the transferor has sufficient unexpended allowances to cover the transfer claim. In the case of transfers of production or consumption allowances, EPA will reduce the transferor's balance of unexpended allowances by the quantity to be transferred plus 0.1 percent of that quantity. In the case of transfers of export production or Article 5 allowances, EPA will reduce the transferor's balance of unexpended allowances, respectively, by the quantity to be transferred. The transferor and the transferee may proceed with the transfer when EPA issues a no objection notice. However, if EPA ultimately finds that the transferor did not have sufficient unexpended allowances to cover the claim, the transferor and transferee, where applicable, will be held liable for any knowing violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(B) The Administrator will issue a notice disallowing the transfer if EPA's records show that the transferor has insufficient unexpended allowances to cover the transfer claim, or that the transferor has failed to respond to one or more Agency requests to supply information needed to make a determination. Either party may file a notice of appeal, with supporting reasons, with the Administrator within 10 working days after receipt of notification. The Administrator may affirm or vacate the disallowance. If no appeal is taken by the tenth working day after notification, the disallowance shall be final on that day.

(iii) The transferor and transferee may proceed with the transfer if the Administrator does not respond to a transfer claim within the three working days specified in paragraph (a)(1)(ii) of this section. In the case of transfers of production or consumption allowances, EPA will reduce the transferor's balance of unexpended allowances by the quantity to be transferred plus 0.1 percent of that quantity. In the case of transfers of export production allowances or Article 5 allowances, EPA will reduce the transferor's balance of unexpended allowances by the quantity to be transferred plus 0.1 percent of that quantity. If EPA ultimately finds that the transferor did not have sufficient unexpended allowances to cover the claim, the transferor

and/or the transferee, where applicable, will be held liable for any knowing violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(b) *Inter-pollutant transfers.* (1) Effective January 1, 2003, a person (transferor) may convert consumption allowances or production allowances for one class II controlled substance to the same type of allowance for another class II controlled substance listed in Appendix B of this subpart, following the procedures described in paragraph (b)(3) of this section.

(2) Inter-pollutant transfers will be permitted at any time during the control period and during the 30 days after the end of a control period.

(3) The transferor must submit to the Administrator a transfer claim that includes the following:

(i) The identity and address of the transferor;

(ii) The name and telephone number of a contact person for the transferor;

(iii) The type of allowances being converted, including the names of the class II controlled substances for which allowances are to be converted;

(iv) The quantity (in kilograms) and type of allowances to be converted;

(v) The quantity (in kilograms) of allowances to be subtracted from the transferor's unexpended allowances for the first class II controlled substance, to be equal to 100.1 percent of the quantity of allowances converted;

(vi) The quantity (in kilograms) of allowances to be added to the transferee's unexpended allowances for the second class II controlled substance, to be equal to the quantity (in kilograms) of allowances for the first class II controlled substance being converted multiplied by the quotient of the ozone depletion potential of the first class II controlled substance divided by the ozone depletion potential of the second class II controlled substance, as listed in Appendix B to this subpart;

(vii) The control period(s) for which the allowances are being converted; and

(viii) The quantity (in kilograms) of unexpended allowances of the type and for the control period being converted that the transferor holds under authority of this subpart as of the date the claim is submitted to EPA.

(4) The Administrator will determine whether the records maintained by EPA indicate that the convertor possesses unexpended allowances sufficient to cover the transfer claim on the date the transfer claim is processed (*i.e.*, the quantity (in kilograms) to be converted plus 0.1 percent of that quantity (in kilograms)). EPA will take into account any previous transfers, and any production, imports (not including transshipments or used class II controlled substances), or exports (not including transhipments or used class II controlled substances) of class II controlled substances reported by the convertor. Within three working days of receiving a complete transfer claim, the Administrator will take action to notify the convertor as follows:

(i) The Administrator will issue a notice indicating that EPA does not object to the transfer if EPA's records show that the convertor has sufficient unexpended allowances to cover the transfer claim. EPA will reduce the transferor's balance of unexpended allowances by the quantity to be converted plus 0.1 percent of that quantity (in kilograms). When EPA issues a no objection notice, the transferor may proceed with the transfer. However, if EPA ultimately finds that the transferor did not have sufficient unexpended allowances to cover the claim, the transferor will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer.

(ii) The Administrator will issue a notice disallowing the transfer if EPA's records show that the transferor has insufficient unexpended allowances to cover the transfer claim, or that the transferor has failed to respond to one or more Agency requests to supply information needed to make a determination. The transferor may file a notice of appeal, with supporting reasons, with the Administrator within 10 working days after receipt of notification. The Administrator may affirm or vacate the disallowance. If no appeal is taken by the tenth working day after notification, the disallowance shall be final on that day.

(iii) The transferor may proceed with the transfer if the Administrator does not respond to a transfer claim within the three working days specified in paragraph (b)(4) of this section. EPA will reduce the transferor's balance of unexpended allowances by the quantity (in kilograms) to be converted plus 0.1 percent of that quantity (in kilograms). The transferor will be held liable for any violations of the regulations of this subpart that occur as a result of, or in conjunction with, the improper transfer if EPA ultimately finds that the transferor did not have sufficient unexpended allowances or credits to cover the claim.

(c) *Inter-company transfers and Inter-pollutant transfers.* If a person requests an inter-company transfer and an inter-pollutant transfer simultaneously, the quantity (in kilograms) subtracted from the transferor's unexpended production or consumption allowances for the first class II controlled substance will be equal to 100.1 percent of the quantity (in kilograms) of allowances that are being converted and transferred.

(d) A person receiving a permanent transfer of baseline production allowances or baseline consumption allowances (the transferee) for a specific class II controlled substance will be the person who has their baseline allowances adjusted in accordance with phaseout schedules in this section.

[68 FR 2848, Jan. 21, 2003]

§ 82.24 Recordkeeping and reporting requirements for class II controlled substances.

(a) *Recordkeeping and reporting.* Any person who produces, imports, exports, transforms, or destroys class II controlled substances must comply with the following recordkeeping and reporting requirements:

(1) Reports required by this section must be mailed to the Administrator within 30 days of the end of the applicable reporting period, unless otherwise specified.

(2) Revisions of reports that are required by this section must be mailed to the Administrator within 180 days of the end of the applicable reporting period, unless otherwise specified.

(3) Records and copies of reports required by this section must be retained for three years.

(4) Quantities of class II controlled substances must be stated in terms of kilograms in reports required by this section.

(5) Reports and records required by this section may be used for purposes of compliance determinations. These requirements are not intended as a limitation on the use of other evidence admissible under the Federal Rules of Evidence. Failure to provide the reports, petitions and records required by this section and to certify the accuracy of the information in the reports, petitions and records required by this section, will be considered a violation of this subpart. False statements made in reports, petitions and records will be considered violations of Section 113 of the Clean Air Act and under 18 U.S.C. 1001.

(b) *Producers.* Persons (''producers'') who produce class II controlled substances during a control period must comply with the following recordkeeping and reporting requirements:

(1) *Reporting—Producers.* For each quarter, each producer of a class II controlled substance must provide the Administrator with a report containing the following information:

(i) The quantity (in kilograms) of production of each class II controlled substance used in processes resulting in their transformation by the producer and the quantity (in kilograms) intended for transformation by a second party;

(ii) The quantity (in kilograms) of production of each class II controlled substance used in processes resulting in their destruction by the producer and the quantity (in kilograms) intended for destruction by a second party;

(iii) The expended allowances for each class II controlled substance;

(iv) The producer's total of expended and unexpended production allowances, consumption allowances, export production allowances, and Article 5 allowances at the end of that quarter;

(v) The quantity (in kilograms) of class II controlled substances sold or transferred during the quarter to a person other than the producer for use in

processes resulting in their transformation or eventual destruction;

(vi) A list of the quantities and names of class II controlled substances, exported by the producer to a Party to the Protocol, that will be transformed or destroyed and therefore were not produced expending production or consumption allowances;

(vii) For transformation in the U.S. or by a person of another Party, one copy of a transformation verification from the transformer for a specific class II controlled substance and a list of additional quantities shipped to that same transformer for the quarter;

(viii) For destruction in the U.S. or by a person of another Party, one copy of a destruction verification as required in paragraph (e) of this section for a particular destroyer, destroying the same class II controlled substance, and a list of additional quantities shipped to that same destroyer for the quarter;

(ix) In cases where the producer produced class II controlled substances using export production allowances, a list of U.S. entities that purchased those class II controlled substances and exported them to a Party to the Protocol;

(x) In cases where the producer produced class II controlled substances using Article 5 allowances, a list of U.S. entities that purchased those class II controlled substances and exported them to Article 5 countries; and

(xi) A list of the HCFC 141b-exemption allowance holders from whom orders were received and the quantity (in kilograms) of HCFC–141b requested and produced.

(2) *Recordkeeping—Producers.* Every producer of a class II controlled substance during a control period must maintain the following records:

(i) Dated records of the quantity (in kilograms) of each class II controlled substance produced at each facility;

(ii) Dated records of the quantity (in kilograms) of class II controlled substances produced for use in processes that result in their transformation or for use in processes that result in their destruction;

(iii) Dated records of the quantity (in kilograms) of class II controlled substances sold for use in processes that result in their transformation or for use in processes that result in their destruction;

(iv) Dated records of the quantity (in kilograms) of class II controlled substances produced with export production allowances or Article 5 allowances;

(v) Copies of invoices or receipts documenting sale of class II controlled substances for use in processes that result in their transformation or for use in processes that result in their destruction;

(vi) Dated records of the quantity (in kilograms) of each class II controlled substance used at each facility as feedstocks or destroyed in the manufacture of a class II controlled substance or in the manufacture of any other substance, and any class II controlled substance introduced into the production process of the same class II controlled substance at each facility;

(vii) Dated records of the quantity (in kilograms) of raw materials and feedstock chemicals used at each facility for the production of class II controlled substances;

(viii) Dated records of the shipments of each class II controlled substance produced at each plant;

(ix) The quantity (in kilograms) of class II controlled substances, the date received, and names and addresses of the source of used materials containing class II controlled substances which are recycled or reclaimed at each plant;

(x) Records of the date, the class II controlled substance, and the estimated quantity of any spill or release of a class II controlled substance that equals or exceeds 100 pounds;

(xi) Transformation verification in the case of transformation, or the destruction verification in the case of destruction as required in paragraph (e) of this section showing that the purchaser or recipient of a class II controlled substance, in the U.S. or in another country that is a Party, certifies the intent to either transform or destroy the class II controlled substance, or sell the class II controlled substance for transformation or destruction in cases when allowances were not expended;

(xii) Written verifications from a U.S. purchaser that the class II controlled substance was exported to a Party in accordance with the requirements in this section, in cases where export production allowances were expended to produce the class II controlled substance;

(xiii) Written verifications from a U.S. purchaser that the class II controlled substance was exported to an Article 5 country in cases where Article 5 allowances were expended to produce the class II controlled substance;

(xiv) Written verifications from a U.S. purchaser that HCFC–141b was manufactured for the express purpose of meeting HCFC–141b exemption needs in accordance with information submitted under § 82.16(h), in cases where HCFC–141b exemption allowances were expended to produce the HCFC–141b.

(3) For any person who fails to maintain the records required by this paragraph, or to submit the report required by this paragraph, the Administrator may assume that the person has produced at full capacity during the period for which records were not kept, for purposes of determining whether the person has violated the prohibitions at § 82.15.

(c) *Importers.* Persons (''importers'') who import class II controlled substances during a control period must comply with the following recordkeeping and reporting requirements:

(1) *Reporting—Importers.* For each quarter, an importer of a class II controlled substance (including importers of used class II controlled substances) must submit to the Administrator a report containing the following information:

(i) Summaries of the records required in paragraphs (c)(2)(i) through (xvi) of this section for the previous quarter;

(ii) The total quantity (in kilograms) imported of each class II controlled substance for that quarter;

(iii) The commodity code for the class II controlled substances imported, which must be one of those listed in Appendix K to this subpart;

(iv) The quantity (in kilograms) of those class II controlled substances imported that are used class II controlled substances;

(v) The quantity (in kilograms) of class II controlled substances imported for that quarter and totaled by chemical for the control period to date;

(vi) The importer's total sum of expended and unexpended consumption allowances by chemical as of the end of that quarter;

(vii) The quantity (in kilograms) of class II controlled substances imported for use in processes resulting in their transformation or destruction;

(viii) The quantity (in kilograms) of class II controlled substances sold or transferred during that quarter to each person for use in processes resulting in their transformation or eventual destruction; and

(ix) Transformation verifications showing that the purchaser or recipient of imported class II controlled substances intends to transform those substances or destruction verifications showing that the purchaser or recipient intends to destroy the class II controlled substances (as provided in paragraph (e) of this section).

(x) [Reserved]

(xi) A list of the HCFC 141b-exemption allowance holders from whom orders were received and the quantity (in kilograms) of HCFC–141b requested and imported.

(2) *Recordkeeping—Importers.* An importer of a class II controlled substance (including used class II controlled substances) must maintain the following records:

(i) The quantity (in kilograms) of each class II controlled substance imported, either alone or in mixtures, including the percentage of each mixture which consists of a class II controlled substance;

(ii) The quantity (in kilograms) of those class II controlled substances imported that are used and the information provided with the petition as required under paragraph (c)(3) of this section;

(iii) The quantity (in kilograms) of class II controlled substances other than transhipments or used substances imported for use in processes resulting in their transformation or destruction;

(iv) The quantity (in kilograms) of class II controlled substances other than transhipments or used substances imported and sold for use in processes

that result in their destruction or transformation;

(v) The date on which the class II controlled substances were imported;

(vi) The port of entry through which the class II controlled substances passed;

(vii) The country from which the imported class II controlled substances were imported;

(viii) The commodity code for the class II controlled substances shipped, which must be one of those listed in Appendix K to this subpart;

(ix) The importer number for the shipment;

(x) A copy of the bill of lading for the import;

(xi) The invoice for the import;

(xii) The quantity (in kilograms) of imports of used class II controlled substances;

(xiii) The U.S. Customs entry form;

(xiv) Dated records documenting the sale or transfer of class II controlled substances for use in processes resulting in their transformation or destruction;

(xv) Copies of transformation verifications or destruction verifications indicating that the class II controlled substances will be transformed or destroyed (as provided in paragraph (e) of this section).

(xvi) Written verifications from a U.S. purchaser that HCFC–141b was imported for the express purpose of meeting HCFC–141b exemption needs in accordance with information submitted under §82.16(h), and that the quantity will not be resold, in cases where HCFC–141b exemption allowances were expended to import the HCFC–141b.

(3) *Petition to import used class II controlled substances and transhipments—Importers.* For each individual shipment over 5 pounds of a used class II controlled substance as defined in §82.3, an importer must submit directly to the Administrator, at least 40 working days before the shipment is to leave the foreign port of export, the following information in a petition:

(i) The name and quantity (in kilograms) of the used class II controlled substance to be imported;

(ii) The name and address of the importer, the importer ID number, the contact person, and the phone and fax numbers;

(iii) Name, address, contact person, phone number and fax number of all previous source facilities from which the used class II controlled substance was recovered;

(iv) A detailed description of the previous use of the class II controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment;

(v) A list of the name, make and model number of the equipment from which the material was recovered at each source facility;

(vi) Name, address, contact person, phone number and fax number of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility;

(vii) The U.S. port of entry for the import, the expected date of shipment and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment and the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;

(viii) A description of the intended use of the used class II controlled substance, and, when possible, the name, address, contact person, phone number and fax number of the ultimate purchaser in the United States;

(ix) The name, address, contact person, phone number and fax number of the U.S. reclamation facility, where applicable;

(x) If someone at the source facility recovered the class II controlled substance from the equipment, the name and phone and fax numbers of that person;

(xi) If the imported class II controlled substance was reclaimed in a foreign Party, the name, address, contact person, phone number and fax

number of any or all foreign reclamation facility(ies) responsible for reclaiming the cited shipment;

(xii) An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from the appropriate government agency in that country;

(xiii) If the imported used class II controlled substance is intended to be sold as a refrigerant in the U.S., the name and address of the U.S. reclaimer who will bring the material to the standard required under subpart F of this part, if not already reclaimed to those specifications; and

(xiv) A certification of accuracy of the information submitted in the petition.

(4) *Review of petition to import used class II controlled substances and transhipments—Importers.* Starting on the first working day following receipt by the Administrator of a petition to import a used class II controlled substance, the Administrator will initiate a review of the information submitted under paragraph(c)(3) of this section and take action within 40 working days to issue either an objection-notice or a non-objection notice for the individual shipment to the person who submitted the petition to import the used class II controlled substance.

(i) The Administrator may issue an objection notice to a petition for the following reasons:

(A) If the Administrator determines that the information is insufficient, that is, if the petition lacks or appears to lack any of the information required under paragraph (c)(3) of this section;

(B) If the Administrator determines that any portion of the petition contains false or misleading information, or the Administrator has information from other U.S. or foreign government agencies indicating that the petition contains false or misleading information;

(C) If the transaction appears to be contrary to provisions of the Vienna Convention on Substances that Deplete the Ozone Layer, the Montreal Protocol and Decisions by the Parties, or the non-compliance procedures outlined and instituted by the Implementation Committee of the Montreal Protocol;

(D) If the appropriate government agency in the exporting country has not agreed to issue an export license for the cited individual shipment of used class II controlled substance;

(E) If reclamation capacity is installed or is being installed for that specific class II controlled substance in the country of recovery or country of export and the capacity is funded in full or in part through the Multilateral Fund.

(ii) Within ten (10) working days after receipt of the objection notice, the importer may re-petition the Administrator, only if the Administrator indicated ''insufficient information'' as the basis for the objection notice. If no appeal is taken by the tenth working day after the date on the objection notice, the objection shall become final. Only one re-petition will be accepted for any original petition received by EPA.

(iii) Any information contained in the re-petition which is inconsistent with the original petition must be identified and a description of the reason for the inconsistency must accompany the re-petition.

(iv) In cases where the Administrator does not object to the petition based on the criteria listed in paragraph (c)(4)(i) of this section, the Administrator will issue a non-objection notice.

(v) To pass the approved used class II controlled substances through U.S. Customs, the petition and the non-objection notice issued by EPA must accompany the shipment through U.S. Customs.

(vi) If for some reason, following EPA's issuance of a non-objection notice, new information is brought to EPA's attention which shows that the non-objection notice was issued based on false information, then EPA has the right to:

(A) Revoke the non-objection notice;

(B) Pursue all means to ensure that the class II controlled substance is not imported into the U.S.; and

(C) Take appropriate enforcement actions.

(vii) Once the Administrator issues a non-objection notice, the person receiving the non-objection notice is permitted to import the individual shipment of used class II controlled substance only within the same control period as the date stamped on the non-objection notice.

(viii) A person receiving a non-objection notice from the Administrator for a petition to import used class II controlled substances must maintain the following records:

(A) A copy of the petition;

(B) The EPA non-objection notice;

(C) The bill of lading for the import; and

(D) U.S. Customs entry documents for the import that must include one of the commodity codes from Appendix K to this subpart.

(5) Recordkeeping for transhipments—Importers. Any person who tranships a class II controlled substance must maintain records that indicate:

(i) That the class II controlled substance shipment originated in a foreign country;

(ii) That the class II controlled substance shipment is destined for another foreign country; and

(iii) That the class II controlled substance shipment will not enter interstate commerce within the U.S.

(d) *Exporters.* Persons (''exporters'') who export class II controlled substances during a control period must comply with the following reporting requirements:

(1) *Reporting—Exporters.* For any exports of class II controlled substances not reported under §82.20 (additional consumption allowances), or under paragraph (b)(2) of this section (reporting for producers of class II controlled substances), each exporter who exported a class II controlled substance must submit to the Administrator the following information within 30 days after the end of each quarter in which the unreported exports left the U.S.:

(i) The names and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employer Identification Number;

(iii) The type and quantity (in kilograms) of each class II controlled substance exported and what percentage, if any of the class II controlled substance is used;

(iv) The date on which, and the port from which, the class II controlled substances were exported from the U.S. or its territories;

(v) The country to which the class II controlled substances were exported;

(vi) The quantity (in kilograms) exported to each Article 5 country;

(vii) The commodity code for the class II controlled substances shipped, which must be one of those listed in Appendix K to this subpart;

(viii) For persons reporting transformation or destruction, the invoice or sales agreement containing language similar to the transformation verifications that the purchaser or recipient of imported class II controlled substances intends to transform those substances, or destruction verifications showing that the purchaser or recipient intends to destroy the class II controlled substances (as provided in paragraph (e) of this section).

(2) *Reporting export production allowances—Exporters.* In addition to the information required in paragraph (d)(1) of this section, any exporter using export production allowances must also provide the following to the Administrator:

(i) The Employer Identification Number on the Shipper's Export Declaration Form or Employer Identification Number of the shipping agent shown on the U.S. Customs Form 7525;

(ii) The exporting vessel on which the class II controlled substances were shipped; and

(iii) The quantity (in kilograms) exported to each Party.

(3) *Reporting Article 5 allowances—Exporters.* In addition to the information required in paragraph (d)(1) of this section, any exporter using Article 5 allowances must also provide the following to the Administrator:

(i) The Employer Identification Number on the Shipper's Export Declaration Form or Employer Identification Number of the shipping agent shown on the U.S. Customs Form 7525; and

(ii) The exporting vessel on which the class II controlled substances were shipped.

(4) *Reporting used class II controlled substances—Exporters.* Any exporter of used class II controlled substances must indicate on the bill of lading or invoice that the class II controlled substance is used, as defined in § 82.3.

(e) *Transformation and destruction.* Any person who transforms or destroys class II controlled substances must comply with the following recordkeeping and reporting requirements:

(1) *Recordkeeping—Transformation and destruction.* Any person who transforms or destroys class II controlled substances produced or imported by another person must maintain the following:

(i) Copies of the invoices or receipts documenting the sale or transfer of the class II controlled substances to the person;

(ii) Records identifying the producer or importer of the class II controlled substances received by the person;

(iii) Dated records of inventories of class II controlled substances at each plant on the first day of each quarter;

(iv) Dated records of the quantity (in kilograms) of each class II controlled substance transformed or destroyed;

(v) In the case where class II controlled substances were purchased or transferred for transformation purposes, a copy of the person's transformation verification as provided under paragraph (e)(3)of this section.

(vi) Dated records of the names, commercial use, and quantities (in kilograms) of the resulting chemical(s) when the class II controlled substances are transformed; and

(vii) Dated records of shipments to purchasers of the resulting chemical(s) when the class II controlled substances are transformed.

(viii) In the case where class II controlled substances were purchased or transferred for destruction purposes, a copy of the person's destruction verification, as provided under paragraph (e)(5) of this section.

(2) *Reporting—Transformation and destruction.* Any person who transforms or destroys class II controlled substances and who has submitted a transformation verification ((paragraph (e)(3) of this section) or a destruction verification (paragraph (e)(5) of this section) to the producer or importer of the class II controlled substances, must report the following:

(i) The names and quantities (in kilograms) of the class II controlled substances transformed for each control period within 45 days of the end of such control period; and

(ii) The names and quantities (in kilograms) of the class II controlled substances destroyed for each control period within 45 days of the end of such control period.

(3) *Reporting—Transformation.* Any person who purchases class II controlled substances for purposes of transformation must provide the producer or importer with a transformation verification that the class II controlled substances are to be used in processes that result in their transformation.

(i) The transformation verification shall include the following:

(A) Identity and address of the person intending to transform the class II controlled substances;

(B) The quantity (in kilograms) of class II controlled substances intended for transformation;

(C) Identity of shipments by purchase order number(s), purchaser account number(s), by location(s), or other means of identification;

(D) Period of time over which the person intends to transform the class II controlled substances; and

(E) Signature of the verifying person.

(ii) [Reserved]

(4) *Reporting—Destruction.* Any person who destroys class II controlled substances shall provide EPA with a one-time report containing the following information:

(i) The destruction unit's destruction efficiency;

(ii) The methods used to record the volume destroyed;

(iii) The methods used to determine destruction efficiency;

(iv) The name of other relevant federal or state regulations that may apply to the destruction process;

(v) Any changes to the information in paragraphs (e)(4)(i), (ii), and (iii) of this section must be reflected in a revision to be submitted to EPA within 60 days of the change(s).

(5) *Reporting—Destruction.* Any person who purchases or receives and subsequently destroys class II controlled substances that were originally produced without expending allowances shall provide the producer or importer from whom it purchased or received the class II controlled substances with a verification that the class II controlled substances will be used in processes that result in their destruction.

(i) The destruction verification shall include the following:

(A) Identity and address of the person intending to destroy class II controlled substances;

(B) Indication of whether those class II controlled substances will be completely destroyed, as defined in §82.3, or less than completely destroyed, in which case the destruction efficiency at which such substances will be destroyed must be included;

(C) Period of time over which the person intends to destroy class II controlled substances; and

(D) Signature of the verifying person.

(ii) [Reserved]

(f) *Heels—Recordkeeping and reporting.* Any person who brings into the U.S. a container with a heel, as defined in §82.3, of class II controlled substances, must comply with the following requirements:

(1) Any person who brings a container with a heel must indicate on its bill of lading or invoice that the class II controlled substance in the container is a heel.

(2) Any person who brings a container with a heel must report quarterly the quantity (in kilograms) brought into the U.S. and certify:

(i) That the residual quantity (in kilograms) in each shipment is no more than 10 percent of the volume of the container;

(ii) That the residual quantity (in kilograms) in each shipment will either:

(A) Remain in the container and be included in a future shipment;

(B) Be recovered and transformed;

(C) Be recovered and destroyed; or

(D) Be recovered for a non-emissive use.

(3) Any person who brings a container with a heel into the U.S. must report on the final disposition of each shipment within 45 days of the end of the control period.

(g) *HCFC 141b exemption allowances—Reporting and recordkeeping.* (1) Any person allocated HCFC–141b exemption allowances who confers a quantity of the HCFC–141b exemption allowances to a producer or import and places an order for the production or import of HCFC–141b with a verification that the HCFC–141b will only be used for the exempted purpose and not be resold must submit semi-annual reports, due 30 days after the end of the second and fourth respectively, to the Administrator containing the following information:

(i) Total quantity (in kilograms) HCFC–141b received during the 6 month period; and

(ii) The identity of the supplier of HCFC–141b on a shipment-by-shipment basis during the 6 month period.

(2) Any person allocated HCFC–141b exemption allowances must keep records of letters to producers and importers conferring unexpended HCFC–141b exemption allowances for the specified control period in the notice, orders for the production or import of HCFC–141b under those letters and written verifications that the HCFC–141b was produced or imported for the express purpose of meeting HCFC–141b exemption needs in accordance with information submitted under §82.16(h), and that the quantity will not be resold.

[68 FR 2848, Jan. 21, 2003]

APPENDIX A TO SUBPART A OF PART 82—CLASS I CONTROLLED SUBSTANCES

Class 1 controlled substances	ODP
A. Group I:	
$CFCl_3$-Trichlorofluoromethane (CFC–ll)	1.0
CF_2 Cl_2-Dichlorofifluoromethane (CFC–12)	1.0
C_2 F_3 Cl_3-Trichlorotrifluoroethane (CFC–113)	0.8
C_2 F_4 Cl_2-Dichlorotetrafluoroethane (CFC–114)	1.0
C_2 F_5 Cl-Monochloropentafluoroethane (CFC–115)	0.6
All isomers of the above chemicals	
B. Group II:	
CF_2 ClBr-Bromochlorodifluoromethane (Halon-1211)	3.0
CF_3 Br-Bromotrifluoromethane (Halon-1301)	10.0
C_2 F_4 Br_2-Dibromotetrafluoroethane (Halon-2402)	6.0
All isomers of the above chemicals	
C. Group III:	
CF_3 Cl-Chlorotrifluoromethane (CFC–13)	1.0
C_2 FCl_5-(CFC–111)	1.0
C_2 F_2 Cl_4-(CFC–112)	1.0

Class 1 controlled substances	ODP
C_3 FCl_7-(CFC–211)	1.0
C_3 F_2 Cl_6-(CFC–212)	1.0
C_3 F_3 Cl_5-(CFC–213)	1.0
C_3 F_4 Cl_4-(CFC–214)	1.0
C_3 F_5 Cl_3-(CFC–215)	1.0
C_3 F_6 Cl_2-(CFC–216)	1.0
C_3 F_7 Cl-(CFC–217)	1.0
All isomers of the above chemicals	
D. Group IV: CCl_4-Carbon Tetrachloride	1.1
E. Group V:	
C_2 H_3 Cl_3-1,1,1 Trichloroethane (Methyl chloroform)	0.1
All isomers of the above chemical except 1,1,2-trichloroethane	
F. Group VI: CH_3 Br—Bromomethane (Methyl Bromide)	0.7
G. Group VII:	
$CHFBR_2$	1.00
CHF_2 Br (HBFC–2201)	0.74
CH_2 FBr	0.73
C_2 $HFBr_4$	0.3–0.8
C_2 HF_2 Br_3	0.5–1.8
C_2 HF_3 Br_2	0.4–1.6
C_2 HF_4 Br	0.7–1.2
C_2 H_2 FBr_3	0.1–1.1
C_2 H_2 F_2 Br_2	0.2–1.5
C_2 H_2 F_3 Br	0.7–1.6
C_2 H_2 FBr_2	0.1–1.7
C_2 H_3 F_2 Br	0.2–1.1
C_2 H_4 FBr	0.07–0.1
C_3 $HFBr_6$	0.3–1.5
C_3 HF_2 Br_5	0.2–1.9
C_3 HF_3 Br_4	0.3–1.8
C_3 HF_4 Br_3	0.5–2.2
C_3 HF_5 Br_2	0.9–2.0
C_3 HF_6 Br	0.7–3.3
C_3 H_2 FBR_5	0.1–1.9
C_3 H_2 F_2 BR_4	0.2–2.1
C_3 H_2 F_3 Br_3	0.2–5.6
C_3 H_2 F_4 Br_2	0.3–7.5
C_3 H_2 F_5 BR	0.9–14
C_3 H_3 FBR_4	0.08–1.9
C_3 H_3 F_2 Br_3	0.1–3.1
C_3 H_3 F_3 Br_2	0.1–2.5
C_3 H_3 F_4 Br	0.3–4.4
C_3 H_4 FBr_3	0.03–0.3
C_3 H_4 F_2 Br_2	0.1–1.0
C_3 H_4 F_3 Br	0.07–0.8
C_3 H_5 FBr_2	0.04–0.4
C_3 H_5 F_2 Br	0.07–0.8
C_3 H_6 FB	0.02–0.7

APPENDIX B TO SUBPART A OF PART 82—CLASS II CONTROLLED SUBSTANCES [a]

Controlled Substance	ODP
1. Dichlorofluoromethane (HCFC–21)	0.04
2. Monochlorodifluoromethane (HCFC–22).	0.055
3. Monochlorofluoromethane (HCFC–31)	0.02
4. Tetrachlorofluoroethane (HCFC–121)	0.01–0.04
5. Trichlorodifluoroethane (HCFC–122)	0.02–0.08
6. Dichlorotrifluoroethane (HCFC–123)	0.02
7. Monochlorotetrafluoroethane (HCFC–124).	0.022
8. Trichlorofluoroethane (HCFC–131)	0.007–0.05
9. Dichlorodifluoroethane (HCFC–132)	0.008–0.05
10. Monochlorotrifluoroethane (HCFC–133).	0.02–0.06
11. Dichlorofluoroethane (HCFC–141b)	0.11
12. Monochlorodifluoroethane (HCFC–142b).	0.065
13. Chlorofluoroethane (HCFC–151)	0.003–0.005
14. Hexachlorofluoropropane (HCFC–221).	0.015–0.07
15. Pentachlorodifluoropropane (HCFC–222).	0.01–0.09
16. Tetrachlorotrifluoropropane (HCFC–223).	0.01–0.08
17. Trichlorotetrafluoropropane (HCFC–224).	0.01–0.09
18. Dichloropentafluoropropane (HCFC–225ca).	0.025
19. Dichloropentafluoropropane (HCFC–225cb).	0.033
20. Monochlorohexafluoropropane (HCFC–226).	0.02–0.10
21. Pentachlorofluoropropane (HCFC–231).	0.05–0.09
22. Tetrachlorodifluoropropane (HCFC–232).	0.008–0.10
23. Trichlorotrifluoropropane (HCFC–233).	0.007–0.23
24. Dichlorotetrafluoropropane (HCFC–234).	0.01–0.28
25. Monochloropentafluoropropane (HCFC–235).	0.03–0.52
26. Tetrachlorofluoropropane (HCFC–241).	0.004–0.09
27. Trichlorodifluoropropane (HCFC–242).	0.005–0.13
28. Dichlorotrifluoropropane (HCFC–243)	0.007–0.12
29. Monochlorotetrafluoropropane (HCFC–244).	0.009–0.14
30. Trichlorofluoropropane (HCFC–251)	0.001–0.01
31. Dichlorodifluoropropane (HCFC–252)	0.005–0.04
32. Monochlorotrifluoropropane (HCFC–253).	0.003–0.03
33. Dichlorofluoropropane (HCFC–261)	0.002–0.02
34. Monochlorodifluoropropane (HCFC–262).	0.002–0.02
35. Monochlorofluoropropane (HCFC–271).	0.001–0.03

[a] According to Annex C of the Montreal Protocol, ''Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.''

[68 FR 2859, Jan. 21, 2003]

APPENDIX C TO SUBPART A OF PART 82—PARTIES TO THE MONTREAL PROTOCOL (AS OF JUNE 14, 2002)

[Updated lists of Parties to the Protocol and the Amendments can be located at the website for UNEP's Ozone Secretariat. A check mark indicates ratification/accession/acceptance/approval of the agreement.]

Foreign state	Montreal protocol	London amendments	Copenhagen amendments	Montreal amendments	Beijing amendments
Albania	√				
Algeria	√	√	√		
Angola	√				
Antigua and Barbuda	√	√	√	√	
Argentina	√	√	√	√	
Armenia	√				
Australia	√	√	√	√	
Austria	√	√	√	√	
Azerbaijan	√	√	√	√	
Bahamas	√	√	√		
Bahrain	√	√	√	√	
Bangladesh	√	√	√	√	
Barbados	√	√	√		
Belarus	√	√			
Belgium	√	√	√		
Belize	√	√	√		
Benin	√	√	√		
Bolivia	√	√	√	√	
Bosnia & Herzegovina	√				
Botswana	√	√	√		
Brazil	√	√	√		
Brunei Darussalam	√				
Bulgaria	√	√	√	√	√
Burkina Faso	√	√	√		
Burundi	√	√	√	√	√
Cambodia	√				
Cameroon	√	√	√		
Canada	√	√	√	√	√
Cape Verde	√	√	√	√	
Central African Republic	√				
Chad	√	√	√	√	
Chile	√	√	√	√	√
China	√	√			
Colombia	√	√	√		
Comoros	√	√			
Congo	√	√	√	√	√
Congo, Democratic Republic of	√	√	√		
Costa Rica	√	√	√		
Cote d'Ivoire	√	√			
Croatia	√	√	√	√	√
Cuba	√	√	√		
Cyprus	√	√			
Czech Republic	√	√	√	√	√
Denmark	√	√	√		
Djibouti	√	√	√	√	
Dominica	√	√			
Dominican Republic	√	√	√		
Ecuador	√	√	√		
Egypt	√	√	√	√	
El Salvador	√	√	√	√	
Equatorial Guinea.					
Estonia	√	√	√		
Ethiopia	√				
European Community	√	√	√	√	√
Federated States of Micronesia	√	√	√	√	√
Fiji	√	√	√		
Finland	√	√	√	√	√
France	√	√	√		
Gabon	√	√	√	√	√
Gambia	√	√			
Georgia	√	√	√	√	
Germany	√	√	√	√	
Ghana	√	√	√		
Greece	√	√	√		
Grenada	√	√	√	√	
Guatemala	√	√	√	√	√
Guinea	√	√			
Guyana	√	√	√	√	

[Updated lists of Parties to the Protocol and the Amendments can be located at the website for UNEP's Ozone Secretariat. A check mark indicates ratification/accession/acceptance/approval of the agreement.]

Foreign state	Montreal protocol	London amendments	Copenhagen amendments	Montreal amendments	Beijing amendments
Haiti	√	√	√	√	
Honduras	√	√	√		
Hungary	√	√	√	√	√
Iceland	√	√	√	√	
India	√	√			
Indonesia	√	√	√		
Iran, Islamic Republic of	√	√	√	√	
Ireland	√	√	√		
Israel	√	√	√		
Italy	√	√	√	√	
Jamaica	√	√	√		
Japan	√	√	√		
Jordan	√	√	√	√	√
Kazakhstan	√	√			
Kenya	√	√	√	√	
Kiribati	√				
Korea, Democratic People's Republic of	√	√	√	√	√
Korea, Republic of	√	√	√	√	
Kuwait	√	√	√		
Kyrgyzstan	√				
Lao, People's Democratic Republic	√				
Latvia	√	√	√	√	
Lebanon	√	√	√	√	
Lesotho	√				
Liberia	√	√	√		
Libyan Arab Jamahiriya	√	√			
Liechtenstein	√	√	√		
Lithuania	√	√	√		
Luxembourg	√	√	√	√	√
Macedonia, The Former Yugoslav Republic of	√	√	√	√	√
Madagascar	√	√	√	√	√
Malawi	√	√	√		
Malaysia	√	√	√	√	√
Maldives	√	√	√	√	
Mali	√	√			
Malta	√	√			
Marshall Islands	√	√	√		
Mauritania	√				
Mauritius	√	√	√		
Mexico	√	√	√		
Moldova	√	√	√		
Monaco	√	√	√	√	
Mongolia	√	√	√	√	
Morocco	√	√	√		
Mozambique	√	√	√		
Myanmar	√	√			
Namibia	√	√			
Nauru	√				
Nepal	√	√			
Netherlands	√	√	√	√	√
New Zealand	√	√	√	√	√
Nicaragua	√	√	√		
Niger	√	√	√	√	
Nigeria	√	√	√	√	
Norway	√	√	√	√	√
Oman	√	√	√		
Pakistan	√	√	√		
Palau	√	√	√	√	√
Panama	√	√	√	√	√
Papua New Guinea	√	√			
Paraguay	√	√	√	√	
Peru	√	√	√		
Philippines	√	√	√		
Poland	√	√	√	√	
Portugal	√	√	√		
Qatar	√	√	√		
Romania	√	√	√	√	
Russian Federation	√	√			
Rwanda	√				
Saint Kitts & Nevis	√	√	√	√	√

[Updated lists of Parties to the Protocol and the Amendments can be located at the website for UNEP's Ozone Secretariat. A check mark indicates ratification/accession/acceptance/approval of the agreement.]

Foreign state	Montreal protocol	London amendments	Copenhagen amendments	Montreal amendments	Beijing amendments
Saint Lucia	√	√	√	√	√
Saint Vincent and the Grenadines	√	√	√		
Samoa	√	√	√	√	√
Sao Tome and Principe	√	√	√	√	√
Saudi Arabia	√	√	√		
Senegal	√	√	√	√	
Seychelles	√	√	√		
Sierra Leone	√	√	√	√	√
Singapore	√	√	√	√	
Slovakia	√	√	√	√	√
Slovenia	√	√	√	√	
Solomon Islands	√	√	√	√	
Somalia	√	√	√	√	√
South Africa	√	√	√		
Spain	√	√	√	√	√
Sri Lanka	√	√	√	√	
Sudan	√	√	√		
Suriname	√				
Swaziland	√				
Sweden	√	√	√	√	√
Switzerland	√	√	√		
Syrian Arab Republic	√	√	√	√	
Tajikistan	√	√			
Tanzania, United Republic of	√	√			
Thailand	√	√	√		
Togo	√	√	√	√	√
Tonga	√				
Trinidad and Tobago	√	√	√	√	
Tunisia	√	√	√	√	
Turkey	√	√	√		
Turkmenistan	√	√			
Tuvalu	√	√	√	√	
Uganda	√	√	√	√	
Ukraine	√	√	√	√	
United Arab Emirates	√				
United Kingdom	√	√	√	√	√
United States of America	√	√	√		
Uruguay	√	√	√	√	
Uzbekistan	√	√	√		
Vanuatu	√	√	√		
Venezuela	√	√	√	√	
Viet Nam	√	√	√		
Yemen	√	√	√	√	
Yugoslavia	√				
Zambia	√	√			
Zimbabwe	√	√	√		

[68 FR 2860, Jan. 21, 2003]

ANNEX 2 TO SUBPART A—NATIONS COMPLYING WITH, BUT NOT PARTIES TO, THE PROTOCOL [Reserved]

APPENDIX D TO SUBPART A OF PART 82—HARMONIZED TARIFF SCHEDULE DESCRIPTION OF PRODUCTS THAT MAY CONTAIN CONTROLLED SUBSTANCES IN APPENDIX A, CLASS I, GROUPS I AND II

This Appendix is based on information provided by the Ozone Secretariat of the United Nations Ozone Environment Programme.** The Appendix lists available U.S. harmonized tariff schedule codes identifying headings and subheadings for Annex D products that may contain controlled substances.

The Harmonized Tariff Schedule of the United States uses a enumeration system to identify products imported and exported to and from the U.S. This system relies on a four digit heading, a four digit subheading and additional two digit statistical suffix to characterize products. The United States

** ''A Note Regarding the Harmonized System Code Numbers for the Products Listed in Annex D.'' Adopted by Decision IV/15 paragraph 3, of the Fourth Meeting of the Parties in Copenhagen, 23–25 November, 1992.

uses the suffix for its own statistical records and analyses. This Appendix lists only headings and subheadings.

While some can be readily associated with harmonized system codes, many products cannot be tied to HS classifications unless their exact composition and the presentation are known. It should be noted that the specified HS classifications represent the most likely headings and subheadings which may contain substances controlled by the Montreal Protocol. The codes given should only be used as a starting point; further verfication is needed to ascertain whether or not the products actually contain controlled substances.

CATEGORY 1. AUTOMOBILE AND TRUCK AIR CONDITIONING UNITS (WHETHER INCORPORATED IN VEHICLES OR NOT)

There are no separate code numbers for air conditioning units specially used in automobiles and trucks. Although a code has been proposed for car air conditioners, it is not yet officially listed in the Harmonized Tariff Schedule (see category 2). The following codes apply to the vehicles potentially containing air conditioning units.

Heading/Subheading	*Article Description*
8701.(10, 20, 30, 90)***	Tractors.
8702	Public-transport type passenger motor vehicles.
8702.10	With compression-ignition internal-combustion piston engine (diesel or semi-diesel).
8702.90	Other.
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars.
8703.10	Vehicles specially designed for traveling on snow; golf carts and similar vehicles; includes subheading 10.10 and 10.50.
8703.(21, 22, 23, 24)	Other vehicles, with spark-ignition internal combustion reciprocating engines.
8703.(31, 32, 33, 90)	Other vehicles, with compression-ignition internal combustion piston engine (diesel or semi-diesel).
8704	Motor vehicles for the transport of goods.
8704.10.(10, 50)	Dumpers designed for off-highway use.
8704.(21, 22, 23)	Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel).
8704.(31, 32, 90)	Other, with compression-ignition internal combustion piston engine.
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, wreckers, mobile cranes, fire fighting vehicles, concrete mixers, road sweepers, spraying vehicles, mobile workshops, mobile radiological units).
8705.10	Crane lorries.
8705.20	Mobile drilling derricks.
8705.30	Fire fighting vehicles.
8705.90	Other.

***At this time vehicle air conditioning units are considered components of vehicles or are classified under the general category for air conditioning and refrigeration equipment. Vehicles containing air conditioners are therefore considered products containing controlled substances.

CATEGORY 2. DOMESTIC AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING/HEAT PUMP EQUIPMENT

Domestic and commercial air conditioning and refrigeration equipment fall primarily under headings 8415 and 8418.

Heading/Subheading	*Article Description*
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated.
8415.20	Proposed code for air conditioning of a kind used for persons, in motor vehicles.
8415.10.00	A/C window or wall types, self-contained.
8415.81.00	Other, except parts, incorporating a refrigerating unit and a valve for reversal of the cooling/heat cycle.
8415.82.00	Other, incorporating a refrigerating unit—
	Self-contained machines and remote condenser type air conditioners (not for year-round use).
	Year-round units (for heating and cooling).
	Air Conditioning evaporator coils.
	Dehumidifiers.
	Other air conditioning machines incorporating a refrigerating unit.
8415.83	Automotive air conditioners.
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps, other than air conditioning machines of heading 8415; parts thereof.
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors.
8418.21.00	Refrigerators, household type, Compression type.
8418.22.00	Absorption type, electrical.
8418.29.00	Other.
8418.30.00	Freezers of the chest type.
8418.40	Freezers of the upright type.
8418.50.0040	Other refrigerating or freezing chests, cabinets, display counters, showcases and similar refrigerating or freezing furniture.
8418.61.00	Other refrigerating or freezing equipment; heat pumps.
8418.69	Other—
	Icemaking machines.
	Drinking water coolers, self-contained.
	Soda fountain and beer dispensing equipment.
	Centrifugal liquid chilling refrigerating units.
	Absorption liquid chilling units.
	Reciprocating liquid chilling units.
	Other refrigerating or freezing equipment (household or other).
8479.89.10	Dehumidifiers (other than those under 8415 or 8424 classified as ''machines and mechanical appliances having individual functions, not specified or included elsewhere'').

CATEGORY 3. AEROSOL PRODUCTS

An array of different products use controlled substances as aerosols and in aerosol applications. Not all aerosol applications use controlled substances, however. The codes given below represent the most likely classifications for products containing controlled substances. The product codes listed include****:

- varnishes
- perfumes
- preparations for use on hair
- preparations for oral and dental hygiene
- shaving preparations
- personal deodorants, bath preparations

****Other categories of products that may contain controlled substances are listed below. EPA is currently working to match them with appropriate codes. They include: coatings and electronic equipment (e.g., electrical motors), coatings or cleaning fluids for aircraft maintenance, mold release agents (e.g. for production of plastic or elastomeric materials), water and oil repellant (potentially under HS 3402), spray undercoats (potentially under ''paints and varnishes''), spot removers, brake cleaners, safety sprays (e.g., mace cans), animal repellant, noise horns (e.g., for use on boats), weld inspection developers, freezants, gum removers, intruder alarms, tire inflators, dusters (for electronic and non-electronic applications), spray shoe polish, and suede protectors.

- prepared room deodorizers
- soaps
- lubricants
- polishes and creams
- explosives
- insecticides, fungicides, herbicides, disinfectants
- arms and ammunition
- household products such as footwear or leather polishes
- other miscellaneous products

Heading/Subheading	*Article Description*
3208	Paints and varnishes***** (including enamels and lacquers) based on synthetic polymers of chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium.
3208.10	Based on polyesters.
3208.20	Based on acrylic or vinyl polymers.
3208.90	Other.
3209	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in an aqueous medium.
3209.10	Based on acrylic or vinyl polymers.
3209.90	Other.
3210.00	Other paints and varnishes (including enamels, lacquers and distempers) and prepared water pigments of a kind used for finishing leather.
3212.90	Dyes and other coloring matter put up in forms or packings for retail sale.
3303.00	Perfumes and toilet waters.
3304.30	Manicure or pedicure preparations.
3305.10	Shampoos.
3305.20	Preparations for permanent waving or straightening.
3305.30	Hair lacquers.
3305.90	Other hair preparations.
3306.10	Dentrifices.
3306.90	Other dental (this may include breath sprays).
3307.10	Pre-shave, shaving or after-shave preparations.
3307.20	Personal deodorants and antiperspirants.
3307.30	Perfumed bath salts and other bath preparations.
3307.49	Other (this may include preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites, whether or not perfumed or having disinfectant properties).
3307.90	Other (this may include depilatory products and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included)
3403	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants), and preparations of a kind used for the oil or grease treatment of textile materials, leather, fur skins or other materials, but excluding preparations containing, as basic constituents, 70 percent or more by weight of petroleum oils or of oils obtained from bituminous minerals.
3402	Organic surface-active agents (other than soap); surface-active preparations, washing preparations and cleaning operations, whether or not containing soap, other than those of 3401.
3402.20	Preparations put up for retail sale.
3402.19	Other preparations containing petroleum oils or oils obtained from bituminous minerals.
3403	Lubricating preparations consisting of mixtures containing silicone greases or oils, as the case may be.
2710.00	Preparations not elsewhere specified or included, containing by weight 70 percent or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations.

Heading/Subheading	*Article Description*
3403.11	Lubricants containing petroleum oils or oils obtained from bituminous minerals used for preparations from the treatment of textile materials, leather, fur skins or other materials.
3403.19	Other preparations containing petroleum oils or oils obtained from bituminous minerals.
3405	Polishes and creams, for footwear, furniture, floors, coachwork, glass or metal, scouring pastes and powders and similar preparations excluding waxes of heading 3404.
3405.10	Polishes and creams for footwear or leather.
3405.20	Polishes for wooden furniture, floors or other woodwork.
36	Explosives.
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly papers).
3808.10	Insecticides.
3808.20	Fungicides.
3808.30	Herbicides, anti-sprouting products and plant growth regulators.
3808.40	Disinfectants.
3808.90	Other insecticides, fungicides.
3809.10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dye-stuffs and other products and preparations (for example, dressings and mordants) of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances.
3814	Organic composite solvents and thinners (not elsewhere specified or included) and the prepared paint or varnish removers.
3910	Silicones in primary forms.
9304	Other arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading No. 93.07. Thus, aerosol spray cans containing tear gas may be classified under this subheading.
0404.90	Products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included.
1517.90	Edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No. 15.16.
2106.90	Food preparations not elsewhere specified or included.

***** Although paints do not generally use contain controlled substances, some varnishes use CFC 113 and 1,1,1,trichlorethane as solvents.

CATEGORY 4. PORTABLE FIRE EXTINGUISHERS

Heading/Subheading	*Article Description*
8424	Mechanical appliances (whether or not hand operated) for projecting, dispersing, or spraying liquids or powders; fire extinguishers whether or not charged, spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines.
8424.10	Fire extinguishers, whether or not charged.

CATEGORY 5. INSULATION BOARDS, PANELS AND PIPE COVERS

These goods have to be classified according to their composition and presentation. For example, if the insulation materials are made of polyurethane, polystyrene, polyolefin and phenolic plastics, then they may be classified Chapter 39, for ''Plastics and articles thereof''. The exact description of the products at issue is necessary before a classification can be given.******

Heading/Subheading	*Article Description*
3917.21 to 3917.39	Tubes, pipes and hoses of plastics.
3920.10 to 3920.99	Plates, sheets, film, foil and strip made of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials.
3921.11 to 3921.90	Other plates, sheets, film, foil and strip, made of plastics.
3925.90	Builders' ware made of plastics, not elsewhere specified or included.
3926.90	Articles made of plastics, not elsewhere specified or included.

CATEGORY 6. PRE-POLYMERS

According to the Explanatory Notes to the Harmonized Commodity Description and Coding System, ''prepolymers are products which are characterized by some repetition of monomer units although they may contain unreacted monomers. Prepolymers are not normally used as such but are intended to be transformed into higher molecular weight polymers by further polymerization. Therefore the term does not cover finished products, such as di-isobutylenes or mixed polyethylene glycols with very low molecular weight. Examples are epoxides based with epichlorohydrin, and polymeric isocyanates.''

Heading/Subheading	*Article Description*
3901	Pre-polymers based on ethylene (in primary forms).
3902	Pre-polymers based on propylene or other olefins (in primary forms).
3903, 3907, 3909	Pre-polymers based on styrene (in primary forms), epoxide and phenols.

APPENDIX E TO SUBPART A OF PART 82—ARTICLE 5 PARTIES

Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Bosnia and Hersegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kiribati, Lebanon, Lesotho, Libyan Arab Jamahiriya, Macadonia, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mozambique, Myranmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, Somoa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

APPENDIX F TO SUBPART A OF PART 82—LISTING OF OZONE–DEPLETING CHEMICALS

Controlled substance	ODP	AT L	CLP	BLP
A. Class I:				
1. Group I:				
$CFCl_3$-Trichlorofluoromethane (CFC–11)	1.0	60.0	1.0	0.00

****** This category may include insulating board for building panels and windows and doors. It also includes rigid appliance insulation for pipes, tanks, trucks, trailers, containers, train cars & ships, refrigerators, freezers, beverage vending machines, bulk beverage dispensers, water coolers and heaters and ice machines.

Controlled substance	ODP	AT L	CLP	BLP
CF_2 Cl_2-Dichlorodifluoromethane (CFC–12)	1.0	120.0	1.5	0.00
C_2 F_3 Cl_3-Trichlorotrifluoroethane (CFC–113)	0.8	90.0	1.11	0.00
C_2 F_4 Cl_2-Dichlorotetrafluoroethane (CFC–114)	1.0	200.00	1.8	0.00
C_2 F_5 Cl-Monochloropentafluoroethane (CFC–115)	0.6	400.0	2.0	0.00
All isomers of the above chemicals		[Reserved]		
2. Group II:				
CF_2 ClBr-Bromochlorodifluoromethane (Halon-1211)	3.0	12	0.06	0.13
		−18	−.08	−.03
CF_3 Br-Bromotrifluoromethane (Halon-1301)	10.0	72	0.00	1.00
		−107		
C_2 F_4 Br_2-Dibromotetrafluoroethane (Halon-2402)	6.0	23	0.00	0.30
		−28		−.37
All isomers of the above chemicals		[Reserved]		
3. Group III:				
CF_3 Cl-Chlorotrifluoromethane (CFC–13)	1.0	120	0.88	0.00
	−250	−1.83		
C_2 FCl_5- (CFC–111)	1.0	60	1.04	0.00
	−90	−1.56		
C_2 F_2 Cl_4- (CFC–112)	1.0	60	0.90	0.00
	−90	−1.35		
C_3 FCl_7- (CFC–211)	1.0	100	1.76	0.00
	−500	−8.81		
C_3 F_2 Cl_6- (CFC–212)	1.0	100	1.60	0.00
	−500	−7.98		
C_3 F_3 Cl_5- (CFC–213)	1.0	100	1.41	0.00
	−500	−7.06		
C_3 F_4 Cl_4- (CFC–214)	1.0	100	1.20	0.00
	−500	−6.01		
C_3 F_5 Cl_3 -(CFC–215)	1.0	100	0.96	0.00
	−500	−4.82		
C_3 F_6 Cl_2- (CFC–216)	1.0	100	0.69	0.00
	−500	−3.45		
C_3 F_7 Cl- (CFC–217)	1.0	100	0.37	0.00
	−500	−1.87		
All isomers of the above chemicals		[Reserved]		
4. Group IV:				
CCl_4 -Carbon Tetrachloride	1.1	50.0	1.0	0.00
5. Group V:				
C_2 H_3 Cl_3-1,1,1 Trichloroethane (Methyl chloroform)	0.1	6.3	0.11	0.00
All isomers of the above chemical except 1,1,2-trichloroethane		[Reserved]		
F. Group VI:				
CH3Br-Bromomethane (Methyl Bromide)	0.7		[Reserved]	
G. Group VII:				
$CHFBR_2$-	1.00		[Reserved]	
CHF_2 Br- (HBFC–22B1)	0.74		[Reserved]	
CH_2 FBr	0.73		[Reserved]	
C_2 $HFBr_4$	0.3—0.8		[Reserved]	
C_2 HF_2 Br_3	0.5—1.8		[Reserved]	
C_2 HF_3 Br_2	0.4—1.6		[Reserved]	
C_2 HF_4 Br	0.7—1.2		[Reserved]	
C_2 H_2 FBr_3	0.1—1.1		[Reserved]	
C_2 H_2 F_2 Br_2	0.2—1.5		[Reserved]	
C_2 H_2 F_3 Br	0.7—1.6		[Reserved]	
C_2 H_3 FBr_2	0.1—1.7		[Reserved]	
C_2 H_3 F_2 Br	0.2—1.1		[Reserved]	
C_2 H_4 FBr	0.07—0.1		[Reserved]	
C_3 $HFBr_6$	0.3—1.5		[Reserved]	
C_3 HF_2 Br_5	0.2—1.9		[Reserved]	
C_3 HF_3 BR_4	0.3—1.8		[Reserved]	
C_3 HF_4 Br_3	0.5—2.2		[Reserved]	
C_3 HF_5 Br_2	0.9—2.0		[Reserved]	
C_3 HF_6 Br	0.7—3.3		[Reserved]	
C_3 H_2 FBR_5	0.1—1.9		[Reserved]	
C_3 H_2 F_2 BR_4	0.2—2.1		[Reserved]	
C_3 H_2 F_3 Br_3	0.2—5.6		[Reserved]	
C_3 H_2 F_4 Br_2	0.3—7.5		[Reserved]	
C_3 H_2 F_5 BR	0.9—1.4		[Reserved]	
C_3 H_3 FBR_4	0.08—1.9		[Reserved]	
C_3 H_3 F_2 Br_3	0.1—3.1		[Reserved]	
C_3 H_3 F_3 Br_2	0.1—2.5		[Reserved]	
C_3 H_3 F_4 Br	0.3—4.4		[Reserved]	
C_3 H_4 FBr_3	0.03—0.3		[Reserved]	

Controlled substance	ODP	AT L	CLP	BLP
$C_3 H_4 F_2 Br_2$	0.1—1.0		[Reserved]	
$C_3 H_4 F_3 Br$	0.07—0.8		[Reserved]	
$C_3 H_5 FBr_2$	0.04—0.4		[Reserved]	
$C_3 H_5 F_2 Br$	0.07—0.8		[Reserved]	
$C_3 H_6 FB$	0.02—0.7		[Reserved]	
B. Class II:				
$CHFCl_2$-Dichlorofluoromethane (HCFC–21)	[Reserved]	2.1	0.03	0.00
CHF_2 Cl-Chlorodifluoromethane (HCFC–22)	0.05	15.3	0.14	0.00
CH_2 FCl-Chlorofluoromethane (HCFC–31)	[Reserved]	1.44	0.02	0.00
$C_2 HFCl_4$- (HCFC–121)	[Reserved]	0.6	0.01	0.00
$C_2 HF_2 Cl_3$- (HCFC–122)	[Reserved]	1.4	0.02	0.00
$C_2 HF_3 Cl_2$- (HCFC–123)	0.02	1.6	0.016	0.00
$C_2 HF_4$ Cl- (HCFC–124)	0.02	6.6	0.04	0.00
$C_2 H_2 FCl_3$- (HCFC–131)	[Reserved]	4.0	0.06	0.00
$C_2 H_2 F_2 Cl_2$- (HCFC–132b)	[Reserved]	4.2	0.05	0.00
$C_2 H_2 F_3$ Cl- (HCFC–133a)	[Reserved]	4.8	0.03	0.00
$C_2 H_3 FCl_2$- (HCFC–141b)	0.12	7.8	0.10	0.00
$C_2 H_3 F_2$ Cl- (HCFC–142b)	0.06	19.1	0.14	0.00
$C_3 HFCl_6$- (HCFC–221)	[Reserved]			0.00
$C_3 HF_2 Cl_5$- (HCFC–222)	[Reserved]			0.00
$C_3 HF_3 Cl_4$- (HCFC–223)	[Reserved]			0.00
$C_3 HF_4 Cl_3$- (HCFC–224)	[Reserved]			0.00
$C_3 HF_5 Cl_2$- (HCFC–225ca)	[Reserved]	1.5	0.01	0.00
		−1.7		
(HCFC–225cb)	[Reserved]	5.1	0.04	0.00
$C_3 HF_6$ Cl- (HCFC–226)	[Reserved]			0.00
$C_3 H_2 FCl_5$- (HCFC–231)	[Reserved]			0.00
$C_3 H_2 F_{24}$- (HCFC–232)	[Reserved]			0.00
$C_3 H_2 F_3 Cl_3$- (HCFC–233)	[Reserved]			0.00
$C_3 H_2 F_4 Cl_2$- (HCFC–234)	[Reserved]			0.00
$C_3 H_2 F_5$ Cl- (HCFC–235)	[Reserved]			0.00
$C_3 H_3 FCl_4$- (HCFC–241)	[Reserved]			0.00
$C_3 H_3 F_2 Cl_3$- (HCFC–242)	[Reserved]			0.00
$C_3 H_3 F_3 Cl_2$- (HCFC–243)	[Reserved]			0.00
$C_3 H_3 F_4$ Cl- (HCFC–244)	[Reserved]			0.00
$C_3 H_4 FCl_3$- (HCFC–251)	[Reserved]			0.00
$C_3 H_4 F_2 Cl_2$- (HCFC–252)	[Reserved]			0.00
$C_3 H_4 F_3$ Cl- (HCFC–253)	[Reserved]			0.00
$C_3 H_5 FCl_2$- (HCFC–261)	[Reserved]			0.00
$C_2 H_5 F_2$ Cl- (HCFC–262)	[Reserved]			0.00
$C_3 H_6$ FCl- (HCFC–271)	[Reserved]			0.00
All isomers of the above chemicals	[Reserved]			

APPENDIX G TO SUBPART A OF PART 82—UNEP RECOMMENDATIONS FOR CONDITIONS APPLIED TO EXEMPTION FOR ESSENTIAL LABORATORY AND ANALYTICAL USES

1. Essential laboratory and analytical uses are identified at this time to include equipment calibration; use as extraction solvents, diluents, or carriers for chemical analysis; biochemical research; inert solvents for chemical reactions, as a carrier or laboratory chemical and other critical analytical and laboratory purposes. Pursuant to Decision XI/15 of the Parties to the Montreal Protocol, effective January 1, 2002 the following uses of class I controlled substances are not considered essential under the global laboratory exemption:

a. Testing of oil and grease and total petroleum hydrocarbons in water;

b. Testing of tar in road-paving materials; and

c. Forensic finger printing.

Production for essential laboratory and analytical purposes is authorized provided that these laboratory and analytical chemicals shall contain only controlled substances manufactured to the following purities:

CTC (reagent grade)—99.5
1,1,1,-trichloroethane—99.5
CFC–11—99.5
CFC–13—99.5
CFC–12—99.5
CFC–113—99.5
CFC–114—99.5
Other w/ Boiling P>20 degrees C—99.5
Other w/ Boiling P<20 degrees C—99.0

2. These pure, controlled substances can be subsequently mixed by manufacturers, agents or distributors with other chemicals controlled or not controlled by the Montreal Protocol as is customary for laboratory and analytical uses.

3. These high purity substances and mixtures containing controlled substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three

litres or in 10 millilitre or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory use and analytical purposes and specifying that used or surplus substances should be collected and recycled, if practical. The material should be destroyed if recycling is not practical.

4. Parties shall annually report for each controlled substance produced: the purity; the quantity; the application, specific test standard, or procedure requiring its uses; and the status of efforts to eliminate its use in each application. Parties shall also submit copies of published instructions, standards, specifications, and regulations requiring the use of the controlled substance.

[60 FR 24986, May 10, 1995, as amended at 67 FR 6362, Feb. 11, 2002]

APPENDIX H TO SUBPART A OF PART 82—CLEAN AIR ACT AMENDMENTS OF 1990 PHASEOUT SCHEDULE FOR PRODUCTION OF OZONE–DEPLETING SUBSTANCES

Date	Carbon tetra-chloride (percent)	Methyl chloro-form (per-cent)	Other class sub-stances (percent)
1994	70	85	65
1995	15	70	50
1996	15	50	40
1997	15	50	15
1998	15	50	15
1999	15	50	15
2000	.....	20	
2001	.....	20	

APPENDIX I TO SUBPART A OF PART 82—GLOBAL WARMING POTENTIALS (MASS BASIS), REFERENCED TO THE ABSOLUTE GWP FOR THE ADOPTED CARBON CYCLE MODEL CO_2 DECAY RESPONSE AND FUTURE CO_2 ATMOSPHERIC CONCENTRATIONS HELD CONSTANT AT CURRENT LEVELS. (ONLY DIRECT EFFECTS ARE CONSIDERED.)

Species (chemical)	Chemical formula	Global warming potential (time horizon)		
		20 years	100 years	500 years
CFC–11	$CFCl_3$	5000	4000	1400
CFC–12	$CF_2\ Cl_2$	7900	8500	4200
CFC–13	$CClF_3$	8100	11700	13600
CFC–113	$C_2\ F_3\ Cl_3$	5000	5000	2300
CFC–114	$C_2\ F_4\ Cl_2$	6900	9300	8300
CFC–115	$C_2\ F_5\ Cl$	6200	9300	13000
H–1301	$CF_3\ Br$	6200	5600	2200
Carbon Tet	CCl_4	2000	1400	500
Methyl Chl	$CH_3\ CCl_3$	360	110	35
HCFC–22	$CF_2\ HCl$	4300	1700	520
HCFC–141b	$C_2\ FH_3\ Cl_2$	1800	630	200
HCFC–142b	$C_2\ F_2\ H_3\ Cl$	4200	2000	630
HCFC–123	$C_2\ F_3\ HCl_2$	300	93	29
HCFC–124	$C_2\ F_4\ HCl$	1500	480	150
HCFC–225ca	$C_3\ F_5\ HCl_2$	550	170	52
HCFC–225cb	$C_3\ F_5\ HCl_2$	1700	530	170

AUnited Nations Environment Programme (UNEP), February 1995, Scientific Assessment of Ozone Depletion: 1994, Chapter 13, ''Ozone Depleting Potentials, Global Warming Potentials and Future Chlorine/Bromine Loading,'' and do not reflect review of scientific documents published after that date.

[61 FR 1285, Jan. 19, 1996, as amended at 67 FR 6362, Feb. 11, 2002]

APPENDIX J TO SUBPART A OF PART 82—PARTIES TO THE MONTREAL PROTOCOL CLASSIED UNDER ARTICLE 5(1) THAT HAVE BANNED THE IMPORT OF CONTROLLED PRODUCTS THAT RELY ON CLASS I CONTROLLED SUBSTANCES FOR THEIR CONTINUING FUNCTIONING [RESERVED]

APPENDIX K TO SUBPART A OF PART 82—COMMODITY CODES FROM THE HARMONIZED TARIFF SCHEDULE FOR CONTROLLED SUBSTANCES AND USED CONTROLLED SUBSTANCES

Description of commodity or chemical	Commodity code from harmonized tariff schedule
CFC–11	2903.41.0000
CFC–12	2903.42.0000
CFC–113	2903.43.0000
CFC–114	2903.44.0010
CFC–115	2903.44.0020
HALONS	2903.46.0000
CFC–13, CFC–111, CFC–112, CFC–211, CFC–212, CFC–213, CFC–214, CFC–215, CFC–216, CFC–217	2903.45.0000
HCFC–22	2903.49.9010
HCFC–21, HCFC–31, HCFC–123, HCFC–124, HCFC–133, HCFC–141b, HCFC–142b, HCFC–225	2903.49.0000
OTHER, HALOGENATED	2903.49.9060
MIXTURES (R–500, R–502, ETC.)	3824.71.0000
MIXTURES, OTHER	3824.79.0000
CARBON TETRACHLORIDE	2903.14.0000
METHYL CHLOROFORM	2903.19.6010
METHYL BROMIDE	2903.30.1520

[63 FR 41651, Aug. 4, 1998]

APPENDIX L TO PART 82 SUBPART A—PARTIES TO THE MONTREAL PROTOCOL THAT HAVE REPORTED PRODUCTION OF HCFCS SINCE 1996 IN ACCORDANCE WITH ARTICLE 7, PARAGRAPH 3, OF THE MONTREAL PROTOCOL

Argentina
Australia
Brazil
Canada
China
France
Germany
Greece
India
Italy
Japan
Korea, Republic of
Mexico
Netherlands
Russian Federation
South Africa
Spain
United Kingdom
Venezuela

[68 FR 2863, Jan. 21, 2003]

Subpart B—Servicing of Motor Vehicle Air Conditioners

SOURCE: 57 FR 31261, July 14, 1992, unless otherwise noted.

§ 82.30 Purpose and scope.

(a) The purpose of the regulations in this subpart B is to implement section 609 of the Clean Air Act, as amended (Act) regarding the servicing of motor vehicle air conditioners (MVACs), and to implement section 608 of the Act regarding certain servicing, maintenance, repair and disposal of air conditioners in MVACs and MVAC-like appliances (as that term is defined in 40 CFR 82.152).

(b) These regulations apply to any person performing service on a motor vehicle for consideration when this service involves the refrigerant in the motor vehicle air conditioner.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68046, Dec. 30, 1997]

§ 82.32 Definitions.

(a) *Approved independent standards testing organization* means any organization which has applied for and received approval from the Administrator pursuant to § 82.38.

(b) *Approved refrigerant recycling equipment* means equipment certified by the Administrator or an organization approved under § 82.38 as meeting either one of the standards in § 82.36. Such equipment extracts and recycles refrigerant or extracts refrigerant for

recycling on-site or reclamation off-site.

(c) *Motor vehicle* as used in this subpart means any vehicle which is self-propelled and designed for transporting persons or property on a street or highway, including but not limited to passenger cars, light duty vehicles, and heavy duty vehicles. This definition does not include a vehicle where final assembly of the vehicle has not been completed by the original equipment manufacturer.

(d) *Motor vehicle air conditioners* means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC–22 refrigerant.

(e) *Properly using.* (1) Properly using means using equipment in conformity with the regulations set forth in this subpart, including but not limited to the prohibitions and required practices set forth in §82.34, and the recommended service procedures and practices for the containment of refrigerant set forth in appendices A, B, C, D, E, and F of this subpart, as applicable. In addition, this term includes operating the equipment in accordance with the manufacturer's guide to operation and maintenance and using the equipment only for the controlled substance for which the machine is designed. For equipment that extracts and recycles refrigerant, properly using also means to recycle refrigerant before it is returned to a motor vehicle air conditioner or MVAC-like appliance, including to the motor vehicle air conditioner or MVAC-like appliance from which the refrigerant was extracted. For equipment that only recovers refrigerant, properly using includes the requirement to recycle the refrigerant on-site or send the refrigerant off-site for reclamation.

(2) Refrigerant from reclamation facilities that is used for the purpose of recharging motor vehicle air conditioners must be at or above the standard of purity developed by the Air–conditioning and Refrigeration Institute (ARI 700–93) (which is codified at 40 CFR part 82, subpart F, appendix A, and is available at 4301 North Fairfax Drive, Suite 425, Arlington, Virginia 22203). Refrigerant may be recycled off–site only if the refrigerant is extracted using recover only equipment, and is subsequently recycled off–site by equipment owned by the person that owns both the recover only equipment and owns or operates the establishment at which the refrigerant was extracted. In any event, approved equipment must be used to extract refrigerant prior to performing any service during which discharge of refrigerant from the motor vehicle air conditioner can reasonably be expected. Intentionally venting or disposing of refrigerant to the atmosphere is an improper use of equipment.

(3) Notwithstanding any other terms of this paragraph (e), approved refrigerant recycling equipment may be transported off-site and used to perform service involving refrigerant at other locations where such servicing occurs. Any such servicing involving refrigerant must meet all of the requirements of this subpart B that would apply if the servicing occurred on-site.

(4) Facilities that charge MVACs or MVAC-like appliances with refrigerant but do not perform any other service involving refrigerant (*i.e.*, perform ''top-offs'' only) are considered to be engaged in ''service involving refrigerant'' and are therefore subject to any and all requirements of this subsection that apply to facilities that perform a wider range of refrigerant servicing. For facilities that charge MVACs, this includes the requirement to purchase approved refrigerant recycling equipment. For facilities that only charge MVAC-like appliances, this does not include the requirement to purchase approved refrigerant recycling equipment, but does include the requirement to be properly trained and certified by a technician certification program approved by the Administrator pursuant to either §82.40 or §82.161(a)(5).

(5) All persons opening (as that term is defined in §82.152) MVAC-like appliances must have at least one piece of approved recovery or recycling equipment available at their place of business.

(f) *Refrigerant* means any class I or class II substance used in a motor vehicle air conditioner. Class I and class II substances are listed in part 82, subpart A, appendix A. Effective November 15, 1995, refrigerant shall also include any substitute substance.

(g) *Service for consideration* means being paid to perform service, whether it is in cash, credit, goods, or services. This includes all service except that done for free.

(h) *Service involving refrigerant* means any service during which discharge or release of refrigerant from the MVAC or MVAC-like appliance to the atmosphere can reasonably be expected to occur. Service involving refrigerant includes any service in which an MVAC or MVAC-like appliance is charged with refrigerant but no other service involving refrigerant is performed (*i.e.*, a ''top-off'').

(i) *Motor vehicle disposal facility* means any commercial facility that engages in the disposal (which includes dismantling, crushing or recycling) of MVACs or MVAC-like appliances, including but not limited to automotive recycling facilities, scrap yards, landfills and salvage yards engaged in such operations. Motor vehicle repair and/or servicing facilities, including collision repair facilities, are not considered motor vehicle disposal facilities.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68046, Dec. 30, 1997]

§ 82.34 Prohibitions and required practices.

(a) No person repairing or servicing MVACs for consideration, and no person repairing or servicing MVAC-like appliances, may perform any service involving the refrigerant for such MVAC or MVAC-like appliance:

(1) Without properly using equipment approved pursuant to § 82.36;

(2) Unless any such person repairing or servicing an MVAC has been properly trained and certified by a technician certification program approved by the Administrator pursuant to § 82.40; and

(3) Unless any such person repairing or servicing an MVAC-like appliance has been properly trained and certified by a technician certification program approved by the Administrator pursuant to either § 82.40 or § 82.161(a)(5).

(b) Effective November 15, 1992, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance that is suitable for use as a refrigerant in motor vehicle air-conditioner and that is in a container which contains less than 20 pounds of such refrigerant to any person unless that person is properly trained and certified under § 82.40 or intended the containers for resale only, and so certifies to the seller under § 82.42(b)(3).

(c) No technician training programs may issue certificates unless the program complies with all of the standards in § 82.40(a).

(d) *Motor vehicle disposal facilities.* (1) Any refrigerant that is extracted from an MVAC or an MVAC-like appliance (as that term is defined in § 82.152) bound for disposal and located at a motor vehicle disposal facility may not be subsequently used to charge or recharge an MVAC or MVAC-like appliance, unless, prior to such charging or recharging, the refrigerant is either:

(i) Recovered, and reclaimed in accordance with the regulations promulgated under § 82.32(e)(2) of this subpart B; or

(ii) (A) Recovered using approved refrigerant recycling equipment dedicated for use with MVACs and MVAC-like appliances, either by a technician certified under paragraph (a)(2) of this section, or by an employee, owner, or operator of, or contractor to, the disposal facility; and

(B) Subsequently recycled by the facility that charges or recharges the refrigerant into an MVAC or MVAC-like appliance, properly using approved refrigerant recycling equipment in accordance with any applicable recommended service procedures set forth in the appendices to this subpart B.

(2) Any refrigerant the sale of which is restricted under subpart F that is extracted from an MVAC or an MVAC-like appliance bound for disposal and located at a motor vehicle disposal facility but not subsequently reclaimed in accordance with the regulations promulgated under subpart F, may be sold prior to its subsequent re-use only to a technician certified under paragraph

(a)(2) of this section. Any technician certified under paragraph (a)(2) of this section who obtains such a refrigerant may subsequently re-use such refrigerant only in an MVAC or MVAC-like appliance, and only if it has been reclaimed or properly recycled.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68047, Dec. 30, 1997]

§ 82.36 Approved refrigerant recycling equipment.

(a)(1) Refrigerant recycling equipment must be certified by the Administrator or an independent standards testing organization approved by the Administrator under § 82.38 to meet the following standard:

(2) Equipment that recovers and recycles CFC–12 refrigerant must meet the standards set forth in appendix A of this subpart (Recommended Service Procedure for the Containment of CFC–12, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems, and Standard of Purity for Use in Mobile Air Conditioning Systems).

(3) Equipment that recovers but does not recycle CFC–12 refrigerant must meet the standards set forth in appendix B of this subpart (Recommended Service Procedure for the Containment of CFC–12 and Extraction Equipment for Mobile Automotive Air-Conditioning Systems).

(4) Equipment that recovers and recycles HFC–134a refrigerant must meet the standards set forth in appendix C of this subpart (Recommended Service Procedure for the Containment of HFC–134a, Standards for Recover/Recycle Equipment that Extracts and Recycles HFC–134a, and Standard of Purity for Recycled HFC–134a for Use in MVACs).

(5) Equipment that recovers but does not recycle HFC–134a refrigerant must meet the standards set forth in appendix D of this subpart (HFC–134a Recover-Only Equipment and Recommended Service Procedure for the Containment of HFC–134a).

(6) Equipment that recovers and recycles both CFC–12 and HFC–134a using common circuitry must meet the standards set forth in appendix E of this subpart (Automotive Refrigerant Recycling Equipment Intended for Use with both CFC–12 and HFC–134a, Recommended Service Procedure for the Containment of CFC–12, and Recommended Service Procedure for the Containment of HFC–134a).

(7) Equipment that recovers but does not recycle refrigerants other than HFC–134a and CFC–12 must meet the standards set forth in appendix F of this subpart (Recover-Only Equipment that Extracts a Single, Specific Refrigerant Other Than CFC–12 or HFC–134a).

(b)(1) Refrigerant recycling equipment that has not been certified under paragraph (a) of this section shall be considered approved if it is substantially identical to the applicable equipment certified under paragraph (a) of this section, and:

(i) For equipment that recovers and recycles CFC–12 refrigerant, it was initially purchased before September 4, 1991;

(ii) For equipment that recovers but does not recycle CFC–12 refrigerant, it was initially purchased before April 22, 1992;

(iii) For equipment that recovers and recycles HFC–134a refrigerant, it was initially purchased before March 6, 1996;

(iv) For equipment that recovers but does not recycle HFC–134a refrigerant, it was initially purchased before March 6, 1996;

(v) For equipment that recovers but does not recycle any single, specific refrigerant other than CFC–12 or HFC–134a, it was initially purchased before March 6, 1996; and

(vi) For equipment that recovers and recycles HFC–134a and CFC–12 refrigerant using common circuitry, it was initially purchased before March 6, 1996.

(2) Equipment manufacturers or owners may request a determination by the Administrator by submitting an application and supporting documents that indicate that the equipment is substantially identical to approved equipment to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attn: Substantially Identical Equipment Review. Supporting documents must include process flow sheets, lists of components

and any other information that would indicate that the equipment is capable of processing the refrigerant to the standards in appendix A, B, C, D, E or F of this subpart, as applicable. Authorized representatives of the Administrator may inspect equipment for which approval is being sought and request samples of refrigerant that has been extracted and/or recycled using the equipment. Equipment that fails to meet appropriate standards will not be considered approved.

(3) Refrigerant recycling equipment that recovers or recovers and recycles CFC–12 refrigerant and has not been certified under paragraph (a) or approved under paragraphs(b)(1) and (b)(2) of this section shall be considered approved for use with an MVAC-like appliance if it was manufactured or imported before November 15, 1993, and is capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions set forth in appendix A of this subpart.

(c) The Administrator will maintain a list of approved equipment by manufacturer and model. Persons interested in obtaining a copy of the list should send written inquiries to the address in paragraph (b) of this section.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68047, Dec. 30, 1997]

§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in appendix A, B, C, D, E, or F of this subpart, as applicable. The application shall be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) Applications for approval must document the following:

(1) That the organization has the capacity to accurately test whether refrigerant recycling equipment complies with the applicable standards. In particular, applications must document:

(i) The equipment present at the organization that will be used for equipment testing;

(ii) The expertise in equipment testing and the technical experience of the organization's personnel;

(iii) Thorough knowledge of the standards as they appear in the applicable appendices of this subpart; and

(iv) The test procedures to be used to test equipment for compliance with applicable standards, and why such test procedures are appropriate for that purpose.

(2) That the organization has no conflict of interest and will receive no financial benefit based on the outcome of certification testing; and

(3) That the organization agrees to allow the Administrator access to verify the information contained in the application.

(c) If approval is denied under this section, the Administrator shall give written notice to the organization setting forth the basis for his or her determination.

(d) If at any time an approved independent standards testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68048, Dec. 30, 1997]

§ 82.40 Technician training and certification.

(a) Any technician training and certification program may apply for approval, in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.38(a) verification that the program meets all of the following standards:

(1) *Training.* Each program must provide adequate training, through one or more of the following means: on-the-job training, training through self-study of instructional material, or on-site training involving instructors, videos or a hands-on demonstration.

(2) *Test subject material.* The certification tests must adequately and sufficiently cover the following:

(i) The standards established for the service and repair of MVACs and MVAC-like appliances as set forth in appendices A, B, C, D, E, and F of this subpart. These standards relate to the recommended service procedures for the containment of refrigerant, extraction equipment, extraction and recycle equipment, and the standard of purity for refrigerant in motor vehicle air conditioners.

(ii) Anticipated future technological developments, such as the introduction of HFC–134a in new motor vehicle air conditioners.

(iii) The environmental consequences of refrigerant release and the adverse effects of stratospheric ozone layer depletion.

(iv) As of August 13, 1992, the requirements imposed by the Administrator under section 609 of the Act.

(3) *Test administration.* Completed tests must be graded by an entity or individual who receives no benefit based on the outcome of testing; a fee may be charged for grading. Sufficient measures must be taken at the test site to ensure that tests are completed honestly by each technician. Each test must provide a means of verifying the identification of the individual taking the test. Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required.

(4) *Proof of certification.* Each certification program must offer individual proof of certification, such as a certificate, wallet-sized card, or display card, upon successful completion of the test. Each certification program must provide a unique number for each certified technician.

(b) In deciding whether to approve an application, the Administrator will consider the extent to which the applicant has documented that its program meets the standards set forth in this section. The Administrator reserves the right to consider other factors deemed relevant to ensure the effectiveness of certification programs. The Administrator may approve a program which meets all of the standards in paragraph (a) of this section except test administration if the program, when viewed as a whole, is at least as effective as a program that does meet all the standards. Such approval shall be limited to training and certification conducted before August 13, 1992. If approval is denied under this section, the Administrator shall give written notice to the program setting forth the basis for his determination.

(c) *Technical revisions.* Directors of approved certification programs must conduct periodic reviews of test subject material and update the material based upon the latest technological developments in motor vehicle air conditioner service and repair. A written summary of the review and any changes made must be submitted to the Administrator every two years.

(d) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary.

(e) If at any time an approved program is conducted in a manner not consistent with the representations made in the application for approval of the program under this section, the Administrator reserves the right to revoke approval.

(f) Authorized representatives of the Administrator may require technicians to demonstrate on the business entity's premises their ability to perform proper procedures for recovering and/or recycling refrigerant. Failure to demonstrate or failure to properly use the equipment may result in revocation of the technician's certificate by the Administrator. Technicians whose certification is revoked must be recertified before servicing or repairing any motor vehicle air conditioners.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21688, May 2, 1995; 62 FR 68048, Dec. 30, 1997]

§ 82.42 Certification, recordkeeping and public notification requirements.

(a) *Certification requirements.* (1) No later than January 1, 1993, any person repairing or servicing motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that

each individual authorized to use the equipment is properly trained and certified. Certification shall take the form of a statement signed by the owner of the equipment or another responsible officer and setting forth:

(i) The name of the purchaser of the equipment;

(ii) The address of the establishment where the equipment will be located; and

(iii) The manufacturer name and equipment model number, the date of manufacture, and the serial number of the equipment. The certification must also include a statement that the equipment will be properly used in servicing motor vehicle air conditioners, that each individual authorized by the purchaser to perform service is properly trained and certified in accordance with § 82.40, and that the information given is true and correct. The certification should be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division, (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(2) The prohibitions in § 82.34(a) shall be effective as of January 1, 1993 for persons repairing or servicing motor vehicle air conditioners for consideration at an entity which performed service on fewer than 100 motor vehicle air conditioners in calendar year 1990, but only if such person so certifies to the Administrator no later than August 13, 1992. Persons must retain adequate records to demonstrate that the number of vehicles serviced was fewer than 100.

(3) Certificates of compliance are not transferable. In the event of a change of ownership of an entity which services motor vehicle air conditioners for consideration, the new owner of the entity shall certify within thirty days of the change of ownership pursuant to § 82.42(a)(1).

(b) *Recordkeeping requirements.* (1) Any person who owns approved refrigerant recycling equipment certified under § 82.36(a)(2) must maintain records of the name and address of any facility to which refrigerant is sent.

(2) Any person who owns approved refrigerant recycling equipment must retain records demonstrating that all persons authorized to operate the equipment are currently certified under § 82.40.

(3) Any person who sells or distributes any class I or class II substance that is suitable for use as a refrigerant in a motor vehicle air conditioner and that is in a container of less than 20 pounds of such refrigerant must verify that the purchaser is properly trained and certified under § 82.40. The seller must have a reasonable basis for believing that the information presented by the purchaser is accurate. The only exception to these requirements is if the purchaser is purchasing the small containers for resale only. In this case, the seller must obtain a written statement from the purchaser that the containers are for resale only and indicate the purchasers name and business address. Records required under this paragraph must be retained for a period of three years.

(4) All records required to be maintained pursuant to this section must be kept for a minimum of three years unless otherwise indicated. Entities which service motor vehicle air conditioners for consideration must keep these records on-site.

(5) All entities which service motor vehicle air conditioners for consideration must allow an authorized representative of the Administrator entry onto their premises (upon presentation of his or her credentials) and give the authorized representative access to all records required to be maintained pursuant to this section.

(c) *Public notification.* Any person who conducts any retail sales of a class I or class II substance that is suitable for use as a refrigerant in a motor vehicle air conditioner, and that is in a container of less than 20 pounds of refrigerant, must prominently display a sign where sales of such containers occur which states:

"It is a violation of federal law to sell containers of Class I and Class II refrigerant of less than 20 pounds of such refrigerant to anyone who is not properly trained and certified to operate approved refrigerant recycling equipment."

[57 FR 31261, July 14, 1992, as amended at 60 FR 21688, May 2, 1995]

APPENDIX A TO SUBPART B OF PART 82—STANDARD FOR RECYCLE/RECOVER EQUIPMENT

STANDARD OF PURITY FOR USE IN MOBILE AIR-CONDITIONING SYSTEMS

Foreword

Due to the CFC's damaging effect on the ozone layer, recycle of CFC–12 (R–12) used in mobile air-conditioning systems is required to reduce system venting during normal service operations. Establishing recycle specifications for R–12 will assure that system operation with recycled R–12 will provide the same level of performance as new refrigerant.

Extensive field testing with the EPA and the auto industry indicate that reuse of R–12 removed from mobile air-conditioning systems can be considered, if the refrigerant is cleaned to a specific standard. The purpose of this standard is to establish the specific minimum levels of R–12 purity required for recycled R–12 removed from mobile automotive air-conditioning systems.

1. Scope

This information applies to refrigerant used to service automobiles, light trucks, and other vehicles with similar CFC–12 systems. Systems used on mobile vehicles for refrigerated cargo that have hermetically sealed, rigid pipe are not covered in this document.

2. References

SAE J1989, Recommended Service Procedure for the Containment of R–12
SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems
ARI Standard 700–88

3. Purity Specification

The refrigerant in this document shall have been directly removed from, and intended to be returned to, a mobile air-conditioning system. The contaminants in this recycled refrigerant 12 shall be limited to moisture, refrigerant oil, and noncondensable gases, which shall not exceed the following level:

3.1 *Moisture:* 15 ppm by weight.

3.2 *Refrigerant Oil:* 4000 ppm by weight.

3.3 *Noncondensable Gases (air):* 330 ppm by wright.

4. Refrigeration Recycle Equipment Used in Direct Mobile Air-Conditioning Service Operations Requirement

4.1 The equipment shall meet SAE J1990, which covers additional moisture, acid, and filter requirements.

4.2 The equipment shall have a label indicating that it is certified to meet this document.

5. Purity Specification of Recycled R–12 Refrigerant Supplied in Containers From Other Recycle Sources

Purity specification of recycled R–12 refrigerant supplied in containers from other recycle sources, for service of mobile air-conditioning systems, shall meet ARI Standard 700–88 (Air Conditioning and Refrigeration Institute).

6. Operation of the Recycle Equipment

This shall be done in accordance with SAE J1989.

Rationale

Not applicable.

Relationship of SAE Standard to ISO Standard

Not applicable.

Reference Section

SAE J1989, Recommended Service Procedure for the Containment of R–12
SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems
ARI Standard 700–88

Application

This information applies to refrigerant used to service automobiles, light trucks, and other vehicles with similar CFC–12 systems. Systems used on mobile vehicles for refrigerated cargo that have hermetically sealed, rigid pipe are not covered in this document.

Committee Composition

DEVELOPED BY THE SAE DEFROST AND INTERIOR CLIMATE CONTROLS STANDARDS COMMITTEE

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EXTRACTION AND RECYCLE EQUIPMENT FOR MOBILE AUTOMOTIVE AIR CONDITIONING SYSTEMS

SAE Recommended Practice, SAE J1990 (1991)[1]

0. Foreword

Due to the CFC's damaging effect on the ozone layer, recycle of CFC–12 (R–12) used in mobile air-conditioning systems is required to replace system venting during normal service operations. Establishing recycle specifications for R–12 will provide the same level of performance as new refrigerant.

Extensive field testing with the EPA and the auto industry indicates that R–12 can be reused, provided that it is cleaned to specifications in SAE J1991. The purpose of this document is to establish the specific minimum equipment specification required for recycle of R–12 that has been directly removed from mobile systems for reuse in mobile automotive air-conditioning systems.

1. Scope

The purpose of this document is to provide equipment specifications for CFC–12 (R–12) recycling equipment. This information applies to equipment used to service automobiles, light trucks, and other vehicles with similar CFC–12 air-conditioning systems. Systems used on mobile vehicles for refrigerated cargo that have hermetically sealed systems are not covered in this document. The equipment in this document is intended for use with refrigerant that has been directly removed from, and intended to be returned to, a mobile air-conditioning system. Should other revisions due to operational or technical requirements occur, this document may be amended.

2. References

2.1 Applicable Documents:

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J1991—Standard of Purity for Use in Mobile Air-Conditioning Systems

SAE J2196—Service Hose for Automotive Air-Conditioning

2.1.2 CGA Publications—Available from CGA, Crystal Gateway #1, Ste. 501, 1235 Jefferson Davis Hwy., Arlington, VA 22202

CGA Pamphlet S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases

3. Specification and General Description

3.1 The equipment must be able to extract and process CFC–12 from mobile air-conditioning systems. The equipment shall process the contaminated R–12 samples as defined in 8.4 and shall clean the refrigerant to the level as defined in SAE J1991.

3.2 The equipment shall be suitable for use in an automotive service environment and be capable of continuous operation in ambients from 10 to 49 °C.

3.3 The equipment must be certified by Underwriters Laboratories or an equivalent certifying laboratory.

3.4 The equipment shall have a label ''Design Certified by (Company Name) to Meet SAE J1991''. The minimum letter size shall be bold type 3 mm in height.

4. Refrigeration Recycle Equipment Requirements

4.1 Moisture and Acid—The equipment shall incorporate a desiccant package that must be replaced before saturated with moisture and whose mineral acid capacity is at least 5% by weight of total system dry desiccant.

4.1.1 The equipment shall be provided with a moisture detection device that will reliably indicate when moisture in the CFC–12 exceeds the allowable level and requires the filter/dryer replacement.

4.2 Filter—The equipment shall incorporate an in-line filter that will trap particulates of 15 µm or greater.

4.3 Noncondensable Gas.

4.3.1 The equipment shall either automatically purge noncondensables (NCGs) if the acceptable level is exceeded or incorporate a device to alert the operator that NCG level has been exceeded. NCG removal must be part of normal operation of the equipment and instructions must be provided

[1] This standard is appropriate for equipment certified after February 1, 1992. This equipment may be marked design certified for compliance with SAE J1990 (1991). The standard for approval for equipment certified on or before February 1, 1992 is SAE J1990 (1989). This equipment may be marked design certified for compliance with SAE J1990 (1989). Both types of equipment are considered approved under the requirements of this regulation.

to enable the task to be accomplished within 30 minutes.

4.3.2 Refrigerant loss from noncondensable gas purging during testing described in Section 8 shall not exceed five percent (5%) by weight of the total contaminated refrigerant removed from the test system.

4.3.3 Transfer of Recycled Refrigerant—Recycled refrigerant for recharging and transfer shall be taken from the liquid phase only.

5. Safety Requirements

5.1 The equipment must comply with applicable federal, state and local requirements on equipment related to the handling of R–12 material. Safety precautions or notices related to the safe operation of the equipment shall be prominently displayed on the equipment and should also state ''Caution—Should Be Operated By Qualified Personnel''.

6. Operating Instructions

6.1 The equipment manufacturer must provide operating instructions, necessary maintenance procedures, and source information for replacement parts and repair.

6.2 The equipment must prominently display the manufacturer's name, address and any items that require maintenance or replacement that affect the proper operation of the equipment. Operation manuals must cover information for complete maintenance of the equipment to assure proper operation.

7. Functional Description

7.1 The equipment must be capable of ensuring recovery of the R–12 from the system being service, by reducing the system pressure below atmospheric to a minimum of 102 mm of mercury.

7.2 To prevent overcharge, the equipment must be equipped to protect the tank used to store the recycled refrigerant with a shutoff device and a mechanical pressure relief valve.

7.3 Portable refillable tanks or containers used in conjunction with this equipment must meet applicable Department of Transportation (DOT) or Underwriters Laboratories (UL) Standards and be adaptable to existing refrigerant service and charging equipment.

7.4 During operation, the equipment shall provide overfill protection to assure the storage container, internal or external, liquid fill does not exceed 80% of the tank's rated volume at 21.1 °C (70 °F) per DOT standards, CFR title 49, §173.304 and American Society of Mechanical Engineers.

7.4.1 Additional Storage Tank Requirements.

7.4.1.1 The cylinder valve shall comply with the standard for cylinder valves, UL 1769.

7.4.1.2 The pressure relief device shall comply with the Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases, CGA Pamphlet S–1.1.

7.4.1.3 The tank assembly shall be marked to indicate the first retest date, which shall be 5 years after date of manufacture. The marking shall indicate that retest must be performed every subsequent 5 years. The marking shall be in letters at least ¼ in high.

7.5 All flexible hoses must meet SAE J2196 hose specification effective January 1, 1992.

7.6 Service hoses must have shutoff devices located within 30 cm (12 in) of the connection point to the system being serviced to minimize introduction of noncondensable gases into the recovery equipment and the release of the refrigerant when being disconnected.

7.7 The equipment must be able to separate the lubricant from the recovered refrigerant and accurately indicate the amount removed during the process, in 30 ml units. Refrigerant dissolves in lubricant sample. This creates the illusion that more lubricant has been recovered than actually has been. The equipment lubricant measuring system must take in account such dissolved refrigerant to prevent overcharging the vehicle system with lubricant. Note: Use only new lubricant to replace the amount removed during the recycle process. Used lubricant should be discarded per applicable federal, state, and local requirements.

7.8 The equipment must be capable of continuous operation in ambient of 10 to 49 °C (50 to 120 °F).

7.9 The equipment should be compatible with leak detection material that may be present in the mobile AC system.

8. Testing

This test procedure and the requirement are used for evaluation of the equipment for its ability to clean the contaminated R–12 refrigerant.

8.1 The equipment shall clean the contaminated R–12 refrigerant to the minimum purity level as defined in SAE J1991, when tested in accordance with the following conditions:

8.2 For test validation, the equipment is to be operated according to the manufacturer's instructions.

8.3 The equipment must be preconditioned with 13.6 kg (30 lb) of the standard contaminated R–12 at an ambient of 21 °C (70 °F) before starting the test cycle. Sample amounts are not to exceed 1.13 kg (2.5 lb) with sample amounts to be repeated every 5 min. The sample method fixture, defined in Fig. 1, shall be operated at 24 °C (75 °F).

8.4 Contaminated R–12 Samples.

8.4.1 Standard contaminated R–12 refrigerant shall consist of liquid R–12 with 100

ppm (by weight) moisture at 21 °C (70 °F) and 45,000 ppm (by weight) mineral oil 525 suspension nominal and 770 ppm by weight of noncondensable gases (air).

8.4.2 High moisture contaminated sample shall consist of R–12 vapor with 1,000 ppm (by weight) moisture.

8.4.3 High oil contaminated sample shall consist of R–12 with 200,000 ppm (by weight) mineral oil 525 suspension viscosity nominal.

8.5 Test Cycle.

8.5.1 After preconditioning as stated in 8.3, the test cycle is started, processing the following contaminated samples through the equipment:

8.5.1.1 3013.6 kg (30 lb) of standard contaminated R–12.

8.5.1.2 1 kg (2.2 lb) of high oil contaminated R–12.

8.5.1.3 4.5 kg (10 lb) of standard contaminated R–12.

8.5.1.4 1 kg (2.2 lb) of high moisture contaminated R–12.

8.6 Equipment Operating Ambient.

8.6.1 The R–12 is to be cleaned to the minimum purity level, as defined in SAE J1991, with the equipment operating in a stable ambient of 10, 21, and 49 °C (50, 70, and 120 °F) and processing the samples as defined in 8.5.

8.7 Sample Analysis.

8.7.1 The processed contaminated sample shall be analyzed according to the following procedure.

8.8 Quantitative Determination of Moisture.

8.8.1 The recycled liquid phase sample of CFC–12 shall be analyzed for moisture content via Karl Fischer coulometer titration or an equivalent method. The Karl Fischer apparatus is an instrument for precise determination of small amounts of water dissolved in liquid and/or gas samples.

8.8.2 In conducting the test, a weighed sample of 30 to 130 grams is vaporized directly into the Karl Fischer analyte. A coulometer titration is conducted and the results are calculated and displayed as parts per million moisture (weight).

8.9 Determination of Percent Lubricant.

8.9.1 The amount of oil in the recycled sample of CFC–12 is to be determined by gravimetric analysis.

8.9.2 Following venting of noncondensable, in accordance with the manufacturer's operating instructions, the refrigerant container shall be shaken for 5 minutes prior to extracting samples for test.

8.9.3 A weighted sample of 175 to 225 grams of liquid CFC–12 is allowed to evaporate at room temperature. The percent oil is to be calculated from the weight of the original sample and the residue remaining after the evaporation.

8.10 Noncondensable Gas.

8.10.1 The amount of noncondensable gas is to be determined by gas chromatography. A sample of vaporized refrigerant liquid shall be separated and analyzed by gas chromatography. A Porapak Q column at 130 °C and a hot wire detector may be used for analysis.

8.10.2 This test shall be conducted on recycled refrigerant (taken from the liquid phase) within 30 minutes after the proper venting of noncondensable.

8.10.3 Samples shall be shaken for 8 hours prior to retesting while at a temperature of 24 ± 2.8 °C (75 ± 5 °F). Known volumes of refrigerant vapor are to be injected for separation and analysis by means of gas chromatography. A Porapak Q column at 130 °C (266 °F) and a hot wire detector are to be used for the analysis.

8.10.4 This test shall be conducted at 21 and 49 °C and may be performed in conjunction with the testing defined in Section 8.6. The equipment shall process at least 13.6 kg of standard contaminated refrigerant for this test.

8.11 Sample Requirements.

8.11.1 The sample shall be tested as defined in 8.7, 8.8, 8.9, and 8.10 at ambient temperatures of 10, 21, and 49 °C (50, 70, and 120 °F) as defined in 8.6.1.

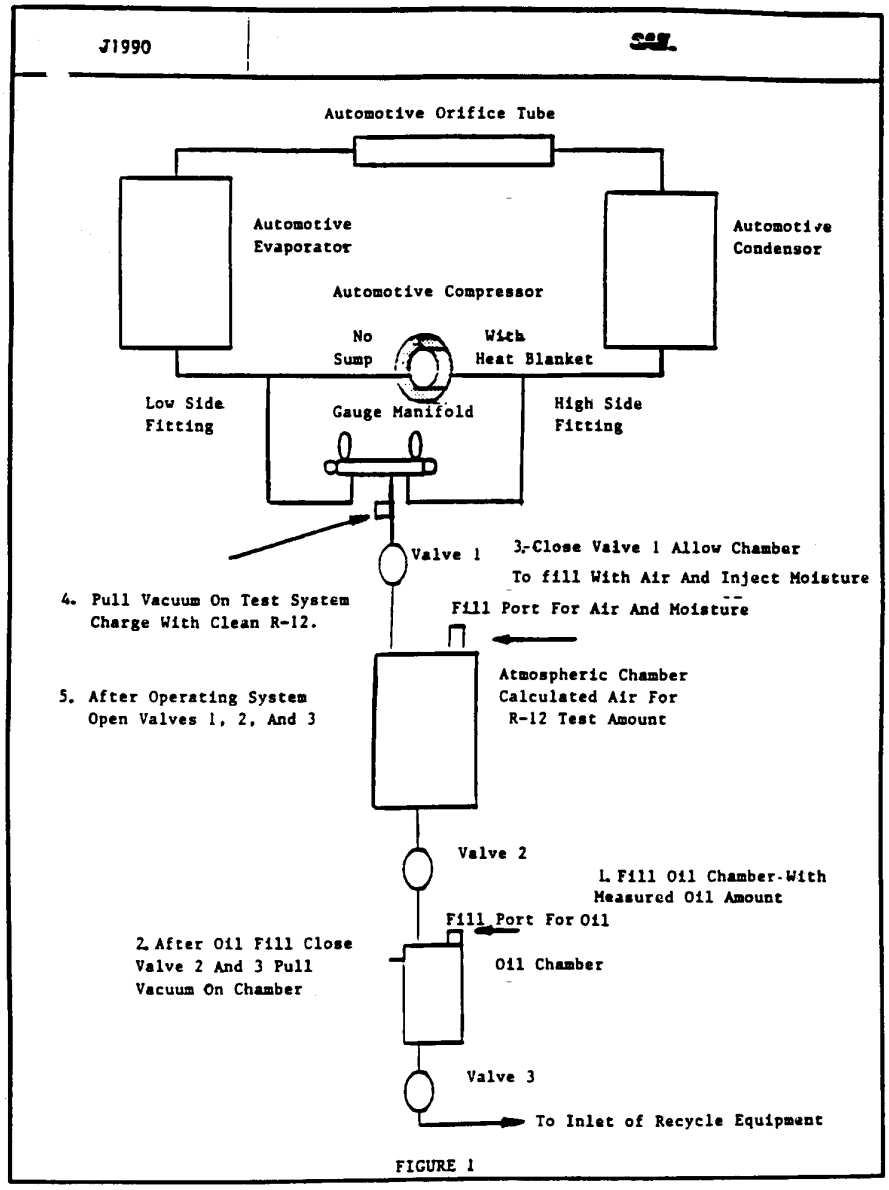

FIGURE 1

RECOMMENDED SERVICE PROCEDURE FOR THE CONTAINMENT OF R–12

1. Scope

During service of mobile air-conditioning systems, containment of the refrigerant is important. This procedure provides service guidelines for technicians when repairing vehicles and operating equipment defined in SAE J1990.

2. References

SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems

3. Refrigerant Recovery Procedure

3. 1 Connect the recovery unit service hoses, which shall have shutoff valves within 12 in (30 cm) of the service ends, to the vehicle air-conditioning system service ports.

3.2 Operate the recovery equipment as covered by the equipment manufacturers recommended procedure.

3.2.1 Start the recovery process and remove the refrigerant from the vehicle AC system. Operate the recovery unit until the vehicle system has been reduced from a pressure to a vacuum. With the recovery unit shut off for at least 5 min, determine that there is no refrigerant remaining in the vehicle AC system. If the vehicle system has pressure, additional recovery operation is required to remove the remaining refrigerant. Repeat the operation until the vehicle AC system vacuum level remains stable for 2 min.

3.3 Close the valves in the service lines and then remove the service lines from the vehicle system. Proceed with the repair/service. If the recovery equipment has automatic closing valves, be sure they are properly operating.

4. Service With Manifold Gage Set

4.1 Service hoses must have shutoff valves in the high, low, and center service hoses within 12 in (30 cm) of the service ends. Valves must be closed prior to hose removal from the air-conditioning system. This will reduce the volume of refrigerant contained in the service hose that would otherwise be vented to atmosphere.

4.2 During all service operations, the valves should be closed until connected to the vehicle air-conditioning system or the charging source to avoid introduction of air and to contain the refrigerant rather than vent open to atmosphere.

4.3 When the manifold gage set is disconnected from the air-conditioning system or when the center hose is moved to another device which cannot accept refrigerant pressure, the gage set hoses should first be attached to the reclaim equipment to recover the refrigerant from the hoses.

5. Recycled Refrigerant Checking Procedure for Stored Portable Auxiliary Container

5.1 To determine if the recycled refrigerant container has excess noncondensable gases (air), the container must be stored at a temperature of 65 °F (18.3 °C) or above for a period of time, 12 h, protected from direct sun.

5.2 Install a calibrated pressure gage, with 1 psig divisions (0.07 kg), to the container and determine the container pressure.

5.3 With a calibrated thermometer, measure the air temperature within 4 in (10 cm) of the container surface.

5.4 Compare the observed container pressure and air temperature to determine if the container exceeds the pressure limits found on Table 1, e.g., air temperature 70 °F (21 °C) pressure must not exceed 80 psig (5.62 kg/cm^2).

TABLE 1

Temp °F	Psig	Temp °F	Psig	Temp °F	Psig	Temp °F	Psig	Temp °F	Psig
65	74	75	87	85	102	95	118	105	136
66	75	76	88	86	103	96	120	106	138
67	76	77	90	87	105	97	122	107	140
68	78	78	92	88	107	98	124	108	142
69	79	79	94	89	108	99	125	109	144
70	80	80	96	90	110	100	127	110	146
71	82	81	98	91	111	101	129	111	148
72	83	82	99	92	113	102	130	112	150
73	84	83	100	93	115	103	132	113	152
74	86	84	101	94	116	104	134	114	154

TABLE 1 (METRIC)

Temp °C	Pres	Temp °C	Pres	Temp °C	Pres	Temp °C	Pres	Temp °C	PRres
18.3	5.20	23.9	6.11	29.4	7.17	35.0	8.29	40.5	9.56
18.8	5.27	24.4	6.18	30.0	7.24	35.5	8.43	41.1	9.70
19.4	5.34	25.0	6.32	30.5	7.38	36.1	8.57	41.6	9.84
20.0	5.48	25.5	6.46	31.1	7.52	36.6	8.71	42.2	9.98
20.5	5.55	26.1	6.60	31.6	7.59	37.2	8.78	42.7	10.12
21.1	5.62	26.6	6.74	32.2	7.73	37.7	8.92	43.3	10.26
21.6	5.76	27.2	6.88	32.7	7.80	38.3	9.06	43.9	10.40
22.2	5.83	27.7	6.95	33.3	7.94	38.8	9.13	44.4	10.54
22.7	5.90	28.3	7.03	33.9	8.08	39.4	9.27	45.0	10.68
23.3	6.04	28.9	7.10	34.4	8.15	40.0	9.42	45.5	10.82

Pres kg/sq cm.

5.5 If the container pressure is less than the Table 1 values and has been recycled, limits of noncondensable gases (air) have not been exceeded and the refrigerant may be used.

5.6 If the pressure is greater than the range and the container contains recycled material, slowly vent from the top of the container a small amount of vapor into the recycle equipment until the pressure is less than the pressure shown on Table 1.

5.7 If the container still exceeds the pressure shown on Table 1, the entire contents of the container shall be recycled.

6. Containers for Storage of Recycled Refrigerant

6.1 Recycled refrigerant should not be salvaged or stored in disposable refrigerant containers. This is the type of container in which virgin refrigerant is sold. Use only DOT CFR title 49 or UL approved storage containers for recycled refrigerant.

6.2 Any container of recycled refrigerant that has been stored or transferred must be checked prior to use as defined in section 5.

7. Transfer of Recycled Refrigerant

7.1 When external portable containers are used for transfer, the container must be evacuated at least 27 in of vacuum (75 mm Hg absolute pressure) prior to transfer of the recycled refrigerant. External portable containers must meet DOT and UL standards.

7.2 To prevent on-site overfilling when transferring to external containers, the safe filling level must be controlled by weight and must not exceed 60% of container gross weight rating.

8. Disposal of Empty/Near Empty Containers

8.1 Since all the refrigerant may not be removed from disposable refrigerant containers during normal system charging procedures, empty/near empty container contents should be reclaimed prior to disposal of the container.

8.2 Attach the container to the recovery unit and remove the remaining refrigerant. When the container has been reduced from a pressure to a vacuum, the container valve can be closed. The container should be marked empty and is ready for disposal.

Rationale

Not applicable.

Relationship of SAE Standard to ISO Standard.

Not applicable.

Reference Section

SAE J1990, Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems

Application

During service of mobile air-conditioning systems, containment of the refrigerant is important. This procedure provides service guidelines for technicians when repairing vehicles and operating equipment defined in SAE J1990.

Committee Composition

Developed by the SAE Defrost and Interior Climate Control Standards Committee

W.J. Atkinson, Sun Test Engineering, Paradise Valley, AZ—Chairman
J.J. Amin, Union Lake, MI
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J.P. Telesz, General Motors Corp., Lockport, NY

APPENDIX B TO SUBPART B OF PART 82—STANDARD FOR RECOVER EQUIPMENT

SAE J1989, Recommended Service Procedure for the Containment of R–12, as set forth under Appendix A, also applies to this Appendix B.

SAE J2209, issued June, 1992.

SAE RECOMMENDED PRACTICE: CFC–12 (R–12) EXTRACTION EQUIPMENT FOR MOBILE AUTOMOTIVE AIR-CONDITIONING SYSTEMS

Foreword

CFCs deplete the stratospheric ozone layer that protects the earth against harmful ultraviolet radiation. To reduce the emissions of CFCs, the 1990 Clean Air Act requires recycle of CFC–12 (R–12) used in mobile air-conditioning systems to eliminate system

venting during service operations. SAE J1990 establishes equipment specifications for on-site recovery and reuse of CFCs in mobile air-conditioning systems. Establishing extraction equipment specifications for CFC–12 will provide service facilities with equipment to assure that venting of refrigerant will not occur.

1. Scope

The purpose of this document is to provide equipment specifications for CFC–12 (R–12) recovery for recycling on-site or for transport off-site to a refrigerant reclamation facility that will process it to ARI (Air-Conditioning and Refrigeration Institute) standard 700–93 as a minimum. It is not acceptable that the refrigerant removed from a mobile air-conditioning system, with this equipment, be directly returned to a mobile air-conditioning system.

This information applies to equipment used to service automobiles, light trucks, and other vehicles with similar CFC–12 systems.

2. References

2. Applicable Documents—The following documents form a part of this specification to the extent specified herein.

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J639—Vehicle Service Coupling

SAE J1990—Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems

SAE J2196—Service Hose for Automotive Air-Conditioning

2.1.2 ARI Publications—Available from Air-Conditioning and Refrigeration Institute, 1501 Wilson Boulevard, Sixth Floor, Arlington, VA 22209.

ARI 700–93—Specifications for Fluorocarbon Refrigerants

2.1.3 CGA Publications—Available from CGA, Crystal Gateway #1, Suite 501, 1235 Jefferson Davis Highway, Arlington, VA 22202.

CGA S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases

2.1.4 DOT Specifications—Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

49 CFR, Section 173.304—Shippers—General Requirements for Shipments and Packagings

2.1.5 UL Publications—Available from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062–2096.

UL 1769—Cylinder Valves

3. Specifications and General Description

3.1 The equipment must be able to extract CFC–12 from a mobile air-conditioning system.

3.2 The equipment discharge or transfer fitting shall be unique to prevent the unintentional use of extracted CFC–12 to be used for recharging auto air conditioners.

3.3 The equipment shall be suitable for use in an automotive service garage environment as defined in 6.8.

3.4 Equipment Certification—The equipment must be certified by Underwriters Laboratories or an equivalent certifying laboratory to meet this standard.

3.5 Label Requirements—The equipment shall have a label ''Design Certified by (company name) to meet SAE J2209 for use with CFC–12. The refrigerant from this equipment must be processed to ARI 700–93 specifications before reuse in a mobile air-conditioning system.'' The minimum letter size shall be bold type 3mm in height.

4. Safety Requirements

4.1 The equipment must comply with applicable federal, state and local requirements on equipment related to the handling of R–12 material. Safety precautions or notices or labels related to the safe operation of the equipment shall also be prominently displayed on the equipment and should also state ''CAUTION—SHOULD BE OPERATED BY CERTIFIED PERSONNEL.'' The safety identification shall be located on the front near the controls.

4.2 The equipment must comply with applicable safety standards for electrical and mechanical requirements.

5. Operating Instructions

5.1 The equipment manufacturer must provide operating instructions, necessary maintenance procedures and source information for replacement parts and repair.

5.2 The equipment must prominently display the manufacturer's name, address and any items that require maintenance or replacement that affect the proper operation of the equipment. Operation manuals must cover information for complete maintenance of the equipment to assure proper operation.

6. Functional Description

6.1 The equipment must be capable of ensuring recovery of the CFC–12 from the system being serviced, by reducing the system pressure to a minimum of 102 mm of mercury below atmospheric. To prevent system delayed outgassing, the unit must have a device that assures that the refrigerant has been recovered from the air-conditioning system.

6.1.1 Testing laboratory certification of the equipment capability is required which

shall process contaminated refrigerant samples at specific temperatures.

6.2 The equipment must be preconditioned with 13.6 kg of the standard contaminated CFC–12 at an ambient of 21 °C before starting the test cycle. Sample amounts are not to exceed 1.13 kg with sample amounts to be repeated every 5 minutes. The sample method fixture defined in Figure 1 of appendix A shall be operated at 24 °C. Contaminated CFC–12 samples shall be processed at ambient temperatures of 10 and 49 °C.

6.2.1 Contaminated CFC–12 sample.

6.2.2 Standard contaminated CFC–12 refrigerant, 13.6 Kg sample size, shall consist of liquid CFC–12 with 100 ppm (by weight) moisture at 21 °C and 45,000 ppm (by weight) mineral oil 525 suspension nominal and 770 ppm (by weight) of noncondensable gases (air).

6.3 Portable refillable containers used in conjunction with this equipment must meet applicable DOT standards.

6.3.1 The container color must be gray with yellow top to identify that it contains used CFC–12 refrigerant. It must be permanently marked on the outside surface in black print at least 20 mm high ''DIRTY R–12—DO NOT USE, MUST BE REPROCESSED''.

6.3.2 The portable refillable container shall have a SAE 3/8 inch flare male thread connection as identified in SAE J639 CFC–12 High Pressure Charging Valve Figure 2.

6.3.3 During operation the equipment shall provide overfill protection to assure that the storage container liquid fill does not exceed 80% of the tank's rated volume at 21 °C per DOT standard, CFR Title 49, section 173.304 and the American Society of Mechanical Engineers.

6.4 Additional Storage Tank Requirements.

6.4.1 The cylinder valve shall comply with the standard for cylinder valves, UL 1769.

6.4.2 The pressure relief device shall comply with the pressure relief device standard part 1, CGA pamphlet S–1.1.

6.4.3 The container assembly shall be marked to indicate the first retest date, which shall be 5 years after date of manufacture. The marking shall indicate that retest must be performed every subsequent five years. The marking shall be in letters at least 6 mm high.

6.5 All flexible hoses must meet SAE J2196 standard for service hoses.

6.6 Service hoses must have shutoff devices located within 30 cm of the connection point to the system being serviced to minimize introduction of noncondensable gases into the recovery equipment during connection and the release of the refrigerant during disconnection.

6.7 The equipment must be able to separate the lubricant from the recovered refrigerant and accurately indicate the amount removed from the system during processing in 30 ml units.

6.7.1 The purpose of indicating the amount of lubricant removed is to ensure that a proper amount is returned to the mobile air-conditioning system for compressor lubrication.

6.7.2 Refrigerant dissolved in this lubricant must be accounted for to prevent system lubricant overcharge of the mobile air-conditioning system.

6.7.3 Only new lubricant, as identified by the system manufacturer, should be replaced in the mobile air-conditioning system.

6.7.4 Removed lubricant from the system and/or the equipment shall be disposed of in accordance with applicable federal, state and local procedures and regulations.

6.8 The equipment must be capable of continuous operation in ambient temperatures of 10 °C to 49 °C and comply with 6.1.

6.9 The equipment should be compatible with leak detection material that may be present in the mobile air-conditioning system.

7.0 For test validation, the equipment is to be operated according to the manufacturer's instructions.

[60 FR 21688, May 2, 1995]

APPENDIX C TO SUBPART B OF PART 82—STANDARD FOR RECOVER/RECYCLE EQUIPMENT FOR HFC–134A REFRIGERANT

I. SAE J2210, issued December, 1991.

HFC–134a RECYCLING EQUIPMENT FOR MOBILE AIR CONDITIONING SYSTEMS

Foreword

The purpose of this standard is to establish the specific minimum equipment specification required for the recycling of HFC–134a that has been directly removed from, and is intended for reuse in, mobile air-conditioning systems. Establishing such specifications will assure that system operation with recycled HFC–134a will provide the same level of performance and durability as new refrigerant.

1. Scope

The purpose of this standard is to establish specific minimum equipment requirements for recycling HFC–134a that has been directly removed from, and is intended for reuse in, mobile air-conditioning (A/C) systems.

2. References

Applicable Documents—The following publications form a part of this specification to the extent specified.

2.1.1

SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J2099—Standard of Purity for Recycled HFC-134a for Use in Mobile Air-Conditioning Systems

SAE J2196—Service Hoses for Automotive Air-Conditioning

SAE J2197—Service Hose Fittings for Automotive Air-Conditioning

2.1.2

CGA Publications—Available from CGA, 1235 Jefferson Davis Highway, Arlington, VA 22202.

CGA Pamphlet S–1.1-Pressure Relief Device Standard

Part 1—Cylinders for Compressed Gases

2.1.3

DOT Publications—Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

DOT Standard, 49 CFR 173.304—Shippers-General Requirements for Shipments and Packagings

2.1.4

UL Publications—Available from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062–2096.

UL 1769—Cylinder Valves

UL 1963—Refrigerant Recovery/Recycling Equipment

3. Specification and General Description

3.1 The equipment must be able to remove and process HFC–134a from mobile A/C systems to the purity level specified in SAE J2099.

3.2 The equipment shall be suitable for use in an automotive service garage environment and be capable of continuous operation in ambients from 10 to 49 °C (50 to 120 °F).

3.3 The equipment must be certified that it meets this specification by Underwriters Laboratories (UL) or an equivalent certifying laboratory.

3.4 The equipment shall have a label which states ''Design Certified by (Certifying Agent) to meet SAE J2210'' in bold-type letters a minimum of 3 mm in height.

4. Refrigerant Recycling Equipment Requirements

4.1 Moisture and Acid—The equipment shall incorporate a desiccant package that must be replaced before saturation with moisture, and whose mineral acid capacity is at least 5% by weight of the dry desiccant.

4.1.1 The equipment shall be provided with a moisture detection means that will reliably indicate when moisture in the HFC–134a reaches the allowable limit and desiccant replacement is required.

4.2 Filter—The equipment shall incorporate an in-line filter that will trap particulates of 15 micron spherical diameter or greater.

4.3 Noncondensable Gases

4.3.1 The equipment shall either automatically purge noncondensables (NCGs) if the acceptable level is exceeded or incorporate a device that indicates to the operator that the NCG level has been exceeded. NCG removal must be part of the normal operation of the equipment and instructions must be provided to enable the task to be accomplished within 30 minutes.

4.3.2 Refrigerant loss from noncondensable gas purging during the testing described in Section 8 shall not exceed 5% by weight of the total contaminated refrigerant removed from the test system.

4.4 Recharging and Transfer of Recycled Refrigerant—Recycled refrigerant for recharging and transfer shall be taken from the liquid phase only.

5. Safety Requirements

5.1 The equipment must comply with applicable federal, state, and local requirements on equipment related to handling HFC–134a material. Safety precautions or notices related to safe operation of the equipment shall be prominently displayed on the equipment and should also state ''CAUTION—SHOULD BE OPERATED BY QUALIFIED PERSONNEL''.

5.2 HFC–134a has been shown to be nonflammable at ambient temperature and atmospheric pressure. However, tests under controlled conditions have indicated that, at pressures above atmospheric and with air concentrations greater than 60% by volume, HFC–134a can form combustible mixtures. While it is recognized that an ignition source is also required for combustion to occur, the presence of combustible mixtures is a potentially dangerous situation and should be avoided.

5.3 Under NO CIRCUMSTANCES should any equipment be pressure tested or leak tested with air/HFC–134a mixtures. Do not use compressed air (shop air) for leak detection in HFC–134a systems.

6. Operating Instructions

6.1 The equipment manufacturer must provide operating instructions, including proper attainment of vehicle system vacuum (*i.e.*, when to stop the extraction process), filter/desiccant replacement, and purging of noncondensable gases (air). Also to be included are any other necessary maintenance procedures, source information for replacement parts and repair, and safety precautions.

6.2 The equipment must prominently display the manufacturer's name, address, the type of refrigerant it is designed to recycle, a service telephone number, and the part number for the replacement filter/drier.

7. Functional Description

7.1 The equipment must be capable of ensuring removal of refrigerant from the system being serviced by reducing the system pressure to a minimum of 102 mm (4 in) of mercury below atmospheric pressure (i.e., vacuum).

7.2 During operation, the equipment shall provide overfill protection to assure that the liquid fill of the storage container (which may be integral or external) does not exceed 80% of the tank's rated volume at 21.1 °C (70 °F) per Department of Transportation (DOT) Standard, 49 CFR 173.304 and the American Society of Mechanical Engineers.

7.3 Portable refillable tanks or containers used in conjunction with this equipment must be labeled ''HFC-134a'', meet applicable DOT or Underwriters Laboratories (UL) Standards, and shall incorporate fittings per SAE J2197.

7.3.1 The cylinder valve shall comply with the standard for cylinder valves, UL 1769.

7.3.2 The pressure relief device shall comply with the Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases, CGA Pamphlet S–1.1.

7.3.3 The tank assembly shall be marked to indicate the first retest date which shall be 5 years after the date of manufacture. The marking shall indicate that retest must be performed every subsequent 5 years. The marking shall be in letter at least 6 mm (¼ in) high.

7.4 All flexible hoses must comply with SAE J2196.

7.5 Service hoses must have shutoff devices located within 30 cm (12 in) of the connection point to the system being serviced as identified in J2196. All service fittings must comply with SAE J2197.

7.6 The equipment must be able to separate the lubricant from the removed refrigerant and accurately indicate the amount of lubricant removed during the process, in 30 mL (1 fl oz) units. Refrigerant dissolves in lubricants and, as a result, increases the volume of the recovered lubricant sample. This creates the illusion that more lubricant has been recovered than actually has been. The equipment lubricant measuring system must take into account such dissolved refrigerant to prevent overcharging the vehicle system with lubricant. (Note: Use only new lubricant to replace the amount removed during the recycling process. Used lubricant should be discarded per applicable federal, state, and local requirements.)

8. Testing

This test procedure and its requirements are to be used to determine the ability of the recycling equipment to adequately recycle contaminated refrigerant.

8.1 The equipment shall be able to clean the contaminated refrigerant in section 8.3 to the purity level defined in SAE J2099.

8.2 The equipment shall be operated in accordance with the manufacturer's operating instructions.

8.3 Contaminated HFC–134a Sample.

8.3.1 The standard contaminated refrigerant shall consist of liquid HFC–134a with 1300 ppm (by weight) moisture (equivalent to saturation at 38 °C [100 °F]), 45,000 ppm (by weight) HFC–134a compatible lubricant, and 1000 ppm (by weight) of noncondensable gases (air).

8.3.1.1 The HFC–134a compatible lubricant referred to in section 8.3.1 shall be ICI DGLF 118, or equivalent, which shall contain no more than 1000 ppm by weight of moisture.

8.4 Test Cycle

8.4.1 The equipment must be preconditioned by processing 13.6 kg (30 lb) of the standard contaminated HFC–134a at an ambient of 21 °C (70 °F) before starting the test cycle. 1.13 kg (2.5 lb) samples are to be processed at 5 min intervals. The test fixture, depicted in Figure 1 to Appendix A, shall be operated at 21 °C (70 °F).

8.4.2 Following the preconditioning procedure per section 8.4.1, 18.2 kg (40 lb) of standard contaminated HFC–134a are to be processed by the equipment.

8.5 Sample Requirements

8.5.1 Samples of the standard contaminated refrigerant from section 8.3.1 shall be processed as required in section 8.6 and shall be analyzed after said processing as defined in sections 8.7, 8.8, and section 8.9. Note exception for non-condensable gas determination in section 8.9.4.

8.6 Equipment Operating Ambient

8.6.1 The HFC–134a is to be cleaned to the purity level, as defined in SAE J2099, with the equipment operating in a stable ambient of 10, 21, and 49 °C (50, 70, 120 °F) while processing the samples as defined in section 8.4.

8.7 Quantitative Determination of Moisture

8.7.1 The recycled liquid phase sample of HFC–134a shall be analyzed for moisture content via Karl Fischer coulometric titration, or an equivalent method. The Karl Fischer apparatus is an instrument for precise determination of small amounts of water dissolved in liquid and/or gas samples.

8.7.2 In conducting this test, a weighed sample of 30 to 130 g is vaporized directly into the Karl Fischer anolyte. A coulometric titration is conducted and the results are reported as parts per million moisture (weight).

8.8 Determination of Percent Lubricant

8.8.1 The amount of lubricant in the recycled HFC–134a sample shall be determined via gravimetric analysis. The methodology must account for the hygroscopicity of the lubricant.

8.8.2 Following venting of noncondensable gases in accordance with the manufacturer's operating instructions, the refrigerant container shall be shaken 5 min prior to extracting samples for testing.

8.8.3 A weighed sample of 175 to 225 g of liquid HFC–134a is allowed to evaporate at room temperature. The percent lubricant is calculated from weights of the original sample and the residue remaining after evaporation.

8.9 Noncondensable Gases

8.9.1 The amount of noncondensable gases shall be determined by gas chromatography. A sample of vaporized refrigerant liquid shall be separated and analyzed by gas chromatography. A Porapak Q column at 130 °C (266 °F) and a hot wire detector may be used for the analysis.

8.9.2 This test shall be conducted on liquid phase samples of recycled refrigerant taken from a full container as defined in section 7.2 within 30 minutes following the proper venting of noncondensable gases.

8.9.3 The liquid phase samples in section 8.9.2 shall be vaporized completely prior to gas chromatographic analysis.

8.9.4 This test shall be conducted at 21 and 49 °C (50 and 120 °F) and may be performed in conjunction with the testing defined in section 8.6. The equipment shall process at least 13.6 kg (30 lb) of standard contami nated refrigerant for this test).

Rationale

Not applicable.

Relationship of Standard to ISO Standard

Not applicable.

Application

The purpose of this standard is to establish the specific minimum equipment requirements for recycling HFC–134a that has been directly removed from, and is intended for reuse in, mobile air-conditioning (A/C) systems.

Reference Section

SAE J2099—Standard of Purity for Recycled HFC–134a for Use in Mobile Air-Conditioning Systems
SAE J2196—Service Hoses for Automotive Air-Conditioning
SAE J2197—Service Hose Fittings for Automotive Air-Conditioning
CGA Pamphlet S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases
UL 1769—Cylinder Valves
UL 1963—Refrigerant Recovery/Recycling Equipment
DOT Standard, 49 CFR 173.304—Shippers—General Requirements for Shipment and Packagings
II. SAE J2211, issued December, 1991.

RECOMMENDED SERVICE PROCEDURE FOR THE CONTAINMENT OF HFC–134a

1. Scope

Refrigerant containment is an important part of servicing mobile air-conditioning systems. This procedure provides guidelines for technicians for servicing mobile air-conditioning systems and operating refrigerant recycling equipment designed for HFC–134a (described in SAE J2210).

2. References

2.1 Applicable Documents-The following publications form a part of this specification to the extent specified. The latest issue of SAE publications shall apply.

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J2196—Service Hoses for Automotive Air-Conditioning
SAE J2197—Service Hose Fittings for Automotive Air-Conditioning
SAE J2210—Refrigerant Recycling Equipment for HFC–134a Mobile Air-Conditioning Systems
SAE J2219—Concerns to the Mobile Air-Conditioning Industry

2.2 Definitions

2.2.1 Recovery/Recycling (R/R) Unit—Refers to a single piece of equipment that performs both functions of recovery and recycling of refrigerants per SAE J2210.

2.2.2 Recovery—Refers to that portion of the R/R unit operation that removes the refrigerant from the mobile air-conditioning system and places it in the R/R unit storage container.

2.2.3 Recycling—Refers to that portion of the R/R unit operation that processes the refrigerant for reuse on the same job site to the purity specifications of SAE J2099.

3. Service Procedure

3.1 Connect the recycling unit service hoses, which shall have shutoff devices (*e.g.*, valves) within 30 cm (12 in) of the service ends, to the vehicle air-conditioning (A/C) service ports. Hoses shall conform to SAE J2196 and fittings shall conform to SAE J2197.

3.2 Operate the recycling equipment per the equipment manufacturer's recommended procedure.

3.2.1 Verify that the vehicle A/C system has refrigerant pressure. Do not attempt to recycle refrigerant from a discharged system as this will introduce air (noncondensable gas) into the recycling equipment which must later be removed by purging.

3.2.2 Begin the recycling process by removing the refrigerant from the vehicle A/C system. Continue the process until the system pressure has been reduced to a minimum

of 102mm (4 in) of mercury below atmospheric pressure (*i.e.*, vacuum). If A/C components show evidence of icing, the component can be gently heated to facilitate refrigerant removal. With the recycling unit shut off for at least 5 minutes, check A/C system pressure. If this pressure has risen above vacuum (0 psig), additional recycler operation is required to remove the remaining refrigerant. Repeat the operation until the system pressure remains stable at vacuum for 2 minutes.

3.3 Close the valves in the service lines and then remove the service lines from the vehicle system. If the recovery equipment has automatic closing valves, be sure they are operating properly. Proceed with the repair/service.

3.4 Upon completion of refrigerant removal from the A/C system, determine the amount of lubricant removed during the process and replenish the system with new lubricant, which is identified on the A/C system label. Used lubricant should be discarded per applicable federal, state, and local requirements.

4. Service With a Manifold Gauge Set

4.1 High-side, low-side, and center service hoses must have shutoff devices (*e.g.*, valves) within 30 cm (12 in) of the service ends. Valves must be closed prior to hose removal from the A/C system to prevent refrigerant loss to the atmosphere.

4.2 During all service operations, service hose valves should be closed until connected to the vehicle A/C system or to the charging source to exclude air and/or contain the refrigerant.

4.3 When the manifold gauge set is disconnected from the A/C system, or when the center hose is moved to another device that cannot accept refrigerant pressure, the gauge set hoses should be attached to the recycling equipment to recover the refrigerant from the hoses.

5. Supplemental Refrigerant Checking Procedure for Stored Portable Containers

5.1 Certified recycling equipment and the accompanying recycling procedure, when properly followed, will deliver use-ready refrigerant. In the event that the full recycling procedure was not followed or the technician is unsure about the noncondensable gas content of a given tank of refrigerant, this procedure can be used to determine whether the recycled refrigerant container meets the specification for noncondensable gases (air). (Note: The use of refrigerant with excess air will result in higher system operating pressures and may cause A/C system damage.)

5.2 The container must be stored at a temperature of 18.3 °C (65 °F) or above for at least 12 hours, protected from direct sunlight.

5.3 Install a calibrated pressure gauge, with 6.9 kPa (1 psig) divisions, on the container and read container pressure.

5.4 With a calibrated thermometer, measure the air temperature within 10 cm (4 in) of the container surface.

5.5 Compare the observed container pressure and air temperature to the values given in Tables 1 and 2 to determine whether the container pressure is below the pressure limit given in the appropriate table. For example, at an air temperature of 21 °C (70 °F) the container pressure must not exceed 524 kPa (76 psig).

5.6 If the refrigerant in the container has been recycled and the container pressure is less than the limit in Tables 1 and 2, the refrigerant may be used.

5.7 If the refrigerant in the container has been recycled and the container pressure exceeds the limit in Tables 1 and 2, slowly vent, from the top of the container, a small amount of vapor into the recycle equipment until the pressure is less than the pressure shown in Tables 1 and 2.

5.8 If, after shaking the container and letting it stand for a few minutes, the container pressure still exceeds the pressure limit shown in Tables 1 and 2, the entire contents of the container shall be recycled.

TABLE 1—MAXIMUM ALLOWABLE CONTAINER PRESSURE (METRIC)

Temp, C(F)	kPa	Temp, C(F)	kPa	Temp, C(F)	kPa	Temp, C(F)	kPa
18 (65)	476	26 (79)	621	34 (93)	793	42 (108)	1007
19 (66)	483	27 (81)	642	35 (95)	814	43 (109)	1027
20 (68)	503	28 (82)	655	36 (97)	841	44 (111)	1055
21 (70)	524	29 (84)	676	37 (99)	876	45 (113)	1089
22 (72)	545	30 (86)	703	38 (100)	889	46 (115)	1124
23 (73)	552	31 (88)	724	39 (102)	917	47 (117)	1158
24 (75)	572	32 (90)	752	40 (104)	945	48 (118)	1179
25 (77)	593	33 (91)	765	41 (106)	979	49 (120)	1214

TABLE 2—MAXIMUM ALLOWABLE CONTAINER PRESSURE (ENGLISH)

Temp, F	psig	Temp, F	psig	Temp, F	psig	Temp, F	psig
65	69	79	90	93	115	107	144
66	70	80	91	94	117	108	146
67	71	81	93	95	118	109	149
68	73	82	95	96	120	110	151
69	74	83	96	97	122	111	153
70	76	84	98	98	125	112	156
71	77	85	100	99	127	113	158
72	79	86	102	100	129	114	160
73	80	87	103	101	131	115	163
74	82	88	105	102	133	116	165
75	83	89	107	103	135	117	168
76	85	90	109	104	137	118	171
77	86	91	111	105	139	119	173
78	88	92	113	106	142	120	176

6. Containers for Storage of Recycled Refrigerant

6.1 Recycled refrigerant should not be salvaged or stored in disposable containers (this is one common type of container in which new refrigerant is sold). Use only DOT 49 CFR or UL approved storage containers, specifically marked for HFC–134a, for recycled refrigerant.

6.2 Any container of recycled refrigerant that has been stored or transferred must be checked prior to use as defined in Section 5.

6.3 Evacuate the tanks to at least 635 mm Hg (25 in Hg) below atmospheric pressure (vacuum) prior to first use.

7. Transfer of Recycled Refrigerant

7.1 When external portable containers are used for transfer, the container must be evacuated to at least 635 mm (25 in Hg) below atmospheric pressure (vacuum) prior to transfer of the recycled refrigerant to the container. External portable containers must meet DOT and UL standards.

7.2 To prevent on-site overfilling when transferring to external containers, the safe filling level must be controlled by weight and must not exceed 60% of the container gross weight rating.

8. Safety Note for HFC–134a

8.1 HFC–134a has been shown to be nonflammable at ambient temperature and atmospheric pressure. However, recent tests under controlled conditions have indicated that, at pressures above atmospheric and with air concentrations greater than 60% by volume, HFC–134a can form combustible mixtures. While it is recognized that an ignition source is also required for combustion to occur, the presence of combustible mixtures is a potentially dangerous situation and should be avoided.

8.2 Under NO CIRCUMSTANCE should any equipment be pressure tested or leak tested with air/HFC–134a mixtures. Do not use compressed air (shop air) for leak detection in HFC–134a systems.

9. Disposal of Empty/Near Empty Containers

9.1 Since all refrigerant may not have been removed from disposable refrigerant containers during normal system charging procedures, empty/near empty container contents should be recycled prior to disposal of the container.

9.2 Attach the container to the recycling unit and remove the remaining refrigerant. When the container has been reduced from a pressure to vacuum, the container valve can be closed and the container can be removed from the unit. The container should be marked ''Empty'', after which it is ready for disposal.

III. SAE J2099, issued December, 1991.

STANDARD OF PURITY FOR RECYCLED HFC–134a FOR USE IN MOBILE AIR CONDITIONING SYSTEMS

Foreword

The purpose of this standard is to establish the minimum level of purity required for recycled HFC–134a removed from, and intended for reuse in, mobile air-conditioning systems.

1. Scope

This standard applies to HFC–134a refrigerant used to service motor vehicle passenger compartment air-conditioning systems designed or retrofitted to use HFC–134a. Hermetically sealed, refrigerated cargo systems are not covered by this standard.

2. References

2.1 Applicable Documents—The following publications form a part of this specification to the extent specified. The latest issue of SAE publications shall apply.

2.1.1 SAE publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J2210—HFC–134a Recycling Equipment for Mobile Air-Conditioning Systems
SAE J2211—Recommended Service Procedure for the Containment of HFC–134a

3. Purity Specification

The refrigerant referred to in this standard shall have been directly removed from, and intended to be returned to, a mobile air-conditioning system. Contaminants in this recycled refrigerant shall be limited to moisture, refrigerant system lubricant, and noncondensable gases, which, when measured in the refrigerant liquid phase, shall not exceed the following levels:

3.1 Moisture—50 ppm by weight
3.2 Lubricant—500 ppm by weight
3.3 Noncondensable Gases (Air)—150 ppm by weight

4. Requirements for Recycle Equipment Used in Direct Mobile Air-Conditioning Service Operations

4.1 Such equipment shall meet J2210, which covers additional moisture, acid, and filter requirements.

5. Operation of the Recycle Equipment

Recycle equipment operation shall be in accord with SAE J2211.

Application

This Standard applies to HFC–134a refrigerant used to service motor vehicle passenger compartment air-conditioning systems designed or retrofitted to use HFC–134a. Hermetically sealed, refrigerated cargo systems are not covered by this standard.

Reference Section

SAE J2210—HFC–134a Recycling Equipment for Mobile Air-Conditioning Systems
SAE J2211—Recommended Service Procedure for the Containment of HFC–134a.

[62 FR 68048, Dec. 30, 1997]

APPENDIX D TO SUBPART B OF PART 82—STANDARD FOR HFC–134A RECOVER-ONLY EQUIPMENT

SAE J2211, Recommended Service Procedure for Containment of HFC–134a, as set forth under Appendix C of this subpart, also applies to this Appendix D
SAE J1732, issued December, 1994.

HFC–134a (R–134a) EXTRACTION EQUIPMENT FOR MOBILE AUTOMOTIVE AIR-CONDITIONING SYSTEMS

Foreword

Appendix C established equipment specifications for on-site recovery and reuse of HFC–134a in air-conditioning systems. These specifications are for HFC–134a extraction only equipment that are intended to be used in conjunction with the on-site recycling equipment currently used at service facilities, or allow for off-site refrigerant reclamation.

1. Scope

The purpose of this standard is to provide equipment specification for only the recovery of HFC–134a refrigerant to be returned to a refrigerant reclamation facility that will process it to ARI Standard 700–93 or allow for recycling of the recovered refrigerant to SAE J2210 specifications by using Design Certified equipment of the same ownership. It is not acceptable that refrigerant removed from a mobile air conditioning system with this equipment be directly returned to a mobile air-conditioning system.

This information applies to equipment used to service automobiles, light trucks, and other vehicles with similar HFC–134a air conditioning systems.

2. References

2.1 Applicable Documents—The following publications form a part of this specification to the extent specified.

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J639—Vehicle Service Coupling
SAE J2210—HFC–134a Recycling Equipment for Mobile Automotive Air Conditioning Systems
SAE J2196—Service Hoses for Automotive Air-Conditioning
SAE J2197—Service Hose Fittings for Automotive Air-Conditioning

2.1.2 ARI Publication—Available from Air Conditioning and Refrigerant Institute, 1501 Wilson Blvd. Sixth Floor, Arlington, VA 22209.

ARI 700–93—Specifications for Fluorocarbon Refrigerants

2.1.3 CGA Publications—Available from CGA, 1235 Jefferson Davis Highway, Arlington, VA 22202.

CGA Pamphlet S–1.1—Pressure Relief Device Standard
Part 1—Cylinders for Compressed Gases

2.1.4 DOT Publications—Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DOT Standard, 49 CFR 49 173.304—Shippers-General Requirements for Shipments and Packagings

2.1.5 UL Publications—Available from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062–2096.

UL 1769—Cylinder Valves

3. Specification and General Description

3.1 The equipment must be able to extract HFC–134a from a mobile air-conditioning system.

3.2 The equipment shall be suitable for use in an automotive service garage environment as defined in section 6.8.

3.3 Equipment Certification—The equipment shall be certified by Underwriters Laboratories or an equivalent certifying laboratory to meet this standard.

3.4 Label Requirements—The equipment shall have a label ''Design Certified by (Company Name) to meet SAE J1732 for use only with HFC–134a. The refrigerant from this equipment must be processed to ARI 700–93 specifications or to SAE J2210 specifications by using Design Certified equipment of the same ownership.'' The minimum letter size shall be bold type 3 mm in height.

4. Safety Requirements

4.1 The equipment must comply with applicable federal, state, and local requirements on equipment related to the handling of HFC–134a material. Safety precautions or notices or labels related to the safe operation of the equipment shall also be prominently displayed on the equipment and should state ''CAUTION—SHOULD BE OPERATED BY CERTIFIED PERSONNEL.'' The safety identification shall be located on the front near the controls.

4.2 The equipment must comply with applicable safety standards for electrical and mechanical requirements.

5. Operating Instructions

5.1 The equipment manufacturer must provide operating instructions that include information required by SAE J1629, necessary maintenance procedures, and source information for replacement parts and repair.

5.1.1 The instruction manual shall include the following information on the lubricant removed. Only new lubricant, as identified by the system manufacturer, should be replaced in the mobile air conditioning system. Removed lubricant from the system and/or the equipment shall be disposed of in accordance with the applicable federal, state, and local procedures and regulations.

5.2 The equipment must prominently display the manufacturer's name, address, the type of refrigerant it is designed to extract, a service telephone number, and any items that require maintenance or replacement that affect the proper operation of the equipment. Operation manuals must cover information for complete maintenance of the equipment to assure proper operation.

6. Functional Description

6.1 The equipment must be capable of ensuring removal of refrigerant from the system being serviced by reducing the system pressure to a minimum of 102 mm (4 in) of mercury below atmospheric pressure (*i.e.*, vacuum). To prevent system delayed outgassing, the unit must have a device that assures the refrigerant has been recovered from the air-conditioning system.

6.1.1 Testing laboratory certification of the equipment capability is required which shall process contaminated refrigerant samples at specific temperatures.

6.2 The equipment must be preconditioned by processing 13.6 kg (30 lb) of the standard contaminated HFC–134a at an ambient of 21 °C (70 °F) before starting the test cycle. Sample amounts are not to exceed 1.13 kg (2.5 lb) with sample amounts to be repeated every 5 minutes. The test fixture shown in Figure 1 to Appendix A of this subpart shall be operated at 21 °C. Contaminated HFC–134a samples shall be processed at ambient temperatures of 10 and 49 °C, without equipment shutting due to any safety devices employed in this equipment.

6.2.1 Contaminated HFC–134a sample

6.2.2 Standard contaminated HFC–134a refrigerant, 13.6 kg sample size, shall consist of liquid HFC–134a with 1300 ppm (by weight) moisture at 21 °C and 45,000 ppm (by weight) of oil (polyalkylene glycol oil with 100 cs viscosity at 40 °C or equivalent) and 1000 ppm by weight of noncondensable gases (air).

6.3 Portable refillable containers used in conjunction with this equipment must meet applicable DOT Standards.

6.3.1 The container color must be blue with a yellow top to identify that it contains used HFC–134a refrigerant. It must be permanently marked on the outside surface in black print at least 20 mm high ''DIRTY HFC–134a—DO NOT USE, MUST BE REPROCESSED''.

6.3.2 The portable refillable container shall have a ½ inch ACME thread.

6.3.3 During operation, the equipment shall provide overfill protection to assure that the storage container liquid fill does not exceed 80% of the tank's rated volume at 21 °C per DOT Standard, 49 CFR 173.304 and the American Society of Mechanical Engineers.

6.4 Additional Storage Tank Requirements

6.4.1 The cylinder valve shall comply with UL 1769.

6.4.2 The pressure relief device shall comply with CGA Pamphlet S–1.1.

6.4.3 The container assembly shall be marked to indicate the first retest date, which shall be 5 years after date of manufacture. The marking shall indicate that retest must be performed every subsequent 5 years. The markings shall be in letters at least 6 mm high.

6.5 All flexible hoses must meet SAE J2196 for service hoses.

6.6 Service hoses must have shutoff devices located within 30 cm (12 in) of the connection point to the system being serviced to minimize introduction of noncondensable gases into the recovery equipment during connection and the release of the refrigerant during disconnection.

6.7 The equipment must be able to separate the lubricant from recovered refrigerant and accurately indicate the amount removed from the simulated automotive system during processing in 30 mL units.

6.7.1 The purpose of indicating the amount of lubricant removed is to ensure that a proper amount of new lubricant is returned to the mobile air conditioning system for compressor lubrication.

6.7.2 Refrigerant dissolved in this lubricant must be accounted for to prevent system lubricant overcharge of the mobile air-conditioning system.

6.8 The equipment must be capable of continuous operation in ambient temperatures of 10 °C to 49 °C and comply with 6.1 and 6.2.

7. For test validation, the equipment is to be operated according to the manufacturer's instructions.

Application

The purpose of this standard is to provide equipment specification for only the recovery of HFC–134a refrigerant to be returned to a refrigerant reclamation facility that will process it to ARI Standard 700–93 or allow for the recycling of the recovered refrigerant to SAE J2210 specifications by using Design Certified equipment of the same ownership. It is not acceptable that the refrigerant removed from a mobile air-conditioning system with this equipment be directly returned to a mobile air-conditioning system.

This information applies to equipment used to service automobiles, light trucks, and other vehicles with similar HFC–134a air-conditioning systems.

Reference Section

SAE J639—Vehicle Service Coupling
SAE J2210—HFC–134a Recycling Equipment for Mobile Automotive Air Conditioning Systems
SAE J2196—Service Hoses for Automotive Air-Conditioning
ARI 700–93—Specifications for Fluorocarbon Refrigerants
CGA Pamphlet S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases
UL 1769—Cylinder Valves
49 CFR 173.304—Shippers—General Requirements for Shipment and Packagings

[62 FR 68052, Dec. 30, 1997]

APPENDIX E TO SUBPART B OF PART 82—THE STANDARD FOR AUTOMOTIVE REFRIGERANT RECYCLING EQUIPMENT INTENDED FOR USE WITH BOTH CFC–12 AND HFC–134A

SAE J2211, Recommended Service Procedure for the Containment of HFC–134a, as set forth under Appendix C of this subpart, and SAE J1989, Recommended Service Procedure for the Containment of CFC–12, as set forth under Appendix A of this subpart, also apply to this Appendix E of this subpart.

SAE J1770, issued December, 1995.

AUTOMOTIVE REFRIGERANT RECYCLE EQUIPMENT INTENDED FOR USE WITH BOTH CFC–12 AND HFC–134a

Foreword

The purpose of this standard is to establish specific minimum equipment requirements for automotive refrigerant recycling equipment intended for use with both CFC–12 and HFC–134a in a common refrigerant circuit. Establishing such specifications will assure that this equipment does not cross contaminate refrigerant above specified limits when used under normal operating conditions.

1. Scope

The purpose of this standard is to establish the specific minimum equipment intended for use with both CFC–12 and HFC–134a in a common refrigerant circuit that has been directly removed from, and is intended for reuse in, mobile air-conditioning (A/C) systems. This standard does not apply to equipment used for CFC–12 and HFC–134a having a common enclosure with separate circuits for each refrigerant.

2. References

2.1 Applicable Documents—The following publications form a part of this specification to the extent specified. The latest issue of SAE publications shall apply.

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001.

SAE J2099—Standard of Purity for Recycled HFC–134a for Use in Mobile Air-Conditioning Systems
SAE 1991—Standard of Purity for Use in Mobile Air-Conditioning Systems
SAE J2196—Service Hoses for Automotive Air-Conditioning
SAE J2197—Service Hose Fittings for Automotive Air-Conditioning
SAE J2210—HFC–134a (R–134a) Recycling Equipment for Mobile A/C Systems
SAE J1990—Extraction and Recycling Equipment for Mobile A/C Systems

2.1.2 Compressed Gas Association (CGA) Publications—Available from CGA, 1235 Jefferson Davis Highway, Arlington, VA 22202.

CGA Pamphlet S–1.1—Pressure Relief Device Standard

Part 1—Cylinders for Compressed Gases

2.1.3 DOT Publications—Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

2.1.4 UL Publications—Available from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062–2096.

UL 1769—Cylinder Valves

UL 1963—Refrigerant Recovery/Recycling Equipment

3. Specification and General Description

3.1 The equipment shall be suitable for use in an automotive service garage environment and be capable of continuous operation in ambients from 10 to 49 °C.

3.2 The equipment must be certified that it meets this specification by Underwriters Laboratories Inc. (UL), or by an equivalent Nationally Recognized Testing Laboratory (NRTL).

3.3 The equipment shall have a label which states ''Design Certified by (Certifying Agent) to meet SAE J1770 for recycling CFC–12 and HFC–134a using common refrigerant circuits'', in bold-type letters a minimum of 3 mm in height.

4. Equipment Requirements

4.1 General

4.1.1 The equipment shall be capable of preventing cross contamination to the level required by Section 9.2.1.G before an operation involving a different refrigerant can begin. The equipment must prevent initiation of the recovery operation if the equipment is not set up properly.

4.1.2 If an operator action is required to clear the unit prior to reconnecting for a different refrigerant, the equipment shall be provided with a means which indicates which refrigerant was last processed.

4.1.3 Means shall be provided to prevent recovery from both an CFC–12 and HFC–134a mobile air conditioning system concurrently.

4.1.4 Transfer of recycled refrigerant—Recycled refrigerant for recharging and transfer shall be taken from the liquid phase only.

4.2 Seat Leakage Test

4.2.1 Valves, including electrically operated solenoid valves, that are used to isolate CFC–12 and HFC–134a refrigerant circuits, shall have a seat leakage rate not exceeding 15 g/yr (½ oz/yr) before and after 100,000 cycles of operation. This Endurance Test shall be conducted with HFC–134a at maximum operating pressure as determined by sections 8.1 and 8.2. The Seat Leakage Test shall be performed at 1.5 times this pressure at an ambient of 24 °C.

4.3 Interlocks

4.3.1 Electrical interlock devices used to prevent cross contamination of refrigerant shall be operated for 100,000 cycles and there shall be no failure that would permit cross contamination of refrigerant. Solid state inter lock devices shall comply with the Transient Overvoltage Test and the Fast Transient (Electric Noise) Test contained in the Standard for Tests for Safety Related Controls Employing Solid-State Devices, UL 991.

4.4 Noncondensable Gases

4.4.1 The equipment shall either automatically purge noncondensables (NCGs) if the acceptable level is exceeded or incorporate a device that indicates to the operator the NCG level has been exceeded. A pressure gauge used to indicate an NCG level shall be readable in 1 psig increments. NCG removal must be part of the normal operation of the equipment and instructions must be provided to enable the task to be accomplished within 30 minutes.

4.4.2 Refrigerant loss from noncondensable gas purging, oil removal, and refrigerant clearing shall not exceed more than 5 percent by weight of the total amount of refrigerant through the equipment as detailed in Sections 8.1, 8.2, and 9.2.

4.5 Filter

4.5.1 A 15 micron filter, or other equivalent means, to remove particulates of 15 micrometers spherical diameter or greater shall be located before any manual electrically operated valves that may cause cross contamination.

4.6 Moisture and Acid

4.6.1 The equipment shall incorporate a desiccant package that must be replaced before saturated with moisture, and whose acid capacity is at least 5% by weight of the dry desiccant.

4.6.2 The equipment shall be provided with a moisture detection means that will reliably indicate when moisture in the HFC–134a exceeds 50 ppm, or in the CFC–12 exceeds 15 ppm, and requires the filter/drier replacement.

5. Operating Instructions

5.1 The equipment manufacturer must provide operating instructions, including proper attainment of vehicle system vacuum (*i.e.*, when to stop the extraction process, and also to stop the extraction process if it is noticed that the A/C system being serviced has a leak), filter/desiccant replacement, and purging of noncondensable gases (air). The instructions shall indicate that the correct sequence of operation be followed so that the equipment can properly remove contaminates to the acceptable level. Also to be included are any other necessary maintenance procedures, source information for replacement parts and repair, and safety precautions.

5.2 The equipment must prominently display the manufacturer's name, address, the type of refrigerant (CFC–12 and HFC–134a), a service telephone number, and the part number for the replacement filter/drier. Operation manuals must cover information for complete maintenance of the equipment to assure proper operation.

6. Safety Requirements

6.1 The equipment must comply with applicable federal, state, and local requirements on equipment related to handling CFC–12 and HFC–134a material. Safety precautions or notices related to the safe operation of the equipment shall be prominently displayed on the equipment and should also state ''CAUTION—SHOULD BE OPERATED BY QUALIFIED PERSONNEL''.

6.2 HFC–134a has been shown to be nonflammable at ambient temperature and atmospheric pressure. The following statement shall be in the operating manual: ''Caution: HFC–134a service equipment or vehicle A/C systems should not be pressure tested or leak tested with compressed air. Some mixtures of air and HFC–134a have been shown to be combustible at elevated pressures (when contained in a pipe or tank). These mixtures may be potentially dangerous, causing injury or property damage. Additional health and safety information may be obtained from refrigerant and lubricant manufacturers.''

7. Functional Description

7.1 General

7.1.1 The equipment must be capable of ensuring recovery of the CFC–12 and HFC–134a from the system being serviced, by reducing the system to a minimum of 102 mm of mercury below atmospheric pressure (*i.e.*, vacuum).

7.1.2 The equipment must be compatible with leak detection material that may be present in the mobile A/C system.

7.2 Shut Off Device

7.2.1 To prevent overcharge, the equipment must be equipped to protect the tank used to store the recycled refrigerant with a shutoff device and a mechanical pressure relief valve.

7.3 Storage Tanks

7.3.1 Portable refillable tanks or containers shall be supplied with this equipment and must be labeled ''HFC–134a'' or ''CFC–12'' as appropriate, meet applicable Department of Transportation (DOT) or NRTL's Standards and be adaptable to existing refrigerant service and charging equipment.

7.3.2 The cylinder valve shall comply with the Standard for Cylinder Valves, UL 1769.

7.3.3 The pressure relief device shall comply with the Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases, CGA Pamphlet S–1.1.

7.3.4 The tank assembly shall be marked to indicate the first retest date, which shall be 5 years after the date of manufacture. The marking shall indicate that retest must be performed every subsequent 5 years. The marking shall be in letters at least 6 mm high.

7.4 Overfill Protection

7.4.1 During operation, the equipment must provide overfill protection to assure that during filling or transfer, the tank or storage container cannot exceed 80% of volume at 21.1 °C of its maximum rating as defined by DOT standards, 49 CFR 173.304 and American Society of Mechanical Engineers.

7.5 Hoses and Connections

7.5.1 Separate inlet and outlet hoses with fittings and separate connections shall be provided for each refrigerant circuit.

7.5.2 All flexible hoses and fittings must meet SAE J2196 (for CFC–12) and SAE J2197 (for HFC–134a).

7.5.3 Service hoses must have shutoff devices located within 30 cm of the connection point to the system being serviced.

7.6 Lubricant Separation

7.6.1 The equipment must be able to separate the lubricant from the removed refrigerant and accurately indicate the amount of lubricant removed during the process, in 30 mL (1 fl oz) units. Refrigerant dissolves in lubricant and, as a result, increases the volume of the recovered lubricant sample. This creates the illusion that more lubricant has been recovered that actually has been. The equipment lubricant measuring system must take into account such dissolved refrigerant removed from the A/C system being serviced to prevent overcharging the vehicle system with lubricant.

(NOTE: Use only new lubricant to replace the amount removed the recycling process. Used lubricant should be discarded per applicable federal, state and local requirements.)

7.6.2 The equipment must be provided with some means, such as a lockout device, which will prevent initiation of the recovery operation after switching to the other refrigerant, if the lubricant has not been drained from the oil separator.

8. Testing

8.0 Equipment shall be tested in sequence as noted in sections 8.1, 8.2 and 9.2. The filter/drier may be replaced only as noted by section 4.6.2.

8.1 CFC–12 Recycling Cycle

8.1.1 The maximum operating pressure of the equipment shall be determined when recycling CFC–12 while conducting the following tests. This pressure is needed for the Seat Leakage Test, Section 4.2.

8.1.2 The equipment must be preconditioned with 13.6 kg of the standard contaminated CFC–12 (see section 8.1.2a) at an ambient of 21 °C before starting the test

cycle. Sample amounts shall be 1.13 kg with sample amounts to be repeated every 5 minutes. The sample method fixture, defined in Figure 1 to Appendix A, shall be operated at 21 °C.

8.1.2a Standard contaminated CFC–12 refrigerant shall consist of liquid CFC–12 with 100 ppm (by weight) moisture at 21°C and 45,000 ppm (by weight) mineral oil 525 suspension viscosity nominal and 770 ppm by weight of noncondensable gases (air).

8.1.3 The high moisture contaminated sample shall consist of CFC–12 vapor with 1000 ppm (by weight) moisture.

8.1.4 The high oil contaminated sample shall consist of CFC–12 with 200,000 ppm (by weight) mineral oil 525 suspension viscosity nominal.

8.1.5 After preconditioning as stated in section 8.1.2, the test cycle is started, processing the following contaminated samples through the equipment.

A. 13.6 kg (1.13 kg per batch) of standard contaminated CFC–12.

B. 1 kg of high oil contaminated CFC–12.

C. 4.5 kg (1.13 kg per batch) of standard contaminated CFC–12.

D. 1 kg of high moisture contaminated CFC–12.

8.1.6 The CFC–12 is to be cleaned to the minimum purity level, as defined in SAE J1991, with the equipment operating in a stable ambient of 10, 21, and 49°C and processing the samples as defined in section 8.1.5.

8.2 HFC–134a Recycling Cycle

8.2.1 The maximum operating pressure of the equipment shall be determined when recycling HFC–134a while conducting the following tests. This pressure is needed for the Seat Leakage Test, Section 4.2.

8.2.2 The equipment must be preconditioned by processing 13.6 kg of the standard contaminated HFC–134a (see section 8.2.2a) at an ambient of 21 °C before starting the test cycle. 1.13 kg samples are to be processed at 5 minute intervals. The text fixture shown in Figure 1 to Appendix A shall be operated at 21 °C.

8.2.2a The standard contaminated refrigerant shall consist of liquid HFC–134a with 1300 ppm (by weight) moisture (equivalent to saturation at 38°[100 °F]), 45,000 ppm (by weight) HFC–134a compatible lubricant, and 1000 ppm (by weight) of noncondensable gases (air).

8.2.2b The HFC–134a compatible lubricant referred to in section 8.2.2a shall be a polyalkylene glycol based synthetic lubricant or equivalent, which shall contain no more than 1000 ppm by weight of moisture.

8.2.3 Following the preconditioning procedure per section 8.2.2, 18.2 kg of standard contaminated HFC–134a are to be processed by the equipment at each stable ambient temperature of 10, 21, and 49 °C.

8.2.4 The HFC–134a is to be cleaned to the purity level, as defined in SAE J2099.

9. Refrigerant Cross Contamination Test

9.1 General

9.1.1 For test validation, the equipment is to be operated according to the manufacturer's instruction.

9.1.2 The equipment shall clean the contaminated CFC–12 refrigerant to the minimum purity level as defined in Appendix A, when tested in accordance with the requirements in section 8.1.

9.1.3 The equipment shall clean the contaminated HFC–134a refrigerant to the purity level defined in Appendix C, when tested in accordance with the requirements in section 8.2.

9.2 Test Cycle

9.2.1 The following method shall be used after the tests and requirements in Sections 8.1 and 8.2, respectively, are completed. Following the manufacturer's instructions, the equipment shall be cleared of HFC–134a, prior to beginning step A. The only refrigerant used for this is noted in steps A, C, and E of section 9.2.1. The test fixture shown in Figure 1 to Appendix A shall be used and the test shall be conducted at 10, 21, and 49 °C ambients.

A. A 1.13 kg standard contaminated sample of CFC–12 (see section 8.1.2a) shall be processed by the equipment.

B. Follow manufacturer's instructions to clear the equipment of CFC–12 before processing HFC–134a.

C. Process a 1.13 kg, standard contaminated sample of HFC–134a (see section 8.2.2a) through the equipment.

D. Follow manufacturer's instructions to clear the equipment of HFC–134a before processing CFC–12.

E. Process a 1.13 kg standard contaminated sample of CFC–12 (see section 8.1.2a) through the equipment.

F. Follow manufacturer's instructions to clear the equipment of CFC–12.

G. The amount of cross contaminated refrigerant, as determined by gas chromatography, in samples processed during steps C and E of section 9.2.1., shall not exceed 0.5 percent by weight.

10. Sample Analysis

10.1 General

10.1.1 The processed contaminated samples shall be analyzed according to the following procedure.

10.2 Quantitative Determination of Moisture

10.2.1 The recycled liquid phase sample of refrigerant shall be analyzed for moisture content via Karl Fischer coulometer titration or an equivalent method. The Karl

Fischer apparatus is an instrument for precise determination of small amounts of water dissolved in liquid and/or gas samples.

10.2.2 In conducting the test, a weighed sample of 30 to 130 g is vaporized directly into the Karl Fischer anolyte. A coulometer titration is conducted and the results are calculated and displayed as parts per million moisture (weight).

10.3 Determination of Percent Lubricant

10.3.1 The amount of lubricant in the recycled sample of refrigerant/lubricant is to be determined by gravimetric analysis.

10.3.2 Following venting of noncondensable, in accordance with the manufacturer's operating instructions, the refrigerant container shall be shaken for 5 minutes prior to extracting samples for test.

10.3.3 A weighed sample of 175 to 225 g of liquid refrigerant/lubricant is allowed to evaporate at room temperature. The percent lubricant is to be calculated from the weight of the original sample and the residue remaining after the evaporation.

10.4 Noncondensable Gas

10.4.1 The amount of noncondensable gas is to be determined by gas chromatography. A sample of vaporized refrigerant liquid shall be separated and analyzed by gas chromatography. A Propak Q column at 130 °C and a hot wire detector may be used for analysis.

10.4.2 This test shall be conducted on liquid phase samples of recycled refrigerant taken from a full container as defined in 7.4 within 30 minutes following the proper venting of noncondensable gases.

10.4.3 The samples shall be shaken for at least 15 minutes prior to testing while at a temperature of 24 °C ± 2.8° C.

10.5 Refrigerant Cross Contamination

10.5.1 The amount of cross contamination of CFC–12 in HFC–134a or HFC–134a in CFC–12 shall not exceed 0.5 percent by weight as determined by gas chromatography. A sample of vaporized refrigerant liquid shall be separated and analyzed by gas chromatography. A 1% SP–1000 on Carbopack B (60/80 mesh) column may be used for the analysis.

[62 FR 68053, Dec. 30, 1997]

APPENDIX F TO SUBPART B OF PART 82—STANDARD FOR RECOVER-ONLY EQUIPMENT THAT EXTRACTS A SINGLE, SPECIFIC REFRIGERANT OTHER THAN CFC–12 OR HFC–134A

Foreword

These specifications are for equipment that recover, but does not recycle, any single, specific automotive refrigerant other than CFC–12 or HFC–134a, including a blend refrigerant.

1. Scope

The purpose of this standard is to provide equipment specifications for the recovery of any single, specific refrigerant other than CFC–12 or HFC–134a, including a blend refrigerant, which are either (1) to be returned to a refrigerant reclamation facility that will process the refrigerant to ARI Standard 700–93 or equivalent new product specifications at a minimum, or (2) to be recycled in approved refrigerant recycling equipment, or (3) to be destroyed. This standard applies to equipment used to service automobiles, light trucks, and other vehicles with similar air conditioning systems.

2. References

2.1 Applicable Documents—The following publications form a part of this specification to the extent specified. The latest issue of SAE publications shall apply.

2.1.1 SAE Publications—Available from SAE, 400 Commonwealth Drive, Warrendale, PA 15096–0001. SAE J639—Vehicle Service Coupling. SAE J2196—Service Hoses for Automotive Air-Conditioning (fittings modified)

2.1.2 ARI Publication—Available from Air Conditioning and Refrigeration Institute, 1501 Wilson Boulevard, Sixth Floor, Arlington, VA 22209. ARI 700–93—Specifications for Fluorocarbon Refrigerants.

2.1.3 Compressed Gas Association (CGA) Publications—Available from CGA, 1235 Jefferson Davis Highway, Arlington, VA 22202. CGA Pamphlet S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases.

2.1.4 DOT Publications—Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DOT Standard, 49 CFR 173.304—Shippers—General Requirements for Shipments and Packagings.

2.1.5 UL Publications—Available from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062–2096.

UL 1769—Cylinder Valves.

UL 1963—Refrigerant Recovery Recycling Equipment.

3. Specifications and General Description

3.1 The equipment must be able to extract from a mobile air conditioning system the refrigerant other than CFC–12 or HFC–134a to which the equipment is dedicated.

3.2 The equipment shall be suitable for use in an automotive service garage environment as defined in section 6.8.

3.3 The equipment discharge or transfer fitting shall be unique to prevent the unintentional use of the extracted refrigerant for recharging auto air conditioners.

3.4 Equipment Certification-The equipment shall be certified by Underwriters Laboratories or an—equivalent certifying laboratory to meet this standard.

3.5 Label Requirements—The equipment shall have a label ''Designed Certified by (Company Name) to meet EPA requirements for use only with (the applicable refrigerant). The refrigerant from this equipment must be processed to ARI 700–93 specifications or equivalent new product specifications before reuse in a mobile air-conditioning system.'' The minimum letter size shall be bold type 3 mm in height.

4. Safety Requirements

4.1 The equipment must comply with applicable federal, state, and local requirements on equipment related to the handling of the applicable refrigerant material. Safety precautions or notices or labels related to the safe operation of the equipment shall also be prominently displayed on the equipment and should state ''CAUTION—SHOULD BE OPERATED BY CERTIFIED PERSONNEL.'' The safety identification shall be located on the front near the controls.

4.2 The equipment must comply with applicable safety standards for electrical and mechanical requirements.

5. Operating Instructions

5.1 The equipment manufacturer must provide operating instructions that include information equivalent to that required by SAE J1629, necessary maintenance procedures, and source information for replacement parts and repair.

5.1.1 The instruction manual shall include the following information on the lubricant removed: Only new lubricant, as identified by the system manufacturer, should be replaced in the air conditioning system. Removed lubricant from the system and/or the equipment shall be disposed on in accordance with the applicable federal, state, and local procedures and regulations.

5.2 The equipment must prominently display the manufacturer's name, address, the type of refrigerant it is designed to extract, a service telephone number, and any items that require maintenance or replacement that affect the proper operation of the equipment. Operation manuals must cover information for complete maintenance of the equipment to assure proper operation.

6.1 Functional Description

6.1 The equipment must be capable of ensuring removal of refrigerant from the system being serviced by reducing the system pressure to a minimum of 102 mm (4 in) of mercury below atmospheric pressure (*i.e.*, to a vacuum). To prevent system delayed outgassing, the unit must have a device that assures that the refrigerant has been recovered from the air-conditioning system.

6.1.1 Testing laboratory certification of the equipment capability is required which shall process contaminated refrigerant samples at specific temperatures.

6.2 The equipment must be preconditioned by processing 13.6 kg (30 lb) of the standard contaminated refrigerant at an ambient of 21 °C (70 °F) before starting the test cycle. Sample amounts are not to exceed 1.13 kg (2.5 lb) with sample amounts to be processed at 5 min. intervals. The test method fixture, depicted in Figure 1 to appendix A of this subpart, shall be operated at 21 °C (70 °F). Contaminated refrigerant samples shall be processed at ambient temperatures of 10 and 49 °C, without equipment shutting due to any safety devices employed in this equipment.

6.2.1 Standard contaminated refrigerant, 13.6 kg (30 lb) sample size, shall consist of liquid refrigerant with 1000 ppm (by weight) moisture at 21 °C and 45,000 ppm (by weight) of oil (total of one-third mineral oil 525 suspension nominal, one-third PAG with 100 cSt viscosity at 40 °C or equivalent, and one-third POE with 68 cSt viscosity at 40 °C or equivalent) and 1000 ppm by weight of noncondensable gases (air). Refrigerant shall be identified prior to the recovery process to ± 2% of the original manufacturer's formulation submitted to, and accepted by, EPA under its Significant New Alternatives Policy program, with the exception that any flammable components shall be identified to ± 1%.

6.3 Portable refillable containers used in conjunction with this equipment must meet applicable DOT Standards.

6.3.1 The container color must be gray with a yellow top to identify that it contains used refrigerant. It must be permanently marked on the outside surface in black print at least 20 mm high ''DIRTY [NAME OF REFRIGERANT]—DO NOT USE, MUST BE PROCESSED''.

6.3.2 The portable refillable container shall have a unique thread connection for the specific refrigerant.

6.3.3 During operation, the equipment shall provide overfill protection to assure that the storage container liquid fill does not exceed 80% of the tank's rated volume at 21 °C per DOT Standard, 49 CFR 173.304, and the American Society of Mechanical Engineers.

6.4 Additional Storage Tank Requirements

6.4.1 The cylinder valve shall comply with UL 1769.

6.4.2 The pressure relief device shall comply with CGA Pamphlet S–1.1.

6.4.3 The container assembly shall be marked to indicate the first retest date, which shall be 5 years after date of manufacture. The marking shall indicate that retest must be performed every subsequent 5 years.

The marking shall be in letters at least 6 mm high.

6.5 All flexible hoses must meet SAE J2196 for service hoses except that fittings shall be unique to the applicable refrigerant.

6.6 Service hoses must have shutoff devices located within 30 cm of the connection point to the system being serviced to minimize introduction of noncondensable gases into the recovery equipment during connection and the release of the refrigerant during disconnection.

6.7 The equipment must be able to separate the lubricant from the recovered refrigerant and accurately indicate the amount removed from the simulated automotive system during processing in 30 mL units.

6.7.1 The purpose of indicating the amount of lubricant is to ensure that a proper amount of new lubricant is returned to the mobile air conditioning system for compressor lubrication.

6.7.2 Refrigerant dissolved in this lubricant must be accounted for to prevent system lubricant overcharge of the mobile air-conditioning system.

6.8 The equipment must be capable of continuous operation in temperatures of 10 to 49 °C and must comply with 6.1 and 6.2.

7. For test validation, the equipment is to be operated according to the manufacturer's instructions.

Application

The purpose of this standard is to provide equipment specifications for the recovery of any refrigerant other than CFC–12 or HFC–134a for return to a refrigerant reclamation facility that will process it to ARI Standard 700–93 (or for recycling in other EPA approved recycling equipment, in the event that EPA in the future designates a standard for equipment capable of recycling refrigerants other than CFC–12 or HFC–134a).

Reference Section

SAE J639—Vehicle Service Coupling
SAE J2196—Service Hoses for Automotive Air-Conditioning
ARI 700–93—Specifications for Fluorocarbon Refrigerants
CGA Pamphlet S–1.1—Pressure Relief Device Standard Part 1—Cylinders for Compressed Gases
UL 1769—Cylinder Valves
49 CFR 173.304—Shippers—General Requirements for Shipment and Packagings

[62 FR 68055, Dec. 30, 1997]

Subpart C—Ban on Nonessential Products Containing Class I Substances and Ban on Nonessential Products Containing or Manufactured With Class II Substances

SOURCE: 58 FR 69675, Dec. 30, 1993, unless otherwise noted.

§ 82.60 Purpose.

The purpose of this subpart is to implement the requirements of sections 608 and 610 of the Clean Air Act as amended in 1990 on emission reductions and nonessential products.

§ 82.62 Definitions.

For purposes of this subpart:

Chlorofluorocarbon means any substance listed as Class I group I or Class I group III in 40 CFR part 82, appendix A to subpart A.

Class II Substance means any substance designated as class II in 40 CFR part 82, appendix B to subpart A.

Commercial, when used to describe the purchaser of a product, means a person that uses the product in the purchaser's business or sells it to another person and has one of the following identification numbers:

(1) A federal employer identification number;

(2) A state sales tax exemption number;

(3) A local business license number; or

(4) A government contract number.

Consumer, when used to describe a person taking action with regard to a product, means the ultimate purchaser, recipient or user of a product.

Distributor, when used to describe a person taking action with regard to a product means:

(1) The seller of a product to a consumer or another distributor; or

(2) A person who sells or distributes that product in interstate commerce for export from the United States.

Foam Insulation Product, when used to describe a product containing or consisting of plastic foam, means a product containing or consisting of the following types of foam:

(1) Closed cell rigid polyurethane foam;

(2) Closed cell rigid polystyrene boardstock foam;

(3) Closed cell rigid phenolic foam; and

(4) Closed cell rigid polyethylene foam when such foam is suitable in shape, thickness and design to be used as a product that provides thermal insulation around pipes used in heating, plumbing, refrigeration, or industrial process systems.

Hydrochlorofluorocarbon means any substance listed as class II in 40 CFR part 82, appendix B to subpart A.

Initial Inventory means that the original product has completed all of its manufacturing processes and is ready for sale by the manufacturer. Products in initial inventory may be subsequently incorporated into another product by a different manufacturer after purchase. To continue selling products after the effective date of the provisions, the manufacturer or distributor must be able to show, upon request by EPA, that the product was in fact manufactured, and thus placed into initial inventory prior to the effective date. Shipping forms, lot numbers, manufacturer date stamps or codes, invoices, or the like are normally kept records that could be maintained from the time the product was put into initial inventory and may be used to demonstrate when a product was placed in initial inventory.

Product means an item or category of items manufactured from raw or recycled materials which is used to perform a function or task.

Release means to emit into the environment during the manufacture, use, storage or disposal of a product.

Space Vehicles means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. Also included is auxiliary equipment associated with test, transport, and storage, which through contamination can compromise the space vehicle performance.

[58 FR 69675, Dec. 30, 1993, as amended at 61 FR 64427, Dec. 4, 1996; 66 FR 57522, Nov. 15, 2001]

§ 82.64 Prohibitions.

(a) Effective February 16, 1993, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products identified as being nonessential in § 82.66(a).

(b) Effective February 16, 1993, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products specified in § 82.66(b) to a person who does not provide proof of being a commercial purchaser, as defined under § 82.62.

(c) Effective January 17, 1994, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products identified as being nonessential in § 82.66(c) or § 82.66(d) except as permitted under § 82.65(g).

(d) Except as permitted under § 82.65, effective January 1, 1994, no person may sell or distribute, or offer for sale or distribution, in interstate commerce any product identified as being nonessential in § 82.70(a) or § 82.70(c).

(e) Except as permitted under § 82.65, effective January 1, 1994, no person may sell or distribute, or offer to sell or distribute, in interstate commerce any of the products specified in § 82.70(b) to a person who does not provide proof of being a commercial purchaser, as defined under § 82.62.

(f) Except as permitted under § 82.65(d), effective January 1, 1996, no person may sell or distribute, or offer for sale or distribution, in interstate commerce any product identified as being nonessential in § 82.70(c)(ii).

(g) It is a violation of this subpart to sell or distribute, or offer for sale or distribution, products effected by the provisions of § 82.68 if the seller knew or should have known that the purchaser was purchasing the product for a prohibited application.

§ 82.65 Temporary exemptions.

(a) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory by December 31, 1993.

(b) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory within the date 90 days after the effective date of any federal approvals required for product reformulation, where application for the required approval was timely and properly submitted to the approving federal agency prior to January 1, 1994.

(c)(1) Any person may sell or distribute or offer to sell or distribute, in interstate commerce, at any time, any products specified as nonessential in § 82.70 which are manufactured and placed into initial inventory within 45 days after the receipt of denial by any federal agency of an application for reformulation where initial application for the required approval was timely and properly submitted to the approving federal agency prior to January 1, 1994.

(2) If, within 45 days of receipt of a denial of an application for reformulation, a person submits a new viable application for federal approval of a reformulation, that person may continue to sell and distribute, or offer to sell and distribute until 45 days of denial of that application.

(d) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any integral skin foam utilized to provide for motor vehicle safety in accordance with Federal Motor Vehicle Safety Standards, which are manufactured and placed into initial inventory prior to January 1, 1996.

(e) Any person selling or distributing, or offering to sell or distribute, any product specified in this section after January 1, 1994, or January 1, 1996 for paragraph (d) of this section, or after January 17, 1994 for any product specified in paragraph (g) of this section, must retain proof that such product was manufactured and placed into initial inventory before the relevant date specified in this section. Such proof may take the form of shipping forms, lot numbers, manufacturer date stamps, invoices or equivalent business records.

(f) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, any aircraft pesticide containing class I until an alternative aircraft pesticide containing class II is available in interstate commerce.

(g) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any replacement part that was manufactured with, or contains a class I substance or was packaged in material that was manufactured with or contains a class I substance only if:

(1) The replacement part was manufactured for use in a single model of a product; and

(2) The replacement part and product model are no longer manufactured; and

(3) The replacement part was placed into initial inventory prior to April 16, 1992.

(h) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any air-conditioning or refrigeration products specified as nonessential in § 82.66(e) that are manufactured and placed into initial inventory by January 14, 2002.

(i) Any person may sell or distribute, or offer to sell or distribute, in interstate commerce, at any time, any integral skin foam products manufactured with a Class I substance for use in commercial aviation and specified as nonessential in § 82.66(c) that are manufactured and placed into initial inventory by January 14, 2002.

[58 FR 69675, Dec. 30, 1993, as amended at 66 FR 57522, Nov. 15, 2001]

§ 82.66 Nonessential Class I products and exceptions.

The following products which release a Class I substance (as defined in 40 CFR part 82, appendix A to subpart A) are identified as being nonessential, and subject to the prohibitions specified under § 82.64—

(a) Any plastic party streamer or noise horn which is propelled by a chlorofluorocarbon, including but not limited to—

(1) String confetti;

(2) Marine safety horns;

(3) Sporting event horns;

(4) Personal safety horns;

(5) Wall-mounted alarms used in factories or other work areas; and

(6) Intruder alarms used in homes or cars.

(b) Any cleaning fluid for electronic and photographic equipment which contains a chlorofluorocarbon:

(1) Including but not limited to liquid packaging, solvent wipes, solvent sprays, and gas sprays; and

(2) Except for those sold or distributed to a commercial purchaser.

(c) Any plastic foam product which is manufactured with or contains a Class I substance; except any plastic foam product blown with CFC–11, but which contains no other Class I substances and where this product is used to provide thermal protection to external tanks for space vehicles;

(d) Any aerosol product or other pressurized dispenser, other than those banned in § 82.64(a) or § 82.64(b), which contains a chlorofluorocarbon,

(1) Including but not limited to household, industrial, automotive and pesticide uses,

(2) Except—

(i) Medical devices listed in 21 CFR 2.125(e);

(ii) Lubricants, coatings or cleaning fluids for electrical or electronic equipment, which contain CFC–11, CFC–12, or CFC–113 for solvent purposes, but which contain no other CFCs;

(iii) Lubricants, coatings or cleaning fluids used for aircraft maintenance, which contain CFC–11 or CFC–113 as a solvent, but which contain no other CFCs;

(iv) Mold release agents used in the production of plastic and elastomeric materials, which contain CFC–11 or CFC–113 as a solvent, but which contain no other CFCs, and/or mold release agents that contain CFC–12 as a propellant, but which contain no other CFCs;

(v) Spinnerette lubricant/cleaning sprays used in the production of synthetic fibers, which contain CFC–114 as a solvent, but which contain no other CFCs, and/or spinnerette lubricant/cleaning sprays which contain CFC–12 as a propellant, but which contain no other CFCs;

(vi) Document preservation sprays which contain CFC–113 as a solvent, but which contain no other CFCs, and/or document preservation sprays which contain CFC–12 as a propellant, but which contain no other CFCs, and which are used solely on thick books, books with coated or dense paper and tightly bound documents; and

(e) Any air-conditioning or refrigeration appliance as defined in CAA 601(l) that contains a Class I substance used as a refrigerant.

[58 FR 69675, Dec. 30, 1993, as amended at 66 FR 57522, Nov. 15, 2001]

§ 82.68 Verification and public notice requirements.

(a) Effective February 16, 1993, any person who sells or distributes any cleaning fluid for electronic and photographic equipment which contains a chlorofluorocarbon must verify that the purchaser is a commercial entity as defined in § 82.62. In order to verify that the purchaser is a commercial entity, the person who sells or distributes this product must request documentation that proves the purchaser's commercial status by containing one or more of the commercial identification numbers specified in § 82.62(b). The seller or distributor must have a reasonable basis for believing that the information presented by the purchaser is accurate.

(b) Effective February 16, 1993, any person who sells or distributes any cleaning fluid for electronic and photographic equipment which contains a chlorofluorocarbon must prominently display a sign where sales of such product occur which states: ''It is a violation of federal law to sell, distribute, or offer to sell or distribute, any chlorofluorocarbon-containing cleaning fluid for electronic and photographic equipment to anyone who is not a commercial user of this product. The penalty for violating this prohibition can be up to $25,000 per sale. Individuals purchasing such products must present proof of their commercial status in accordance with § 82.68(a).''

(c) Effective January 1, 1994, any person who sells or distributes any aerosol or pressurized dispenser of cleaning fluid for electronic and photographic equipment which contains a class II

substance must verify that the purchaser is a commercial entity as defined in §82.62(b). In order to verify that the purchaser is a commercial entity, the person who sells or distributes this product must request documentation that proves the purchaser's commercial status by containing one or more of the commercial identification numbers specified in §82.62(b).

(d) Effective January 1, 1994, any person who sells or distributes any aerosol or other pressurized dispenser of cleaning fluid for electronic and photographic equipment which contains a class II substance must prominently display a sign where sales of such product occur which states: ''It is a violation of federal law to sell, distribute, or offer to sell or distribute, any aerosol hydrochlorofluorocarbon-containing cleaning fluid for electronic and photographic equipment to anyone who is not a commercial user of this product. The penalty for violating this prohibition can be up to $25,000 per unit sold. Individuals purchasing such products must present proof of their commercial status in accordance with §82.68(c).''

(e) Effective January 1, 1994, in order to satisfy the requirements under §82.68 (b) and (d), any person who sells or distributes cleaning fluids for electronic and photographic equipment which contain a class I substance and those aerosol or pressurized dispensers of cleaning fluids which contain a class II substance, may prominently display one sign where sales of such products occur which states: ''It is a violation of federal law to sell, distribute, or offer to sell or distribute, any chlorofluorocarbon-containing cleaning fluid for electronic and photographic equipment or aerosol hydrochlorofluorocarbon-containing cleaning fluid for electronic and photographic equipment to anyone who is not a commercial user of this product. The penalty for violating this prohibition can be up to $25,000 per unit sold. Individuals purchasing such products must present proof of their commercial status in accordance with 40 CFR 82.68(a) or 82.68(c).''

(f)–(g) [Reserved]

(h) Effective January 1, 1994, any person who sells or distributes any mold release agents containing a class II substance as a propellant must provide written notification to the purchaser prior to the sale that ''It is a violation of federal law to sell mold release agents containing hydrochlorofluorocarbons as propellants to anyone, except for use in applications where no other alternative except a class I substance is available. The penalty for violating this prohibition can be up to $25,000 per unit sold.'' Written notification may be placed on sales brochures, order forms, invoices and the like.

(i) Effective January 1, 1994, any person who sells or distributes any wasp and hornet spray containing a class II substance must provide written notification to the purchaser prior to the sale that ''it is a violation of federal law to sell or distribute wasp and hornet sprays containing hydrochlorofluorocarbons as solvents to anyone, except for use near high-tension power lines where no other alternative except a class I substance is available. The penalty for violating this prohibition can be up to $25,000 per unit sold.'' Written notification may be placed on sales brochures, order forms, invoices and the like.

[58 FR 69675, Dec. 30, 1993, as amended at 61 FR 64427, Dec. 4, 1996]

§82.70 Nonessential Class II products and exceptions.

The following products which release a class II substance (as designated as class II in 40 CFR part 82, appendix B to subpart A) are identified as being nonessential and the sale or distribution of such products is prohibited under §82.64 (d), (e), or (f)—

(a) Any aerosol product or other pressurized dispenser which contains a class II substance:

(1) Including but not limited to household, industrial, automotive and pesticide uses;

(2) Except—

(i) Medical devices listed in 21 CFR 2.125(e);

(ii) Lubricants, coatings or cleaning fluids for electrical or electronic equipment, which contain class II substances for solvent purposes, but which contain no other class II substances;

(iii) Lubricants, coatings or cleaning fluids used for aircraft maintenance,

which contain class II substances for solvent purposes but which contain no other class II substances;

(iv) Mold release agents used in the production of plastic and elastomeric materials, which contain class II substances for solvent purposes but which contain no other class II substances, and/or mold release agents that contain HCFC–22 as a propellant where evidence of good faith efforts to secure alternatives indicates that, other than a class I substance, there are no suitable alternatives;

(v) Spinnerette lubricants/cleaning sprays used in the production of synthetic fibers, which contain class II substances for solvent purposes and/or contain class II substances for propellant purposes;

(vi) Document preservation sprays which contain HCFC–141b as a solvent, but which contain no other class II substance; and/or which contain HCFC–22 as a propellant, but which contain no other class II substance and which are used solely on thick books, books with coated, dense or paper and tightly bound documents;

(vii) Portable fire extinguishing equipment used for non-residential applications; and

(viii) Wasp and hornet sprays for use near high-tension power lines that contain a class II substance for solvent purposes only, but which contain no other class II substances.

(b) Any aerosol or pressurized dispenser cleaning fluid for electronic and photographic equipment which contains a class II substance, except for those sold or distributed to a commercial purchaser.

(c) Any plastic foam product which contains, or is manufactured with, a class II substance,

(1) Including but not limited to household, industrial, automotive and pesticide uses,

(2) Except—

(i) Any foam insulation product, as defined in § 82.62(h); and

(ii) Integral skin foam utilized to provide for motor vehicle safety in accordance with Federal Motor Vehicle Safety Standards until January 1, 1996, after which date such products are identified as nonessential and may only be sold or distributed or offered for sale or distribution in interstate commerce in accordance with § 82.65(d).

[58 FR 69675, Dec. 30, 1993, as amended at 61 FR 64427, Dec. 4, 1996]

Subpart D—Federal Procurement

SOURCE: 58 FR 54898, Oct. 22, 1993, unless otherwise noted.

§ 82.80 Purpose and scope.

(a) The purpose of this subpart is to require Federal departments, agencies, and instrumentalities to adopt procurement regulations which conform to the policies and requirements of title VI of the Clean Air Act as amended, and which maximize the substitution in Federal procurement of safe alternatives, as identified under section 612 of the Clean Air Act, for class I and class II substances.

(b) The regulations in this subpart apply to each department, agency, and instrumentality of the United States.

§ 82.82 Definitions.

(a) *Class I substance* means any substance designated as class I by EPA pursuant to 42 U.S.C. 7671(a), including but not limited to chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform.

(b) *Class II substance* means any substance designated as class II by EPA pursuant to 42 U.S.C. 7671(a), including but not limited to hydrochlorofluorocarbons.

(c) *Controlled substance* means a class I or class II ozone-depleting substance.

(d) *Department, agency and instrumentality of the United States* refers to any executive department, military department, or independent establishment within the meaning of 5 U.S.C. 101, 102, and 104(1), respectively, any wholly owned Government corporation, the United States Postal Service and Postal Rate Commission, and all parts of and establishments within the legislative and judicial branches of the United States.

§ 82.84 Requirements.

(a) No later than October 24, 1994, each department, agency and instrumentality of the United States shall conform its procurement regulations to

the requirements and policies of title VI of the Clean Air Act, 42 U.S.C. 7671–7671g. Each such regulation shall provide, at a minimum, the following:

(1) That in place of class I or class II substances, or of products made with or containing such substances, safe alternatives identified under 42 U.S.C. 7671k (or products made with or containing such alternatives) shall be substituted to the maximum extent practicable. Substitution is not required for class II substances identified as safe alternatives under 42 U.S.C. 7671k, or for products made with or containing such substances, and such substances may be used as substitutes for other class I or class II substances.

(2) That, consistent with the phase-out schedules for ozone-depleting substances, no purchases shall be made of class II substances, or products containing class II substances, for the purpose of any use prohibited under 42 U.S.C. 7671d(c);

(3) That all active or new contracts involving the performance of any service or activity subject to 42 U.S.C. 7671g or 7671h or regulations promulgated thereunder include, or be modified to include, a condition requiring the contractor to ensure compliance with all requirements of those sections and regulations;

(4) That no purchases shall be made of products whose sale is prohibited under 42 U.S.C. 7671h, except when they will be used by persons certified under section 609 to service vehicles, and no purchase shall be made of nonessential products as defined under 42 U.S.C. 7671i;

(5) That proper labeling under 42 U.S.C. 7671j shall be a specification for the purchase of any product subject to that section.

(b) For agencies subject to the Federal Acquisition Regulation, 48 CFR part 1, amendment of the FAR, consistent with this subpart, shall satisfy the requirement of this section.

§ 82.86 Reporting requirements.

(a) No later than one year after October 22, 1993, each agency, department, and instrumentality of the United States shall certify to the Office of Management and Budget that its procurement regulations have been amended in accordance with this section.

(b) Certification by the General Services Administration that the Federal Acquisition Regulation has been amended in accordance with this section shall constitute adequate certification for purposes of all agencies subject to the Federal Acquisition Regulation.

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

SOURCE: 60 FR 4020, Jan. 19, 1995, unless otherwise noted.

§ 82.100 Purpose.

The purpose of this subpart is to require warning statements on containers of, and products containing or manufactured with, certain ozone-depleting substances, pursuant to section 611 of the Clean Air Act, as amended.

§ 82.102 Applicability.

(a) In the case of substances designated as class I or class II substances as of February 11, 1993, the applicable date of the requirements in this paragraph (a) is May 15, 1993. In the case of any substance designated as a class I or class II substance after February 11, 1993, the applicable date of the requirements in this paragraph (a) is one year after the designation of such substance as a class I or class II substance unless otherwise specified in the designation. On the applicable date indicated in this paragraph (a), the requirements of this subpart shall apply to the following containers and products except as exempted under paragraph (c) of this section:

(1) All containers in which a class I or class II substance is stored or transported.

(2) All products containing a class I substance.

(3) All products directly manufactured with a process that uses a class I substance, unless otherwise exempted by this subpart or, unless the Administrator determines for a particular product that there are no substitute products or manufacturing processes for such product that do not rely on the

use of a class I substance, that reduce overall risk to human health and the environment, and that are currently or potentially available. If the Administrator makes such a determination for a particular product, then the requirements of this subpart are effective for such product no later than January 1, 2015.

(b) Applicable January 1, 2015 in any case, or one year after any determination between May 15, 1993 and January 1, 2015, by the Administrator for a particular product that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, the requirements of this subpart shall apply to the following:

(1) All products containing a class II substance.

(2) All products manufactured with a process that uses a class II substance.

(c) The requirements of this subpart shall not apply to products manufactured prior to May 15, 1993, provided that the manufacturer submits documentation to EPA upon request showing that the product was manufactured prior to that date.

§ 82.104 Definitions.

(a) *Class I substance* means any substance designated as class I in 40 CFR part 82, appendix A to subpart A, including chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform and any other substance so designated by the Agency at a later date.

(b) *Class II substance* means any substance designated as class II in 40 CFR part 82, appendix A to subpart A, including hydrochlorofluorocarbons and any other substance so designated by the Agency at a later date.

(c) *Completely destroy* means to cause the destruction of a controlled substance by one of the five destruction processes approved by the Parties at a demonstrable destruction efficiency of 98 percent or more or a greater destruction efficiency if required under other applicable federal regulations.

(d) *Consumer* means a commercial or non-commercial purchaser of a product or container that has been introduced into interstate commerce.

(e) *Container* means the immediate vessel in which a controlled substance is stored or transported.

(f) *Container containing* means a container that physically holds a controlled substance within its structure that is intended to be transferred to another container, vessel or piece of equipment in order to realize its intended use.

(g) *Controlled substance* means a class I or class II ozone-depleting substance.

(h) *Destruction means* the expiration of a controlled substance, that does not result in a commercially useful end product using one of the following controlled processes in a manner that complies at a minimum with the ''Code of Good Housekeeping'' of Chapter 5.5 of the United Nations Environment Programme (UNEP) report entitled, *Ad-Hoc Technical Advisory Committee on ODS Destruction Technologies,* as well as the whole of Chapter 5 from that report, or with more stringent requirements as applicable. The report is available from the Environmental Protection Agency, Public Docket A–91–60, 401 M Street, SW., Washington, DC 20460 The controlled processes are:

(1) Liquid injection incineration;

(2) Reactor cracking;

(3) Gaseous/fume oxidation;

(4) Rotary kiln incineration; or

(5) Cement kiln.

(i) *Distributor* means a person to whom a product is delivered or sold for purposes of subsequent resale, delivery or export.

(j) *Export* means the transport of virgin, used, or recycled class I or class II substances or products manufactured or containing class I or class II substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use.

(k) *Exporter* means the person who contracts to sell class I or class II substances or products manufactured with or containing class I or class II substances for export or transfers such substances or products to his affiliate in another country.

(l) *Import* means to land on, bring into, or introduce into, or attempt to

land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with the exception of temporary off-loading of products manufactured with or containers containing class I or class II substances from a ship are used for servicing of that ship.

(m) *Importer* means any person who imports a controlled substance, a product containing a controlled substance, a product manufactured with a controlled substance, or any other chemical substance (including a chemical substance shipped as part of a mixture or article), into the United States. ''Importer'' includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate:

(1) The consignee;

(2) The importer of record listed on U.S. Customs Service forms for the import;

(3) The actual owner if an actual owner's declaration and superseding bond has been filed; or

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

(n) *Interstate commerce* means the distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points for which a product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance.

(o) *Manufactured with a controlled substance* means that the manufacturer of the product itself used a controlled substance directly in the product's manufacturing, but the product itself does not contain more than trace quantities of the controlled substance at the point of introduction into interstate commerce. The following situations are excluded from the meaning of the phrase ''manufactured with'' a controlled substance:

(1) Where a product has not had physical contact with the controlled substance;

(2) Where the manufacturing equipment or the product has had physical contact with a controlled substance in an intermittent manner, not as a routine part of the direct manufacturing process;

(3) Where the controlled substance has been transformed, except for trace quantities; or

(4) Where the controlled substance has been completely destroyed.

(p) *Potentially available* means that adequate information exists to make a determination that the substitute is technologically feasible, environmentally acceptable and economically viable.

(q) *Principal display panel (PDP)* means the entire portion of the surface of a product, container or its outer packaging that is most likely to be displayed, shown, presented, or examined under customary conditions of retail sale. The area of the PDP is not limited to the portion of the surface covered with existing labeling; rather it includes the entire surface, excluding flanges, shoulders, handles, or necks.

(r) *Product* means an item or category of items manufactured from raw or recycled materials, or other products, which is used to perform a function or task.

(s) *Product containing* means a product including, but not limited to, containers, vessels, or pieces of equipment, that physically holds a controlled substance at the point of sale to the ultimate consumer which remains within the product.

(t) *Promotional printed material* means any informational or advertising material (including, but not limited to, written advertisements, brochures, circulars, desk references and fact sheets) that is prepared by the manufacturer for display or promotion concerning a product or container, and that does not

accompany the product to the consumer.

(u) *Retailer* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to consumers who buy such product for purposes other than resale.

(v) *Spare parts* means those parts that are supplied by a manufacturer to another manufacturer, distributor, or retailer, for purposes of replacing similar parts with such parts in the repair of a product.

(w) *Supplemental printed material* means any informational material (including, but not limited to, package inserts, fact sheets, invoices, material safety data sheets, procurement and specification sheets, or other material) which accompanies a product or container to the consumer at the time of purchase.

(x) *Transform* means to use and entirely consume a class I or class II substance, except for trace quantities, by changing it into one or more substances not subject to this subpart in the manufacturing process of a product or chemical.

(y) *Type size* means the actual height of the printed image of each capital letter as it appears on a label.

(z) *Ultimate consumer* means the first commercial or non-commercial purchaser of a container or product that is not intended for re-introduction into interstate commerce as a final product or as part of another product.

(aa) *Warning label* means the warning statement required by section 611 of the Act. The term warning statement shall be synonymous with warning label for purposes of this subpart.

(bb) *Waste* means, for purposes of this subpart, items or substances that are discarded with the intent that such items or substances will serve no further useful purpose.

(cc) *Wholesaler* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution to retailers who buy such product for purposes of resale.

§ 82.106 Warning statement requirements.

(a) *Required warning statements.* Unless otherwise exempted by this subpart, each container or product identified in § 82.102 (a) or (b) shall bear the following warning statement, meeting the requirements of this subpart for placement and form:

WARNING: Contains [or Manufactured with, if applicable] [*insert name of substance*], a substance which harms public health and environment by destroying ozone in the upper atmosphere.

(b) *Exemptions from warning label requirement.* The following products need not bear a warning label:

(1) Products containing trace quantities of a controlled substance remaining as a residue or impurity due to a chemical reaction, and where the controlled substance serves no useful purpose in or for the product itself. However, if such product was manufactured using the controlled substance, the product is required to be labeled as a ''product manufactured with'' the controlled substance, unless otherwise exempted;

(2) Containers containing a controlled substance in which trace quantities of that controlled substance remain as a residue or impurity;

(3) Waste containing controlled substances or blends of controlled substances bound for discard;

(4) Products manufactured using methyl chloroform or CFC–113 by persons who can demonstrate and certify a 95% reduction in overall usage from their 1990 calendar year usage of methyl chloroform or CFC–113 as solvents during a twelve (12) month period ending within sixty (60) days of such certification or during the most recently completed calendar year. In calculating such reduction, persons may subtract from quantities used those quantities for which they possess accessible data that establishes the amount of methyl chloroform or CFC–113 transformed. Such subtraction must be performed for both the applicable twelve month period and the 1990 calendar year. If at any time future usage exceeds the 95% reduction, all products manufactured with methyl chloroform or CFC–113 as solvents by that person must be labeled immediately. No person may qualify for this exemption after May 15, 1994;

(5) Products intended only for export outside of the United States shall not

be considered ''products introduced into interstate commerce'' provided such products are clearly designated as intended for export only;

(6) Products that are otherwise not subject to the requirements of this subpart that are being repaired, using a process that uses a controlled substance.

(7) Products, processes, or substitute chemicals undergoing research and development, by which a controlled substance is used. Such products must be labeled when they are introduced into interstate commerce.

(c) *Interference with other required labeling information.* The warning statement shall not interfere with, detract from, or mar any labeling information required on the labeling by federal or state law.

§ 82.108 Placement of warning statement.

The warning statement shall be placed so as to satisfy the requirement of the Act that the warning statement be ''clearly legible and conspicuous.'' The warning statement is clearly legible and conspicuous if it appears with such prominence and conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase. Such placement includes, but is not limited to, the following:

(a) *Display panel placement.* For any affected product or container that has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement described in § 82.106 may appear on any such display panel of the affected product or container such that it is ''clearly legible and conspicuous'' at the time of the purchase. If the warning statement appears on the principal display panel or outer packaging of any such affected product or container, the warning statement shall qualify as ''clearly legible and conspicuous,'' as long as the label also fulfills all other requirements of this subpart and is not obscured by any outer packaging, as required by paragraph (b) of this section. The warning statement need not appear on such display panel if either:

(1) The warning statement appears on the outer packaging of the product or container, consistent with paragraph (b) of this section, and is clearly legible and conspicuous; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(b) *Outer packaging.* If the product or container is normally packaged, wrapped, or otherwise covered when viewed by the purchaser at the time of the purchase the warning statement described in § 82.106 shall appear on any outer packaging, wrapping or other covering used in the retail display of the product or container, such that the warning statement is clearly legible and conspicuous at the time of the purchase. If the outer packaging has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement shall appear on such display panel. If the warning statement so appears on such product's or container's outer packaging, it need not appear on the surface of the product or container, as long as the statement also fulfills all other requirements of this subpart. The warning statement need not appear on such outer packaging if either:

(1) The warning statement appears on the surface of the product or container, consistent with paragraph (a) of this section, and is clearly legible and conspicuous through any outer packaging, wrapping or other covering used in display; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(c) *Alternative placement.* The warning statement may be placed on a hang tag, tape, card, sticker, invoice, bill of lading, supplemental printed material, or similar overlabeling that is securely attached to the container, product, outer packaging or display case, or accompanies the product containing or manufactured with a controlled substance or a container containing class I or class II substances through its sale to the consumer or ultimate consumer. For prescription medical products that have been found to be essential for patient health by the Food and Drug Administration, the warning statement may be placed in supplemental printed material intended to be read by the prescribing physician, as long as the

following statement is placed on the product, its packaging, or supplemental printed material intended to be read by the patient: ''This product contains [insert name of substance], a substance which harms the environment by depleting ozone in the upper atmosphere.'' In any case, the warning statement must be clearly legible and conspicuous at the time of the purchase.

(d) *Products not viewed by the purchaser at the time of purchase.* Where the purchaser of a product cannot view a product, its packaging or alternative labeling such that the warning statement is clearly legible and conspicuous at the time of purchase, as specified under paragraphs (a), (b), or (c) of this section, the warning statement may be placed in the following manner:

(1) Where promotional printed material is prepared for display or distribution, the warning statement may be placed on such promotional printed material such that it is clearly legible and conspicuous at the time of purchase; or

(2) The warning statement may be placed on the product, on its outer packaging, or on alternative labeling, consistent with paragraphs (a), (b), or (c) of this section, such that the warning statement is clearly legible and conspicuous at the time of product delivery, if the product may be returned by the purchaser at or after the time of delivery or if the purchase is not complete until the time of delivery (e.g., products delivered C.O.D.).

§ 82.110 Form of label bearing warning statement.

(a) *Conspicuousness and contrast.* The warning statement shall appear in conspicuous and legible type by typography, layout, and color with other printed matter on the label. The warning statement shall appear in sharp contrast to any background upon which it appears. Examples of combinations of colors which may not satisfy the proposed requirement for sharp contrast are: black letters on a dark blue or dark green background, dark red letters on a light red background, light red letters on a reflective silver background, and white letters on a light gray or tan background.

(b) *Name of substance.* The name of the class I or class II substance to be inserted into the warning statement shall be the standard chemical name of the substance as listed in 40 CFR part 82, appendix A to subpart A, except that:

(1) The acronym ''CFC'' may be substituted for ''chlorofluorocarbon.''

(2) The acronym ''HCFC'' may be substituted for ''hydrochlorofluorocarbon.''

(3) The term ''1,1,1-trichloroethane'' may be substituted for ''methyl chloroform.''

(c) *Combined statement for multiple class I substances.* If a container containing or a product contains or is manufactured with, more than one class I or class II substance, the warning statement may include the names of all of the substances in a single warning statement, provided that the combined statement clearly distinguishes which substances the container or product contains and which were used in the manufacturing process.

(d) *Format.* (1) The warning statement shall be blocked within a square or rectangular area, with or without a border. (2) The warning statement shall appear in lines that are parallel to the surrounding text on the product's PDP, display panel, supplemental printed material or promotional printed material.

(e) *Type style.* The ratio of the height of a capital letter to its width shall be such that the height of the letter is no more than 3 times its width; the signal word ''WARNING'' shall appear in all capital letters.

(f) *Type size.* The warning statement shall appear at least as large as the type sizes prescribed by this paragraph. The type size refers to the height of the capital letters. A larger type size materially enhances the legibility of the statement and is desirable.

(1) *Display panel or outer packaging.* Minimum type size requirements for the warning statement are given in Table 1 to this paragraph and are based upon the area of the display panel of the product or container. Where the statement is on outer packaging, as well as the display panel area, the statement shall appear in the same

minimum type size as on the display panel.

TABLE 1 TO § 82.110(F)(1)

	Area of display panel (sq. in.)					
	0–2	>2–5	>5–10	>10–15	>15–30	>30
Type size (in.)[1]						
Signal word	3/64	1/16	3/32	7/64	1/8	5/32
Statement	3/64	3/64	1/16	3/32	3/32	7/64

> Means greater than.
[1] Minimum height of printed image of letters.

(2) *Alternative placement.* The minimum type size for the warning statement on any alternative placement which meets the requirements of § 82.108(c) is 3/32 inches for the signal word and 1/16 of an inch for the statement.

(3) *Promotional printed material.* The minimum type size for the warning statement on promotional printed material is 3/32 inches for the signal word and 1/16 of an inch for the statement, or the type size of any surrounding text, whichever is larger.

§ 82.112 Removal of label bearing warning statement.

(a) *Prohibition on removal.* Except as described in paragraph (b) or (c) of this section, any warning statement that accompanies a product or container introduced into interstate commerce, as required by this subpart, must remain with the product or container and any product incorporating such product or container, up to and including the point of sale to the ultimate consumer.

(b) *Incorporation of warning statement by subsequent manufacturers.* A manufacturer of a product that incorporates a product that is accompanied by a label bearing the warning statement may remove such label from the incorporated product if the information on such label is incorporated into a warning statement accompanying the manufacturer's product, or if, pursuant to paragraph (c) of this section, the manufacturer of the product is not required to pass through the information contained on or incorporated in the product's label.

(c) *Manufacturers that incorporate products manufactured with controlled substances.* A manufacturer that incorporates into its own product a component product that was purchased from another manufacturer, was manufactured with a process that uses a controlled substance(s), but does not contain such substance(s), may remove such label from the incorporated product and need not apply a warning statement to its own product, if the manufacturer does not use a controlled substance in its own manufacturing process. A manufacturer that uses controlled substances in its own manufacturing process, and is otherwise subject to the regulations of this subpart, must label pursuant to § 82.106, but need not include information regrading the incorporated product on the required label.

(d) *Manufacturers, distributors, wholesalers, retailers that sell spare parts manufactured with controlled substances solely for repair.* Manufacturers, distributors, wholesalers, and retailers that purchase spare parts manufactured with a class I substance from another manufacturer or supplier, and sell such spare parts for the sole purpose of repair, are not required to pass through an applicable warning label if such products are removed from the original packaging provided by the manufacturer from whom the products are purchased. Manufacturers of the spare parts manufactured with controlled substances must still label their products; furthermore, manufacturers, importers, and distributors of such products must pass through the labeling information as long as products remain assembled and packaged in the manner assembled and packaged by the original manufacturer. This exemption shall not apply if a spare part is later used for manufacture and/or for purposes other than repair.

§ 82.114 Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.

(a) *Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.* Each manufacturer of a product incorporating another product or container containing a controlled substance, to which § 82.102 (a)(1), or, (a)(2) or (b)(1) applies, that is purchased or obtained from another manufacturer or supplier, is required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement accompanying the manufacturer's finished product. Each importer of a product, or container containing a controlled substance, to which § 82.102 (a)(1), (a)(2), or (b)(1) applies, including a component product or container incorporated into the product, that is purchased from a foreign manufacturer or supplier, is required to apply a label, or to ensure that a label has been properly applied, at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The manufacturer or importer of a product that incorporates another product container from another manufacturer or supplier may rely on the labeling information (or lack thereof) that it receives with the product, and is not required to independently investigate whether the requirements of this subpart are applicable to such purchased product or container, as long as the manufacturer reasonably believes that the supplier or foreign manufacturer is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A manufacturer's or importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products containing a controlled substance or containers of a controlled substance that are supplied to the manufacturer or importer, is evidence of reasonable belief.

§ 82.116 Compliance by manufacturers or importers incorporating products manufactured with controlled substances.

(a) *Compliance by manufacturers or importers incorporating products manufactured with controlled substances, or importing products manufactured with controlled substances.* Each manufacturer or importer of a product incorporating another product to which § 82.102 (a)(3) or (b)(2) applies, that is purchased from another manufacturer or supplier, is not required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement accompanying the manufacturer's or importer's finished product. Importers of products to which § 82.102 (a)(3) or (b)(2) applies are required to apply a label, or to ensure that a label has been properly applied at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The importer of a product purchased or obtained from a foreign manufacturer or supplier, which product may have been manufactured with a controlled substance, may rely on the information that it receives with the purchased product, and is not required to independently investigate whether the requirements of this subpart are applicable to the purchased or obtained product, as long as the importer reasonably believes that there was no use of controlled substances by the final manufacturer of the product being imported.

(c) *Contractual obligations.* An importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the importer, or to certify to the importer whether a product was or was not manufactured with a controlled substance is evidence of reasonable belief.

§ 82.118 Compliance by wholesalers, distributors and retailers.

(a) *Requirement of compliance by wholesalers, distributors and retailers.* All wholesalers, distributors and retailers of products or containers to which this subpart applies are required to pass through the labeling information that

accompanies the product, except those purchasing from other manufacturers or suppliers spare parts manufactured with controlled substances and selling those parts for the demonstrable sole purpose of repair.

(b) *Reliance on reasonable belief.* The wholesaler, distributor or retailer of a product may rely on the labeling information that it receives with the product or container, and is not required to independently investigate whether the requirements of this subpart are applicable to the product or container, as long as the wholesaler, distributor or retailer reasonably believes that the supplier of the product or container is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A wholesaler, distributor or retailer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the wholesaler, distributor or retailer is evidence of reasonable belief.

§ 82.120 Petitions.

(a) *Requirements for procedure and timing.* Persons seeking to apply the requirements of this regulation to a product containing a class II substance or a product manufactured with a class I or a class II substance which is not otherwise subject to the requirements, or to temporarily exempt a product manufactured with a class I substance, based on a showing of a lack of currently or potentially available alternatives, from the requirements of this regulation may submit petitions to: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. Environmental Protection Agency, 6202–J, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Such persons must label their products while such petitions are under review by the Agency.

(b) *Requirement for adequate data.* Any petition submitted under paragraph (a) of this section shall be accompanied by adequate data, as defined in § 82.120(c). If adequate data are not included by the petitioner, the Agency may return the petition and request specific additional information.

(c) *Adequate data.* A petition shall be considered by the Agency to be supported by adequate data if it includes all of the following:

(1) A part clearly labeled ''Section I.A.'' which contains the petitioner's full name, company or organization name, address and telephone number, the product that is the subject of the petition, and, in the case of a petition to temporarily exempt a product manufactured with a class I substance from the labeling requirement, the manufacturer or manufacturers of that product.

(2) For petitions to temporarily exempt a product manufactured with a class I substance only, a part clearly labeled ''Section I.A.T.'' which states the length of time for which an exemption is requested.

(3) A part clearly labeled ''Section I.B.'' which includes the following statement, signed by the petitioner or an authorized representative:

''I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.''

(4) A part clearly labeled ''Section I.C.'' which fully explains the basis for the petitioner's request that EPA add the labeling requirements to or remove them from the product which is the subject of the petition, based specifically upon the technical facility or laboratory tests, literature, or economic analysis described in paragraphs (c) (5), (6) and (7) of this section.

(5) A part clearly labeled ''Section II.A.'' which fully describes any technical facility or laboratory tests used to support the petitioner's claim.

(6) A part clearly labeled ''Section II.B.'' which fully explains any values taken from literature or estimated on the basis of known information that are used to support the petitioner's claim.

(7) A part clearly labeled ''Section II.C.'' which fully explains any economic analysis used to support the petitioner's claim.

(d) *Criteria for evaluating petitions.* Adequate data in support of any petition to the Agency to add a product to the labeling requirement or temporarily remove a product from the labeling requirement will be evaluated based upon a showing of sufficient quality and scope by the petitioner of whether there are or are not substitute products or manufacturing processes for such product:

(1) That do not rely on the use of such class I or class II substance;

(2) That reduce the overall risk to human health and the environment; and

(3) That are currently or potentially available.

(e) *Procedure for acceptance or denial of petition.* (1) If a petition submitted under this section contains adequate data, as defined under paragraph (c) of this section, the Agency shall within 180 days after receiving the complete petition either accept the petition or deny the petition.

(2) If the Agency makes a decision to accept a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish a proposed rule in the FEDERAL REGISTER to apply the labeling requirements to the product.

(3) If the Agency makes a decision to deny a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish an explanation of the petition denial in the FEDERAL REGISTER.

(4) If the Agency makes a decision to accept a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and publish a proposed rule in the FEDERAL REGISTER to temporarily exempt the product from the labeling requirements. Upon notification by the Agency, such manufacturer may immediately cease its labeling process for such exempted products.

(5) If the Agency makes a decision to deny a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and may, in appropriate circumstances, publish an explanation of the petition denial in the FEDERAL REGISTER.

§ 82.122 Certification, recordkeeping, and notice requirements.

(a) *Certification.* (1) Persons claiming the exemption provided in § 82.106(b)(2) must submit a written certification to the following address: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, 6205–J, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(2) The certification must contain the following information:

(i) The exact location of documents verifying calendar year 1990 usage and the 95% reduced usage during a twelve month period;

(ii) A description of the records maintained at that location;

(iii) A description of the type of system used to track usage;

(iv) An indication of which 12 month period reflects the 95% reduced usage, and;

(v) Name, address, and telephone number of a contact person.

(3) Persons who submit certifications postmarked on or before May 15, 1993, need not place warning labels on their products manufactured using CFC–113 or methyl chloroform as a solvent. Persons who submit certifications postmarked after May 15, 1993, must label their products manufactured using CFC–113 or methyl chloroform as a solvent for 14 days following such submittal of the certification.

(4) Persons certifying must also include a statement that indicates their future annual use will at no time exceed 5% of their 1990 usage.

(5) Certifications must be signed by the owner or a responsible corporate officer.

(6) If the Administrator determines that a person's certification is incomplete or that information supporting the exemption is inadequate, then

products manufactured using CFC–113 or methyl chloroform as a solvent by such person must be labeled pursuant to § 82.106(a).

(b) *Recordkeeping.* Persons claiming the exemption under section 82.106(b)(2) must retain supporting documentation at one of their facilities.

(c) *Notice Requirements.* Persons who claim an exemption under § 82.106(b)(2) must submit a notice to the address in paragraph (a)(1) of this section within 30 days of the end of any 12 month period in which their usage of CFC–113 or methyl chloroform used as a solvent exceeds the 95% reduction from calendar year 1990.

§ 82.124 Prohibitions.

(a) *Warning statement*—(1) *Absence or presence of warning statement.* (i) Applicable May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106(a) of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112 (c) or (d), § 82.116(a), § 82.118(a), or temporarily exempted pursuant to § 82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106, unless such labeling is not required under § 82.106(b), § 82.112 (c) or (d), § 82.116(a) or § 82.118(a).

(2) *Placement of warning statement.* (i) On May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112 (c) or (d), § 82.116(a), § 82.118(a), or temporarily exempted pursuant to § 82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.106(b), § 82.112 (c) or (d), § 82.116(a) or § 82.118(a).

(3) *Form of label bearing warning statement.* (i) Applicable May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110, unless such labeling is not required pursuant to § 82.102(c), § 82.106(b), § 82.112 (c) or (d), § 82.116(a), § 82.118(a), or temporarily exempted pursuant to § 82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Agency determines for a particular product manufactured with or containing a class II substance, that there are substitute products or manufacturing processes that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110, unless such labeling is not required pursuant to § 82.106(b), § 82.112 (c) or (d), § 82.116(a), or § 82.118(a).

(4) On or after May 15, 1993, no person may modify, remove or interfere with any warning statement required by

this subpart, except as described in § 82.112.

(5) In the case of any substance designated as a class I or class II substance after February 11, 1993, the prohibitions in paragraphs (a)(1)(i), (a)(2)(i), and (a)(3)(i) of this section shall be applicable one year after the designation of such substance as a class I or class II substance unless otherwise specified in the designation.

Subpart F—Recycling and Emissions Reduction

SOURCE: 58 FR 28712, May 14, 1993, unless otherwise noted.

§ 82.150 Purpose and scope.

(a) The purpose of this subpart is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act.

(b) This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. This subpart also applies to persons disposing of appliances, including motor vehicle air conditioners. In addition, this subpart applies to refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment.

§ 82.152 Definitions.

Appliance means any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

Apprentice means any person who is currently registered as an apprentice in service, maintenance, repair, or disposal of appliances with the U.S. Department of Labor's Bureau of Apprenticeship and Training (or a State Apprenticeship Council recognized by the Bureau of Apprenticeship and Training). If more than two years have elapsed since the person first registered as an apprentice with the Bureau of Apprenticeship and Training (or a State Apprenticeship Council recognized by the Bureau of Apprenticeship and Training), the person shall not be considered an apprentice.

Approved equipment testing organization means any organization which has applied for and received approval from the Administrator pursuant to § 82.160.

Certified refrigerant recovery or recycling equipment means equipment certified by an approved equipment testing organization to meet the standards in § 82.158 (b) or (d), equipment certified pursuant to § 82.36(a), or equipment manufactured before November 15, 1993, that meets the standards in § 82.158 (c), (e), or (g).

Commercial refrigeration means, for the purposes of § 82.156(i), the refrigeration appliances utilized in the retail food and cold storage warehouse sectors. Retail food includes the refrigeration equipment found in supermarkets, convenience stores, restaurants and other food service establishments. Cold storage includes the equipment used to store meat, produce, dairy products, and other perishable goods. All of the equipment contains large refrigerant charges, typically over 75 pounds.

Critical component means, for the purposes of § 82.156(i), a component without which industrial process refrigeration equipment will not function, will be unsafe in its intended environment, and/or will be subject to failures that would cause the industrial process served by the refrigeration appliance to be unsafe.

Custom-built means, for the purposes of § 82.156(i), that the equipment or any of its critical components cannot be purchased and/or installed without being uniquely designed, fabricated and/or assembled to satisfy a specific set of industrial process conditions.

Disposal means the process leading to and including:

(1) The discharge, deposit, dumping or placing of any discarded appliance into or on any land or water;

(2) The disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or

(3) The disassembly of any appliance for reuse of its component parts.

Follow-up verification test means, for the purposes of § 82.156(i), those tests that involve checking the repairs within 30 days of the appliance's returning

to normal operating characteristics and conditions. Follow-up verification tests for appliances from which the refrigerant charge has been evacuated means a test conducted after the appliance or portion of the appliance has resumed operation at normal operating characteristics and conditions of temperature and pressure, except in cases where sound professional judgment dictates that these tests will be more meaningful if performed prior to the return to normal operating characteristics and conditions. A follow-up verification test with respect to repairs conducted without evacuation of the refrigerant charge means a reverification test conducted after the initial verification test and usually within 30 days of normal operating conditions. Where an appliance is not evacuated, it is only necessary to conclude any required changes in pressure, temperature or other conditions to return the appliance to normal operating characteristics and conditions.

Full charge means, for the purposes of § 82.156(i), the amount of refrigerant required for normal operating characteristics and conditions of the appliance as determined by using one of the following four methods or a combination of one of the following four methods:

(1) The equipment manufacturers' determination of the correct full charge for the equipment;

(2) Determining the full charge by appropriate calculations based on component sizes, density of refrigerant, volume of piping, and all other relevant considerations;

(3) The use of actual measurements of the amount of refrigerant added or evacuated from the appliance; and/or

(4) The use of an established range based on the best available data, regarding the normal operating characteristics and conditions for the appliance, where the mid-point of the range will serve as the full charge, and where records are maintained in accordance with § 82.166(q).

High-pressure appliance means an appliance that uses a refrigerant with a boiling point between −50 and 10 degrees Centigrade at atmospheric pressure (29.9 inches of mercury). This definition includes but is not limited to appliances using refrigerants −12, −22, −114, −500, or −502.

Industrial process refrigeration means, for the purposes of § 82.156(i), complex customized appliances used in the chemical, pharmaceutical, petrochemical and manufacturing industries. These appliances are directly linked to the industrial process. This sector also includes industrial ice machines, appliances used directly in the generation of electricity, and ice rinks. Where one appliance is used for both industrial process refrigeration and other applications, it will be considered industrial process refrigeration equipment if 50 percent or more of its operating capacity is used for industrial process refrigeration.

Industrial process shutdown means, for the purposes of § 82.156(i), that an industrial process or facility temporarily ceases to operate or manufacture whatever is being produced at that facility.

Initial verification test means, for the purposes of § 82.156(i), those leak tests that are conducted as soon as practicable after the repair is completed. An initial verification test, with regard to the leak repairs that require the evacuation of the appliance or portion of the appliance, means a test conducted prior to the replacement of the full refrigerant charge and before the appliance or portion of the appliance has reached operation at normal operating characteristics and conditions of temperature and pressure. An initial verification test with regard to repairs conducted without the evacuation of the refrigerant charge means a test conducted as soon as practicable after the conclusion of the repair work.

Low-loss fitting means any device that is intended to establish a connection between hoses, appliances, or recovery or recycling machines and that is designed to close automatically or to be closed manually when disconnected, minimizing the release of refrigerant from hoses, appliances, and recovery or recycling machines.

Low-pressure appliance means an appliance that uses a refrigerant with a boiling point above 10 degrees Centigrade at atmospheric pressure (29.9 inches of mercury). This definition includes but is not limited to equipment

utilizing refrigerants −11, −113, and −123.

Major maintenance, service, or repair means any maintenance, service, or repair involving the removal of any or all of the following appliance components: Compressor, condenser, evaporator, or auxiliary heat exchanger coil.

Motor vehicle air conditioner (MVAC) means any appliance that is a motor vehicle air conditioner as defined in 40 CFR part 82, subpart B.

MVAC-like appliance means mechanical vapor compression, open-drive compressor appliances used to cool the driver's or passenger's compartment of an non-road motor vehicle. This includes the air-conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using HCFC–22 refrigerant.

Normal operating characteristics or conditions means, for the purposes of § 82.156(i), temperatures, pressures, fluid flows, speeds and other characteristics that would normally be expected for a given process load and ambient condition during operation. Normal operating characteristics and conditions are marked by the absence of atypical conditions affecting the operation of the refrigeration appliance.

Normally containing a quantity of refrigerant means containing the quantity of refrigerant within the appliance or appliance component when the appliance is operating with a full charge of refrigerant.

Opening an appliance means any service, maintenance, or repair on an appliance that would release class I or class II refrigerant from the appliance to the atmosphere unless the refrigerant were recovered previously from the appliance. Connecting and disconnecting hoses and gauges to and from the appliance to measure pressures within the appliance and to add refrigerant to or recover refrigerant from the appliance shall not be considered ''opening.''

Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.

Process stub means a length of tubing that provides access to the refrigerant inside a small appliance or room air conditioner and that can be resealed at the conclusion of repair or service.

Reclaim refrigerant means to reprocess refrigerant to at least the purity specified in appendix A to 40 CFR part 82, subpart F (based on ARI Standard 700–1993, Specifications for Fluorocarbon and Other Refrigerants) and to verify this purity using the analytical methodology prescribed in appendix A. In general, reclamation involves the use of processes or procedures available only at a reprocessing or manufacturing facility.

Recover refrigerant means to remove refrigerant in any condition from an appliance and to store it in an external container without necessarily testing or processing it in any way.

Recovery efficiency means the percentage of refrigerant in an appliance that is recovered by a piece of recycling or recovery equipment.

Recycle refrigerant means to extract refrigerant from an appliance and clean refrigerant for reuse without meeting all of the requirements for reclamation. In general, recycled refrigerant is refrigerant that is cleaned using oil separation and single or multiple passes through devices, such as replaceable core filter-driers, which reduce moisture, acidity, and particulate matter. These procedures are usually implemented at the field job site.

Refrigerant circuit means the parts of an appliance that are normally connected to each other (or are separated only by internal valves) and are designed to contain refrigerant.

Self-contained recovery equipment means refrigerant recovery or recycling equipment that is capable of removing the refrigerant from an appliance without the assistance of components contained in the appliance.

Small appliance means any of the following products that are fully manufactured, charged, and hermetically sealed in a factory with five (5) pounds or less of refrigerant: refrigerators and freezers designed for home use, room air conditioners (including window air conditioners and packaged terminal air

conditioners), packaged terminal heat pumps, dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers.

Suitable replacement refrigerant means, for the purposes of § 82.156(i)(7)(i), a refrigerant that is acceptable under section 612(c) of the Clean Air Act Amendments of 1990 and all regulations promulgated under that section, compatible with other materials with which it may come into contact, and able to achieve the temperatures required for the affected industrial process in a technically feasible manner.

System-dependent recovery equipment means refrigerant recovery equipment that requires the assistance of components contained in an appliance to remove the refrigerant from the appliance.

System mothballing means the intentional shutting down of a refrigeration appliance undertaken for an extended period of time by the owners or operators of that facility, where the refrigerant has been evacuated from the appliance or the affected isolated section of the appliance, at least to atmospheric pressure.

Technician means any person who performs maintenance, service, or repair that could be reasonably expected to release class I or class II refrigerants from appliances, except for MVACs, into the atmosphere. Technician also means any person who performs disposal of appliances, except for small appliances, MVACs, and MVAC-like appliances, that could be reasonably expected to release class I or class II refrigerants from the appliances into the atmosphere. Performing maintenance, service, repair, or disposal could be reasonably expected to release refrigerants only if the activity is reasonably expected to violate the integrity of the refrigerant circuit. Activities reasonably expected to violate the integrity of the refrigerant circuit include activities such as attaching and detaching hoses and gauges to and from the appliance to add or remove refrigerant or to measure pressure and adding refrigerant to and removing refrigerant from the appliance. Activities such as painting the appliance, re-wiring an external electrical circuit, replacing insulation on a length of pipe, or tightening nuts and bolts on the appliance are not reasonably expected to violate the integrity of the refrigerant circuit. Performing maintenance, service, repair, or disposal of appliances that have been evacuated pursuant to § 82.156 could not be reasonably expected to release refrigerants from the appliance unless the maintenance, service, or repair consists of adding refrigerant to the appliance. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases, owners.

Very high-pressure appliance means an appliance that uses a refrigerant with a boiling point below −50 degrees Centigrade at atmospheric pressure (29.9 inches of mercury). This definition includes but is not limited to equipment utilizing refrigerants −13 and −503.

Voluntary certification program means a technician testing program operated by a person before that person obtained approval of a technician certification program pursuant to § 82.161(c).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42956, Aug. 19, 1994; 59 FR 55925, Nov. 9, 1994; 60 FR 40439, Aug. 8, 1995]

§ 82.154 Prohibitions.

(a) Effective June 14, 1993, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any class I or class II substance used as refrigerant in such equipment. De minimis releases associated with good faith attempts to recycle or recover refrigerants are not subject to this prohibition. Releases shall be considered de minimis if they occur when:

(1) The required practices set forth in § 82.156 are observed and recovery or recycling machines that meet the requirements set forth in § 82.158 are used; or

(2) The requirements set forth in 40 CFR part 82, subpart B are observed.

The knowing release of refrigerant subsequent to its recovery from an appliance shall be considered a violation of this prohibition.

(b) Effective July 13, 1993, no person may open appliances except MVACs for maintenance, service, or repair, and no

person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances:

(1) Without observing the required practices set forth in § 82.156; and

(2) Without using equipment that is certified for that type of appliance pursuant to § 82.158.

(c) Effective November 15, 1993, no person may manufacture or import recycling or recovery equipment for use during the maintenance, service, or repair of appliances except MVACs, and no person may manufacture or import recycling or recovery equipment for use during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, unless the equipment is certified pursuant to § 82.158 (b), (d), or (f), as applicable.

(d) Effective June 14, 1993, no person shall alter the design of certified refrigerant recycling or recovery equipment in a way that would affect the equipment's ability to meet the certification standards set forth in § 82.158 without resubmitting the altered design for certification testing. Until it is tested and shown to meet the certification standards set forth in § 82.158, equipment so altered will be considered uncertified for the purposes of § 82.158.

(e) Effective August 12, 1993, no person may open appliances except MVACs for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances, unless such person has certified to the Administrator pursuant to § 82.162 that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart.

(f) Effective August 12, 1993, no person may recover refrigerant from small appliances, MVACs, and MVAC-like appliances for purposes of disposal of these appliances unless such person has certified to the Administrator pursuant to § 82.162 that such person has acquired recovery equipment that meets the standards set forth in § 82.158 (l) and/or (m), as applicable, and that such person is complying with the applicable requirements of this subpart.

(g) No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless:

(1) The class I or class II substance has been reclaimed as defined at § 82.152;

(2) The class I or class II substance was used only in an MVAC or MVAC-like appliance and is to be used only in an MVAC or MVAC-like appliance; or

(3) The class I or class II substance is contained in an appliance that is sold or offered for sale together with the class I or class II substance.

(h) No person may sell or offer for sale for use as a refrigerant any class I or class II substance consisting wholly or in part of used refrigerant unless:

(1) The class I or class II substance has been reclaimed by a person who has been certified as a reclaimer pursuant to § 82.164;

(2) The class I or class II substance was used only in an MVAC or MVAC-like appliance and is to be used only in an MVAC or MVAC-like appliance; or

(3) The class I or class II substance is contained in an appliance that is sold or offered for sale together with the class I or class II substance.

(i) Effective August 12, 1993, no person reclaiming refrigerant may release more than 1.5% of the refrigerant received by them.

(j) Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution, any appliances, except small appliances, unless such equipment is equipped with a servicing aperture to facilitate the removal of refrigerant at servicing and disposal.

(k) Effective November 15, 1993, no person may sell or distribute, or offer for sale or distribution any small appliance unless such equipment is equipped with a process stub to facilitate the removal of refrigerant at servicing and disposal.

(l) No technician training or testing program may issue certificates pursuant to § 82.161 unless the program complies with all of the standards of § 82.161 and appendix D, and has been granted approval.

(m) Effective November 14, 1994, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance for use as a refrigerant to any person unless:

(1) The buyer has been certified as a Type I, Type II, Type III, or Universal technician pursuant to § 82.161;

(2) The buyer has successfully completed a voluntary certification program requesting approval under § 82.161(g) by December 9, 1994. This paragraph (m)(2) expires on May 15, 1995.

(3) The buyer has been certified pursuant to 40 CFR part 82, subpart B;

(4) The refrigerant is sold only for eventual resale to certified technicians or to appliance manufacturers (e.g., sold by a manufacturer to a wholesaler, sold by a technician to a reclaimer);

(5) The refrigerant is sold to an appliance manufacturer;

(6) The refrigerant is contained in an appliance, and after January 9, 1995, the refrigerant is contained in an appliance with a fully assembled refrigerant circuit;

(7) The refrigerant is charged into an appliance by a certified technician or an apprentice during maintenance, service, or repair; or

(8) The refrigerant is charged into an appliance by a technician who successfully completed a voluntary certification program requesting approval under § 82.161(g) by December 9, 1994. This paragraph (m)(8) expires on May 15, 1995.

(9) Rules stayed for reconsideration. Notwithstanding any other provisions of this subpart, the effectiveness of 40 CFR 82.154(m), only as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits, is stayed from April 27, 1995, until EPA takes final action on its reconsideration of these provisions. EPA will publish any such final action in the FEDERAL REGISTER.

(n) It is a violation of this subpart to accept a signed statement pursuant to § 82.156(f)(2) if the person knew or had reason to know that such a signed statement is false.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42956, Aug. 19, 1994; 59 FR 55926, Nov. 9, 1994; 60 FR 14610, Mar. 17, 1995; 60 FR 24680, May 9, 1995; 61 FR 7726, Feb. 29, 1996; 61 FR 68508, Dec. 27, 1996]

§ 82.156 Required practices.

(a) Effective July 13, 1993, all persons disposing of appliances, except for small appliances, MVACs, and MVAC-like appliances must evacuate the refrigerant in the entire unit to a recovery or recycling machine certified pursuant to § 82.158. All persons opening appliances except for MVACs for maintenance, service, or repair must evacuate the refrigerant in either the entire unit or the part to be serviced (if the latter can be isolated) to a system receiver or a recovery or recycling machine certified pursuant to § 82.158. Effective January 9, 1995, certified technicians must verify that the applicable level of evacuation has been reached in the appliance or the part before it is opened.

(1) Persons opening appliances except for small appliances, MVACs, and MVAC-like appliances for maintenance, service, or repair must evacuate to the levels in table 1 before opening the appliance, unless

(i) Evacuation of the appliance to the atmosphere is not to be performed after completion of the maintenance, service, or repair, and the maintenance, service, or repair is not major as defined at § 82.152(k); or

(ii) Due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered; or

(iii) The recycling or recovery equipment was certified pursuant to § 82.158(b)(2). In any of these cases, the requirements of § 82.156(a)(2) must be followed.

(2)(i) If evacuation of the appliance to the atmosphere is not to be performed after completion of the maintenance, service, or repair, and if the maintenance, service, or repair is not major as defined at § 82.152(k), the appliance must:

(A) Be evacuated to a pressure no higher than 0 psig before it is opened if it is a high- or very high-pressure appliance;

(B) Be pressurized to 0 psig before it is opened if it is a low-pressure appliance. Persons pressurizing low-pressure appliances that use refrigerants with boiling points at or below 85 degrees Fahrenheit at 29.9 inches of mercury (standard atmospheric pressure), (e.g., CFC–11 and HCFC–123), must not use methods such as nitrogen, that require

subsequent purging. Persons pressurizing low-pressure appliances that use refrigerants with boiling points above 85 degrees Fahrenheit at 29.9 inches of mercury, e.g., CFC–113, must use heat to raise the internal pressure of the appliance as much as possible, but may use nitrogen to raise the internal pressure of the appliance from the level attainable through use of heat to atmospheric pressure; or

(C) For the purposes of oil changes, be evacuated or pressurized to a pressure no higher than 5 psig, before it is opened; or drain the oil into a system receiver to be evacuated or pressurized to a pressure no higher than 5 psig.

(ii) If, due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered, persons opening the appliance must:

(A) Isolate leaking from non-leaking components wherever possible;

(B) Evacuate non-leaking components to be opened to the levels specified in table 1; and

(C) Evacuate leaking components to be opened to the lowest level that can be attained without substantially contaminating the refrigerant. In no case shall this level exceed 0 psig.

(iii) If the recycling or recovery equipment was certified pursuant to § 82.158(b)(2), technicians must follow the manufacturer's directions for achieving the required recovery efficiency.

(3) Persons disposing of appliances except for small appliances, MVACs, and MVAC-like appliances, must evacuate to the levels in table 1 unless, due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered. If, due to leaks in the appliance, evacuation to the levels in table 1 is not attainable, or would substantially contaminate the refrigerant being recovered, persons disposing of the appliance must:

(i) Isolate leaking from non-leaking components wherever possible;

(ii) Evacuate non-leaking components to the levels specified in table 1; and

(iii) Evacuate leaking components to the lowest level that can be attained without substantially contaminating the refrigerant. In no case shall this level exceed 0 psig.

TABLE 1—REQUIRED LEVELS OF EVACUATION FOR APPLIANCES

[Except for small appliances, MVACs, and MVAC-like appliances]

Type of appliance	Inches of Hg vacuum (relative to standard atmospheric pressure of 29.9 inches Hg)	
	Using recovery or recycling equipment manufactured or imported before Nov. 15, 1993	Using recovery or recycling equipment manufactured or imported on or after Nov. 15, 1993
HCFC–22 appliance, or isolated component of such appliance, normally containing less than 200 pounds of refrigerant.	0	0.
HCFC–22 appliance, or isolated component of such appliance, normally containing less than 200 pounds of refrigerant.	0	0.
HCFC–22 appliance, or isolated component of such appliance, normally containing 200 pounds or more of refrigerant.	4	10.
Other high-pressure appliance, or isolated component of such appliance, normally containing less than 200 pounds of refrigerant.	4	10.
Other high-pressure appliance, or isolated component of such appliance, normally containing 200 pounds or more of refrigerant.	4	15.
Very high-pressure appliance	0	0.
Low-pressure appliance	25	25 mm Hg absolute.

(4) Persons opening small appliances for maintenance, service, or repair must:

(i) When using recycling and recovery equipment manufactured before November 15, 1993, recover 80% of the refrigerant in the small appliance; or

(ii) When using recycling or recovery equipment manufactured on or after November 15, 1993, recover 90% of the refrigerant in the appliance when the

compressor in the appliance is operating, or 80% of the refrigerant in the appliance when the compressor in the appliance is not operating; or

(iii) Evacuate the small appliance to four inches of mercury vacuum.

(5) Persons opening MVAC-like appliances for maintenance, service, or repair may do so only while properly using, as defined at § 82.32(e), recycling or recovery equipment certified pursuant to § 82.158 (f) or (g), as applicable.

(b) Effective October 18, 1994, all persons opening appliances except for small appliances and MVACs for maintenance, service, or repair and all persons disposing of appliances except small appliances, MVACs, and MVAC-like appliances must have at least one piece of certified, self-contained recovery or recycling equipment available at their place of business. Persons who maintain, service, repair, or dispose of only appliances that they own and that contain pump-out units are exempt from this requirement. This exemption does not relieve such persons from other applicable requirements of § 82.156.

(c) System-dependent equipment shall not be used with appliances normally containing more than 15 pounds of refrigerant, unless the system-dependent equipment is permanently attached to the appliance as a pump-out unit.

(d) All recovery or recycling equipment shall be used in accordance with the manufacturer's directions unless such directions conflict with the requirements of this subpart.

(e) Refrigerant may be returned to the appliance from which it is recovered or to another appliance owned by the same person without being recycled or reclaimed, unless the appliance is an MVAC or MVAC-like appliance.

(f) Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning, MVACs, or MVAC-like appliances must either:

(1) Recover any remaining refrigerant from the appliance in accordance with paragraph (g) or (h) of this section, as applicable; or

(2) Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verification must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with paragraph (g) or (h) of this section, as applicable. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery.

(3) Persons complying with paragraph (f)(2) of this section must notify suppliers of appliances that refrigerant must be properly removed before delivery of the items to the facility. The form of this notification may be warning signs, letters to suppliers, or other equivalent means.

(g) All persons recovering refrigerant from MVACs and MVAC-like appliances for purposes of disposal of these appliances must reduce the system pressure to or below 102 mm of mercury vacuum, using equipment that meets the standards set forth in § 82.158(l).

(h) All persons recovering the refrigerant from small appliances for purposes of disposal of these appliances must either:

(1) Recover 90% of the refrigerant in the appliance when the compressor in the appliance is operating, or 80% of the refrigerant in the appliance when the compressor in the appliance is not operating; or

(2) Evacuate the small appliance to four inches of mercury vacuum.

(i)(1) Owners or operators of commercial refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired in accordance with paragraph (i)(9) of this section, if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period, except as described in paragraphs (i)(6), (i)(8), and (i)(10) of this section and paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this section. Repairs must bring the annual leak rate to below 35 percent.

(i) If the owners or operators of the federally-owned commercial refrigerant appliances determine that the leaks cannot be repaired in accordance with paragraph (i)(9) of this section and that an extension in accordance with the requirements discussed in this paragraph (i)(1)(i) of this section apply, they must document all repair efforts, and notify EPA of their inability to comply within the 30-day repair requirement, and the reason for the inability must be submitted to EPA in accordance with § 82.166(n). Such notification must be made within 30 days of discovering the leaks. EPA will determine if the extension requested in accordance with the requirements discussed in paragraph (i)(1)(i) of this section is justified. If the extension is not justified, EPA will notify the owner/operator within 30 days of receipt of the notification.

(ii) Owners or operators of federally-owned commercial refrigeration equipment may have more than 30 days to repair leaks if the refrigeration appliance is located in an area subject to radiological contamination or where the shutting down of the appliance will directly lead to radiological contamination. Only the additional time needed to conduct and complete repairs in a safe working environment will be permitted.

(iii) Owners or operators of federally-owned commercial refrigeration equipment requesting or who are granted time extensions under this paragraph must comply with paragraphs (i)(3) and (i)(4) of this section.

(2) The owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period in accordance with paragraph (i)(9) of this section, except as described in paragraphs (i)(6), (i)(7) and (i)(10) of this section, and paragraphs (i)(2)(i) and (i)(2)(ii) of this section. Repairs must bring annual leak rates to below 35 percent during a 12-month period. If the owners or operators of the industrial process refrigeration equipment determine that the leak rate cannot be brought to below 35 percent during a 12-month period within 30 days (or 120 days, where an industrial process shutdown in accordance with paragraph (i)(2)(ii) of this section is required,) and in accordance with paragraph (i)(9) of this section, and that an extension in accordance with the requirements discussed in this paragraph apply, the owners or operators of the appliance must document all repair efforts, and notify EPA of the reason for the inability in accordance with § 82.166(n) within 30 days of making this determination. Owners or operators who obtain an extension pursuant to this section or elect to utilize the additional time provided in paragraph (i)(2)(i) of this section, must conduct all necessary leak repairs, if any, that do not require any additional time beyond the initial 30 or 120 days.

(i) The owners or operators of industrial process refrigeration equipment are permitted more than 30 days (or 120 days where an industrial process shutdown in accordance with paragraph (i)(2)(ii) of this section is required) to repair leaks, if the necessary parts are unavailable or if requirements of other applicable federal, state, or local regulations make a repair within 30 or 120 days impossible. Only the additional time needed to receive delivery of the necessary parts or to comply with the pertinent regulations will be permitted.

(ii) Owners or operators of industrial process refrigeration equipment will have a 120-day repair period, rather than a 30-day repair period, to repair leaks in instances where an industrial process shutdown is needed to repair a leak or leaks from industrial process refrigeration equipment.

(3) The owners or operators of industrial process refrigeration equipment who are granted additional time under paragraphs (i)(1), (i)(2), and (i)(5) of this section must ensure that the repair efforts performed be those that sound professional judgment indicate will be sufficient to bring the leak rates below the applicable allowable annual rate. When an industrial process shutdown has occurred or when repairs have been made while an appliance is mothballed, an initial verification test shall be conducted at the conclusion of the repairs

and a follow-up verification test shall be conducted within 30 days of completing the repairs or within 30 days of bringing the appliance back on-line, if taken off-line, but no sooner than when the system has achieved normal operating characteristics and conditions. When repairs have been conducted without an industrial process shutdown or system mothballing, an initial verification test shall be conducted at the conclusion of the repair efforts and a follow-up verification test shall be conducted within 30 days after the initial follow-up verification test. In all cases, the follow-up verification test shall be conducted at normal operating characteristics and conditions unless sound professional judgment indicates that tests performed at normal operating characteristics and conditions will produce less reliable results, in which case the follow-up verification test shall be conducted at or near the normal operating pressure where practicable, and at or near the normal operating temperature if practicable, and within 30 days of completing the repair efforts.

(i) If industrial process refrigeration equipment is taken off line, it can not be brought back on-line until an initial verification test indicates that the repairs undertaken in accordance with paragraphs (i)(1) (i), (ii), and (iii), or (i)(2) (i) and (ii), or (5) (i), (ii) and (iii) of this section, have been successfully completed, demonstrating the leak or leaks are repaired or where the owners or operators of the industrial process refrigeration equipment will retrofit/replace/retire the industrial process refrigeration equipment in accordance with paragraph (i)(6) of this section.

(ii) If the follow-up verification test indicates that the repairs to industrial process refrigeration equipment have not been successfully completed, the owner must retrofit or replace the equipment in accordance with paragraph (i)(6) of this section within one year after the failure to verify that the repairs had been successfully completed or such longer time period as may apply in accordance with paragraphs (i)(7) (i), (ii) and (iii) or (i)(8)(i) and (ii) of this section. The owners and operators of industrial process refrigeration equipment are relieved of this requirement if the conditions of paragraphs (i)(3)(iv) and/or (i)(3)(v) of this section are met.

(iii) The owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify EPA within 30 days of the failed follow-up verification test in accordance with § 82.166(n).

(iv) The owner or operator is relieved of the obligation to retrofit or replace the industrial process refrigeration equipment as discussed in paragraph (i)(6) of this section if second repair efforts to fix the same leaks that were the subject of the first repair efforts are successfully completed within 30 days or 120 days where an industrial process shutdown is required, after the initial failed follow-up verification test. The second repair efforts are subject to the same verification requirements of paragraphs (i)(3), (i)(3) (i) and (ii) of this section. The owner or operator is required to notify EPA within 30 days of the successful follow-up verification test in accordance with § 82.166(n) and the owner or operator is no longer subject to the obligation to retrofit or replace the appliance that arose as a consequence of the initial failure to verify that the leak repair efforts were successful.

(v) The owner or operator of industrial process refrigeration equipment is relieved of the obligation to retrofit or replace the equipment in accordance with paragraph (i)(6) of this section if within 180 days of the initial failed follow-up verification test, the owner or operator establishes that the appliance's annual leak rate does not exceed the applicable allowable annual leak rate, in accordance with paragraph (i)(4) of this section. If the appliance's owner or operator establishes that the appliance's annual leak rate does not exceed the applicable allowable annual leak rate, the owner or operator is required to notify EPA within 30 days of that determination in accordance with § 82.166(n) and the owner or operator would no longer be subject to the obligation to retrofit or replace the equipment that arose as a consequence of the initial failure to verify that the leak repair efforts were successful.

(4) In the case of a failed follow-up verification test subject to paragraph

(i)(3)(v) of this section, the determination of whether industrial process refrigeration equipment has an annual leak rate that exceeds the applicable allowable annual leak rate will be made in accordance with parameters identified by the owner or operator in its notice to EPA regarding the failure of the initial follow-up verification test, if those parameters are acceptable to EPA; otherwise by parameters selected by EPA. The determination must be based on the full charge for the affected industrial process refrigeration equipment. The leak rate determination parameters in the owner's or operator's notice will be considered acceptable unless EPA notifies the owners or operators within 30 days of receipt of the notice. Where EPA does not accept the parameters identified by the owner or operator in its notice, EPA will not provide additional time beyond the additional time permitted in paragraph (i)(3)(v) of this section unless specifically stated in the parameters selected by EPA.

(5) Owners or operators of appliances normally containing more than 50 pounds of refrigerant and not covered by paragraph (i)(1) or (i)(2) of this section must have leaks repaired in accordance with paragraph (i)(9) of this section if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period, except as described in paragraphs (i)(6), (i)(8) and (i)(10) of this section and paragraphs (i)(5)(i), (i)(5)(ii) and (i)(5)(iii) of this section. Repairs must bring the annual leak rate to below 15 percent.

(i) If the owners or operators of federally-owned comfort-cooling appliances determine that the leaks cannot be repaired in accordance with paragraph (i)(9) of this section and that an extension in accordance with the requirements discussed in paragraph (i)(5) of this section apply, they must document all repair efforts, and notify EPA of their inability to comply within the 30-day repair requirement, and the reason for the inability must be submitted to EPA in accordance with § 82.166(n). Such notification must be made within 30 days of discovering that leak repair efforts cannot be completed within 30 days.

(ii) Owners or operators of federally-owned comfort-cooling appliances may have more than 30 days to repair leaks where the refrigeration appliance is located in an area subject to radiological contamination or where the shutting down of the appliance will directly lead to radiological contamination. Only the additional time needed to conduct and complete work in a safe environment will be permitted.

(iii) Owners or operators of federally-owned comfort-cooling appliances requesting, or who are granted, time extensions under this paragraph must comply with paragraphs (i)(3) and (i)(4) of this section.

(6) Owners or operators are not required to repair the leaks defined in paragraphs (i)(1), (i)(2) and (i)(5) of this section if, within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test in accordance with paragraph (i)(3)(ii) of this section, they develop a one-year retrofit or retirement plan for the leaking appliance. This plan (or a legible copy) must be kept at the site of the appliance. The original must be made available for EPA inspection upon request. The plan must be dated and all work under the plan must be completed within one year of the plan's date, except as described in paragraphs (i)(7) and (i)(8) of this section. Owners are temporarily relieved of this obligation if the appliance has undergone system mothballing as defined in § 82.152.

(i) If the owner or operator has made good faith efforts to repair leaks in accordance with paragraphs (i)(1), (i)(2), or (i)(5) of this section, and has determined to proceed with a plan to retrofit or retire the appliance in accordance with paragraph (i)(6) of this section, the owner or operator must develop a retrofit or retirement plan within 30 days of the determination to retrofit or retire the appliance, to be completed within one year of when the owner or operator discovered that the leak rate exceeded the applicable allowable leak rate, except as provided in paragraphs (i)(7) and (i)(8) of this section.

(ii) In all cases, subject to paragraph (i)(6)(i) of this section, the written plan shall be prepared no later than 30 days after the owner or operator has determined to proceed with retrofitting or retiring the appliance. All reports required under § 82.166(o) shall be due at the time specified in the paragraph imposing the specific reporting requirement, or no later than 30 days after the decision to retrofit or retire the appliance, whichever is later.

(iii) In cases where the owner or operator of industrial process refrigeration equipment has made good faith efforts to retrofit or retire industrial process refrigeration equipment prior to August 8, 1995, and where these efforts are not complete, the owner or operator must develop a retrofit or retirement plan that will complete the retrofit or retirement of the affected appliance by August 8, 1996. This plan (or a legible copy) must be kept at the site of the appliance. The original must be made available for EPA inspection upon request. Where the conditions of paragraphs (i)(7) and (i)(8) of this section apply, and where the length of time necessary to complete the work is beyond August 8, 1996, all records must be submitted to EPA in accordance with § 82.166(o), as well as maintained on-site.

(7) The owners or operators of industrial process refrigeration equipment will be allowed additional time to complete the retrofit or retirement of industrial process refrigeration equipment if the conditions described in paragraphs (i)(7)(i) or (i)(7)(ii) of this section are met. The owners or operators of industrial process refrigeration equipment will be allowed additional time beyond the additional time provided in paragraph (i)(7)(ii) of this section if the conditions described in paragraph (i)(7)(iii) of this section are met.

(i) Additional time, to the extent reasonably necessary will be allowed for retrofitting or retiring industrial process refrigeration equipment due to delays occasioned by the requirements of other applicable federal, state, or local laws or regulations, or due to the unavailability of a suitable replacement refrigerant with a lower ozone depletion potential. If these circumstances apply, the owner or operator of the facility must notify EPA within six months after the 30-day period following the discovery of an exceedance of the 35 percent leak rate. Records necessary to allow EPA to determine that these provisions apply and the length of time necessary to complete the work must be submitted to EPA in accordance with § 82.166(o), as well as maintained on-site. EPA will notify the owner or operator of its determination within 60 days of receipt the submittal.

(ii) An additional one-year period beyond the initial one-year retrofit period is allowed for industrial process refrigeration equipment where the following criteria are met:

(A) The new or the retrofitted industrial process refrigerant equipment is custom-built;

(B) The supplier of the appliance or one or more of its critical components has quoted a delivery time of more than 30 weeks from when the order is placed;

(C) The owner or operator notifies EPA within six months of the expiration of the 30-day period following the discovery of an exceedance of the 35 percent leak rate to identify the owner or operator, describe the appliance involved, explain why more than one year is needed, and demonstrate that the first two criteria are met in accordance with § 82.166(o); and

(D) The owner or operator maintains records that are adequate to allow a determination that the criteria are met.

(iii) The owners or operators of industrial process refrigeration equipment may request additional time to complete retrofitting or retiring industrial process refrigeration equipment beyond the additional one-year period if needed and where the initial additional one year was granted in accordance with paragraph (i)(7)(ii) of this section. The request shall be submitted to EPA before the end of the ninth month of the first additional year and shall include revisions of information required under § 82.166(o). Unless EPA objects to this request submitted in accordance with § 82.166(o) within 30 days of receipt, it shall be deemed approved.

(8) Owners or operators of federally-owned commercial or comfort-cooling

appliances will be allowed an additional year to complete the retrofit or retirement of the appliances if the conditions described in paragraph (i)(8)(i) of this section are met, and will be allowed one year beyond the additional year if the conditions in paragraph (i)(8)(ii) of this section are met.

(i) Up to one additional one-year period beyond the initial one-year retrofit period is allowed for such equipment where the following criteria are met:

(A) Due to complications presented by the federal agency appropriations and/or procurement process, a delivery time of more than 30 weeks from the beginning of the official procurement process is quoted, or where the appliance is located in an area subject to radiological contamination and creating a safe working environment will require more than 30 weeks;

(B) The operator notifies EPA within six months of the expiration of the 30-day period following the discovery of an exceedance of the applicable allowable annual leak rate to identify the operator, describe the appliance involved, explain why more than one year is needed, and demonstrate that the first criterion is met in accordance with § 82.166(o); and

(C) The operator maintains records adequate to allow a determination that the criteria are met.

(ii) The owners or operators of federally-owned commercial or comfort-cooling appliances may request additional time to complete retrofitting, replacement or retiring such appliances beyond the additional one-year period if needed and where the initial additional one year was granted in accordance with paragraph (i)(8)(i) of this section. The request shall be submitted to EPA before the end of the ninth month of the first additional year and shall include revisions of information earlier submitted as required under § 82.166(o). Unless EPA objects to this request submitted in accordance with § 82.166(o) within 30 days of receipt, it shall be deemed approved.

(9) Owners or operators must repair leaks pursuant to paragraphs (i)(1), (i)(2) and (i)(5) of this section within 30 days after discovery, or within 30 days after when the leaks should have been discovered if the owners intentionally shielded themselves from information which would have revealed a leak, unless granted additional time pursuant to § 82.156(i).

(10) The amount of time for owners and operators to complete repairs, retrofit plans or retrofits/replacements/retirements under paragraphs (i)(1), (i)(2), (i)(5), (i)(6), (i)(7), (i)(8), and (i)(9) of this section is temporarily suspended at the time an appliance is mothballed as defined in § 82.152. The time for owners and operators to complete repairs, retrofit plans, or retrofits/replacements will resume on the day the appliance is brought back online and is no longer considered mothballed. All initial and follow-up verification tests must be performed in accordance with paragraphs (i)(3), (i)(3)(i), and (i)(3)(ii) of this section.

(11) In calculating annual leak rates, purged refrigerant that is destroyed at a verifiable destruction efficiency of 98 percent or greater will not be counted toward the leak rate. Owners or operators destroying purged refrigerants must maintain information as set forth in § 82.166(p)(1) and submit to EPA, within 60 days after the first time such exclusion is used by that facility, information set forth in § 82.166(p)(2).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42956, 42962, Aug. 19, 1994; 59 FR 55926, Nov. 9, 1994; 60 FR 40440, Aug. 8, 1995]

§ 82.158 Standards for recycling and recovery equipment.

(a) Effective November 15, 1993, all manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, or repair of appliances except MVACs and MVAC-like appliances or during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, shall have had such equipment certified by an approved equipment testing organization to meet the applicable requirements in paragraph (b) or (d) of this section. All manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, or repair of MVAC-like appliances shall have had such equipment certified pursuant to § 82.36(a).

(b) Equipment manufactured or imported on or after November 15, 1993 for use during the maintenance, service, or repair of appliances except small appliances, MVACs, and MVAC-like appliances or during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances must be certified by an approved equipment testing organization to meet the following requirements:

(1) In order to be certified, the equipment must be capable of achieving the level of evacuation specified in Table 2 of this section under the conditions of the ARI Standard 740–1993, Performance of Refrigerant Recovery, Recycling and/or Reclaim Equipment (ARI 740–1993) (Appendix B):

TABLE 2—LEVELS OF EVACUATION WHICH MUST BE ACHIEVED BY RECOVERY OR RECYCLING EQUIPMENT INTENDED FOR USE WITH APPLIANCES [1]

[Manufactured on or after November 15, 1993]

Type of appliance with which recovery or recycling machine is intended to be used	Inches of Hg vacuum
HCFC–22 appliances, or isolated component of such appliances, normally containing less than 200 pounds of refrigerant	0
HCFC–22 appliances, or isolated component of such appliances, normally containing 200 pounds or more of refrigerant	10
Very high-pressure appliances	0
Other high-pressure appliances, or isolated component of such appliances, normally containing less than 200 pounds of refrigerant	10
Other high-pressure appliances, or isolated component of such appliances, normally containing 200 pounds or more of refrigerant	15
Low-pressure appliances	[2] 25

[1] Except for small appliances, MVACs, and MVAC-like appliances.
[2] mm Hg absolute.

The vacuums specified in inches of Hg vacuum must be achieved relative to an atmospheric pressure of 29.9 inches of Hg absolute.

(2) Recovery or recycling equipment whose recovery efficiency cannot be tested according to the procedures in ARI 740–1993 may be certified if an approved third-party testing organization adopts and performs a test that demonstrates, to the satisfaction of the Administrator, that the recovery efficiency of that equipment is equal to or better than that of equipment that:

(i) Is intended for use with the same type of appliance; and

(ii) Achieves the level of evacuation in Table 2. The manufacturer's instructions must specify how to achieve the required recovery efficiency, and the equipment must be tested when used according to these instructions.

(3) The equipment must meet the minimum requirements for ARI certification under ARI 740–1993.

(4) If the equipment is equipped with a noncondensables purge device:

(i) The equipment must not release more than five percent of the quantity of refrigerant being recycled through noncondensables purging under the conditions of ARI 740–1993; and

(ii) Effective May 14, 1995, the equipment must not release more than three percent of the quantity of refrigerant being recycled through noncondensables purging under the conditions of ARI 740–1993.

(5) The equipment must be equipped with low-loss fittings on all hoses.

(6) The equipment must have its liquid recovery rate and its vapor recovery rate measured under the conditions of ARI 740–1993, unless the equipment has no inherent liquid or vapor recovery rate.

(c) Equipment manufactured or imported before November 15, 1993 for use during the maintenance, service, or repair of appliances except small appliances, MVACs, and MVAC-like appliances or during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances will be considered certified if it is capable of achieving the level of evacuation specified in Table 3 of this section when tested using a properly calibrated pressure gauge:

TABLE 3—LEVELS OF EVACUATION WHICH MUST BE ACHIEVED BY RECOVERY OR RECYCLING MACHINES INTENDED FOR USE WITH APPLIANCES [1]

[Manufactured before November 15, 1993]

Type of air-conditioning or refrigeration equipment with which recovery or recycling machine is intended to be used	Inches of vacuum (relative to standard atmospheric pressure of 29.9 inches Hg)
HCFC–22 equipment, or isolated component of such equipment, normally containing less than 200 pounds of refrigerant	0

TABLE 3—LEVELS OF EVACUATION WHICH MUST BE ACHIEVED BY RECOVERY OR RECYCLING MACHINES INTENDED FOR USE WITH APPLIANCES [1]—Continued

[Manufactured before November 15, 1993]

Type of air-conditioning or refrigeration equipment with which recovery or recycling machine is intended to be used	Inches of vacuum (relative to standard atmospheric pressure of 29.9 inches Hg)
HCFC–22 equipment, or isolated component of such equipment, normally containing 200 pounds or more of refrigerant	4
Very high-pressure equipment	0
Other high-pressure equipment, or isolated component of such equipment, normally containing less than 200 pounds of refrigerant	4
Other high-pressure equipment, or isolated component of such equipment, normally containing 200 pounds or more of refrigerant	4
Low-pressure equipment	25

[1] Except for small appliances, MVACs, and MVAC-like appliances.

(d) Equipment manufactured or imported on or after November 15, 1993 for use during the maintenance, service, or repair of small appliances must be certified by an approved equipment testing organization to be capable of either:

(1) Recovering 90% of the refrigerant in the test stand when the compressor of the test stand is operating and 80% of the refrigerant when the compressor of the test stand is not operating when used in accordance with the manufacturer's instructions under the conditions of appendix C, Method for Testing Recovery Devices for Use with Small Appliances; or

(2) Achieving a four-inch vacuum under the conditions of appendix B, ARI 740–1993.

(e) Equipment manufactured or imported before November 15, 1993 for use with small appliances will be considered certified if it is capable of either:

(1) Recovering 80% of the refrigerant in the system, whether or not the compressor of the test stand is operating, when used in accordance with the manufacturer's instructions under the conditions of appendix C, Method for Testing Recovery Devices for Use with Small Appliances; or

(2) Achieving a four-inch vacuum when tested using a properly calibrated pressure gauge.

(f) Equipment manufactured or imported on or after November 15, 1993 for use during the maintenance, service, or repair of MVAC-like appliances must be certified in accordance with § 82.36(a).

(g) Equipment manufactured or imported before November 15, 1993 for use during the maintenance, service, or repair of MVAC-like appliances must be capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions of the SAE Standard, SAE J1990 (appendix A to 40 CFR part 82, subpart B).

(h) Manufacturers and importers of equipment certified under paragraphs (b) and (d) of this section must place a label on each piece of equipment stating the following:

THIS EQUIPMENT HAS BEEN CERTIFIED BY [APPROVED EQUIPMENT TESTING ORGANIZATION] TO MEET EPA's MINIMUM REQUIREMENTS FOR RECYCLING OR RECOVERY EQUIPMENT INTENDED FOR USE WITH [APPROPRIATE CATEGORY OF APPLIANCE].

The label shall also show the date of manufacture and the serial number (if applicable) of the equipment. The label shall be affixed in a readily visible or accessible location, be made of a material expected to last the lifetime of the equipment, present required information in a manner so that it is likely to remain legible for the lifetime of the equipment, and be affixed in such a manner that it cannot be removed from the equipment without damage to the label.

(i) The Administrator will maintain a list of equipment certified pursuant to paragraphs (b), (d), and (f) of this section by manufacturer and model. Persons interested in obtaining a copy of the list should send written inquiries to the address in § 82.160(a).

(j) Manufacturers or importers of recycling or recovery equipment intended for use during the maintenance, service, or repair of appliances except MVACs or MVAC-like appliances or during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances must periodically have approved equipment testing organizations conduct either:

(1) Retests of certified recycling or recovery equipment; or

(2) Inspections of recycling or recovery equipment at manufacturing facilities to ensure that each equipment model line that has been certified under this section continues to meet the certification criteria.

Such retests or inspections must be conducted at least once every three years after the equipment is first certified.

(k) An equipment model line that has been certified under this section may have its certification revoked if it is subsequently determined to fail to meet the certification criteria. In such cases, the Administrator or her or his designated representative shall give notice to the manufacturer or importer setting forth the basis for her or his determination.

(l) Equipment used to evacuate refrigerant from MVACs and MVAC-like appliances before they are disposed of must be capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions of the SAE Standard, SAE J1990 (appendix A to 40 CFR part 82, subpart B).

(m) Equipment used to evacuate refrigerant from small appliances before they are disposed of must be capable of either:

(1) Removing 90% of the refrigerant when the compressor of the small appliance is operating and 80% of the refrigerant when the compressor of the small appliance is not operating, when used in accordance with the manufacturer's instructions under the conditions of appendix C, Method for Testing Recovery Devices for Use With Small Appliances; or

(2) Evacuating the small appliance to four inches of vacuum when tested using a properly calibrated pressure gauge.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994]

§ 82.160 Approved equipment testing organizations.

(a) Any equipment testing organization may apply for approval by the Administrator to certify equipment pursuant to the standards in § 82.158 and appendices B or C of this subpart. The application shall be sent to: Section 608 Recycling Program Manager, Stratospheric Protection Division, 6205–J, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) Applications for approval must include written information verifying the following:

(1) The list of equipment present at the organization that will be used for equipment testing.

(2) Expertise in equipment testing and the technical experience of the organization's personnel.

(3) Thorough knowledge of the standards as they appear in § 82.158 and appendices B and/or C (as applicable) of this subpart.

(4) The organization must describe its program for verifying the performance of certified recycling and recovery equipment manufactured over the long term, specifying whether retests of equipment or inspections of equipment at manufacturing facilities will be used.

(5) The organization must have no conflict of interest and receive no direct or indirect financial benefit from the outcome of certification testing.

(6) The organization must agree to allow the Administrator access to records and personnel to verify the information contained in the application.

(c) Organizations may not certify equipment prior to receiving approval from EPA. If approval is denied under this section, the Administrator or her or his designated representative shall give written notice to the organization setting forth the basis for her or his determination.

(d) If at any time an approved testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

(e) Testing organizations seeking approval of an equipment certification program may also seek approval to certify equipment tested previously under the program. Interested organizations may submit to the Administrator at the address in § 82.160(a) verification

that the program met all of the standards in § 82.160(b) and that equipment to be certified was tested to and met the applicable standards in § 82.158 (b) or (d). Upon EPA approval, the previously tested equipment may be certified without being retested (except insofar as such retesting is part of the testing organization's program for verifying the performance of equipment manufactured over the long term, pursuant to § 82.160(b)(4)).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42962, Aug. 19, 1994]

§ 82.161 Technician certification.

(a) Effective November 14, 1994, technicians, except technicians who successfully completed voluntary certification programs that apply for approval under § 82.161(g) by December 9, 1994, must be certified by an approved technician certification program under the requirements of this paragraph (a). Effective May 15, 1995, all technicians must be certified by an approved technician certification program under the requirements of this paragraph (a).

(1) Technicians who maintain, service, or repair small appliances as defined in § 82.152(x) must be properly certified as Type I technicians.

(2) Technicians who maintain, service, or repair high or very high-pressure appliances, except small appliances and MVACs, or dispose of high or very high-pressure appliances, except small appliances and MVACs, must be properly certified as Type II technicians.

(3) Technicians who maintain, service, or repair low-pressure appliances or dispose of low-pressure appliances must be properly certified as Type III technicians.

(4) Technicians who maintain, service, or repair low- and high-pressure equipment as described in § 82.161(a) (1), (2) and (3) must be properly certified as Universal technicians.

(5) Technicians who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians or complete the training and certification test offered by a training and certification program approved under § 82.40.

(6) Apprentices are exempt from this requirement provided the apprentice is closely and continually supervised by a certified technician while performing any maintenance, service, repair, or disposal that could reasonably be expected to release refrigerant from appliances into the environment. The supervising certified technician is responsible for ensuring that the apprentice complies with this subpart.

(b) *Test Subject Material.* The Administrator shall maintain a bank of test questions divided into four groups, including a core group and three technical groups. The Administrator shall release this bank of questions only to approved technician certification programs. Tests for each type of certification shall include a minimum of 25 questions drawn from the core group and a minimum of 25 questions drawn from each relevant technical group. These questions shall address the subject areas listed in appendix D.

(c) *Program Approval.* Persons may seek approval of any technician certification program (program), in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.160(a) verification that the program meets all of the standards listed in appendix D and the following standards:

(1) *Alternative Examinations.* Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required. A test may be administered orally to any person who makes this request, in writing, to the program at least 30 days before the scheduled date for the examination. The letter must explain why the request is being made.

(2) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary, by placing a notice in the FEDERAL REGISTER.

(3) *Proof of Certification.* Programs must issue individuals a wallet-sized card to be used as proof of certification, upon successful completion of the test. Programs must issue an identification card to technicians that receive a score of 70 percent or higher on

the closed-book certification exam, within 30 days. Programs providing Type I certification using the mail-in format, must issue a permanent identification card to technicians that receive a score of 84 percent or higher on the certification exam, no later than 30 days after the program has received the exam and any additional required material. Each card must include, at minimum, the name of the certifying program, and the date the organization became a certifying program, the name of the person certified, the type of certification, a unique number for the certified person, and the following text:

[Name of person] has been certified as a [Type I, Type II, Type III, and/or Universal, as appropriate] technician as required by 40 CFR part 82, subpart F.

(4) The Administrator reserves the right to consider other factors deemed relevant to ensure the effectiveness of certification programs.

(d) If approval is denied under this section, the Administrator shall give written notice to the program setting forth the basis for her or his determination.

(e) If at any time an approved program violates any of the above requirements, the Administrator reserves the right to revoke approval. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

(f) Authorized representatives of the Administrator may require technicians to demonstrate on the business entity's premises their ability to perform proper procedures for recovering and/or recycling refrigerant. Failure to demonstrate or failure to properly use the equipment may result in revocation of the certificate. Failure to abide by any of the provisions of this subpart may also result in revocation or suspension of the certificate. If a technician's certificate is revoked, the technician would need to recertify before maintaining, servicing, repairing or disposing of any appliances.

(g)(1) Any person seeking approval of a technician certification program may also seek approval to certify technicians who successfully completed a voluntary certification program operated previously by that person. Interested persons must submit to the Administrator at the address in §82.160(a) verification that the voluntary certification program substantially complied with most of the standards of §82.161(c) and appendix D of subpart F of this part. If the program did not test or train participants on some elements of the test subject material, the person must submit supplementary information on the omitted material to the Administrator for approval and verify that the approved information will be provided to technicians pursuant to section j of appendix D of subpart F of this part. In this case, the person may not issue a certification card to a technician until he or she has received a signed statement from the technician indicating that the technician has read the supplementary information. Approval may be granted for Type I, Type II, or Type III certification, or some combination of these, depending upon the coverage in the voluntary certification program of the information in each Type. In order to have their voluntary programs considered for approval, persons must submit applications both for approval as a technician certification program and for approval as a voluntary program by December 9, 1994.

(2)(i) Persons who are approved to certify technicians who successfully completed their voluntary programs pursuant to §82.161(g)(1) must:

(A) Notify technicians who successfully completed their voluntary programs of the Administrator's decision within 60 days of that decision;

(B) Send any supplementary materials required pursuant to §82.161(g)(1) to technicians who successfully completed their voluntary programs within 60 days of the Administrator's decision; and

(C) Send certification cards to technicians who successfully completed their voluntary programs within 60 days of receipt of signed statements from the technicians indicating that the technicians have read the supplementary information.

(ii) Persons who are disapproved to certify technicians who successfully completed their voluntary programs pursuant to §82.161(g)(1) must notify

technicians who successfully completed their voluntary programs of the Administrator's decision within 30 days of that decision.

(iii) Persons who withdraw applications for voluntary program approval submitted pursuant to §82.161(g)(1) must inform technicians who successfully completed their voluntary programs of the withdrawal by the later of 30 days after the withdrawal or December 9, 1994.

(3) Technicians who successfully completed voluntary certification programs may receive certification in a given Type through that program only if:

(i) The voluntary certification program successfully completed by the technician is approved for that Type pursuant to §82.161(g)(1);

(ii) The technician successfully completed the portions of the voluntary certification program that correspond to that Type; and

(iii) The technician reads any supplementary materials required by the Administrator pursuant to §82.161(g)(1) and section j of appendix D of subpart F of this part, and returns the signed statement required by §82.161(g)(1).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, 42962, Aug. 19, 1994]

§ 82.162 Certification by owners of recovery and recycling equipment.

(a) No later than August 12, 1993, or within 20 days of commencing business for those persons not in business at the time of promulgation, persons maintaining, servicing, or repairing appliances except for MVACs, and persons disposing of appliances except for small appliances and MVACs, must certify to the Administrator that such person has acquired certified recovery or recycling equipment and is complying with the applicable requirements of this subpart. Such equipment may include system-dependent equipment but must include self-contained equipment, if the equipment is to be used in the maintenance, service, or repair of appliances except for small appliances. The owner or lessee of the recovery or recycling equipment may perform this certification for his or her employees. Certification shall take the form of a statement signed by the owner of the equipment or another responsible officer and setting forth:

(1) The name and address of the purchaser of the equipment, including the county name;

(2) The name and address of the establishment where each piece of equipment is or will be located;

(3) The number of service trucks (or other vehicles) used to transport technicians and equipment between the establishment and job sites and the field;

(4) The manufacturer name, the date of manufacture, and if applicable, the model and serial number of the equipment; and

(5) The certification must also include a statement that the equipment will be properly used in servicing or disposing of appliances and that the information given is true and correct. Owners or lessees of recycling or recovery equipment having their places of business in:

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region I, Mail Code APC, JFK Federal Building, One Congress Street, Boston, MA 02203.

Owners or lessees of recycling or recovery equipment having their places of business in:

New York
New Jersey
Puerto Rico
Virgin Islands

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 5000, New York, NY 10278.

Owners or lessees of recycling or recovery equipment having their places of business in:

Delaware
District of Columbia
Maryland
Pennsylvania
Virginia
West Virginia

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region III, Mail Code 3AT21, 841 Chestnut Building, Philadelphia, PA 19107.

Owners or lessees of recycling or recovery equipment having their places of business in:

Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region IV, 345 Courtland Street, NE., Mail Code APT–AE, Atlanta, GA 30365.

Owners or lessees of recycling or recovery equipment having their places of business in:

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region V, Mail Code AT18J, 77 W. Jackson Blvd., Chicago, IL 60604–3507.

Owners or lessees of recycling or recovery equipment having their places of business in:

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region VI, Mail Code 6T–EC, First Interstate Tower at Fountain Place, 1445 Ross Ave., Suite 1200, Dallas, TX 75202–2733.

Owners or lessees of recycling or recovery equipment having their places of business in:

Iowa
Kansas
Missouri
Nebraska

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region VII, Mail Code ARTX/ARBR, 726 Minnesota Ave., Kansas City, KS 66101.

Owners or lessees of recycling or recovery equipment having their places of business in:

Colorado
Montana
North Dakota
South Dakota
Utah
Wyoming

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region VIII, Mail Code 8AT–AP, 999 18th Street, Suite 500, Denver, CO 80202–2405.

Owners or lessees of recycling or recovery equipment having their places of business in:

American Samoa
Arizona
California
Guam
Hawaii
Nevada

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region IX, Mail Code A–3, 75 Hawthorne Street, San Francisco, CA 94105.

Owners or lessees of recycling or recovery equipment having their places of business in:

Alaska
Idaho
Oregon
Washington

must send their certifications to:

CAA §608 Enforcement Contact, EPA Region X, Mail Code AT–082, 1200 Sixth Ave., Seattle, WA 98101.

(b) Certificates under paragraph (a) of this section are not transferable. In the event of a change of ownership of an entity that maintains, services, or repairs appliances except MVACs, or that disposes of appliances except small appliances, MVACs, and MVAC-like appliances, the new owner of the entity shall certify within 30 days of the change of ownership pursuant to paragraph (a) of this section.

(c) No later than August 12, 1993, persons recovering refrigerant from small appliances, MVACs, and MVAC-like appliances for purposes of disposal of these appliances must certify to the Administrator that such person has acquired recovery equipment that meets the standards set forth in §82.158 (l)

and/or (m), as applicable, and that such person is complying with the applicable requirements of this subpart. Such equipment may include system-dependent equipment but must include self-contained equipment, if the equipment is to be used in the disposal of appliances except for small appliances. The owner or lessee of the recovery or recycling equipment may perform this certification for his or her employees. Certification shall take the form of a statement signed by the owner of the equipment or another responsible officer and setting forth:

(1) The name and address of the purchaser of the equipment, including the county name;

(2) The name and address of the establishment where each piece of equipment is or will be located;

(3) The number of service trucks (or other vehicles) used to transport technicians and equipment between the establishment and job sites and the field;

(4) The manufacturer's name, the date of manufacture, and if applicable, the model and serial number of the equipment; and

(5) The certification must also include a statement that the equipment will be properly used in recovering refrigerant from appliances and that the information given is true and correct. The certification shall be sent to the appropriate address in paragraph (a).

(d) Failure to abide by any of the provisions of this subpart may result in revocation or suspension of certification under paragraph (a) or (c) of this section. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42962, Aug. 19, 1994]

§ 82.164 Reclaimer certification.

Effective October 18, 1994, all persons reclaiming used refrigerant for sale to a new owner, except for persons who properly certified under this section prior to October 18, 1994, must certify to the Administrator that such person will:

(a) Return refrigerant to at least the standard of purity set forth in appendix A (based on ARI Standard 700–1993, Specifications for Fluorocarbon and Other Refrigerants);

(b) Verify this purity using the methods set forth in appendix A;

(c) Release no more than 1.5 percent of the refrigerant during the reclamation process; and

(d) Dispose of wastes from the reclamation process in accordance with all applicable laws and regulations.

(e) The data elements for certification are as follows:

(1) The name and address of the reclaimer;

(2) A list of equipment used to reprocess and analyze the refrigerant; and

(3) The owner or a responsible officer of the reclaimer must sign the certification stating that the refrigerant will be returned to at least the standard of purity set forth in appendix A, that the purity of the refrigerant will be verified using the methods set forth in appendix A, that no more than 1.5 percent of the refrigerant will be released during the reclamation process, that wastes from the reclamation process will be properly disposed of, and that the information given is true and correct. The certification should be sent to the following address: Section 608 Recycling Program Manager, Reclaimer Certification, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(f) Certificates are not transferable. In the event of a change in ownership of an entity which reclaims refrigerant, the new owner of the entity shall certify within 30 days of the change of ownership pursuant to this section.

(g) Failure to abide by any of the provisions of this subpart may result in revocation or suspension of the certification of the reclaimer. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, 42962, Aug. 19, 1994; 59 FR 55927, Nov. 9, 1994]

§ 82.166 Reporting and recordkeeping requirements.

(a) Effective November 14, 1994, all persons who sell or distribute any class I or class II substance for use as a refrigerant must retain invoices that indicate the name of the purchaser, the date of sale, and the quantity of refrigerant purchased.

(b) Purchasers of any class I or class II refrigerants who employ certified technicians may provide evidence that at least one technician is properly certified to the wholesaler who sells them refrigerant; the wholesaler will then keep this information on file and may sell refrigerant to the purchaser or his authorized representative even if such purchaser or authorized representative is not a properly certified technician. In such cases, the purchaser must notify the wholesaler in the event that the purchaser no longer employs at least one properly certified technician. The wholesaler is then prohibited from selling class I or class II refrigerants to the purchaser until such time as the purchaser employs at least one properly certified technician. At that time, the purchaser must provide new evidence that at least one technician is properly certified.

(c) Approved equipment testing organizations must maintain records of equipment testing and performance and a list of equipment that meets EPA requirements. A list of all certified equipment shall be submitted to EPA within 30 days of the organization's approval by EPA and annually at the end of each calendar year thereafter.

(d) Approved equipment testing organizations shall submit to EPA within 30 days of the certification of a new model line of recycling or recovery equipment the name of the manufacturer and the name and/or serial number of the model line.

(e) Approved equipment testing organizations shall notify EPA if retests of equipment or inspections of manufacturing facilities conducted pursuant to § 82.158(j) show that a previously certified model line fails to meet EPA requirements. Such notification must be received within thirty days of the retest or inspection.

(f) Programs certifying technicians must maintain records in accordance with section (g) of appendix D of this subpart.

(g) Reclaimers must maintain records of the names and addresses of persons sending them material for reclamation and the quantity of the material (the combined mass of refrigerant and contaminants) sent to them for reclamation. Such records shall be maintained on a transactional basis.

(h) Reclaimers must maintain records of the quantity of material sent to them for reclamation, the mass of refrigerant reclaimed, and the mass of waste products. Reclaimers must report this information to the Administrator annually within 30 days of the end of the calendar year.

(i) Persons disposing of small appliances, MVACs, and MVAC-like appliances must maintain copies of signed statements obtained pursuant to § 82.156(f)(2).

(j) Persons servicing appliances normally containing 50 or more pounds of refrigerant must provide the owner/operator of such appliances with an invoice or other documentation, which indicates the amount of refrigerant added to the appliance.

(k) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner/operator must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant. Such records should indicate the date(s) when refrigerant is added.

(l) Technicians certified under § 82.161 must keep a copy of their certificate at their place of business.

(m) All records required to be maintained pursuant to this section must be kept for a minimum of three years unless otherwise indicated. Entities that dispose of appliances must keep these records on-site.

(n) The owners or operators of appliances must maintain on-site and report to EPA at the address listed in § 82.160 the following information, where such reporting and recordkeeping is required and within the timelines specified under § 82.156 (i)(1), (i)(2), (i)(3) and

(i)(5). This information must be relevant to the affected appliance and must include: identification of the facility; the leak rate; the method used to determine the leak rate and full charge; the date a leak rate of greater than the allowable annual leak rate was discovered; the location of leaks(s) to the extent determined to date; and any repair work that has been completed thus far and the date that work was completed.

(1) The reasons why more than 30 days are needed to complete the work and an estimate of when repair work will be completed must be submitted with the initial information submitted with the information listed in paragraph (n) of this section. If changes from the original estimate of when work will be completed result in moving the completion date forward from the date submitted to EPA, the reasons for these changes must be documented and submitted to EPA within 30 days of discovering the need for such a change.

(2) If the owners or operators intend to establish that the appliance's annual leak rate does not exceed the applicable allowable annual leak rate in accordance with §82.156(i)(3)(v), the owner or operator is required to submit a plan to fix other outstanding leaks for which repairs are planned but not yet completed to achieve a rate below the applicable allowable leak rate with the information listed in paragraph (n) of this section. Identification of the facility and date the original information regarding additional time beyond the initial 30 days was filed, and notification of the determination that the leak rate no longer exceeds the allowable annual leak rate must be included within 30 days of making such determination.

(3) The dates and types of all initial and follow-up verification tests performed and the test results for all initial and follow-up verification tests must be maintained and submitted to EPA within 30 days after conducting each test where recordkeeping and reporting is required within the timelines specified under §82.156 (i)(1), (i)(2), (i)(3) and (i)(5).

(o) The owners or operators of appliances must maintain on-site and report to EPA at the address specified in §82.160 the following information where such reporting and recordkeeping is required and in the timelines specified in §82.156 (i)(7) and (i)(8), in accordance with §82.156 (i)(7) and (i)(8). This information must be relevant to the affected appliance and must include:

(1) The identification of the industrial process facility;

(2) The leak rate;

(3) The method used to determine the leak rate and full charge;

(4) The date a leak rate of 35 percent or greater was discovered;

(5) The location of leaks(s) to the extent determined to date;

(6) Any repair work that has been completed thus far and the date that work was completed;

(7) A plan to complete the retrofit or replacement of the system;

(8) The reasons why more than one year is necessary to retrofit to replace the system;

(9) The date of notification to EPA; and

(10) An estimate of when retrofit or replacement work will be completed.

(i) If the estimated date of completion changes from the original estimate and results in moving the date of completion forward, documentation of the reason for these changes must be submitted within 30 days of occurring.

(ii) If the estimated date of completion changes from the original estimate and results in moving the date of completion forward, the date of notification to EPA regarding this change and the estimate of when the work will be completed must be maintained and submitted.

(p)(1) Owners or operators who wish to exclude purged refrigerants that are destroyed from annual leak rate calculations must maintain records on-site to support the amount of refrigerant claimed as sent for destruction. Records shall be based on a monitoring strategy that provides reliable data to demonstrate that the amount of refrigerant claimed to have been destroyed is not greater than the amount of refrigerant actually purged and destroyed and that the 98 percent or greater destruction efficiency is met. Records shall include flow rate, quantity or concentration of the refrigerant in the vent stream, and periods of purge flow.

(2) Owners or operators who wish to exclude purged refrigerants that are destroyed from annual leak rate calculations must maintain on-site and make available to EPA upon request the following information after the first time the exclusion is utilized by the facility:

(i) The identification of the facility and a contact person, including the address and telephone number;

(ii) A general description of the refrigerant appliance, focusing on aspects of the appliance relevant to the purging of refrigerant and subsequent destruction;

(iii) A description of the methods used to determine the quantity of refrigerant sent for destruction and type of records that are being kept by the owners or operators where the appliance is located;

(iv) The frequency of monitoring and data-recording; and

(v) A description of the control device, and its destruction efficiency.

This information must also be included, where applicable, in any reporting requirements required for compliance with the leak repair and retrofit requirements for industrial process refrigeration equipment, as set forth in paragraphs (n) and (o) of this section.

(q) Owners or operators choosing to determine the full charge as defined in §82.152 of an affected appliance by using an established range or using that methodology in combination with other methods for determining the full charge defined in the following information:

(1) The identification of the owner or operator of the appliance;

(2) The location of the appliance;

(3) The original range for the full charge of the appliance, its midpoint, and how the range was determined;

(4) Any and all revisions of the full charge range and how they were determined; and

(5) The dates such revisions occurred.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994; 60 FR 40443, Aug. 8, 1995]

APPENDIX A TO SUBPART F OF PART 82—SPECIFICATIONS FOR FLUOROCARBON REFRIGERANTS

This appendix is based on Air-Conditioning and Refrigeration Institute Standard 700–93:

Section 1. Purpose

1.1 *Purpose.* The purpose of this standard is to evaluate and accept/reject refrigerants regardless of source (new, reclaimed and/or repackaged) for use in new and existing refrigeration and air-conditioning products.

1.1.1 This standard is intended for the guidance of the industry including manufacturers, refrigerant reclaimers, repackagers, distributors, installers, servicemen, contractors and for consumers.

1.2 *Review and Amendment.* This standard is subject to review and amendment as the technology advances. The dynamics of this technology is advancing so rapidly that changes to this standard must be frequent.

Section 2. Scope

2.1 *Scope.* This standard specifies acceptable levels of contaminants (purity requirements) for various fluorocarbon refrigerants regardless of source and lists acceptable test methods. These refrigerants are R11; R12; R13; R22; R113; R114; R123; R124; R500; R502 and R503 as referenced in the ANSI/ASHRAE Standard Number Designation and Safety Classification of Refrigerants (American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 34 1992). Copies may be obtained from ASHRAE Publications Sales, 1791 Tullie Circle, NE., Atlanta, GA 30329. Copies may also be inspected at Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC in room M–1500. In addition the following blends are listed: R22/152a/124 (53/13/34); R22/152a/124 (61/11/28); R125/290/22 (60/2/38); R125/290/22 (38/2/60).

Section 3. Definitions

3.1 *''Shall'', ''Should'', ''Recommended''*, or *''It Is Recommended''*. ''Shall'', ''should'', ''recommended'', or ''it is recommended'' shall be interpreted as follows:

3.1.1 *Shall.* Where ''shall'' or ''shall not'' is used for a provision specified, that provision is mandatory if compliance with the standard is claimed.

3.1.2 *Should, Recommended,* or *It is Recommended.* ''Should '', ''recommended'', or ''it is recommended'' is used to indicate provisions which are not mandatory but which are desirable as good practice.

Section 4. Characterization of Refrigerants and Contaminants

4.1 *Characterization.* Characterization of refrigerants and contaminants addressed are listed in the following general classifications:

4.1.1 *Characterization:*
a. Gas Chromatography
b. Boiling point and boiling point range

4.1.2 *Contaminants*
a. Water
b. Chloride
c. Acidity
d. High boiling residue
e. Particulates/solids
f. Non-condensables
g. Impurities including other refrigerants

Section 5. Sampling, Summary of Test Methods and Maximum Permissible Contaminant Levels

5.1 *Referee Test.* The referee test methods for the various contaminants are summarized in the following paragraphs. Detailed test procedures are included in Parts 1 through 9, 12 through 15, and 19 through 23 of Appendix–93 to ARI Standard 700: Analytical Procedures of ARI Standard 700–93, 1994, the Air-Conditioning and Refrigeration Institute. These parts of Appendix–93 to ARI 700 are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Air-Conditioning and Refrigeration Institute, 4301 North Fairfax Drive, Arlington, Virginia 22203. Copies may also be inspected at Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC in room M–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. If alternate test methods are employed, the user must be able to demonstrate that they produce results equivalent to the specified referee method.

5.2 Refrigerant Sampling.

5.2.1 *Sampling Precautions.* Special precautions should be taken to assure that representative samples are obtained for analysis. Sampling shall be done by trained laboratory personnel following accepted sampling and safety procedures.

5.2.2 *Gas Phase Sample.* A gas phase sample shall be obtained for determining the non-condensables. Since non-condensable gases, if present, will concentrate in the vapor phase of the refrigerant, care must be exercised to eliminate introduction of air during the sample transfer. Purging is not an acceptable procedure for a gas phase sample since it may introduce a foreign product. Since R11, R113 and R123 have normal boiling points at or above room temperature, non-condensable determination is not required for these refrigerants.

5.2.2.1 *Connection.* The sample cylinder shall be connected to an evacuated gas sampling bulb by means of a manifold. The manifold should have a valve arrangement that facilitates evacuation of all connecting tubing leading to the sampling bulb.

5.2.2.2 *Equalizing Pressures.* After the manifold has been evacuated, close the valve to the pump and open the valve on the system. Allow the pressure to equilibrate and close valves.

5.2.3 *Liquid Phase Sample.* A liquid phase sample is required for all tests listed in this standard except the test for non-condensables.

5.2.3.1 *Preparation.* Place an empty sample cylinder with the valve open in an oven at 230 °F [110 °C] for one hour. Remove it from the oven while hot, immediately connect to an evacuation system and evacuate to less than 1 mm mercury (1000 microns). Close the valve and allow it to cool.

5.2.3.2 *Manifolding.* The valve and lines from the unit to be sampled shall be clean and dry. The cylinder shall be connected to an evacuated gas sampling cylinder by means of a manifold. The manifold should have a valve arrangement that facilitates evacuation of all connecting tubing leading to the sampling cylinder.

5.2.3.3 *Liquid Sampling.* After the manifold has been evacuated, close the valve to the pump and open the valve on the system. Take the sample as a liquid by chilling the sample cylinder slightly. Accurate analysis requires that the sample container be filled to at least 60% by volume, however under no circumstances should the cylinder be filled to more than 80% by volume. This can be accomplished by weighing the empty cylinder and then the cylinder with refrigerant. When the desired amount of refrigerant has been collected, close the valve(s) and disconnect the sample cylinder immediately.

5.2.3.4 *Record Weight.* Check the sample cylinder for leaks and record the gross weight.

5.3 Refrigerant Purity Characterization.

5.3.1 *Primary Method.* The primary method shall be gas chromatography (GC) as described in Appendix-93 to ARI Standard 700. The chromatogram of the sample shall be compared to known standards.

5.3.2 *Alternative Method.* Determination of the boiling point and boiling point range is an acceptable alternative test method which can be used to characterize refrigerants. The test method shall be that described in the Federal Specification for ''Fluorocarbon Refrigerants,'' BB–F–1421 B, dated March 5, 1982, section 4.4.3 which is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop:

SSOP, Washington, DC 20402–9328. Copies may also be inspected at Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 401 M Street, SW., Washington, DC in room M–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

5.3.3 *Required Values.* The required values for boiling point and boiling point range are given in table 1, Physical Properties of Fluorocarbon Refrigerants and Maximum Contaminant Levels.

5.4 Water Content.

5.4.1 *Method.* The Coulometric Karl Fischer Titration shall be the primary test method for determining the water content of refrigerants. This method is described in Appendix-93 to ARI Standard 700. This method can be used for refrigerants that are either a liquid or a gas at room temperature, including refrigerants 11 and 113, and 123. For all refrigerants, the sample for water analysis shall be taken from the liquid phase of the container to be tested. Proper operation of the analytical method requires special equipment and an experienced operator. The precision of the results is excellent if proper sampling and handling procedures are followed. Refrigerants containing a colored dye can be successfully analyzed for water using this method.

5.4.2 *Alternative Method.* The Karl Fischer Test Method is an acceptable alternative test method to the Coulometric Karl Fischer Titration for determining the water content of refrigerants. This method is described in ASTM E700–79, (Reapproved 1990), Standard Test Method for Water in Gases Using Karl Fischer Reagent (American Society for Testing and Materials, Philadelphia, PA), which is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, Philadelphia, PA. Copies may also be inspected at Public Docket No. A–92–01, Waterside Mall (Ground Floor) Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC in room M–1500 or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

5.4.3 *Limits.* The value for water content shall be expressed as parts per million by weight and shall not exceed the maximum specified (see tables 1 and 1a).

5.5 *Chloride.* The refrigerant shall be tested for chloride as an indication of the presence of hydrochloric acid and/or metal chlorides. The recommended procedure is intended for use with new or reclaimed refrigerants. Significant amounts of oil may interfere with the results by indicating a failure in the absence of chloride.

5.5.1 *Method.* The test method shall be that described in Appendix-93 to ARI Standard 700. The test will show noticeable turbidity at chloride levels of about 3 ppm by weight or higher.

5.5.2 *Turbidity.* The results of the test shall not exhibit any sign of turbidity. Report the results as ''pass'' or ''fail.''

5.6 Acidity.

5.6.1 *Method.* The acidity test uses the titration principle to detect any compound that is highly soluble in water and ionizes as an acid. The test method shall be that described in Appendix- 93 to ARI Standard 700. This test may not be suitable for determination of high molecular weight organic acids; however these acids will be found in the high boiling residue test outlined in 5.7. The test requires a 100 to 120 gram sample and has a detection limit of 0.1 ppm by weight calculated as HCl.

5.6.2 *Limits.* The maximum permissible acidity is 1 ppm by weight as HCl.

5.7 High Boiling Residue.

5.7.1 *Method.* High boiling residue shall be determined by measuring the residue of a standard volume of refrigerant after evaporation. The refrigerant sample shall be evaporated at room temperature or at a temperature 50 °F [28K], above the boiling point of the sample using a Goetz bulb as specified in Appendix- 93 to ARI Standard 700. Oils and or organic acids will be captured by this method.

5.7.2 *Limits.* The value for high boiling residue shall be expressed as a percentage by volume and shall not exceed the maximum percent specified (see tables 1 and 1a).

5.8 Particulates/Solids.

5.8.1 *Method.* A measured amount of sample is evaporated from a Goetz bulb under controlled temperature conditions. The particulates/solids shall be determined by visual examination of the Goetz bulb prior to the evaporation of refrigerant. Presence of dirt, rust or other particulate contamination is reported as ''fail.'' For details of this test method, refer to Appendix-93 to ARI Standard 700.

5.9 Non-Condensables.

5.9.1 *Sample.* A vapor phase sample shall be used for determination of non-condensables. Non-condensable gases consist primarily of air accumulated in the vapor phase of refrigerants. The solubility of air in the refrigerants liquid phase is extremely low and air is not significant as a liquid phase contaminant. The presence of non-condensable gases may reflect poor quality control in transferring refrigerants to storage tanks and cylinders.

5.9.2 *Method.* The test method shall be gas chromatography with a thermal conductivity detector as described in Appendix-93 to ARI Standard 700.

5.9.3 *Limit.* The maximum level of noncondensables in the vapor phase of a refrigerant in a container shall not exceed 1.5% by volume (see table 1 and 1a).

5.10 Impurities, including Other Refrigerants.

5.10.1 *Method.* The amount of other impurities including other refrigerants in the subject refrigerant shall be determined by gas chromatography as described in Appendix-93 to ARI Standard 700.

5.10.2 *Limit.* The subject refrigerant shall not contain more than 0.50% by weight of impurities including other refrigerants (see table 1 and 1a).

Section 6. Reporting Procedure

6.1 *Reporting Procedure.* The source (manufacturer, reclaimer or repackager) of the packaged refrigerant shall be identified. The refrigerant shall be identified by its accepted refrigerant number and/or its chemical name. Maximum permissible levels of contaminants are shown in table 1. Test results shall be tabulated in a like manner.

TABLE 1—CHARACTERISTICS OF REFRIGERANTS AND MAXIMUM CONTAMINANT LEVELS

	Reporting units	Reference (subclause)	R11	R12	R13	R22	R113	R114	R123	R124
Characteristics*:										
Boiling Point*	F @ 1.00 atm		74.9	−21.6	−114.6	−41.4	117.6	38.8	82.6	12.2
	°C @ 1.00 atm		23.8	−29.8	−81.4	−40.8	47.6	3.8	27.9	−11.0
Boiling Point Range*	K		0.3	0.3	0.5	0.3	0.3	0.3	0.3	0.3
Typical Isomer Content	By weight						0–1%	0–30%	0–8%	0–5%
							R113a	R114a	R123a	R124a
Vapor phase contaminants:										
Air and other non-condensables	% by volume @ 25 °C	5.9	N/A**	1.5	1.5	1.5	N/A**	1.5	N/A**	1.5
Liquid phase contaminants:										
Water	ppm by weight	5.4	20	10	10	10	20	10	20	10
All other impurities including refrigerants	% by weight	5.10	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
High boiling residue	% by volume	5.7	0.01	0.01	0.05	0.01	0.03	0.01	0.01	0.01
Particulates/solids	Visually clean to pass	5.8	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Acidity	ppm by weight	5.6	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Chlorides***	No visible turbidity	5.5	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass

*Boiling points and boiling point ranges, although not required, are provided for informational purposes.
**Since R11, R113 and R123 have normal boiling points at or above room temperature, non-condensable determinations are not required for these refrigerants.
***Recognized Chloride level for pass/fail is 3ppm.

TABLE 1A—CHARACTERISTCS OF REFRIGERANTS AND MAXIMUM CONTAMINANT LEVELS

	Reporting units	Reference (subclause)	R401A	R401B	R402A	R402B	R500	R502	R503
Characteristics*:									
Refrigerant Components			R22/152a/124	R22/152a/124	R125/290/22	R125/290/22	R12/152A	522/115	R23/13
Nominal Comp, weight%			53/13/34	61/11/28	60/2/38	38/2/60	73.8/26.2	48.8/51.2	40.1/59.9
Allowable Comp, weight%			51–55/11.5–13.5/33–35	59–63/9.5–11.5/27–29	58–62/1–3/36–40	6–40/1–3/58–62	72.8–74.8/25.2–27.2	44.8–52.8/47.2–55.2	39–41/59–61
Boiling Point*	F @ 1.00 atm		−27.6 to −16.0	−30.4 to −18.5	−56.5 to −52.9	−53.3 to −49.0			
	C @ 1.00 atm		−33.4 to −26.6	−34.7 to −28.6	−49.1 to −47.2	−47.4 to −45.0	−33.5	−45.4	−88.7
Boiling Point Range*	K						0.5	0.5	0.5
Vapor Phase Contaminants:									
Air and other non-condensables	% by volume @ 25 °C	5.9	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Liquid Phase Contaminants:									
Water	ppm by weight	5.4	10	10	10	10	10	10	10
All other impurities including refrigerants	% by weight	5.10	0.50	0.50	0.50	0.50	0.50	0.50	0.50
High boiling residue	% by volume	5.7	0.01	0.01	0.01	0.01	0.05	0.01	0.01
Particulates/solids	Visually clean to pass	5.8	Pass	Pass	Pass	Pass	Pass	Pass	Pass

TABLE 1A—CHARACTERISTCS OF REFRIGERANTS AND MAXIMUM CONTAMINANT LEVELS—Continued

	Reporting units	Reference (subclause)	R401A	R401B	R402A	R402B	R500	R502	R503
Acidity	ppm by weight	5.6	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Chlorides**	No visible turbidity	5.5	Pass	Pass	Pass	Pass	Pass	Pass	Pass

*Boiling points and boiling point ranges, although not required, are provided for informational purposes.
**Recognized Chloride level for pass/fail is 3ppm.

[59 FR 42957, Aug. 19, 1994]

APPENDIX B TO SUBPART F OF PART 82—PERFORMANCE OF REFRIGERANT RECOVERY, RECYCLING AND/OR RECLAIM EQUIPMENT

This appendix is based on Air-Conditioning and Refrigeration Institute Standard 740–93.

REFRIGERANT RECOVERY/RECYCLING EQUIPMENT

Section 1. Purpose

1.1 *Purpose.* The purpose of this standard is to establish methods of testing for rating and evaluating the performance of refrigerant recovery, and/or recycling equipment, and general equipment requirements (herein referred to as ''equipment'') for containment or purity levels, capacity, speed, and purge loss to minimize emission into the atmosphere of designated refrigerants.

1.1.1 This standard is intended for the guidance of the industry, including manufacturers, refrigerant reclaimers, repackers, distributors, installers, servicemen, contractors and for consumers.

1.1.2 This standard is not intended to be used as a guide in defining maximum levels of contaminants in recycled or reclaimed refrigerants used in various applications.

1.2 *Review and Amendment.* This standard is subject to review and amendment as the technology advances.

Section 2. Scope

2.1 *Scope.* This standard defines general equipment requirements and the test apparatus, test mixtures, sampling and analysis techniques that will be used to determine the performance of recovery and/or recycling equipment for various refrigerants including R11, R12, R13, R22, R113, R114, R123, R134a, R500, R502, and R503, as referenced in the ANSI/ASHRAE Standard 34–1992, ''Number Designation of Refrigerants'' (American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.).

Section 3. Definitions

3.1 *Recovered refrigerant.* Refrigerant that has been removed from a system for the purpose of storage, recycling, reclamation or transportation.

3.2 *Recover.* To remove refrigerant in any condition from a system and store it in an external container without necessarily testing or processing it in any way.

3.3 *Recycle.* To reduce contaminants in used refrigerant by oil separation, non-condensable removal and single or multiple passes through devices which reduce moisture, acidity and particulate matter, such as replaceable core filter-driers. This term usually applies to procedures implemented at the field job site or in a local service shop.

3.4 *Reclaim.* To reprocess refrigerant to new product specifications by means which may include distillation. Chemical analysis of the refrigerant is required to determine that appropriate product specifications are met. The identification of contaminants, required chemical analysis, and acceptable contaminant levels will be established in the latest edition of ARI Standard 700 ''Specifications of Fluorocarbon and other Refrigerants.'' This term usually implies the use of processes or procedures available only at a reprocessing or manufacturing facility.

3.5 *Standard Contaminated Refrigerant Sample.* A mixture of new and/or reclaimed refrigerant and specified quantities of identified contaminants which are representative of field obtained, used refrigerant samples and which constitute the mixture to be processed by the equipment under test.

3.6 *Push/Pull Method.* The push/pull refrigerant recovery method is defined as the process of transferring liquid refrigerant from a refrigeration system to a receiving vessel by lowering the pressure in the vessel and raising the pressure in the system, and by connecting a separate line between the system liquid port and the receiving vessel.

3.7 *Recycle Rate.* The amount of refrigerant processed (in pounds) divided by the time elapsed in the recycling mode in pounds per minute. For equipment which uses a separate recycling sequence, the recycle rate does not include the recovery rate (or elapsed time). For equipment which does not use a separate recycling sequence, the recycle rate is a maximum rate based solely on the higher of the liquid or vapor recovery rate, by which the rated contaminant levels can be achieved.

3.8 *Equipment Classification.*

3.8.1 *Self Contained Equipment.* A refrigerant recovery or recycling system which is capable of refrigerant extraction without the assistance of components contained within an air conditioning or refrigeration system.

3.8.2 *System Dependent Equipment.* Refrigerant recovery equipment which requires for its operation the assistance of components contained in an air conditioning or refrigeration system.

3.9 *''Shall'', ''Should'', ''Recommended''* or *''It is Recommended'',* ''Shall'' ''Should'', ''recommended'', or ''it is recommended'' shall be interpreted as follows:

3.9.1 *Shall.* Where ''shall'' or ''shall not'' is used for a provision specified, that provision is mandatory if compliance with the standard is claimed.

3.9.2 *Should, Recommended,* or *It is Recommended,* ''Should'', ''recommended'', is used to indicate provisions which are not mandatory but which are desirable as good practice.

Section 4. General Equipment Requirements

4.1 The equipment manufacturer shall provide operating instructions, necessary maintenance procedures, and source information for replacement parts and repair.

4.2 The equipment shall indicate when any filter/drier(s) needs replacement. This requirement can be met by use of a moisture transducer and indicator light, by use of a sight glass/moisture indicator, or by some measurement of the amount of refrigerant processed such as a flow meter or hour meter. Written instructions such as ''to change the filter every 400 pounds, or every 30 days'' shall not be acceptable except for equipment in large systems where the Liquid Recovery Rate is greater than 25 lbs/min [11.3 Kg/min] where the filter/drier(s) would be changed for every job.

4.3 The equipment shall either automatically purge non-condensables if the rated level is exceeded or alert the operator that the non-condensable level has been exceeded. While air purge processes are subject to the requirements of this section, there is no specific requirement to include an air purge process for ''recycle'' equipment.

4.4 The equipment's refrigerant loss due to non-condensable purging shall not be exceeded 5% by weight of total recovered refrigerant. (See Section 9.4)

4.5 Internal hose assemblies shall not exceed a permeation rate of 12 pounds mass per square foot [5.8 g/cm^2] of internal surface per year at a temperature of 120 F [48.8 °C] for any designated refrigerant.

4.6 The equipment shall be evaluated at 75 F [24 °C] per 7.1. Normal operating conditions range from 50 °F to 104 F [10 °C to 40 °C].

4.7 *Exemptions:*

4.7.1 Equpment intended for recovery only shall be exempt from sections 4.2 and 4.3.

TABLE 1—STANDARD CONTAMINATED REFRIGERANT SAMPLES

	R11	R12	R13	R22	R113	R114	R123	R134a	R500	R502	R503
Moisture content: PPM by weight of pure refrigerant	100	80	30	200	100	85	100	200	200	200	30
Particulate content: PPM by weight of pure refrigerant characterized by[1]	80	80	80	80	80	80	80	80	80	80	80
Acid content: PPM by weight of pure refrigerant—(mg KOH per kg refrig.) characterized by[2]	500	100	NA	500	400	200	500	100	100	100	NA
Mineral oil content: % by weight of pure refrigerant	20	5	NA	5	20	20	20	5	5	5	NA
Viscosity (SUS)	300	150	.....	300	300	300	300	150	150	150	.....
Non condensable gases air content % volume[3] ≤	NA	3	3	3	NA	3	3	3	3	3	3

[1] Particulate content shall consist of inert materials and shall comply with particulate requirements in *ASHRAE* Standard 63.2, ''Method of Testing of Filtration Capacity of Refrigerant Liquid Line Filters and Filter Driers.''
[2] Acid consists of 60% oleic acid and 40% hydrochloric acid on a total number basis.
[3] Synthetic ester based oil.

Section 5. Contaminated Refrigerants

5.1 The standard contaminated refrigerant sample shall have the characteristics specified in Table 1, except as provided in 5.2

5.2 Recovery equipment not rated for any specific contaminant can be tested with new or reclaimed refrigerant.

Section 6. Test Apparatus

6.1 Self Contained Equipment Test Apparatus. The apparatus as shown in Figure 1 consists of a 3 cubic foot [0.085 m^3] mixing chamber with a conical-shaped bottom, although a larger mixing chamber is permissible. The size of the mixing chamber depends upon the size of the equipment. The

outlet at the bottom of the cone and all restrictions and valves for liquid and vapor refrigerant lines in the test apparatus shall be a minimum of 0.375 in. [9.5 mm] inside diameter or equivalent. The minimum inside diameter for large equipment for use on chillers shall be 1.5 in. [38 mm.]. The mixing chamber shall contain various ports for receiving liquid refrigerant, oil, and contaminants. A recirculating line connected from the bottom outlet through a recirculating pump and then to a top vapor port shall be provided for stirring of the mixture. Isolation valves may be required for the pump. Alternative stirring means may be used if demonstrated to be equally effective.

6.1.1 For liquid refrigerant feed, the liquid valve is opened. For vapor refrigerant feed, the vapor valve is opened and refrigerant passes through an evaporator coil. Flow is controlled by a thermostatic expansion valve to create 5 F [3 °C] superheat at an evaporator temperature of 70 F ±3 F[21 °C±2°]. The evaporator coil or equivalent evaporator means shall be either sized large enough for the largest system or be sized for each system.

6.1.2 An alternative method for vapor refrigerant feed is to pass through a boiler and then an automatic pressure regulating valve set at refrigerant saturation pressure at 75 F ±3 F [24 °C ±2 °C].

6.2 System Dependent Equipment Test Apparatus. This test apparatus is to be used for final recovery vacuum rating of all system dependent equipment.

6.2.1 The test apparatus shown in Figure 2 consists of a complete refrigeration system. The manufacturer shall identify the refrigerants to be tested. The test apparatus can be modified to facilitate operation or testing of the system dependent equipment if the modifications to the apparatus are specifically described within the manufacturer's literature. (*See Figure 2.*) A ¼ inch [6.3 mm] balance line shall be connected across the test apparatus between the high and low pressure sides, with an isolation valve located at the connection to the compressor high side. A ¼ inch [6.3 mm] access port with a valve core shall be located in the balance line for the purpose of measuring final recovery vacuum at the conclusion of the test.

FIGURE 1

Test Apparatus for Self-Contained Equipment

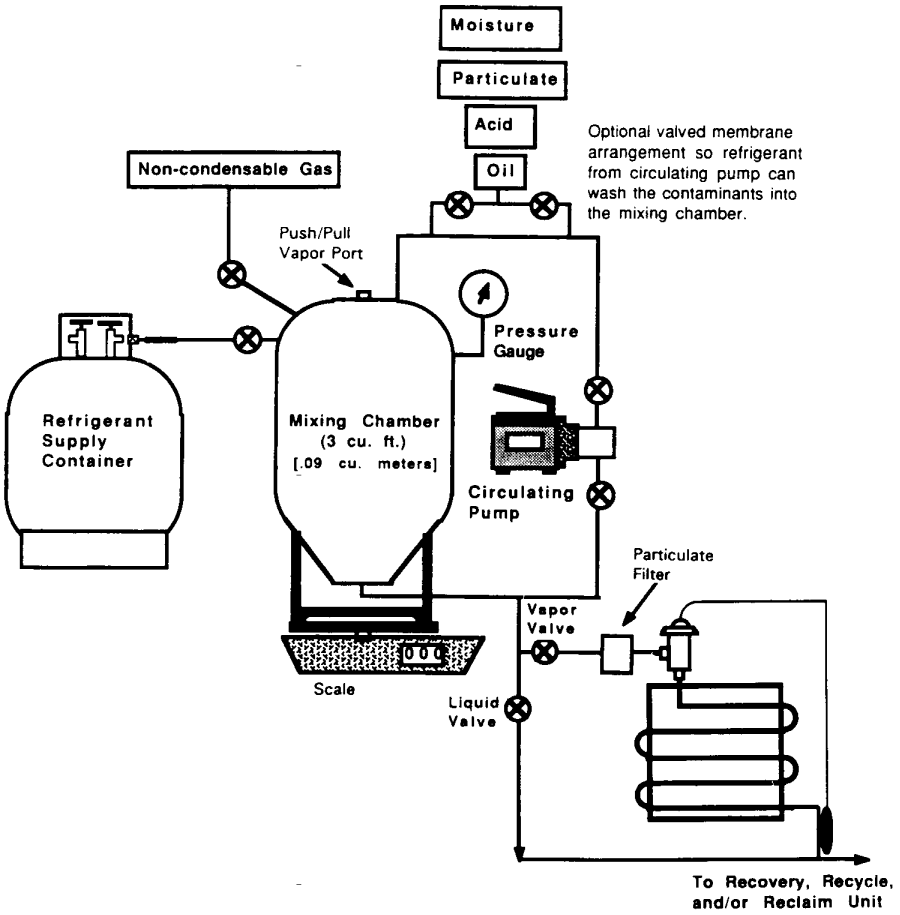
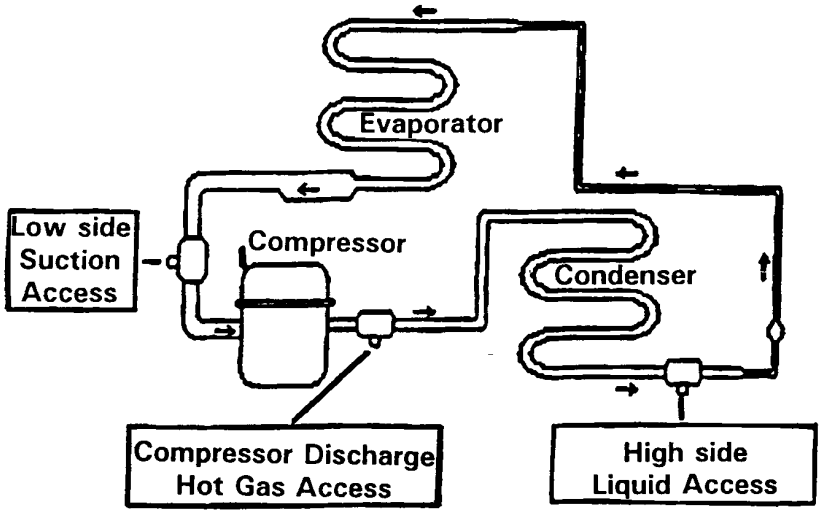


FIGURE 2

System-Dependent Equipment Test Apparatus

Configuration of a standard air conditioning or refrigeration system for use as a test apparatus



Section 7. Performance Testing

7.1 Contaminant removal and performance testing shall be conducted at 75 F ± 2 F [23.9 °C ±1.1 °C].

7.1.1 The equipment shall be prepared for operation per the instruction manual.

7.1.2 The contaminated sample batch shall consist of not less than the sum of the amounts required to complete steps 7.1.2.2 and 7.1.2.3 below.

7.1.2.1 A liquid sample shall be drawn from the mixing chamber prior to starting the test to assure quality control of the mixing process.

7.1.2.2 Vapor refrigerant feed testing, if elected, shall normally be processed first. After the equipment reaches stabilized conditions of condensing temperature and/or storage tank pressure, the vapor feed recovery rate shall be measured. One method is to start measuring the vapor refrigerant recovery rate when 85% of refrigerant remains in the mixing chamber and continue for a period of time sufficient to achieve the accuracy in 9.2. If liquid feed is not elected, complete Step 7.1.2.4.

7.1.2.3 Liquid refrigerant feed testing, if elected, shall be processed next. After the equipment reaches stabilized conditions, the liquid feed recovery rate shall be measured. One method is to wait 2 minutes after starting liquid feed and then measure the liquid refrigerant recovery rate for a period of time sufficient to achieve the accuracy in 9.1. Continue liquid recovery operation as called for in 7.1.2.4.

7.1.2.4 Continue recovery operation until all liquid is removed from the mixing chamber and vapor is removed to the point where the equipment shuts down per automatic means or is manually stopped per the operating instructions.

7.1.2.5 After collecting the first contaminated refrigerant sample batch, the liquid and vapor value of the apparatus shall be closed and the mixing chamber pressure recorded after 1 minute as required in 9.5. After preparing a second contaminated refrigerant sample batch, continue recovery until the storage container reaches 80% liquid fill level. After recycling and measuring

the recycle rate per section 7.1.3, set this container aside for the vapor sample in 8.2.2.

7.1.2.6 Interruptions in equipment operations as called for in instruction manual are allowable.

7.1.3 Recycle as called for in equipment operating instructions. Determine recycle rate by appropriate means as required in 9.3.

7.1.4 Repeat steps 7.1.2, 7.1.2.4, and 7.1.3 with contaminated refrigerant sample until equipment indicator(s) show need to change filter(s). It will not be necessary to repeat the recycle rate determination in 7.1.3.

7.1.4.1 For equipment with a multiple pass recirculating filter system, analyze the contents of the previous storage container.

7.1.4.2 For equipment with a single pass filter system, analyze the contents of the current storage container.

7.1.5 Refrigerant loss due to the equipment's non-condensable gas purge shall be determined by appropriate means. (See Section 9.4.)

7.2 System Dependent Equipment. This procedure shall be used for vacuum rating of all system dependent equipment. Liquid refrigerant recovery rate, vapor refrigerant recovery rate, and recycle rate are not tested on system dependent systems.

7.2.1 The apparatus operation and testing shall be conducted at 75 F ± 2 F. [23.9 °C. ±/ 1.1. °C.].

7.2.2 The apparatus shall be charged with refrigerant per its system design specifications.

7.2.3 For measurement of final recovery vacuum as required in 9.5, first shut the balance line isolation valve and wait 1 minute for pressure to balance. Then connect and operate the recovery system per manufacturers recommendations. When the evacuation is completed, open the balance line isolation valve and measure the pressure in the balance line.

Section 8. Sampling and Chemical Analysis Methods

8.1 The referee test methods for the various contaminants are summarized in the following paragraphs. Detailed test procedures are included in Appendix A ''Test Procedures for ARI STD 700.'' If alternate test methods are employed, the user must be able to demonstrate that they produce results equivalent to the specified referee method.

8.2 *Refrigerant Sampling.*

8.2.1 *Sampling Precautions.* Special precautions should be taken to assure that representative samples are obtained for analysis. Sampling shall be done by trained laboratory personnel following accepted sampling and safety procedures.

8.2.2 *Gas Phase Sample.* A gas phase sample shall be obtained for determining the non-condensables. Since non-condensable gases, if present, will concentrate in the vapor phase of the refrigerant, care must be exercised to eliminate introduction of air during the sample transfer. Purging is not and acceptable procedure for a gas phase sample since it may introduce a foreign product. Since R11, R113 and R123 have normal boiling points at or above room temperature, non-condensable determination is not required for these refrigerants.

8.2.2.1 The sample cylinder shall be connected to an evacuated gas sampling bulb by means of a manifold. The manifold should have a valve arrangement that facilitates evacuation of all connecting tubing leading to the sampling bulb.

8.2.2.2 After the manifold has been evacuated, close the valve to the pump and open the valve on the system. Allow the pressure to equilibrate and close valves.

8.2.3 *Liquid Phase Sample.* A liquid phase sample is required for all tests listed in this standard, except the test for non-condensables.

8.2.3.1 Place an empty sample cylinder with the valve open in an oven at 230 F [110 °C] for one hour. Remove it from the oven while hot, immediately connect to an evacuation system and evacuate to less than 1mm. mercury (1000 microns). Close the valve and allow it to cool.

8.2.3.2 The valve and lines from the unit to be sampled shall be clean and dry. Connect the line to the sample cylinder loosely. Purge through the loose connection. Make the connection tight at the end of the purge period. Take the sample as a liquid by chilling the sample cylinder slightly. Accurate analysis requires that the sample container be filled to at least 60% by volume; however under no circumstances should the cylinder be filled to more than 80% by volume. This can be accomplished by weighing the empty cylinder and then the cylinder with refrigerant. When the desired amount of refrigerant has been collected, close the valve(s) and disconnect the sample cylinder immediately.

8.2.3.3 Check the sample cylinder for leaks and record the gross weight.

8.3 *Water Content.*

8.3.1. The Coulometric Karl Fischer Titration shall be the primary test method for determining the water content of refrigerants. This method is described in Appendix A. This method can be used for refrigerants that are either a liquid or a gas at room temperature, including Refrigerants 11 and 13. For all refrigerants, the sample for water analysis shall be taken from the liquid phase of the container to be tested. Proper operation of the analytical method requires special equipment and an experienced operator. The precision of the results is excellent if proper sampling and handling procedures are followed. Refrigerants containing a colored dye can be successfully analyzed for water using this method.

8.3.2 The Karl Fischer Test Method is an acceptable alternative test method for determining the water content of refrigerants. This method is described in ASTM Standard for ''Water in gases Using Karl Fisher Reagent'' E700–79, reapproved 1984 (American Society for Testing and Materials, Philadelphia, PA).

8.3.3 Report the moisture level in parts per million by weight if a sample is required.

8.4 *Chloride.* The refrigerant shall be tested for chlorides as an indication of the presence of hydrochloric or similar acids. The recommended procedure is intended for use with new or reclaimed refrigerants. Significant amounts of oil may interfere with the results by indicating a failure in the absence of chlorides.

8.4.1 The test method shall be that described in Appendix A ''Test Procedures for ARI–700.'' The test will show noticeable turbidity at equivalent chloride levels of about 3 ppm by weight or higher.

8.4.2 The results of the test shall not exhibit any sign of turbity. Report results as ''pass'' or ''fail.''

8.5 *Acidity.*

8.5.1 The acidity test uses the titration principle to detect any compound that is highly soluble in water and ionizes as an acid. The test method shall be that described in Appendix A. ''Test Procedures for ARI–700.'' The test may not be suitable for determination of high molecular weight organic acids; however these acids will be found in the high boiling residue test outlined in Section 5.7. The test requires about a 100 to 120 gram sample and has a low detection limit of 0.1 ppm by weight as HC1.

8.6 High Boiling Residue.

8.6.1 High boiling residue will be determined by measuring the residue of a standard volume of refrigerant after evaporation. The refrigerant sample shall be evaporated at room temperature or a temperature 50 F [10°.0C], above the boiling point of the sample using a Goetz tube as specified in Appendix A ''Test Procedures for ARI–700.'' Oils and or organic acids will be captured by this method.

8.6.2 The value for high boiling residue shall be expressed as a percentage by volume.

8.7 Particulates/Solids.

8.7.1 A measured amount of sample is evaporated from a Goetz bulb under controlled temperature conditions. The particulates/solids shall be determined by visual examination of the empty Goetz bulb after the sample has evaporated completely. Presence of dirt, rust or other particulate contamination is reported a ''fail.'' For details of this test method, refer to Appendix B ''Test Procedures for ARI–700.''

8.8 Non-Condensables

8.8.1 A vapor phase sample shall be used for determination of non-condensables. Non-condensable gases consist primarily of air accumulated in the vapor phase of refrigerant containing tanks. The solubility of air in the refrigerants liquid phase is extremely low and air is not significant as a liquid phase contaminant. The presence of non-condensable gases may reflect poor quality control in transferring refrigerants to storage tanks and cylinders.

8.8.2 The test method shall be gas chromatography with a thermal conductivity detector as described in Appendix A ''Test Procedures for ARI–700.''

8.8.2.1 The Federal Specification for ''Fluorocarbon Refrigerants,'' BB–F–1421B, dated March 5, 1992, section 4.4.2 (perchloroethylene method) is an acceptable alternate test method.

8.8.3 Report the level of non-condensable as percent by volume.

Section 9. Performance Calculation and Rating

9.1 The liquid refrigerant recovery rate shall be expressed in pounds per minute [kg/min] and measured by weight change at the mixing chamber (See Figure 1) divided by elapsed time to an accuracy within .02 lbs/min. [.009 kg/min]. Ratings using the Push/Pull method shall be identified ''Push/Pull''. Equipment may be rated by both methods.

9.2 The vapor refrigerant recovery rate shall be expressed in pounds per minute [kg/min] and measured by weight change at the mixing chamber (See Figure 1) divided by elapsed time to an accuracy within .02 lbs/min. [.0.009 kg/min].

9.3 The recycle rate is defined in 3.7 and expressed in pounds per minute [kg/min] of flow and shall be per ASHRAE 41.7–84 ''Procedure For Fluid Measurement Of Gases'' or ASHRAE 41.8–89 ''Standard Method of Flow of Fluids—Liquids.''

9.3.1 For equipment using multipass recycling or a separate sequence, the recycle rate shall be determined by dividing the net weight W of the refrigerant to be recycled by the actual time T required to recycle the refrigerant. Any set-up or operator interruptions shall not be included in the time T. The accuracy of the recycle rate shall be within .02 lbs/min. [.009 kg/min].

9.3.2 If no separate recycling sequence is used, the recycle rate shall be the higher of the vapor refrigerant recovery rate or the liquid refrigerant recovery rate. The recycle rate shall match a process which leads to contaminant levels in 9.6. Specifically, a recovery rate determined from bypassing a contaminant removal device cannot be used as a recycle rate when the contaminant levels in 9.6 are determined by passing the refrigerant through the containment removal device.

9.4 Refrigerant loss due to non-condensable purging shall be less than 5%. This rating shall be expressed as ''passed'' if less than 5%.

This calculation will be based upon net loss of non-condensables and refrigerant due to the purge divided by the initial net content. The net loss shall be determined by weighing before and after the purge, by collecting purged gases, or an equivalent method.

9.5 The final recovery vacuum shall be the mixing chamber pressure called for in 7.1.2.5 expressed in inches of mercury vacuum, [mm Hg or kP]. The accuracy of the measurement shall be within ±.1 inch [±2.5mm] of Hg and rounding down to the nearest whole number.

9.6 The contaminant levels remaining after testing shall be published as follows:

Moisture content, PPM by weight
Chloride ions, Pass/Fail
Acidity, PPM by weight
High boiling residue, percentage by volume
Particulate/solid, Pass/Fail
Non-condensables, % by volume

9.7 Product Literature: Except as provided under product labelling in Section 11. performance ratings per 9.1, 9.2, 9.3, and 9.5 must be grouped together and shown for all listed refrigerants (11.2) subject to limitations of 9.8. Wherever any contaminant levels per 9.6 are rated, all ratings in 9.6 must be shown for all listed refrigerants subject to limitations of 9.8. The type of equipment in 11.1 must be included with either grouping. Optional ratings in 9.8 need not be shown.

9.8 Ratings shall include all of the parameters for each designed refrigerant in 11.2 as shown in Tables 2 and 3.

TABLE 2—PERFORMANCE

Parameter/type of equipment	Recovery	Recovery/recycle	Recycle	System dependent equipment
Liquid refrigerant recovery rate	(2)	(2)	N/A	N/A
Vapor refrigerant recovery rate	(2)	(2)	N/A	N/A
Final recovery vacuum	(1)	(1)	N/A	(1)
Recycle rate	N/A	(1)	(1)	N/A
Refrigerant loss due to non-condensable purging	(3)	(1)	(1)	N/A

[1] Mandatory rating.
[2] For a recovery or recovery/recycle unit, one must rate for either liquid feed only or vapor feed only or can rate for both. If rating only the one, the other shall be indicated by ''N/A.''
[3] For Recovery Equipment, these parameters are optional. If not rated, use N/A.

TABLE 3—CONTAMINANTS

Contaminant/type of equipment	Recovery	Recovery/recycle	Recycle	System dependent equipment
Moisture content	(*)	x	x	NA.
Chloride ions	(*)	x	x	NA.
Acidity	(*)	x	x	NA.
High boiling residue	(*)	x	x	NA.
Particulates	(*)	x	x	NA.
Non-condensables	(*)	x	x	NA.

* For Recovery Equipment, these parameters are optional. If not rated, use N/A.
x Mandatory rating.

Section 10. Tolerances

10.1 Any equipment tested shall produce contaminant levels not higher than the published ratings. The liquid refrigerant recovery rate, vapor refrigerant recovery rate, final recovery vacuum and recycle rate shall not be less than the published ratings.

Section 11. Product Labelling

11.1 *Type of equipment.* The type of equipment shall be as listed:

11.1.1 Recovery only
11.1.2 System Dependent Recovery
11.1.3 Recovery/Recycle
11.1.4 Recycle only

11.2 Designated refrigerants and the following as applicable for each:

11.2.1 Liquid Recovery Rate
11.2.2 Vapor Recovery Rate
11.2.3 Final Recovery Vacuum
11.2.4 Recycle Rate

Section 12. Voluntary Conformance

12.1 *Conformance.* While conformance with this standard is voluntary, conformance shall not be claimed or implied for products or equipment within its Purpose (Section 1) and Scope (Section 2) unless such claims meet all of the requirements of the standards.

ATTACHMENT TO APPENDIX B

Particulate Used in Standard Contaminated Refrigerant Sample.

1. Particulate Specification

1.1 The particulate material pm will be a blend of 50% coarse air cleaner dust as received, and 50% retained on a 200-mesh screen. The coarse air cleaner dust is available from: AC Spark Plug Division, General Motors Corporation, Flint, Michigan.

1.2 Preparation of Particulate Materials

To prepare the blend of contaminant, first wet screen a quantity of coarse air cleaner dust on a 200-mesh screen (particle retention 74 pm). This is done by placing a portion of the dust on a 200-mesh screen and running water through the screen while stirring the dust with the fingers. The fine contaminant particles passing through the screen are discarded. The +200 mesh particles collected on the screen are removed and dried for one hour at 230 F [110 °C]. The blend of standard contaminant is prepared by mixing 50% by weight of coarse air cleaner dust as received after drying for one hour at 230 F [110 °C] with 50% by weight of the +200 mesh screened dust.

1.3 The coarse air cleaner dust as received and the blend used as the standard contaminant have the following approximate particle size analysis: Wt. % in various size ranges, pm.

Size range	As received	Blend
0–5	12	6
5–10	12	6
10–20	14	7
20–40	23	11
40–80	30	32
80–200	9	38

[58 FR 28712, May 14, 1993, as amended at 59 FR 42960, Aug. 19, 1994]

APPENDIX C TO SUBPART F OF PART 82—METHOD FOR TESTING RECOVERY DEVICES FOR USE WITH SMALL APPLIANCES

Recovery Efficiency Test Procedure for Refrigerant Recovery Equipment Used on Small Appliances

The following test procedure is utilized to evaluate the efficiency of equipment designed to recover ozone depleting refrigerants (or any substitute refrigerant subject to the recycling rules promulgated pursuant to section 608 of the Clean Air Act Amendments of 1990) from small appliances when service of those appliances requires entry into the sealed refrigeration system or when those appliances are destined for disposal. This procedure is designed to calculate on a weight or mass basis the percentage of a known charge of CFC–12 refrigerant removed and captured from a test stand refrigeration system. Captured refrigerant is that refrigerant delivered to a container suitable for shipment to a refrigerant reclaimer plus any refrigerant remaining in the recovery system in a manner that it will be transferred to a shipping container after additional recovery operations.

The test stand refrigeration system required for this procedure is constructed with standard equipment utilized in currently produced household refrigerator and freezer products. The procedure also accounts for compressor oils that might be added to or removed from the test stand compressor or any compressor used in the recovery system.

I. TEST STAND

Test stands are constructed in accordance with the following standards.

1. Evaporator—5/16 in. outside dia. with 30 cu. in. volume.
2. Condenser—¼ in. outside dia. with 20 cu. in volume.
3. Suction line capillary heat exchanger—appropriate for compressor used.
4. An 800–950 Btu/hr high side case (rotary) compressor; or (depending on the test senario);
5. An 800–9500 Btu/hr low side case (reciprocating) compressor.

A person seeking to have its recovery system certified shall specify the compressors by manufacturer and model that are to be used in test stands constructed for evaluation of its equipment, and the type and quantity of compressor to be used in those compressors. Only a compressor oil approved for use by the compressor's manufacturer may be specified, and the quantity of compressor oil specified shall be an appropriate quantity for the type of oil and compressor to be used. In order to reduce the cost of testing, the person seeking certification of its recovery system may supply an EPA approved third party testing laboratory with test stands meeting these standards for use in evaluating its recovery system.

II. TEST CONDITIONS

Tests are to be conducted at 75 degrees F, plus or minus 2 degrees F (23.9 C ±1.1 C). Separate tests are conducted on both high side case compressor stands and low side case compressor stands. Separate tests are also conducted with the test stand compressor running during the recovery operation, and without the test stand compressor running during the recovery operation, to calculate the system's recovery efficiency under either condition.

These tests are to be performed using a representative model of all equipment used in the recovery system to deliver recovered

refrigerant to a container suitable for shipment to a refrigerant reclaimer. The test stands are to be equipped with access valves permanently installed as specific by the recovery system's vendor to represent the valves used with that system in actual field operations.

A series of five (5) recovery operations are to be performed for each compressor scenario and a recovery efficiency is calculated based on the total quantity of refrigerant captured during all five (5) recoveries. Alternatively, at the request of the recovery system's vendor, a recovery efficiency is to be calculated for each recovery event. In this case, a statistically significant number of recovery operations are to be performed. Determination of what is a statistically significant number of recoveries is to be calculated as set out below. These individual recovery efficiencies are then averaged.

There are four (4) compressor scenarios to be tested. These are a high side case compressor in working condition; a high side case compressor in nonworking condition; a low side case compressor in working condition; and a low side case compressor in nonworking condition. Recovery efficiencies calculated for the two working compressor scenarios are to be averaged to report a working compressor performance. The two nonworking compressor efficiencies are also to be averaged to report a nonworking compressor performance.

If large scale equipment is required in the system to deliver recovered refrigerant to a refrigerant reclaimer (eg. carbon desorption equipment) and it is not possible to have that equipment evaluated under the procedure, the system's vendor shall obtain engineering data on the performance of that large scale equipment that will reasonably demonstrate the percentage refrigerant lost when processed by that equipment. That data will be supplied to any person required to evaluate the performance of those systems. The following procedure will also be modified as needed to determine the weight of refrigerant recovered from a test stand and delivered to a container for shipment to the large process equipment for further processing. The percentage loss documented to occur during processing is then to be applied to the recovery efficiencies calculated in this modified procedure to determine the overall capture efficiency for the entire system.

The following are definitions of symbols used in the test procedure.

Test Stand:

''TSO'' means an original test stand weight.

''TSC'' means a charged test stand weight.

Shipping Containers:

''SCO'' means the original or empty weight of shipping container(s).

''SCF'' means the final or full weight of shipping container(s).

Recover/Transfer System:

''RSO'' means the original weight of a recovery/transfer system.

''RSF'' means the final weight of a recovery/transfer system.

''OL'' means the net amount of oil added/removed from the recovery device and/or transfer device between the beginning and end of the test for one compressor scenario.

Weighing steps are conducted with precision and accuracy of plus or minus 1.0 gram.

III. Test Procedure

1. Evacuate the test stand to 20 microns vacuum (pressure measured at a vacuum pump) for 12 hours.

2. Weigh the test stand (TSO).

3. If this is the first recovery operation being performed for a compressor scenario (or if a recovery efficiency is to be calculated for each recovery event), then weigh all devices used in the recovery system to deliver recovered refrigerant to a container suitable for shipment or delivery to a refrigerant reclaimer. Weigh only devices that can retain refrigerant in a manner that it will ultimately be transferred to a shipping container without significant release to the atmosphere (RSO).

4. Weigh final shipping containers (SCO).

5. Charge the test stand with an appropriate CFC–12 charge (either 6 oz. or 9 oz.).

6. Run the test stand for four (4) hours with 100% run time.

7. Turn off the test stand for twelve (12) hours. During this period evaporate all condensation that has collected on the test stand during step 6.

8. Weigh the test stand (TSC).

9. Recover CFC–12 from the test stand and perform all operations needed to transfer the recovered refrigerant to one of the shipping containers weighed in step 4. All recovery and transfer operations are to be performed in accordance with the operating instructions provided by the system's vendor. The compressor in the test stand is to remain ''off'' or be turned ''on'' during the recovery operation depending on whether the test is for a nonworking or working compressor performance evaluation. If a recovery efficiency is to be calculated for each recovery event, transfer the captured refrigerant to a shipping container and then skip to step 13. Otherwise continue. If the system allows for multiple recovery operations to be performed before transferring recovered refrigerant to a shipping container, the transfer operation can be delayed until either the maximum number of recovery operations allowed before a transfer is required have been performed, or the last of the five (5) recovery operations has been performed.

10. Perform any oil removal or oil addition operations needed to properly maintain the test stand and the devices used for recovery

or transfer operations. Determine the net weight of the oil added or removed from the recovery device and/or transfer device. (OP1 for oil added, OP2 for oil removed).

11. Evacuate the test stand to 20 microns vacuum for 4 hours.

12. Return to step 2 unless five (5) recovery operations have been performed.

13. Weigh all final shipping containers that received recovered refrigerant (SCF).

14. Weigh the equipment weighed in step three (3) above (RSF). If a recovery efficiency is to be calculated for each recovery event, perform calculations and return to step one (1) for additional recoveries.

IV. CALCULATIONS

A. *For Five (5) Consecutive Recoveries*

Refrigerant Recoverable equals the summation of charged test stand weights minus original test stand weights.

$$\text{Refrigerant Recoverable} = \sum_{i=1}^{5} \left(TSC_i - TSO_i\right)$$

Oil Loss equals the net weight of oil added to and removed from the recovery device and/or transfer device.

$$OL = \sum_{i=1}^{5} \left(OP1_i - OP2_i\right)$$

Refrigerant Recovered equals the final weight of shipping containers minus the initial weight of final shipping containers, plus final recovery system weight, minus original recovery system weight, plus the net value of all additions and removals of oil from the recovery and transfer devices.

$$\text{Refrigerant Recovered} = \left(\sum_{i=1}^{n} SCF_i - SCO_i\right) + RSF - RSO - OL$$

n=number of shipping containers used.

Recovery Efficiency equals Refrigerant Recovered divided by Refrigerant Recoverable times 100%.

$$\text{Recovery Efficiency} = \frac{\text{Refrigerant Recovered}}{\text{Refrigerant Recoverable}}\ 100\%$$

B. *For Individual Recoveries*

Refrigerant Recoverable equals the charged test stand weight minus the original test stand weight.

$$\text{Refrigerant Recoverable} = \text{TSCO} - \text{TSO}$$

Refrigerant Recovered equals the final weight of the shipping container minus the initial weight of the shipping container plus the final weight of the recovery system minus the original recovery system weight.

$$\text{Refrigerant Recovered} = \text{SCF} - \text{SCO} + \text{RSF} - \text{RSO}$$

Recovery Efficiency equals Refrigerant Recovered divided by Refrigerant Recoverable times 100 percent.

$$\text{Recovery Efficiency} = \frac{\text{Refrigerant Recovered}}{\text{Refrigerant Recoverable}}\ 100\%$$

C. *Calculation of a Statistically Significant Number of Recoveries*

$$N_{add} = \left((t * sd) / (.10 * X)\right)^2 - N$$

Where:
N_{add}=the number of additional samples required to achieve 90% confidence.
sd=Standard deviation, or $(X/(N-1)^{5})$
X=Sample average
N=Number of samples tested

Number of samples	t for 90% confidence
2	6.814
3	2.920
4	2.353
5	2.132
6	2.015
7	1.943
8	1.895
9	1.860
10	1.833

Procedure:
1. Compute N_{add} after completing two recoveries.
2. If $N_{add}>0$, then run an additional test.
3. Re-compute N_{add}. Continue to test additional samples until $N_{add}<0$.

V. Test Procedure Approval and Certification

Each vendor of capture equipment for small appliances desiring certification will provide a representative model of its capture system and its recommended recovery procedures to an EPA approved third party laboratory for testing in accordance with this procedure. The third party laboratory will certify recovery systems that when tested in accordance with this procedure demonstrate a sufficient recovery efficiency to meet EPA regulatory requirements.

APPENDIX D TO SUBPART F OF PART 82—STANDARDS FOR BECOMING A CERTIFYING PROGRAM FOR TECHNICIANS

Standards for Certifying Programs

a. Test Preparation

Certification for Type II, Type III and Universal technicians will be dependent upon passage of a closed-book, proctored test, administered in a secure environment, by an EPA-approved certifying program.

Certification for Type I technicians will be dependent upon passage of an EPA-approved test, provided by an EPA-approved certifying program. Organizations providing Type I certification only, may chose either an on-site format, or a mail-in format, similar to what is permitted under the MVACs program.

Each certifying program must assemble tests by choosing a prescribed subset from the EPA test bank. EPA expects to have a

test bank with a minimum of 500 questions, which will enable the certifying program to generate multiple tests in order to discourage cheating. Each test must include 25 questions drawn from Group 1 and 25 questions drawn from each relevant technical Group. Tests for Universal technicians will include 100 questions (25 from Group 1 and 25 from each relevant technical Group). Each 50-question test represents 10 percent of the total test bank. Questions should be divided in order to sufficiently cover each topic within the Group.

Each certifying program must show a method of randomly choosing which questions will be on the tests. Multiple versions of the test must be used during each testing event. Test answer sheets or (for those testing via the computer medium) computer files must include the name and address of the applicant, the name and address of the certifying program, and the date and location at which the test was administered.

Training material accompanying mail-in Type I tests must not include sample test questions mimicking the language of the certification test. All mail-in material will be subject to review by EPA.

Certifying programs may charge individuals reasonable fees for the administration of the tests. EPA will publish a list of all approved certifying programs periodically, including the fees charged by the programs. This information will be available from the Stratospheric Ozone Protection Hotline.

b. Proctoring

A certifying program for Type II, Type III and Universal technicians must designate or arrange for the designation of at least one proctor registered for each testing event. If more than 50 people are taking tests at the same time at a given site, the certifying organization must adhere to normal testing procedures, by designating at least one additional proctor or monitor for every 50 people taking tests at that site.

The certification test for Type II, Type III and Universal technicians is a closed-book exam. The proctors must ensure that the applicants for certification do not use any notes or training materials during testing. Desks or work space must be placed in a way that discourages cheating. The space and physical facilities are to be conducive to continuous surveillance by the proctors and monitors during testing.

The proctor may not receive any benefit from the outcome of the testing other than a fee for proctoring. Proctors cannot know in advance which questions are on the tests they are proctoring.

Proctors are required to verify the identity of individuals taking the test by examining photo identification. Acceptable forms of identification include but are not limited to drivers' licenses, government identification cards, passports, and military identification.

Certifying programs for Type I technicians using the mail-in format, must take sufficient measures at the test site to ensure that tests are completed honestly by each technician. Each test for Type I certification must provide a means of verifying the identification of the individual taking the test. Acceptable forms of identification include but are not limited to drivers' licenses numbers, social security numbers, and passport numbers.

c. Test Security

A certifying program must demonstrate the ability to ensure the confidentiality and security of the test questions and answer keys through strict accountability procedures. An organization interested in developing a technician certification program will be required to describe these test security procedures to EPA.

After the completion of a test, proctors must collect all test forms, answer sheets, scratch paper and notes. These items are to be placed in a sealed envelope.

d. Test Content

All technician certification tests will include 25 questions from Group I. Group I will ask questions in the following areas:

I. Environmental impact of CFCs and HCFCs

II. Laws and regulations

III. Changing industry outlook

Type I, Type II and Type III certification tests will include 25 questions from Group II. Group II will ask questions covering sector-specific issues in the following areas:

IV. Leak detection

V. Recovery Techniques

VI. Safety

VII. Shipping

VII. Disposal

Universal Certification will include 75 questions from Group II, with 25 from each of the three sector-specific areas.

e. Grading

Tests must be graded objectively. Certifying programs must inform the applicant of their test results no later than 30 days from the date of the test. Type I certifying programs using the mail-in format, must notify the applicants of their test results no later than 30 days from the date the certifying programs received the completed test and any required documentation. Certifying programs may mail or hand deliver the results.

The passing score for the closed-book Type I, Type II, Type III and Universal certification test is 70 percent. For Type I certification tests using the mail-in format, passing score is 84 percent.

f. Proof of Certification

Certifying programs must issue a standard wallet-sized identification card no later than 30 days from the date of the test. Type I certifying programs using mail-in formats must issue cards to certified technicians no later than 30 days from the date the certifying program receives the completed test and any required documentation.

Each wallet-sized identification card must include, at a minimum, the name of the certifying program including the date the certifying program received EPA approval, the name of the person certified, the type of certification, a unique number for the certified person and the following text:

[name of person] has been certified as [Type I, Type II, Type III and/or Universal—as appropriate] technician as required by 40 CFR part 82, subpart F.

g. Recordkeeping and Reporting Requirements

Certifying programs must maintain records for at least three years which include, but are not limited to, the names and addresses of all individuals taking the tests, the scores of all certification tests administered, and the dates and locations of all testing administered.

EPA must receive an activity report from all approved certifying programs by every January 30 and June 30, the first to be submitted following the first full six-month period for which the program has been approved by EPA. This report will include the pass/fail rate and testing schedules. This will allow the Agency to determine the relative progress and success of these programs. If the certifying program believes a test bank question needs to be modified, information about that question should also be included.

Approved certifying programs will receive a letter of approval from EPA. Each testing center must display a copy of that letter.

h. Additional Requirements

EPA will periodically inspect testing sites to ensure compliance with EPA regulations. If testing center discrepancies are found, they must be corrected within a specified time period. If discrepancies are not corrected, EPA may suspend or revoke the certifying programs's approval. The inspections will include but are not limited to a review of the certifying programs' provisions for test security, the availability of space and facilities to conduct the administrative requirements and ensure the security of the tests, the availability of adequate testing facilities and spacing of the applicants during testing, a review of the proper procedures regarding accountability, and that there is no evidence of misconduct on the part of the certifying programs, their representatives and proctors, or the applicants for certification.

If the certifying programs offer training or provide review materials to the applicants, these endeavors are to be considered completely separate from the administration of the certification test.

i. Approval Process

EPA anticipates receiving a large number of applications from organizations seeking to become certifying programs. In order to certify as many technicians as possible in a reasonable amount of time, EPA will give priority to national programs. Below are the guidelines EPA will use:

First: Certifying programs providing at least 25 testing centers with a minimum of one site in at least 8 different states will be considered.

Second: Certifying programs forming regional networks with a minimum of 10 testing centers will be considered.

Third: Certifying programs providing testing centers in geographically isolated areas not sufficiently covered by the national or regional programs will be considered.

Fourth: All other programs applying for EPA approval will be considered.

Sample application forms may be obtained by contacting the Stratopheric Ozone Hotline at 1–800–296–1996.

j. Grandfathering

EPA will grandfather technicians who successfully completed voluntary programs whose operators seek and receive EPA approval to grandfather these technicians, in accordance with §82.161(g). As part of this process, these certifying programs may be required to send EPA-approved supplementary information to ensure the level of the technicians' knowledge. Technicians will be required to read this supplementary information as a condition of certification. The certifying programs will also issue new identification cards meeting the requirements specified above.

k. Sample Application

EPA has provided a sample application. The Agency designed the application to demonstrate the information certifying programs must provide to EPA. Programs are not required to use this form or this format.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42960, 42962, Aug. 19, 1994; 59 FR 55927, Nov. 9, 1994]

Subpart G—Significant New Alternatives Policy Program

SOURCE: 59 FR 13147, Mar. 18, 1994, unless otherwise noted.

§ 82.170 Purpose and scope.

(a) The purpose of these regulations in this subpart is to implement section 612 of the Clean Air Act, as amended, regarding the safe alternatives policy on the acceptability of substitutes for ozone-depleting compounds. This program will henceforth be referred to as the ''Significant New Alternatives Policy'' (SNAP) program. The objectives of this program are to identify substitutes for ozone-depleting compounds, to evaluate the acceptability of those substitutes, to promote the use of those substitutes believed to present lower overall risks to human health and the environment, relative to the class I and class II compounds being replaced, as well as to other substitutes for the same end-use, and to prohibit the use of those substitutes found, based on the same comparisons, to increase overall risks.

(b) The regulations in this subpart describe persons and substitutes subject to reporting requirements under the SNAP program and explain preparation and submission of notices and petitions on substitutes. The regulations also establish Agency procedures for reviewing and processing EPA's determinations regarding notices and petitions on substitutes. Finally, the regulations prohibit the use of alternatives which EPA has determined may have adverse effects on human health or the environment where EPA has identified alternatives in particular industrial use sectors that on an overall basis, reduce risk to human health and the environment and are currently or potentially available. EPA will only prohibit substitutes where it has identified other substitutes for a specific application that are acceptable and are currently or potentially available.

(c) Notifications, petitions and other materials requested shall be sent to: SNAP Document Control Officer, U.S. Environmental Protection Agency (6205–J), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

§ 82.172 Definitions.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*

Agency means the U.S. Environmental Protection Agency.

Application means a specific use within a major industrial sector end-use.

Class I or class II means the specific ozone-depleting compounds described in section 602 of the Act.

Decision means any final determination made by the Agency under section 612 of the Act on the acceptability or unacceptability of a substitute for a class I or II compound.

EPA means the U.S. Environmental Protection Agency.

End-use means processes or classes of specific applications within major industrial sectors where a substitute is used to replace an ozone-depleting substance.

Formulator means any person engaged in the preparation or formulation of a substitute, after chemical manufacture of the substitute or its components, for distribution or use in commerce.

Health and safety study or *study* means any study of any effect of a substitute or its components on health and safety, or the environment or both, including underlying data and epidemiological studies, studies of occupational, ambient, and consumer exposure to a substitute, toxicological, clinical, and ecological, or other studies of a substitute and its components, and any other pertinent test. Chemical identity is always part of a health and safety study. Information which arises as a result of a formal, disciplined study is included in the definition. Also included is information relating to the effects of a substitute or its components on health or the environment. Any available data that bear on the effects of a substitute or its components on health or the environment would be included. Examples include:

(1) Long- and short-term tests of mutagenicity, carcinogenicity, or teratogenicity; data on behavioral disorders; dermatoxicity; pharmacological effects; mammalian absorption, distribution, metabolism, and excretion; cumulative, additive, and synergistic effects; acute, subchronic, and chronic effects; and structure/activity analyses;

(2) Tests for ecological or other environmental effects on invertebrates, fish, or other animals, and plants, including: Acute toxicity tests, chronic toxicity tests, critical life stage tests,

behavioral tests, algal growth tests, seed germination tests, microbial function tests, bioconcentration or bioaccumulation tests, and model ecosystem (microcosm) studies;

(3) Assessments of human and environmental exposure, including workplace exposure, and effects of a particular substitute on the environment, including surveys, tests, and studies of: Biological, photochemical, and chemical degradation; air, water and soil transport; biomagnification and bioconcentration; and chemical and physical properties, e.g., atmospheric lifetime, boiling point, vapor pressure, evaporation rates from soil and water, octanol/water partition coefficient, and water solubility;

(4) Monitoring data, when they have been aggregated and analyzed to measure the exposure of humans or the environment to a substitute; and

(5) Any assessments of risk to health or the environment resulting from the manufacture, processing, distribution in commerce, use, or disposal of the substitute or its components.

Importer means any person who imports a chemical substitute into the United States. *Importer* includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate:

(1) The consignee;

(2) The importer of record;

(3) The actual owner; and

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

Major Industrial Use Sector or Sector means an industrial category which EPA has reviewed under the SNAP program with historically high consumption patterns of ozone-depleting substances, including: Refrigeration and air conditioning; foam-blowing; fire suppression and explosion protection; solvents cleaning; aerosols; sterilants; tobacco expansion; pesticides; and adhesives, coatings and inks sectors.

Manufacturer means any person engaged in the direct manufacture of a substitute.

Mixture means any mixture or blend of two or more compounds.

Person includes an individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agent, or employee of such entities.

Pesticide has the meaning contained in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 *et seq.* and the regulations issued under it.

Potentially available is defined as any alternative for which adequate health, safety, and environmental data, as required for the SNAP notification process, exist to make a determination of acceptability, and which the Agency reasonably believes to be technically feasible, even if not all testing has yet been completed and the alternative is not yet produced or sold.

Premanufacture Notice (PMN) Program has the meaning described in 40 CFR part 720, subpart A promulgated under the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*

Producer means any person who manufactures, formulates or otherwise creates a substitute in its final form for distribution or use in interstate commerce.

Research and development means quantities of a substitute manufactured, imported, or processed or proposed to be manufactured, imported, or processed solely for research and development.

Residential use means use by a private individual of a chemical substance or any product containing the chemical substance in or around a permanent or temporary household, during recreation, or for any personal use or enjoyment. Use within a household for commercial or medical applications is not included in this definition, nor is use in automobiles, watercraft, or aircraft.

Significant new use means use of a new or existing substitute in a major industrial use sector as a result of the phaseout of ozone-depleting compounds.

Small uses means any use of a substitute in a sector other than a major industrial use sector, or production by any producer for use of a substitute in a major industrial sector of 10,000 lbs. or less per year.

Substitute or alternative means any chemical, product substitute, or alternative manufacturing process, whether existing or new, intended for use as a replacement for a class I or II compound.

Test marketing means the distribution in interstate commerce of a substitute to no more than a limited, defined number of potential customers to explore market viability in a competitive situation. Testing must be restricted to a defined testing period before the broader distribution of that substitute in interstate commerce.

Use means any use of a substitute for a Class I or Class II ozone-depleting compound, including but not limited to use in a manufacturing process or product, in consumption by the end-user, or in intermediate uses, such as formulation or packaging for other subsequent uses.

Use restrictions means restrictions on the use of a substitute imposing either conditions on how the substitute can be used across a sector end-use or limits on the end-uses or specific applications where it can be used within a sector.

§ 82.174 Prohibitions.

(a) No person may introduce a new substitute into interstate commerce before the expiration of 90 days after a notice is initially submitted to EPA under § 82.176(a).

(b) No person may use a substitute which a person knows or has reason to know was manufactured, processed or imported in violation of the regulations in this subpart, or knows or has reason to know was manufactured, processed or imported in violation of any use restriction in the acceptability determination, after the effective date of any rulemaking imposing such restrictions.

(c) No person may use a substitute without adhering to any use restrictions set by the acceptability decision, after the effective date of any rulemaking imposing such restrictions.

(d) No person may use a substitute after the effective date of any rulemaking adding such substitute to the list of unacceptable substitutes.

(e) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from December 8, 1994, to March 8, 1995, only as applied to use of substitutes for export.

[59 FR 13147, Mar. 18, 1994, as amended at 59 FR 63256, Dec. 8, 1994; 60 FR 3303, Jan. 13, 1995]

§ 82.176 Applicability.

(a) Any producer of a new substitute must submit a notice of intent to introduce a substitute into interstate commerce 90 days prior to such introduction. Any producer of an existing substitute already in interstate commerce must submit a notice as of July 18, 1994, if such substitute has not already been reviewed and approved by the Agency.

(b) With respect to the following substitutes, producers are exempt from notification requirements:

(1) *Substitutes already listed as acceptable.* Producers need not submit notices on substitutes that are already listed as acceptable under SNAP.

(2) *Small sectors.* Persons using substitutes in sectors other than the nine principal sectors reviewed under this program are exempt from the notification requirements. This exemption shall not be construed to nullify an unacceptability determination or to allow use of an otherwise unacceptable substitute.

(3) *Small volume use within SNAP sectors.* Within the nine principal SNAP sectors, persons introducing a substitute whose expected volume of use amounts to less than 10,000 lbs. per year within a SNAP sector are exempt from notification requirements. This exemption shall not be construed to allow use of an otherwise unacceptable substitute in any quantity. Persons taking advantage of this exemption for small uses must maintain documentation for each substitute describing how the substitute meets this small use definition. This documentation must include annual production and sales information by sector.

(4) *Research and development.* Production of substitutes for the sole purpose of research and development is exempt from reporting requirements.

(5) *Test marketing.* Use of substitutes for the sole purpose of test marketing

is exempt from SNAP notification requirements until 90 days prior to the introduction of such substitutes for full-scale commercial sale in interstate commerce. Persons taking advantage of this exemption are, however, required to notify the Agency in writing that they are conducting test marketing 30 days prior to the commencement of such marketing. Notification shall include the name of the substitute, the volume used in the test marketing, intended sector end-uses, and expected duration of the test marketing period.

(6) *Formulation changes.* In cases where replacement of class I or II compounds causes formulators to change other components in a product, formulators are exempt from reporting with respect to these auxiliary formulation changes. However, the SNAP submitter is required to notify the Agency if such changes are expected to significantly increase the environmental and human health risk associated with the use of any class I or class II substitute.

(7) *Substitutes used as feedstocks.* Producers of substitutes used as feedstocks which are largely or entirely consumed, transformed or destroyed in the manufacturing or use process are exempt from reporting requirements concerning such substitutes.

(c) Use of a substitute in the possession of an end-user as of March 18, 1994, listed as unacceptable or acceptable subject to narrowed use limits may continue until the individual end-users' existing supply, as of that date, of the substitute is exhausted. Use of substitutes purchased after March 18, 1994, is not permitted subsequent to April 18, 1994.

§ 82.178 Information required to be submitted.

(a) Persons whose substitutes are subject to reporting requirements pursuant to § 82.176 must provide the following information:

(1) *Name and description of the substitute.* The substitute should be identified by its: Chemical name; trade name(s); identification numbers; chemical formula; and chemical structure.

(2) *Physical and chemical information.* The substitute should be characterized by its key properties including but not limited to: Molecular weight; physical state; melting point; boiling point; density; taste and/or odor threshold; solubility; partition coefficients (Log K_{ow}, Log K_{oc}); atmospheric lifetime and vapor pressure.

(3) *Substitute applications.* Identification of the applications within each sector end-use in which the substitutes are likely to be used.

(4) *Process description.* For each application identified, descriptive data on processing, including in-place pollution controls.

(5) *Ozone depletion potential.* The predicted 100-year ozone depletion potential (ODP) of substitute chemicals. The submitter must also provide supporting documentation or references.

(6) *Global warming impacts.* Data on the total global warming potential of the substitute, including information on the GWP index and the indirect contributions to global warming caused by the production or use of the substitute (e.g., changes in energy efficiency). GWP must be calculated over a 100, 500 and 1000-year integrated time horizon.

(7) *Toxicity data.* Health and safety studies on the effects of a substitute, its components, its impurities, and its degradation products on any organism (e.g., humans, mammals, fish, wildlife, and plants). For tests on mammals, the Agency requires a minimum submission of the following tests to characterize substitute risks: A range-finding study that considers the appropriate exposure pathway for the specific use (e.g., oral ingestion, inhalation, etc.), and a 90-day subchronic repeated dose study in an appropriate rodent species. For certain substitutes, a cardiotoxicity study is also required. Additional mammalian toxicity tests may be identified based on the substitute and application in question. To sufficiently characterize aquatic toxicity concerns, both acute and chronic toxicity data for a variety of species are required. For this purpose, the Agency requires a minimum data set as described in ''Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and their Uses,'' which is available through the National Technical Information Service (#PB 85–227049). Other relevant information and

data summaries, such as the Material Safety Data Sheets (MSDS), should also be submitted. To assist in locating any studies previously submitted to EPA and referred to, but not included in a SNAP submission, the submitter must provide citations for the date, type of submission, and EPA Office to which they were submitted, to help EPA locate these quickly.

(8) *Environmental fate and transport.* Where available, information must be submitted on the environmental fate and transport of substitutes. Such data shall include information on bioaccumulation, biodegradation, adsorption, volatility, transformation, and other data necessary to characterize movement and reaction of substitutes in the environment.

(9) *Flammability.* Data on the flammability of a substitute chemical or mixture are required. Specifically, the flash point and flammability limits are needed, as well as information on the procedures used for determining the flammability limits. Testing of blends should identify the compositions for which the blend itself is flammable and include fractionation data on changes in the composition of the blend during various leak scenarios. For substitutes that will be used in consumer applications, documentation of testing results conducted by independent laboratories should be submitted, where available. If a substitute is flammable, the submitter must analyze the risk of fire resulting from the use of such a substitute and assess the effectiveness of measures to minimize such risk.

(10) *Exposure data.* Available modeling or monitoring data on exposures associated with the manufacture, formulation, transport, use and disposal of a substitute. Descriptive process information for each substitute application, as described above, will be used to develop exposure estimates where exposure data are not readily available. Depending on the application, exposure profiles may be needed for workers, consumers, and the general population.

(11) *Environmental release data.* Data on emissions from the substitute application and equipment, as well as on pollutant releases or discharge to all environmental media. Submitters should provide information on release locations, and data on the quantities, including volume, of anticipated waste associated with the use of the substitute. In addition, information on anticipated waste management practices associated with the use of the substitute. Any available information on any pollution controls used or that could be used in association with the substitute (e.g., emissions reduction technologies, wastewater treatment, treatment of hazardous waste) and the costs of such technology must also be submitted.

(12) *Replacement ratio for a chemical substitute.* Information on the replacement ratio for a chemical substitute versus the class I or II substances being replaced. The term ''replacement ratio'' means how much of a substitute must be used to replace a given quantity of the class I or II substance being replaced.

(13) *Required changes in use technology.* Detail on the changes in technology needed to use the alternative. Such information should include a description of whether the substitute can be used in existing equipment—with or without some retrofit—or only in new equipment. Data on the cost (capital and operating expenditures) and estimated life of any technology modifications should also be submitted.

(14) *Cost of substitute.* Data on the expected average cost of the alternative. In addition, information is needed on the expected equipment lifetime for an alternative technology. Other critical cost considerations should be identified, as appropriate.

(15) *Availability of substitute.* If the substitute is not currently available, the timing of availability of a substitute should be provided.

(16) *Anticipated market share.* Data on the anticipated near-term and long-term nationwide substitute sales.

(17) *Applicable regulations under other environmental statutes.* Information on whether the substitute is regulated under other statutory authorities, in particular the Clean Water Act, Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation

and Liability Act, the Emergency Planning and Community Right-to-Know Act, or other titles under the Clean Air Act.

(18) *Information already submitted to the Agency.* Information requested in the SNAP program notice that has been previously submitted to the Agency as part of past regulatory and information-gathering activities may be referenced rather than resubmitted. Submitters who cannot provide accurate references to data sent previously to the Agency should include all requested information in the SNAP notice.

(19) *Information already available in the literature.* If any of the data needed to complete the SNAP program notice are available in the public literature, complete references for such information should be provided.

(b) The Significant New Alternatives Policy (SNAP) Information Notice is designed to provide the Agency with the information necessary to reach a decision on the acceptability of a substitute.

(1) Submitters requesting review under the SNAP program should send the completed SNAP notice to: SNAP Document Control Officer, U.S. Environmental Protection Agency (6205–J), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(2) Submitters filing jointly under SNAP and the Premanufacture Notice Program (PMN) should send the SNAP addendum along with the PMN form to: PMN Document Control Officer, U.S. Environmental Protection Agency (7407), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Submitters must also send both documents to the SNAP program, with a reference to indicate the notice has been furnished to the Agency under the PMN program. Submitters providing information on new chemicals for joint review under the TSCA and SNAP programs may be required to supply additional toxicity data under TSCA section 5.

(3) Submitters filing jointly under SNAP and under the Federal Insecticide, Fungicide, and Rodenticide Act should send the SNAP form to the Office of Pesticide Programs, Registration Division, (7505C) 1200 Pennsylvania Ave., NW., Washington, DC 20460, as well as to the SNAP Document Control Officer.

§ 82.180 Agency review of SNAP submissions.

(a) *Processing of SNAP notices*—(1) *90–day review process.* The 90-day review process will begin once EPA receives a submission and determines that such submission includes data on the substitute that are complete and adequate, as described in § 82.178. The Agency may suspend or extend the review period to allow for submission of additional data needed to complete the review of the notice.

(2) *Initial review of notice.* The SNAP Document Control Officer will review the notice to ensure that basic information necessary to process the submission is present (i.e., name of company, identification of substitute, etc.). The SNAP Document Control Officer will also review substantiation of any claim of confidentiality.

(3) *Determination of data adequacy.* Upon receipt of the SNAP submission, the Agency will review the completeness of the information supporting the application. If additional data are needed, the submitter will be contacted following completion of this review. The 90-day review period will not commence until EPA has received data it judges adequate to support analysis of the submission.

(4) *Letter of receipt.* The SNAP Document Control Officer will send a letter of receipt to the submitter to confirm the date of notification and the beginning of EPA's 90-day review period. The SNAP Document Control Officer will also assign the SNAP notice a tracking number, which will be identified in the letter of receipt.

(5) *Availability of new information during review period.* If critical new information becomes available during the review period that may influence the Agency's evaluation of a substitute, the submitter must notify the Agency about the existence of such information within 10 days of learning of such data. The submitter must also inform the Agency of new studies underway, even if the results will not be available within the 90-day review period. The Agency may contact the submitter to

explore extending or suspending the review period depending on the type of information received and the stage of review.

(6) *Completion of detailed review.* Once the initial data review, described in paragraphs (a)(2) and (3) of this section, has been completed, the Agency will complete a detailed evaluation of the notice. If during any time the Agency perceives a lack of information necessary to reach a SNAP determination, it will contact the submitter and request the missing data.

(7) *Criteria for review.* To determine whether a substitute is acceptable or unacceptable as a replacement for class I or II compounds, the Agency will evaluate:

(i) Atmospheric effects and related health and environmental impacts;

(ii) General population risks from ambient exposure to compounds with direct toxicity and to increased ground-level ozone;

(iii) Ecosystem risks;

(iv) Occupational risks;

(v) Consumer risks;

(vi) Flammability; and

(vii) Cost and availability of the substitute.

(8) *Communication of decision*—(i) *Communication of decision to the submitter.* Once the SNAP program review has been completed, the Agency will notify the submitter in writing of the decision. Sale or manufacture of new substitutes may commence after the initial 90-day notification period expires even if the Agency fails to reach a decision within the 90-day review period or fails to communicate that decision or the need for additional data to the submitter. Sale or manufacture of existing substitutes may continue throughout the Agency's 90-day review.

(ii) *Communication of decision to the public.* The Agency will publish in the FEDERAL REGISTER periodic updates to the list of the acceptable and unacceptable alternatives that have been reviewed to date. In the case of substitutes proposed as acceptable with use restrictions, proposed as unacceptable or proposed for removal from either list, a rulemaking process will ensue. Upon completion of such rulemaking, EPA will publish revised lists of substitutes acceptable subject to use conditions or narrowed use limits and unacceptable substitutes to be incorporated into the Code of Federal Regulations. (See Appendices to this subpart.)

(b) *Types of listing decisions.* When reviewing substitutes, the Agency will list substitutes in one of five categories:

(1) *Acceptable.* Where the Agency has reviewed a substitute and found no reason to prohibit its use, it will list the alternative as acceptable for the end-uses listed in the notice.

(2) *Acceptable subject to use conditions.* After reviewing a notice, the Agency may make a determination that a substitute is acceptable only if conditions of use are met to minimize risks to human health and the environment. Where users intending to adopt a substitute acceptable subject to use conditions must make reasonable efforts to ascertain that other alternatives are not feasible due to safety, performance or technical reasons, documentation of this assessment must be retained on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives, e.g., performance, technical or safety standards. Use of such substitutes in ways that are inconsistent with such use conditions renders them unacceptable.

(3) *Acceptable subject to narrowed use limits.* Even though the Agency can restrict the use of a substitute based on the potential for adverse effects, it may be necessary to permit a narrowed range of use within a sector end-use because of the lack of alternatives for specialized applications. Users intending to adopt a substitute acceptable with narrowed use limits must ascertain that other alternatives are not technically feasible. Companies must document the results of their evaluation, and retain the results on file for the purpose of demonstrating compliance. This documentation shall include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives, e.g.,

performance, technical or safety standards, and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. Use of such substitutes in applications and end-uses which are not specified as acceptable in the narrowed use limit renders them unacceptable.

(4) *Unacceptable.* This designation will apply to substitutes where the Agency's review indicates that the substitute poses risk of adverse effects to human health and the environment and that other alternatives exist that reduce overall risk.

(5) *Pending.* Submissions for which the Agency has not reached a determination will be described as pending. For all substitutes in this category, the Agency will work with the submitter to obtain any missing information and to determine a schedule for providing the missing information if the Agency wishes to extend the 90-day review period. EPA will use the authority under section 114 of the Clean Air Act to gather this information, if necessary. In some instances, the Agency may also explore using additional statutory provisions (e.g., section 5 of TSCA) to collect the needed data.

(c) *Joint processing under SNAP and TSCA.* The Agency will coordinate reviews of substitutes submitted for evaluation under both the TSCA PMN program and the CAA.

(d) *Joint processing under SNAP and FIFRA.* The Agency will coordinate reviews of substitutes submitted for evaluation under both FIFRA and the CAA.

[59 FR 13147, Mar. 18, 1994, as amended at 61 FR 25592, May 22, 1996; 61 FR 54039, Oct. 16, 1996]

§ 82.182 Confidentiality of data.

(a) *Clean Air Act provisions.* Anyone submitting information must assert a claim of confidentiality at the time of submission for any data they wish to have treated as confidential business information (CBI) under 40 CFR part 2, subpart B. Failure to assert a claim of confidentiality at the time of submission may result in disclosure of the information by the Agency without further notice to the submitter. The submitter should also be aware that under section 114(c), emissions data may not be claimed as confidential.

(b) *Substantiation of confidentiality claims.* At the time of submission, EPA requires substantiation of any confidentiality claims made. Failure to provide any substantiation may result in disclosure of information without further notice by the Agency. All submissions must include adequate substantiation in order for an acceptability determination on a substitute to be published. Moreover, under 40 CFR part 2, subpart B, there are further instances in which confidentiality assertions may later be reviewed even when confidentiality claims are initially received. The submitter will also be contacted as part of such an evaluation process.

(c) *Confidentiality provisions for toxicity data.* In the event that toxicity or health and safety studies are listed as confidential, this information cannot be maintained as confidential where such data are also submitted under TSCA or FIFRA, to the extent that confidential treatment is prohibited under those statutes. However, information contained in a toxicity study that is not health and safety data and is not relevant to the effects of a substance on human health and the environment (e.g., discussion of process information, proprietary blends) can be maintained as confidential subject to 40 CFR part 2, subpart B.

(d) *Joint submissions under other statutes.* Information submitted as part of a joint submission to either SNAP/TSCA or SNAP/FIFRA must adhere to the security provisions of the program offices implementing these statutes. For such submissions, the SNAP handling of such notices will follow the security provisions under these statutes.

§ 82.184 Petitions.

(a) *Who may petition.* Any person may petition the Agency to amend existing listing decisions under the SNAP program, or to add a new substance to any of the SNAP lists.

(b) *Types of petitions.* Five types of petitions exist:

(1) Petitions to add a substitute not previously reviewed under the SNAP program to the acceptable list. This type of petition is comparable to the

90-day notifications, except that it would generally be initiated by entities other than the companies that manufacture, formulate, or otherwise use the substitute. Companies that manufacture, formulate, or use substitutes that want to have their substitutes added to the acceptable list should submit information on the substitute under the 90-day review program;

(2) Petitions to add a substitute not previously reviewed under the SNAP program to the unacceptable list;

(3) Petitions to delete a substitute from the acceptable list and add it to the unacceptable list or to delete a substitute from the unacceptable and add it to the acceptable list;

(4) Petitions to add or delete use restrictions on an acceptability listing.

(5) Petitions to grandfather use of a substitute listed as unacceptable or acceptable subject to use restrictions.

(c) *Content of the petition.* The Agency requires that the petitioner submit information on the type of action requested and the rationale for the petition. Petitions in paragraphs (b)(1) and (2) of this section must contain the information described in §82.178, which lists the items to be submitted in a 90-day notification. For petitions that request the re-examination of a substitute previously reviewed under the SNAP program, the submitter must also reference the prior submittal or existing listing. Petitions to grandfather use of an unacceptable substitute must describe the applicability of the test to judge the appropriateness of Agency grandfathering as established by the United States District Court for the District of Columbia Circuit (see *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir. 1983)). This test includes whether the new rule represents an abrupt departure from previously established practice, the extent to which a party relied on the previous rule, the degree of burden which application of the new rule would impose on the party, and the statutory interest in applying the new rule immediately.

(d) *Petition process.* (1) Notification of affected companies. If the petition concerns a substitute previously either approved or restricted under the SNAP program, the Agency will contact the original submitter of that substitute.

(2) *Review for data adequacy.* The Agency will review the petition for adequacy of data. As with a 90-day notice, the Agency may suspend review until the petitioner submits the information necessary to evaluate the petition. To reach a timely decision on substitutes, EPA may use collection authorities such as those contained in section 114 of the Clean Air Act as amended, as well as information collection provisions of other environmental statutes.

(3) *Review procedures.* To evaluate the petition, the Agency may submit the petition for review to appropriate experts inside and outside the Agency.

(4) *Timing of determinations.* If data are adequate, as described in §82.180, the Agency will respond to the petition within 90 days of receiving a complete petition. If the petition is inadequately supported, the Agency will query the petitioner to fill any data gaps before the 90-day review period begins, or may deny the petition because data are inadequate.

(5) *Rulemaking procedures.* EPA will initiate rulemaking whenever EPA grants a petition to add a substance to the list of unacceptable substitutes, remove a substance from any list, or change or create an acceptable listing by imposing or deleting use conditions or use limits.

(6) *Communication of decision.* The Agency will inform petitioners within 90 days of receiving a complete petition whether their request has been granted or denied. If a petition is denied, the Agency will publish in the FEDERAL REGISTER an explanation of the determination. If a petition is granted, the Agency will publish the revised SNAP list incorporating the final petition decision within 6 months of reaching a determination or in the next scheduled update, if sooner, provided any required rulemaking has been completed within the shorter period.

APPENDIX A TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES

REFRIGERANTS

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
CFC–11 centrifugal chillers (retrofit).	HCFC–141b	Unacceptable	Has a high ODP relative to other alternatives.
CFC–12 centrifugal chillers (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can used safely in this end-use.
CFC–11, CFC–12, CFC–113, CFC–114, R–500 centrifugal chillers (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocabon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
	HCFC–141b	Unacceptable	Has a high ODP relative to other alternatives.
CFC–12 reciprocating chillers (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 reciprocating chillers (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–11, CFC–12, R–502 industrial process refrigeration (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
CFC–11, CFC–12, R–502 industrial process refrigeration (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
CFC–12, R–502 ice skating rinks (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 ice skating rinks (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 cold storage warehouses (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 cold storage warehouses (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–500, R–502 refrigerated transport (retrofit).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–500, R–502 refrigerated transport (new equipment/NIKs).	HCFC–22/HFC–142b/ CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.

REFRIGERANTS—Continued

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
CFC–12, R–502 retail food refrigeration (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 retail food refrigeration (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 commercial ice machines (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 commercial ice machines (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 vending machines (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 vending machines (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, water coolers (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, water coolers (New equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, household refrigerators (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, household refrigerators (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, R–502 household freezers (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, 502 household freezers (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.

REFRIGERANTS—Continued

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, R–500 residential dehumidifiers (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, R–500 residential dehumidifiers (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, motor vehicle air conditioners (retrofit).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFR–12, motor vehicle air conditioners (new equipment/NIKs).	HCFC–22/HFC–142b/CFC–12.	Unacceptable	As a blend of both Class I and Class II substances, it has a higher ODP than use of Class II substances.
	Hydrocarbon blend A	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be sued safely in this end-use.

FOAMS

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
CFC–11 Polyolefin	HCFC–141b (or blends thereof).	Unacceptable	HCFC–141b has an ODP of 0.11, almost equivalent to that of methyl chloroform, a Class I substance. The Agency believes that non-ODP alternatives are sufficiently available to render the use of HCFC–141b unnecessary in polyolefin foams.

SUBSTITUTES ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Comments
Electronics cleaning w/ CFC–113, MCF.	Perfluoro-carbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16).	Acceptable for high-performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	The principal environmental characteristic of concern for PFCs is that they have long atmospheric lifetimes and high global warming potentials. Although actual contributions to global warming depend upon the quantities of PFCs emitted, the effects are for practical purposes irreversible. Users must observe this limitation on PFC acceptability by conducting a reasonable evaluation of other substitutes to determine that PFC use is necessary to meet performance or safety requirements. Documentation of this evaluation must be kept on file. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the Preamble for this rulemaking.

SUBSTITUTES ACCEPTABLE SUBJECT TO NARROWED USE LIMITS—Continued

End-use	Substitute	Decision	Comments
Precision cleaning w/ CFC–113, MCF.	Perfluoro-carbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16).	Acceptable for high-performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	The principal environmental characteristic of concern for PFCs is that they have long atmospheric lifetimes and high global warming potentials. Although actual contributions to global warming depend upon the quantities of PFCs emitted, the effects are for practical purposes irreversible. Users must observe this limitation on PFC acceptability by conducting a reasonable evaluation of other substitutes to determine that PFC use is necessary to meet performance or safety requirements. Documentation of this evaluation must be kept on file. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the Preamble for this rulemaking.

UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Metals cleaning w/CFC–113.	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment. EPA will grant, if necessary, narrowed use acceptability listings for CFC–113 past the effective date of the prohibition.
Metals cleaning w/MCF ..	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment.
Electronics cleaning w/ CFC–113.	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment. EPA will grant, if necessary, narrowed use acceptability listings for CFC–113 past the effective date of the prohibition.
Electronics cleaning w/ MCF.	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment.
Precision cleaning w/ CFC–113.	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment. EPA will grant, if necessary, narrowed use acceptability listings for CFC–113 past the effective date of the prohibition.
Precision cleaning w/ MCF.	HCFC 141b and its blends.	Unacceptable	High ODP; other alternatives exist. Effective date: As of 30 days after final rule for uses in new equipment (including retrofits made after the effective date); as of January 1, 1996, for uses in existing equipment.

FIRE SUPPRESSION AND EXPLOSION PROTECTION STREAMING AGENTS

Substitutes Acceptable Subject to Narrowed Use Limits

End-use	Substitute	Decision	Conditions	Comments
Halon 1211 Streaming Agents.	[CFC Blend]	Acceptable in non-residential uses only.		Use of CFCs are controlled under CAA section 610 which bans use of CFCs in pressurized dispensers, and therefore are not permitted for use in portable fire extinguishers. EPA will list this agent as proposed unacceptable in the next SNAP proposed rulemaking. Because CFCs are a Class I substance, production will be phased out by January 1, 1996. See additional comments 1, 2.
	HBFC–22B1		Acceptable in nonresidential uses only.	Proper procedures regarding the operation of the extinguisher and ventilation following dispensing the extinguishant is recommended. Worker exposure may be a concern in small office areas. HBFC–22B1 is considered an interim substitute for Halon 1211. Because the HBFC–22B1 has an ODP of .74, production will be phased out (except for essential uses) on January 1, 1996. This agent was submitted to the Agency as a Premanufacture Notice (PMN) and is presently subject to requirements contained in a Toxic Substance Control Act (TSCA) Consent Order. See additional comments 1, 2.
	C_6F_{14}	Acceptable for non-residential uses where other alternatives are not technically feasible due to performance or safety requirements:.		Users must observe the limitations on PFC acceptability by making reasonable effort to undertake the following measures: (i) conduct an evaluation of foreseeable conditions of end use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and
		a. due to the physical or chemical properties of the agent, or.		(iii) determine that human exposure to the other alternative extinguishing agents may approach or result in cardiosensitization or other unacceptable toxicity effects under normal operating conditions; Documentation of such measures must be available for review upon request.
		b. where human exposure to the extinguishing agent may approach cardiosensitization levels or result in other unacceptable health effects under normal operating conditions.		The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the description of potential uses which is included in the preamble to this rulemaking. See additional comments 1, 2.

Additional Comments:

1—Discharge testing and training should be strictly limited only to that which is essential to meet safety or performance requirements.

2—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

FIRE SUPPRESSION AND EXPLOSION PROTECTION STREAMING AGENTS

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
Halon 1211 Streaming Agents.	[CFC–11]	Unacceptable	This agent has been suggested for use on large outdoor fires for which non-ozone depleting alternatives are currently used.

[59 FR 13147, Mar. 18, 1994, as amended at 67 FR 4200, Jan. 29, 2002]

APPENDIX B TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS

Application	Substitute	Decision	Conditions	Comments
CFC–12 Automobile Motor Vehicle Air Conditioning (Retrofit and New Equipment/NIKS).	HFC–134a, R–401C, HCFC Blend Beta.	Acceptable	—must be used with unique fittings. —must be used with detailed labels. —all CFC–12 must be removed from the system prior to retrofitting. Refer to the text for a full description.	EPA is concerned that the existence of several substitutes in this end-use may increase the likelihood of significant refrigerant cross-contamination and potential failure of both air conditioning systems and recovery/recycling equipment. For the purposes of this rule, no distinction is made between ''retrofit'' and ''drop-in'' refrigerants; retrofitting a car to use a new refrigerant includes all procedures that result in the air conditioning system using a new refrigerant.

REFRIGERANTS—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Comments
CFC–11, CFC–12, CFC–113, CFC–114, CFC–115 Non-Mechanical Heat Transfer, New.	C_3F_8, C_4F_{10}, C_5F_{12}, $C_5F_{11}NO$, C_6F_{14}, $C_6F_{13}NO$, C_7F_{16}, $C_7F_{15}NO$, C_8F_{18}, $C_8F_{16}O$, and $C_9F_{21}N$.	Acceptable only where no other alternatives are technically feasible due to safety or performance requirements.	Users must observe the limitations on PFC acceptability by determining that the physical or chemical properties or other technical constraints of the other available agents preclude their use. Documentation of such measures must be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. EPA strongly recommends recovery and recycling of these substitutes.

REFRIGERANTS—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
CFC–11, CFC–12, CFC–113, CFC–114, R–500 Centrifugal Chillers (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 Reciprocating Chillers (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–11, CFC–12, R–502 Industrial Process Refrigeration (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.

REFRIGERANTS—UNACCEPTABLE SUBSTITUTES—Continued

End-use	Substitute	Decision	Comments
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
CFC–12, R–502 Ice Skating Rinks (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 Cold Storage Warehouses (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–500, R–502 Refrigerated Transport (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 Retail Food Refrigeration (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 Commercial Ice Machines (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 Vending Machines (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 Water Coolers (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.

REFRIGERANTS—UNACCEPTABLE SUBSTITUTES—Continued

End-use	Substitute	Decision	Comments
CFC–12 Household Refrigerators (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–502 Household Freezers (Retrofit and New Equipment/NIKs).	R–403B	Unacceptable	R–403B contains R–218, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12, R–500 Residential Dehumidifiers (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
CFC–12 Motor Vehicle Air Conditioners (Retrofit and New Equipment/NIKs).	R–405A	Unacceptable	R–405A contains R–c318, a PFC, which has an extremely high GWP and lifetime. Other substitutes exist which do not contain PFCs.
	Hydrocarbon Blend B	Unacceptable	Flammability is a serious concern. Data have not been submitted to demonstrate it can be used safely in this end-use.
	Flammable Substitutes.	Unacceptable	The risks associated with using flammable substitutes in this end-use have not been addressed by a risk assessment.

SOLVENT CLEANING SECTOR—ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
Electronics Cleaning w/CFC–113, MCF.	HCFC–225 ca/cb	Acceptable	Subject to the company set exposure limit of 25 ppm of the -ca isomer.	HCFC–225 ca/cb blend is offered as a 45%-ca/55%-cb blend. The company set exposure limit of the -ca isomer is 25 ppm. The company set exposure limit of the -cb isomer is 250 ppm. It is the Agency's opinion that with the low emission cold cleaning and vapor degreasing equipment designed for this use, the 25 ppm limit of the HCFC–225 ca isomer can be met. The company is submitting further exposure monitoring data.

SOLVENT CLEANING SECTOR—ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES—Continued

Application	Substitute	Decision	Conditions	Comments
Precision Cleaning w/ CFC–113, MCF.	HCFC–225 ca/cb	Acceptable	Subject to the company set exposure limit of 25 ppm of the -ca isomer.	HCFC–225 ca/cb blend is offered as a 45%-ca/55%-cb blend. The company set exposure limit of the -ca isomer is 25 ppm. The company set exposure limit of the -cb isomer is 250 ppm. It is the Agency's opinion that with the low emission cold cleaning and vapor degreasing equipment designed for this use, the 25 ppm limit of the HCFC–225 ca isomer can be met. The company is submitting further exposure monitoring data.

SOLVENT CLEANING SECTOR—UNACCEPTABLE SUBSTITUTES

End use	Substitute	Decision	Comments
Metals cleaning w/CFC–113	Dibromomethane	Unacceptable	High ODP; other alternatives exist.
Metals cleaning w/MCF	Dibromomethane	Unacceptable	High ODP; other alternatives exist.
Electronics cleaning w/CFC–113.	Dibromomethane	Unacceptable	High ODP; other alternatives exist.
Electronics cleaning w/MCF ..	Dibromomethane	Unacceptable	High ODP; other alternatives exist.
Precision cleaning w/CFC–113.	Dibromomethane	Unacceptable	High ODP; other alternatives exist.
Precision cleaning w/MCF	Dibromomethane	Unacceptable	High ODP; other alternatives exist.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO USE CONDITIONS: TOTAL FLOODING AGENTS

Application	Substitute	Decision	Conditions	Comments
Halon 1301 Total Flooding Agents.	Inert Gas/Powdered Aerosol Blend.	Acceptable as a Halon 1301 substitute in normally unoccupied areas.	In areas where personnel could possibly be present, as in a cargo area, EPA requires that the employer shall provide a pre-discharge employee alarm capable of being perceived above ambient light or noise levels for alerting employees before system discharge. The pre-discharge alarm shall provide employees time to safely exit the discharge area prior to system discharge.	The manufacturer's SNAP application requested listing for use in unoccupied areas only. See additional comment 2.

Additional Comments

1—Must conform with OSHA 29 CFR 1910 Subpart L Section 1910.160 of the U.S. Code. You should use clean agents in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.

2—Per OSHA requirements, protective gear (SCBA) must be available in the event personnel must enter/reenter the area.

3—Discharge testing should be strictly limited only to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: TOTAL FLOODING AGENTS

End-use	Substitute	Decision	Conditions	Further information
Total flooding ...	Sulfurhexafluoride (SF_6).	Acceptable subject to narrowed use in limits.	May be used as a discharge test agent in military uses and in civilian aircraft uses only.	This agent has an atmospheric lifetime greater than 1,000 years, with an estimated 100-year, 500-year, and 1,000-year GWP of 16,100, 26,110 and 32,803 respectively. Users should limit testing only to that which is essential to meet safety or performance requirements. This agent is only used to test new Halon 1301 systems. See additional comments 1, 2, 3, 4, 5.
Total flooding ...	CF_3I	Acceptable subject to narrowed use limits.	Use only in normally unoccupied areas.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Manufacturer has not applied for listing for use in normally occupied areas. Preliminary cardiosensitization data indicates that this agent would not be suitable for use in normally occupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Must conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—UNACCEPTABLE SUBSTITUTES

Application	Substitute	Decision	Comments
Halon 1301 Total Flooding Agents.	HFC–32	Unacceptable	Data indicate that HFC–32 is flammable and therefore is not suitable as a halon substitute.

[60 FR 31103, June 13, 1995, as amended at 67 FR 4200, Jan. 29, 2002]

APPENDIX C TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES LISTED IN THE MAY 22, 1996 FINAL RULE, EFFECTIVE JUNE 21, 1996

REFRIGERATION AND AIR CONDITIONING SECTOR—ACCEPTABLE SUBJECT TO USE CONDITIONS

HCFC Blend Delta and Blend Zeta are acceptable subject to the following conditions when used to retrofit a CFC–12 motor vehicle air conditioning system:

1. Each refrigerant may only be used with a set of fittings that is unique to that refrigerant. These fittings (male or female, as appropriate) must be used with all containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all air conditioning system service ports. These fittings must be designed to mechanically prevent cross-charging with another refrigerant. A refrigerant may only be used with the fittings and can taps specifically intended for that refrigerant. Using an adapter or deliberately modifying a fitting to use a different refrigerant will be a violation of this use condition. In addition, fittings shall meet the following criteria, derived from Society of Automotive Engineers (SAE) standards and recommended practices:

a. When existing CFC–12 service ports are to be retrofitted, conversion assemblies shall attach to the CFC–12 fitting with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that permanently prevents the assembly from being removed.

b. All conversion assemblies and new service ports must satisfy the vibration testing requirements of sections 3.2.1 or 3.2.2 of SAE J1660, as applicable, excluding references to SAE J639 and SAE J2064, which are specific to HFC–134a.

c. In order to prevent discharge of refrigerant to the atmosphere, systems shall have a device to limit compressor operation before the pressure relief device will vent refrigerant. This requirement is waived for systems that do not feature such a pressure relief device.

d. All CFC–12 service ports not retrofitted with conversion assemblies shall be rendered permanently incompatible for use with CFC–12 related service equipment by fitting with a device attached with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that prevents the device from being removed.

2. When a retrofit is performed, a label must be used as follows:

a. The person conducting the retrofit must apply a label to the air conditioning system in the engine compartment that contains the following information:

i. The name and address of the technician and the company performing the retrofit.

ii. The date of the retrofit.

iii. The trade name, charge amount, and, when applicable, the ASHRAE refrigerant numerical designation of the refrigerant.

iv. The type, manufacturer, and amount of lubricant used.

v. If the refrigerant is or contains an ozone-depleting substance, the phrase ''ozone depleter.''

vi. If the refrigerant displays flammability limits as measured according to ASTM E681, the statement ''This refrigerant is FLAMMABLE. Take appropriate precautions.''

b. This label must be large enough to be easily read and must be permanent.

c. The background color must be unique to the refrigerant.

d. The label must be affixed to the system over information related to the previous refrigerant, in a location not normally replaced during vehicle repair.

e. Information on the previous refrigerant that cannot be covered by the new label must be permanently rendered unreadable.

3. No substitute refrigerant may be used to ''top-off'' a system that uses another refrigerant. The original refrigerant must be recovered in accordance with regulations issued under section 609 of the CAA prior to charging with a substitute.

SOLVENT CLEANING SECTOR—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
Metals Cleaning with CFC–113, MCF and HCFC–141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.
Electronics Cleaning w/ CFC–113, MCF and HCFC–141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.
Precision Cleaning w/ CFC–113, MCF and HCFC–141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: STREAMING AGENTS

Application	Substitute	Decision	Comments
Halon 1211 ..... Streaming Agents	CF_3I	Acceptable in non-residential uses only.	

AEROSOLS—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
CFC–113, MCF and HCFC–141b as solvent.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

ADHESIVES, COATINGS AND INKS—PROPOSED ACCEPTABLE SUBJECT TO USE CONDITIONS SUBSTITUTES

Application	Substitute	Decision	Conditions	Comments
CFC–113, MCF and HCFC–141b.	Monochlorotoluenes and benzotrifluorides.	Acceptable	Subject to a 50 ppm workplace standard for monochlorotoluenes and a 25 ppm standard for benzotrifluorides.	The workplace standard for monochlorotoluenes is based on an OSHA PEL of 50 ppm for orthochlorotoluene. The workplace standard for benzotrifluorides is based on a recent toxicology study.

[61 FR 25592, May 22, 1996, as amended at 67 FR 4201, Jan. 29, 2002]

EFFECTIVE DATE NOTE: At 61 FR 25592, May 22, 1996, Appendix C to Part 82 Subpart G was added. This appendix contains information collection and recordkeeping requirements which will not become effective until approval has been given by the Office of Management and Budget.

APPENDIX D TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES

Summary of Decisions

Refrigeration and Air Conditioning Sector Acceptable Subject to Use Conditions

R–406A/''GHG''/''McCool'', ''GHG–HP'', ''GHG–X4''/''Autofrost''/''Chill-It'', and ''Hot Shot''/''Kar Kool'' are acceptable substitutes for CFC–12 in retrofitted motor vehicle air conditioning systems (MVACs) subject to the use condition that a retrofit to these refrigerants must include replacing non-barrier hoses with barrier hoses.

For all refrigerants submitted for use in motor vehicle air conditioning systems, subsequent to the effective date of this FRM, in addition to the information previously required in the March 18, 1994 final SNAP rule (58 FR 13044), SNAP submissions must include specifications for the fittings similar to those found in SAE J639, samples of all fittings, and the detailed label described below at the same time as the initial SNAP submission, or the submission will be considered incomplete. Under section 612 of the Clean Air Act, substitutes for which submissions are incomplete may not be sold or used, regardless of other acceptability determinations, and the prohibition against sale of a new refrigerant will not end until 90 days after EPA determines the submission is complete.

In addition, the use of a) R–406A/''GHG''/''McCool'', ''GHG–HP'', ''GHG–X4/''Autofrost''/''Chill-It'', ''Hot Shot''/''Kar Kool'', and ''FREEZE 12'' as CFC–12 substitutes in MVACs, and b) all refrigerants submitted for, and listed in, subsequent Notices of Acceptability as substitutes for CFC–12 in MVACs, must meet the following conditions:

1. Each refrigerant may only be used with a set of fittings that is unique to that refrigerant. These fittings (male or female, as appropriate) must be designed by the manufacturer of the refrigerant. The manufacturer is responsible to ensure that the fittings meet all of the requirements listed below, including testing according to SAE standards. These fittings must be designed to mechanically prevent cross-charging with another refrigerant, including CFC–12.

The fittings must be used on all containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all air conditioning system service ports. A refrigerant may only be used with the fittings and can taps specifically intended for that refrigerant and designed by the manufacturer of the refrigerant. Using a refrigerant with a fitting designed by anyone else, even if it is different from fittings used with other refrigerants, is a violation of this use condition. Using an adapter or deliberately

modifying a fitting to use a different refrigerant is a violation of this use condition.

Fittings shall meet the following criteria, derived from Society of Automotive Engineers (SAE) standards and recommended practices:

a. When existing CFC–12 service ports are retrofitted, conversion assemblies shall attach to the CFC–12 fitting with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that permanently prevents the assembly from being removed.

b. All conversion assemblies and new service ports must satisfy the vibration testing requirements of section 3.2.1 or 3.2.2 of SAE J1660, as applicable, excluding references to SAE J639 and SAE J2064, which are specific to HFC–134a.

c. In order to prevent discharge of refrigerant to the atmosphere, systems shall have a device to limit compressor operation before the pressure relief device will vent refrigerant.

d. All CFC–12 service ports not retrofitted with conversion assemblies shall be rendered permanently incompatible for use with CFC–12 related service equipment by fitting with a device attached with a thread lock adhesive and/or a separate mechanical latching mechanism in a manner that prevents the device from being removed.

2. When a retrofit is performed, a label must be used as follows:

a. The person conducting the retrofit must apply a label to the air conditioning system in the engine compartment that contains the following information:

i. The name and address of the technician and the company performing the retrofit.

ii. The date of the retrofit.

iii. The trade name, charge amount, and, when applicable, the ASHRAE refrigerant numerical designation of the refrigerant.

iv. The type, manufacturer, and amount of lubricant used.

v. If the refrigerant is or contains an ozone-depleting substance, the phrase ''ozone depleter''.

vi. If the refrigerant displays flammability limits as measured according to ASTM E681, the statement ''This refrigerant is FLAMMABLE. Take appropriate precautions.''

b. The label must be large enough to be easily read and must be permanent.

c. The background color must be unique to the refrigerant.

d. The label must be affixed to the system over information related to the previous refrigerant, in a location not normally replaced during vehicle repair.

e. In accordance with SAE J639, testing of labels must meet ANSI/UL 969–1991.

f. Information on the previous refrigerant that cannot be covered by the new label must be rendered permanently unreadable.

3. No substitute refrigerant may be used to ''top-off'' a system that uses another refrigerant. The original refrigerant must be recovered in accordance with regulations issued under section 609 of the CAA prior to charging with a substitute.

SOLVENT CLEANING SECTOR

[Acceptable Subject to Use Conditions Substitutes]

Application	Substitute	Decision	Conditions	Comments
Electronics Cleaning w/CFC–113 and MCF.	HFC–4310mee	Acceptable	Subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.	
Precision Cleaning w/CFC–113 and MCF.	HFC–4310mee	Acceptable	Subject to a 200 ppm time-weighted average workplace exposure standard and a 400 ppm workplace exposure ceiling.	

SOLVENT SECTOR

[Acceptable Subject to Narrowed Use Limits]

Application	Substitute	Decision	Comments
Electronics Cleaning w/CFC–113 and MCF.	Perfluoropolyethers	Perfluoropolyethers are acceptable substitutes for CFC–113 and MCF in the precision cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs.
Precision Cleaning w/CFC–113 and MCF	Perfluoropolyethers	Perfluoropolyethers are acceptable substitutes for CFC–113 and MCF in the precision cleaning sector for high performance, precision-engineered applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs.

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
Electronics Cleaning w/CFC–113 and MCF	HCFC–141b	Extension of existing unacceptability determination to grant existing uses in high-performance electronics permission to continue until January 1, 1997.	This determination extends the use date for HCFC–141b in solvent cleaning, but only for existing users in high-performance electronics and only for one year.
Precision Cleaning w/CFC–113 and MCF	HCFC–141b	Extension of existing unacceptability determination to grant existing uses in precision cleaning permission to continue until January 1, 1997.	This determination extends the use date for HCFC–141b in solvent cleaning, but only for existing users in precision cleaning and only for one year.

AEROSOLS SECTOR

Acceptable Subject to Narrowed Use Limits

Application	Substitute	Decision	Comments
CFC–113, MCF, and HCFC–141b as aerosol solvents.	Perfluorocarbons	Perfluorocarbons are acceptable substitutes for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFCs have extremely long atmospheric lifetimes and high Global Warming Potentials. This decision reflects these concerns and is patterned after the SNAP decision on PFCs in the solvent cleaning sector.
	Perfluoropolyethers	Perfluorocarbons are acceptable substitutes for aerosol applications only where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.	PFPEs have similar global warming profile to the PFCs, and the SNAP decision on PFPEs parallels that for PFCs in the solvent cleaning sector.

Unacceptable Substitutes

End-use	Substitute	Decision	Comments
CFC–11, CFC–12, HCFC–22, and HCFC–142b as aerosol propellants.	SF6	Unacceptable	SF6 has the highest GWP of all industrial gases, and other compressed gases meet user needs in this application equally well.

[61 FR 54040, Oct. 16, 1996]

APPENDIX E TO SUBPART G OF PART 82—UNACCEPTABLE SUBSTITUTES LISTED IN THE JANUARY 26, 1999 FINAL RULE, EFFECTIVE JANUARY 26, 1999

REFRIGERATION AND AIR-CONDITIONING SECTOR UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
All refrigeration and air-conditioning end uses	MT–31	Unacceptable	Chemical contained in this blend presents unacceptable toxicity risk.

[64 FR 3865, Jan. 26, 1999]

APPENDIX F TO SUBPART G OF PART 82—UNACCEPTABLE SUBSTITUTES LISTED IN THE JANUARY 26, 1999 FINAL RULE, EFFECTIVE JANUARY 26, 1999

REFRIGERATION AND AIR-CONDITIONING SECTOR UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
All refrigeration and air-conditioning end uses.	Hexafluoropropylene (HFP) and all HFP-containing blends.	Unacceptable	Presents unacceptable toxicity risk.

[64 FR 3868, Jan. 26, 1999]

APPENDIX G TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES LISTED IN THE MARCH 3, 1999, FINAL RULE, EFFECTIVE APRIL 2, 1999.

REFRIGERANTS UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
CFC–12, R–502, and HCFC–22 Household Refrigeration, Transport Refrigeration, Vending Machines, Cold Storage Warehouses, and Retail Food Refrigeration, Retrofit and New.	Self-Chilling Cans-Using HFC–134a or HFC–152a.	Unacceptable	Unacceptably high greenhouse gas emissions from direct release of refrigerant to the atmosphere.

[64 FR 10378, Mar. 3, 1999]

APPENDIX H TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES, EFFECTIVE MAY 28, 1999

CFC–12 Automobile and Non-automobile Motor Vehicle Air Conditioners, Retrofit and New

Criteria for Uniqueness of Fittings

(a) All fittings for alternative motor vehicle refrigerants must meet the following requirements:

(1) High-side screw-on fittings for each refrigerant must differ from high-side screw-on fittings for all other refrigerants, including CFC–12, and from low-side screw-on fittings for CFC–12;

(2) Low-side screw-on fittings for each refrigerant must differ from low-side screw-on fittings for all other refrigerants, including CFC–12;

(3) High-side screw-on fittings for a given refrigerant must differ from low-side screw-on fittings for that refrigerant, to protect against connecting a low-pressure system to a high-pressure one;

(4) High-side quick-connect fittings for each refrigerant must differ from high-side quick-connect fittings for all other refrigerants, including CFC–12 (if they exist);

(5) Low-side quick-connect fittings for each refrigerant must differ from low-side quick-connect fittings for all other refrigerants, including CFC–12 (if they exist);

(6) High-side quick-connect fittings for a given refrigerant must differ from low-side quick-connect fittings for that refrigerant, to protect against connecting a low-pressure system to a high-pressure one;

(7) For each type of container, the fitting for each refrigerant must differ from the fitting for that type of container for all other refrigerants, including CFC–12.

(b) For screw-on fittings, ''differ'' means that either the diameter must differ by at least 1/16 inch or the thread direction must be reversed (i.e. right-handed vs. left-handed). Simply changing the thread pitch is not sufficient. For quick-connect fittings, ''differ'' means that a person using normal force and normal tools (including wrenches) must not be able to cross-connect fittings.

(c) The sole exception to the 1/16 inch difference requirement is the difference between the small can fittings for GHG–X4 and R–406A. The GHG–X4 small can fitting uses a metric measurement, and is slightly less than 1/16 inch larger than the small can fitting for R–406A. EPA has concluded that these fittings will not cross-connect, and therefore they may be used.

REFRIGERATION AND AIR CONDITIONING—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
All HCFC–22 end-uses, retrofit and new	NARM–22	Unacceptable	This blend contains HCFC–22, and it is inappropriate to use such a blend as a substitute for HCFC–22. In addition, this blend contains HFC–23, which has an extremely high GWP and lifetime. Other substitutes for HCFC–22 exist that do not contain either HCFC–22 or HFC–23.

SOLVENTS CLEANING—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Metals, Electronic, and Precision cleaning with CFC–113, methyl chloroform, and HCFC–141b.	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or much lower ODP.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: TOTAL FLOODING AGENTS

End-use	Substitute	Decision	Conditions	Further information
Total flooding	HFC–236fa	Acceptable subject to narrowed use limits.	Acceptable when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC–236fa in a single step: for use in explosion suppression and explosion inertion applications, and for use in fire suppression applications where other non-PFC agents or alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Systems. Users should observe the limitations on HFC–236fa acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties, or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for HFC–236fa is its high GWP of 9400 and long atmospheric lifetime of 226 years. Actual contributions to global warming depend upon the quantities emitted. See additional comments 1, 2, 3, 4, 5.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS: TOTAL FLOODING AGENTS—Continued

End-use	Substitute	Decision	Conditions	Further information
Total flooding	C_3F_8	Acceptable subject to narrowed use limits.	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.
Total flooding	C_4F_{10}	Acceptable subject to narrowed use limits	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet safety guidelinesin the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and

				(iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—STREAMING AGENTS—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Conditions	Comments
Halon 1211 ..... replacement	C6F14	Acceptable for nonresidential uses where other alternatives are not technically feasible due to performance or safety requirements: (a) because of their physical or chemical properties, or (b) where human exposure to the extinguishing agents may result in failure to meet applicable use conditions.		Users should observe the limitations on PFC acceptability by taking the following measures: (i) conduct an evaluation of foreseeable conditions of end-use; (ii) determine that the physical or chemical properties or other technical constraints of the other available agents preclude their use; and (iii) determine that human exposure to the other alternative extinguishing agents may result in failure to meet applicable use conditions Documentation of such measures should be available for review upon request. The principal environmental characteristic of concern for PFCs is that they have high GWPs and long atmospheric lifetimes. Actual contributions to global warming depend upon the quantities of PFCs emitted. For additional guidance regarding applications in which PFCs may be appropriate, users should consult the description of potential uses which is included in the March 18, 1994 Final Rule (59 FR 13044.) See comments 1, 2.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—STREAMING AGENTS—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS—Continued

End-use	Substitute	Decision	Conditions	Comments
Halon 1211 replacement.	HFC–236fa	Acceptable in nonresidential uses when manufactured using any process that does not convert perfluoroisobutylene (PFIB) directly to HFC–236fa in a single step		See comments 1, 2, 3.
Halon 1211 replacement.	HFC–227ea	Acceptable in nonresidential uses only		See comments 1, 2.
Additional comments:				

1—Discharge testing and training should be strictly limited only to that which is essential to meet safety or performance requirements.
2—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
3—Acceptable for local application systems inside textile process machinery.

FIRE SUPPRESSION AND EXPLOSION PROTECTION—TOTAL FLOODING AGENTS—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Halon 1301 replacement	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or lower ODP; OSHA regulations prohibit its use as extinguishing agent in fixed extinguishing systems where employees may be exposed. See 29 CFR 1910.160(b)(11).

AEROSOLS—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Solvent in aerosols with CFC–113, MCF, or HCFC–141b.	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or much lower ODP.

ADHESIVES, COATINGS, AND INKS—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Solvent in adhesives, coatings, and inks with CFC–113.	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or much lower ODP.
Solvent in adhesives, coatings, and inks with MCF.	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or much lower ODP.
Solvent in adhesives, coatings and inks with HCFC–141b.	Chlorobromo-methane	Unacceptable	Other alternatives exist with zero or much lower ODP.

[64 FR 22996, Apr. 28, 1999, as amended at 67 FR 4201, Jan. 29, 2002]

APPENDIX I TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS, LISTED IN THE APRIL 26, 2000, FINAL RULE, EFFECTIVE MAY 26, 2000

FIRE SUPPRESSION AND EXPLOSION PROTECTION—STREAMING AGENTS

[Substitutes Acceptable Subject to Narrowed Use Limits]

End Use	Substitute	Decision	Limitations	Comments
Halon 1211 Streaming Agents ...	HCFC Blend E	Acceptable	Nonresidential uses only.	As with other streaming agents, EPA recommends that potential risks of combustion by-products be labeled on the extinguisher (see UL 2129). See additional comments 1, 2.

Additional Comments:

1. Discharge testing and training should be strictly limited only to that which is essential to meet safety or performance requirements.
2. The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

[65 FR 24392, Apr. 26, 2000, as amended at 67 FR 4202, Jan. 29, 2002]

APPENDIX J TO SUBPART G OF PART 82—SUBSTITUTES LISTED IN THE JANUARY 29, 2002 FINAL RULE, EFFECTIVE APRIL 1, 2002

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Conditions	Further information
Total flooding	Halotron II	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	See additional comments 1, 2, 3, 4, 5.
Total flooding	Envirogel with any additive other than ammonium polyphosphate.	Acceptable subject to narrowed use limits.	Acceptable in areas that are not normally occupied only.	Use of this agent should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems, for whichever hydrofluorocarbon gas is employed. Envirogel is listed as a streaming substitute under the generic name Gelled Halocarbon / Dry Chemical Suspension. Envirogel was also previously listed as a total flooding substitutes under the same generic name. EPA has found Envirogel with the ammonium polyphosphate additive to be acceptable as a total flooding agent in both occupied and unoccupied areas. See additional comments 1, 2, 3, 4, 5.

Additional comments:
1—Should conform with relevant OSHA requirements, including 29 CFR 1910, Subpart L, Sections 1910.160 and 1910.162.
2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (e.g., respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—UNACCEPTABLE SUBSTITUTES

End-Use	Substitute	Decision	Further Information
Halon 1301 Total Flooding Agents	HBFC–22B1	Unacceptable	HBFC–22B1 is a Class I ozone depleting substance with an ozone depletion potential of 0.74. The manufacturer of this agent terminated production of this agent January 1, 1996, except for critical uses, and removed it from the market because it is a fetal toxin.

[67 FR 4202, Jan. 29, 2002]

APPENDIX K TO SUBPART G OF PART 82—SUBSTITUTES SUBJECT TO USE RESTRICTIONS AND UNACCEPTABLE SUBSTITUTES LISTED IN THE JULY 22, 2002, FINAL RULE, EFFECTIVE AUGUST 21, 2002

FOAM BLOWING—UNACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Replacements for HCFC–141b in the following rigid polyurethane/polyisocyanurate applications: —Boardstock —Appliance —Spray	HCFC–22, HCFC–142b and blends thereof.	Unacceptable	Alternatives exist with lower or zero-ODP.
All foam end-uses	HCFC–124	Unacceptable	Alternatives exist with lower or zero-ODP.

FOAM BLOWING—ACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Replacements for HCFC–141b in the following rigid polyurethane applications: —Commercial Refrigeration —Sandwich Panels —Slabstock and Other Foams	HCFC–22, HCFC–142b and blends thereof.	Acceptable Subject to Narrowed to Narrowed Use Limits.	Users must evaluate other acceptable non-ozone-depleting substitutes to determine that HCFC–22/HCFC–142b use is necessary to meet performance or safety requirements. Users must determine that there are technical constraints that preclude the use of other available substitutes. Documentation of this evaluation must be available for review upon request.

[67 FR 47721, July 22, 2002]

APPENDIX L TO SUBPART G OF PART 82—SUBSTITUTES LISTED IN THE JANUARY 27, 2003, FINAL RULE, EFFECTIVE MARCH 28, 2003

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—TOTAL FLOODING SUBSTITUTES—ACCEPTABLE SUBJECT TO USE CONDITIONS

End-use	Substitute	Decision	Conditions	Comments
Total flooding	HFC227–BC	Acceptable subject to use conditions.	Sodium bicarbonate release in all settings should be targeted so that increased pH level would not adversely affect exposed individuals. Users should provide special training to individuals required to be in environments protected by HFC227–BC extinguishing systems. Each HFC227–BC extinguisher should be clearly labelled with the potential hazards from use and safe handling procedures.	Use of the agent, HFC–227ea, should be in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems. *See* additional comments 1, 2, 3, 4, 5.

Additional comments″

1—Should conform with relevant OSHA requirements, including 29 CFR part 1910, subpart L, sections 1910.160 and 1910.162.

2—Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.

3—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.

4—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

5—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.*, respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.

FIRE SUPPRESSION AND EXPLOSION PROTECTION SECTOR—STREAMING AGENTS—ACCEPTABLE SUBJECT TO NARROWED USE LIMITS

End-use	Substitute	Decision	Conditions	Comments
Streaming	C6-perfluoroketone (FK-5-1-12MYY2).	Acceptable subject to narrowed use limits.	For use only in non-residential areas.	For operations that fill canisters to be used in streaming applications, EPA recommends the following: —Adequate ventilation should be in place; —All spills should be cleaned up immediately in accordance with good industrial hygiene practices; and —Training for safe handling procedures should be provided to all employees that would be likely to handle containers of the agent or extinguishing units filled with the agent. *See* additional comments 1, 2, 3, 4.
Streaming	H Galden HFPEs	Acceptable subject to narrowed use limits.	For use only in non-residential areas.	For operations that fill canisters to be used in streaming applications, EPA recommends the following: —Adequate ventialtion should be in place; —All spills should be cleaned up immediately in accordance with good industrial hygiene practices; and —Training for safe handling procedures should be provided to all employees that would be likely to handle containers of the agent or extinguishing units filled with the agent. *See* additional comments 1, 2, 3, 4.

Additional comments.
1—Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
2—The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.
3—EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.*, respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.
4—As with other streaming agents, EPA recommends that potential risks of combustion by-products be labelled on the extinguisher (*see* UL 2129)

[68 FR 4010, Jan. 27, 2003]

Subpart H—Halon Emissions Reduction

SOURCE: 63 FR 11096, Mar. 5, 1998, unless otherwise noted.

§ 82.250 Purpose and scope.

(a) The purpose of this subpart is to reduce the emissions of halon in accordance with section 608 of the Clean Air Act by banning the manufacture of halon blends; banning the intentional release of halons during repair, testing, and disposal of equipment containing halons and during technician training; requiring organizations that employ technicians to provide emissions reduction training; and requiring proper disposal of halons and equipment containing halons.

(b) This subpart applies to any person testing, servicing, maintaining, repairing or disposing of equipment that contains halons or using such equipment during technician training. This subpart also applies to any person disposing of halons; to manufacturers of halon blends; and to organizations that employ technicians who service halon-containing equipment.

§ 82.260 Definitions.

Halon-containing equipment means equipment used to store, transfer, and/or disperse halon.

Disposal of halon means the process leading to and including discarding of halon from halon-containing equipment.

Disposal of halon-containing equipment means the process leading to and including:

(1) The discharge, deposit, dumping or placing of any discarded halon-containing equipment into or on any land or water;

(2) The disassembly of any halon-containing equipment for discharge, deposit, or dumping or placing of its discarded component parts into or on any land or water; or

(3) The disassembly of any halon-containing equipment for reuse of its component parts.

Halon means any of the Class I, Group II substances listed in subpart A, Appendix A of 40 CFR Part 82. This group consists of the three halogenated hydrocarbons known as Halon 1211, Halon 1301, and Halon 2402, and all isomers of these chemicals.

Halon product means any mixture or combination of substances that contains only one halon (e.g., Halon 1301 plus dinitrogen gas (N_2))

Halon blend means any mixture or combination of substances that contains two or more halons.

Manufacturer means any person engaged in the direct manufacture of halon, halon blends or halon-containing equipment.

Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.

Technician means any person who performs testing, maintenance, service, or repair that could reasonably be expected to release halons from equipment into the atmosphere. Technician also means any person who performs disposal of equipment that could reasonably be expected to release halons from the equipment into the atmosphere. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases, owners.

§ 82.270 Prohibitions.

(a) Effective April 6, 1998 no person may newly manufacture any halon blend. Halon blends manufactured solely for the purpose of aviation fire protection are not subject to this prohibition, provided that:

(1) The manufacturer or its designee is capable of recycling the blend to the relevant industry standards for the chemical purity of each individual halon;

(2) The manufacturer includes in all sales contracts for blends produced by it on or after April 6, 1998 the provision that the blend must be returned to it or its designee for recycling; and

(3) The manufacturer or its designee in fact recycles blends produced by the manufacturer on or after April 6, 1998 and returned to it for recycling to the relevant industry standards for the chemical purity of each individual halon.

(b) Effective April 6, 1998, no person testing, maintaining, servicing, repairing, or disposing of halon-containing equipment or using such equipment for technician training may knowingly vent or otherwise release into the environment any halons used in such equipment.

(1) De minimis releases associated with good faith attempts to recycle or recover halon are not subject to this prohibition.

(2) Release of residual halon contained in fully discharged total flooding fire extinguishing systems would be considered a *de minimis* release associated with good faith attempts to recycle or recover halon.

(3) Release of halons during testing of fire extinguishing systems is not subject to this prohibition if the following four conditions are met:

(i) Systems or equipment employing suitable alternative fire extinguishing agents are not available;

(ii) System or equipment testing requiring release of extinguishing agent is essential to demonstrate system or equipment functionality;

(iii) Failure of the system or equipment would pose great risk to human safety or the environment; and

(iv) A simulant agent cannot be used in place of the halon during system or equipment testing for technical reasons.

(4) Releases of halons associated with research and development of halon alternatives, and releases of halons necessary during analytical determination of halon purity using established laboratory practices are exempt from this prohibition.

(5) This prohibition does not apply to qualification and development testing during the design and development process of halon-containing systems or equipment when such tests are essential to demonstrate system or equipment functionality and when a suitable simulant agent can not be used in place of the halon for technical reasons.

(6) This prohibition does not apply to the emergency release of halons for the legitimate purpose of fire extinguishing, explosion inertion, or other emergency applications for which the equipment or systems were designed.

(c) Effective April 6, 1998, organizations that employ technicians who test, maintain, service, repair or dispose of halon-containing equipment shall take appropriate steps to ensure that technicians hired on or before April 6, 1998 will be trained regarding halon emissions reduction by September 1, 1998. Technicians hired after April 6, 1998 shall be trained regarding halon emissions reduction within 30 days of hiring, or by September 1, 1998, whichever is later.

(d) Effective April 6, 1998, no person shall dispose of halon-containing equipment except by sending it for halon recovery to a manufacturer operating in accordance with NFPA 10 and NFPA 12A standards, a fire equipment dealer operating in accordance with NFPA 10 and NFPA 12A standards or a recycler operating in accordance with NFPA 10 and NFPA 12A standards. This provision does not apply to ancillary system devices such as electrical detection control components which are not necessary to the safe and secure containment of the halon within the equipment, to fully discharged total flooding systems, or to equipment containing only de minimis quantities of halons.

(e) Effective April 6, 1998, no person shall dispose of halon except by sending it for recycling to a recycler operating in accordance with NFPA 10 and NFPA 12A standards, or by arranging for its destruction using one of the following controlled processes:

(1) Liquid injection incineration;

(2) Reactor cracking;

(3) Gaseous/fume oxidation;

(4) Rotary kiln incineration;

(5) Cement kiln;

(6) Radiofrequency plasma destruction; or

(7) An EPA-approved destruction technology that achieves a destruction efficiency of 98% or greater.

(f) Effective April 6, 1998, no owner of halon-containing equipment shall allow halon release to occur as a result of failure to maintain such equipment.

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AUTHORITY: 42 U.S.C. 7401–7671q.

Subparts A–E [Reserved]

Subpart F—Exemption of Aftermarket Conversions From Tampering Prohibition

SOURCE: 59 FR 48490, Sept. 21, 1994, unless otherwise noted.

§ 85.501 General applicability.

(a) Sections 85.502 through 85.505 are applicable to aftermarket conversion systems for which an enforcement exemption is sought from the tampering prohibitions contained in section 203 of the Act.

(b) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of 40 CFR part 86, subpart S.

[65 FR 59943, Oct. 6, 2000]

§ 85.502 Definitions.

(a) *The Act* means the Clean Air Act as amended (42 U.S.C. 7501 *et seq.*).

(b) *Administrator* means the Administrator of the Environmental Protection Agency or his or her authorized representative.

(c) *Aftermarket conversion system* means any combination of hardware, including but not limited to fuel storage and fuel metering hardware, which is installed on a light-duty vehicle, light-duty truck, heavy-duty vehicle, or heavy-duty engine with the effect of allowing the vehicle or engine to operate on a fuel other than the fuel which the vehicle or engine was originally certified to use. Components which do not affect the emissions performance of the converted vehicle or engine, as determined by the Administrator, are not included for the purposes of this subpart.

(d) *Aftermarket conversion installer* means any company or individual which installs an aftermarket conversion system on a light-duty vehicle, light-duty truck, heavy-duty vehicle, or heavy-duty engine with the effect of allowing the vehicle or engine to operate on a fuel other than the fuel which the vehicle or engine was originally certified to use.

(e) *Aftermarket conversion certifier* means any company or individual which assembles the various aftermarket conversion hardware components into a particular combination or configuration and certifies that combination or configuration according to the provisions of this subpart.

(f) *Model Year* means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term *model year* shall mean the calendar year.

§ 85.503 Conditions of exemption.

(a) As a condition of receiving an enforcement exemption from the tampering prohibitions contained in section 203 of the Act, an aftermarket conversion certifier must certify the aftermarket conversion system, using the applicable procedures in part 86 of this chapter, and meeting the applicable standards and requirements in §§ 85.504 and 85.505, and accept liability for in-use performance of the aftermarket conversion system as outlined in this part.

(b) As a condition of receiving an enforcement exemption from the tampering prohibitions contained in section 203 of the Act, an aftermarket conversion installer must:

(1) Install a conversion which has been certified as a new vehicle or engine, using the applicable procedures in part 86 of this chapter, and meeting the applicable standards and requirements in §§ 85.504 and 85.505; and

(2) Accept liability for in-use performance of the aftermarket conversion system as outlined in this part.

§ 85.504 Applicable standards.

(a) The emission standards applicable to conversions of 1993 and later model year vehicles and engines are:

(1) All of the requirements that would apply if the conversion were being certified as if it were a new vehicle or engine.

(2) If a vehicle or engine to be converted was originally certified to a NO_X or particulate family emission limit other than the applicable new vehicle NO_X or particulate standard, the family emission limit is the applicable standard.

(b) The emission standards applicable to conversions of 1992 and earlier model year vehicles and engines are:

(1) *Exhaust hydrocarbons (as applicable by fuel type).* The Tier 0 hydrocarbon standards, as applicable by vehicle class, contained in §§ 86.094–8 and 86.094–9 of this chapter, and the hydrocarbon standards, as applicable by engine class, contained in §§ 86.094–10 and 86.094–11 of this chapter;

(2) *CO, NO_X and particulate.* The applicable CO, NO_X and particulate standards or NO_X and particulate family emission limits the vehicle or engine was originally certified as meeting;

(3) *Evaporative hydrocarbons.* Any evaporative requirements applicable to the original vehicle or engine will remain applicable to the conversion if the converted vehicle or engine retains the ability to operate on the fuel which it was designed and certified to use.

§ 85.505 Labeling.

(a) The aftermarket conversion certifier shall provide with each aftermarket conversion system a supplemental emission control information label, which shall be affixed by the aftermarket conversion installer in a permanent manner to each converted vehicle, in a location adjacent to the original emission control information label required in § 86.092–35 of this chapter. If the supplemental label cannot be placed adjacent to the original label, it shall be placed in a location where it will be seen by a person viewing the original label.

(b) The supplemental label shall be affixed in such a manner that it cannot

be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from the vehicle.

(c) The supplemental label shall clearly state that the vehicle has been equipped with an aftermarket conversion system designed to allow it to operate on a fuel other than the fuel it was originally manufactured to operate on, and shall identify the fuel(s) which the vehicle is designed to use.

(d) The supplemental label shall show the vehicle model year; the aftermarket conversion certifier's name, address and telephone number; the installer's name, address, and telephone number; the date on which the aftermarket conversion system was installed; the mileage of the vehicle at the time of the conversion; and shall state that the converted vehicle complies with federal emission requirements.

(e) The supplemental label shall list any original parts that were removed during installation of the aftermarket conversion system, as well as any changes in tune-up specifications required for the aftermarket conversion system.

Subparts G–N [Reserved]

Subpart O—Urban Bus Rebuild Requirements

SOURCE: 58 FR 21386, Apr. 21, 1993, unless otherwise noted.

§ 85.1401 General applicability.

The requirements of this subpart shall be applicable to 1993 and earlier model year urban buses operating in consolidated metropolitan statistical areas and metropolitan statistical areas with a 1980 population of 750,000 or more that have their engines rebuilt or replaced after January 1, 1995.

§ 85.1402 Definitions.

The definitions of this section apply to this subpart.

Agency means the Environmental Protection Agency.

Certified Equipment or *Retrofit/Rebuild Equipment* means equipment certified in accordance with the certification regulations contained in this subpart.

Emission Related Parts means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued emission compliance.

Engine Configuration means the set of components, tolerances, specifications, design parameters, and calibrations related to the emissions performance of the engine and specific to a subset of an engine family having a unique combination of displacement, fuel injection calibration, auxiliary emission control devices and emission control system components.

Engine Rebuild means an activity, occurring over one or more maintenance events, involving:

(1) Disassembly of the engine including the removal of the cylinder head(s); and

(2) The replacement or reconditioning of more than one major cylinder component in more than half of the cylinders.

Engine Replacement means the removal of an engine from the coach followed by the installation of another engine.

In-Use Compliance Period for purposes of in-use testing means a period of 150,000 miles.

Maintenance Event means a single maintenance activity for which the engine is removed from service. Once the engine is returned to service, the maintenance event is considered done.

Major Cylinder Component means piston assembly, cylinder liner, connecting rod, or piston ring set.

MOD Director means Director of Manufacturers Operations Division, Office of Mobile Sources—Office of Air and Radiation of the Environmental Protection Agency.

Office Director means the Director for the Office of Mobile Sources—Office of Air and Radiation of the Environmental Protection Agency or an authorized representative of the Office Director.

Operator means transit authority, state, city department, or private or public entity controlling the use of one or more urban buses.

Original Engine Configuration means the engine configuration at time of initial sale.

Original Equipment Part means a part present in or on an engine at the time an urban bus is originally sold to the ultimate purchaser.

Scheduled Maintenance means those maintenance events required by the equipment certifier in order to ensure that the retrofitted engine will maintain its emissions performance over the in-use compliance period.

Urban bus has the meaning set forth in § 86.091–2 of this chapter.

Written Instructions for Proper Maintenance and Use means those maintenance and operation instructions specified in the warranty as being necessary to assure compliance of the retrofit/rebuild equipment with applicable emission standards for the in-use compliance period.

§ 85.1403 Particulate standard for pre-1994 model year urban buses effective at time of engine rebuild or engine replacement.

(a) Operators of urban buses in areas described in § 85.1401 shall be in compliance with one of the two programs described in paragraphs (b) and (c) of this section. An operator may switch between programs from year to year only if the operator has been in compliance with all the requirements of the newly chosen program at all times between January 1, 1995 and the date on which the operator chooses to switch programs.

(b) Program 1: Performance based requirement. Program 1 requires that affected urban buses meet a particulate standard of 0.10 g/bhp-hr effective at time of engine rebuild or replacement and thereafter. The requirement to meet the 0.10 g/bhp-hr standard is automatically waived if no equipment has been certified that meets the 0.10 g/bhp-hr standard and has a life cycle cost of $7,940 or less (in 1992 dollars) for the engine being rebuilt. Program 1 contains fallback requirements for engines for which the 0.10 g/bhp-hr standard is waived. Such urban bus engines must receive equipment that provides a 25 percent reduction in particulate emissions relative to the particulate level of the original engine configuration. This 25 percent reduction requirement is automatically waived if no equipment has been certified for the engine being rebuilt that provides a 25 percent reduction in particulate emissions and has a life cycle cost $2,000 or less (in 1992 dollars). In cases where equipment is not available to either meet a 0.10 g/bhp-hr standard for less than the applicable cost ceiling or achieve a 25 percent reduction for less than the applicable cost ceiling, the urban bus is required to be equipped with an engine rebuilt to the original engine configuration or a configuration certified to have a particulate level lower than that of the original engine configuration.

(1) Exhaust emissions from any urban bus for which this subpart is applicable shall not exceed a particulate standard of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) if equipment is available for the engine model of such urban bus at time of engine rebuild or engine replacement, as specified in paragraph (b)(1)(i) of this section.

(i) Equipment is available for a particular engine model if equipment has been certified to a particulate standard of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule), and the equipment for the engine model has been approved for certification for six months or more, and has a life cycle cost as determined under paragraph (b)(1)(ii) of this section that does not exceed the life cycle cost ceiling specified in paragraph (b)(1)(iii) of this section.

(ii) The life cycle cost of equipment is equal to the sum of the purchase price, the installation cost, the incremental fuel cost, the cost of any fuel additives required, and the incremental maintenance cost associated with the equipment each as defined in paragraphs (b)(1)(ii)(A) through (b)(1)(ii)(E) of this section minus an engine replacement credit as defined in paragraph (b)(1)(ii)(F) of this section if the equipment replaces an existing engine with a new engine.

(A) The purchase price is defined as the price at which the equipment (including all parts necessary to install and operate the equipment properly) is offered to the operator. The purchase

price excludes reasonable shipping and handling fees and taxes, and equipment costs incurred by the urban bus operator for a standard rebuild.

(B)(*1*) The installation cost is defined as the labor cost of installing the equipment on an urban bus engine, incremental to a standard rebuild, based on a labor rate of $35 per hour. The installation cost is calculated using the following equation:

$$\text{Installation Cost} = \begin{pmatrix}\text{Incremental hours}\\ \text{for installation}\end{pmatrix} \times \left(\frac{\$35}{\text{hour}}\right) \times \left(\frac{CPI_R}{CPI_{1992}}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(*2*) The estimated number of hours necessary to install the equipment will be determined as part of the equipment certification process, as detailed in § 85.1407.

(C) The incremental fuel cost is defined as the increased fuel costs or the fuel savings due to the use of the equipment. (By definition, fuel savings will be negative values.) The calculation of incremental fuel cost will depend on the type of equipment being installed.

(*1*)(*i*) For equipment not requiring a change from on road federal diesel fuel, the incremental fuel cost shall be calculated as follows:

$$\text{Incremental fuel cost} = \frac{\begin{pmatrix}\text{fuel economy}\\ \text{\% reduction}\end{pmatrix} \times (129.104 \text{ miles})}{\frac{3.3 \text{ miles}}{\text{gallon}}} \times \left(\frac{\$0.72}{\text{gallon}}\right) \times \frac{CPI_R}{CPI_{1992}} S$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(*ii*) The percent change in fuel economy will be determined as part of the equipment certification process, as detailed in § 85.1407. If equipment causes the fuel economy of the engine to increase, the value of the fuel economy % reduction in the above equation shall be a negative value.

(*2*) For equipment requiring a fuel other than on-road federal diesel fuel, the incremental fuel cost shall be calculated as follows:

$$\text{Incremental fuel cost} = \begin{pmatrix}\text{Incremental}\\ \text{price at which}\\ \text{fuel is offered}\end{pmatrix} \times \begin{pmatrix}\text{Discounted}\\ \text{lifetime}\\ \text{miles}\end{pmatrix}$$

Where,

$$\text{Incremental price at which fuel is offered} = \begin{pmatrix}\text{Cost per mile}\\ \text{for}\\ \text{alternative fuel}\end{pmatrix} - \begin{pmatrix}\text{Cost per mile}\\ \text{for}\\ \text{diesel fuel}\end{pmatrix}$$

(*i*) For equipment/alternative fuel that is being certified under §85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is 129,104 miles. For equipment/alternative fuel that is not being certified under §85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is based on the age of the urban bus engine being rebuilt as specified in the following table:

Age of engine at time of rebuild	Discounted lifetime miles
5 Years	229,478
6 Years	204,881
7 Years	180,703
8 Years	155,902
9 Years	131,505
10 Years	109,680
11 Years	90,608
12 Years	70,200
13 Years	48,364
14 Years	25,000
15 or more Years	0

(*ii*) The cost per mile for diesel fuel is calculated based on the following equation:

$$\text{Cost per mile of diesel fuel} = \frac{\text{Price of diesel fuel per gallon, excluding taxes}}{\text{3.3 miles per gallon}}$$

(*iii*) For equipment/alternative fuel that is being certified under §85.1407 as available to all affected operators for less than the life cycle cost ceiling, the price of diesel fuel per gallon, excluding taxes, is $\$0.72 \times (CPI_R/CPI_{1992})$. For equipment/alternative fuel that is not being certified under §85.1407 as available to all affected operators for less than the life cycle cost ceiling, the price of diesel fuel per gallon, excluding taxes, is the price at which the operator currently purchases diesel fuel, excluding taxes.

(*iv*) The cost per mile for alternative fuels is calculated based on the following equation:

$$\text{Cost per mile for alternative fuel} = \frac{\begin{pmatrix}\text{Unit price of}\\ \text{alternative fuel,}\\ \text{excluding taxes}\end{pmatrix}}{\begin{pmatrix}\text{Fuel economy of}\\ \text{alternatively}\\ \text{fueled engine}\end{pmatrix}}$$

(*v*) In order for the equipment/alternative fuel to be required, the fuel supplier must provide a contract to the urban bus operator specifying the cost of the fuel for the life of the engine being retrofitted. The contract must specify the maximum incremental cost, compared to the cost of diesel fuel on a per mile basis, at which the fuel will be sold. As part of the contract,

the fuel supplier must also provide on-site facilities, meeting all applicable safety and fire code requirements, for refueling the urban bus engines being retrofitted, unless the operator already has sufficient refueling facilities or the operator agrees to use off-site refueling facilities.

(*vi*) The fuel economy of the engine retrofitted with the equipment will be determined as part of the equipment certification process, as detailed in § 85.1407.

(D) For equipment requiring the use of a fuel additive, the fuel additive cost shall be calculated as follows:

$$\text{Fuel additive cost} = \frac{\left(\begin{array}{c}\text{Amount of fuel additive}\\ \text{required per gallon of fuel}\end{array}\right)\times\left(\begin{array}{c}\text{Discounted}\\ \text{lifetime miles}\end{array}\right)}{\text{(Fuel economy of engine)}} \times\left(\begin{array}{c}\text{Price of fuel additive}\\ \text{per gallon}\\ \text{of fuel additive}\end{array}\right)$$

(*1*) For diesel-fueled engines, the fuel economy of the engine is 3.3 miles per gallon. For alternatively-fueled engines, the fuel economy of the engine shall be determined as part of the equipment certification process, as detailed in § 85.1407.

(*2*) For equipment/fuel additive that is being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is 129,104 miles. For equipment/fuel additive that is not being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is based on the age of the urban bus engine being rebuilt as specified in the following table:

Age of engine at time of rebuild	Discounted lifetime miles
5 Years	229,478
6 Years	204,881
7 Years	180,703
8 Years	155,902
9 Years	131,505
10 Years	109,680
11 Years	90,608
12 Years	70,200
13 Years	48,364
14 Years	25,000
15 or more Years	0

(*3*) The price of the fuel additive is the price at which the fuel additive supplier supplies the fuel additive to the urban bus operator. In order for the equipment/fuel additive to be required, the equipment/fuel additive supplier must provide a contract to the urban bus operator specifying the maximum cost at which the fuel additive will be sold for the life of the engine being retrofitted.

(*4*) The amount of fuel additive required per gallon of diesel fuel will be determined as part of the equipment certification process, as detailed in § 85.1407.

(*E*) The incremental maintenance cost of the equipment is equal to the cost of the parts necessary for scheduled maintenance of the retrofit equipment incremental to cost of the parts necessary for maintenance of an original, non-retrofitted engine. The incremental maintenance cost will be determined as part of the equipment certification process, as detailed in § 85.1407.

(*F*) For equipment which replaces an existing urban bus engine with a new, previously unused engine, a credit will be applied to the life cycle cost. The engine replacement credit will be determined as follows:

$$\text{Engine Replacement Credit}_R = \$10{,}000 \times \left(\text{CPI}_R / \text{CPI}_{1992}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

$CP1_{1992}$ is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(iii) The life cycle cost ceiling for complying with the 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) particulate rebuild standard is calculated by the following equation at the time of rebuild:

$$\text{Life Cycle Cost Ceiling}_R = \$7{,}940 \times \left(\text{CPI}_R / \text{CPI}_{1992}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(2) If no equipment meets the provisions of paragraph (b)(1) of this section for a particular model of urban bus engine, then any urban bus for which this subpart is applicable shall use equipment that has been certified to achieve at least a 25 percent reduction in particulate emissions from the original certified particulate emission level of the urban bus engine model being rebuilt, if such equipment is available as specified in paragraph (b)(2)(i) of this section. If no certification data exists for the emission level of the original urban bus engine configuration as initially certified, then other test data collected over the heavy-duty engine Federal Test Procedure, or an approved alternative test procedure prescribed under § 85.1414, may be considered in determining the percent reduction.

(i) Equipment is available for a particular engine model if equipment has been certified to achieve at least a 25 percent reduction in particulate emissions from original levels, and the equipment for the engine model has been approved for certification for six months or more, and has a life cycle cost as determined under paragraph (b)(2)(ii) of this section that does not exceed the life cycle cost ceiling specified in paragraph (b)(2)(iii) of this section.

(ii) The life cycle cost of equipment is equal to the sum of the purchase price, the installation cost, the incremental fuel cost, the cost of any fuel additives required, and the incremental maintenance cost associated with the equipment each as defined in paragraphs (b)(2)(ii)(A) through (b)(2)(ii)(E) of this section minus an engine replacement credit as defined in paragraph (b)(2)(ii)(F) of this section if the equipment replaces an existing engine with a new engine.

(A) The purchase price is defined as the price at which the equipment (including all parts necessary to install and operate the equipment properly) is offered to the operator. The purchase price excludes reasonable shipping and handling fees and taxes, and equipment costs incurred by the urban bus operator for a standard rebuild.

(B)(*1*) The installation cost is defined as the labor cost of installing the equipment on an urban bus engine, incremental to a standard rebuild, based on a labor rate of $35 per hour. The installation cost is calculated using the following equation:

$$\text{Installation Cost} = \begin{pmatrix}\text{Incremental hours}\\ \text{for installation}\end{pmatrix} \times \left(\frac{\$35}{\text{hour}}\right) \times \left(\frac{\text{CPI}_R}{\text{CPI}_{1992}}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(*2*) The estimated number of hours necessary to install the equipment will be determined as part of the equipment certification process, as detailed in § 85.1407.

(C) The incremental fuel cost is defined as the increased fuel costs or the fuel savings due to the use of the equipment. (By definition, fuel savings will be negative values.) The calculation of incremental fuel cost will depend on the type of equipment being installed.

(1)(i) For equipment not requiring a change from on road federal diesel fuel, the incremental fuel cost shall be calculated as follows:

$$\text{Incremental fuel cost} = \frac{\begin{pmatrix}\text{fuel economy}\\ \text{\% reduction}\end{pmatrix} \times (129{,}104\ \text{miles})}{\dfrac{3.3\ \text{miles}}{\text{gallon}}} \times \left(\frac{\$0.72}{\text{gallon}}\right) \times \frac{\text{CPI}_R}{\text{CPI}_{1992}}$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(*ii*) The percent change in fuel economy will be determined as part of the equipment certification process, as detailed in § 85.1407. If equipment causes the fuel economy of the engine to increase, the value of the fuel economy % reduction in the above equation shall be a negative value.

(*2*) For equipment requiring a fuel other than on road federal diesel fuel, the incremental fuel cost shall be calculated as follows:

$$\text{Incremental fuel cost} = \begin{pmatrix}\text{Incremental}\\ \text{price at which}\\ \text{fuel is offered}\end{pmatrix} \times \begin{pmatrix}\text{Discounted}\\ \text{lifetime}\\ \text{miles}\end{pmatrix}$$

Where,

$$\text{Incremental price at which fuel is offered} = \begin{pmatrix}\text{Cost per mile}\\ \text{for}\\ \text{alternative fuel}\end{pmatrix} - \begin{pmatrix}\text{Cost per mile}\\ \text{for}\\ \text{diesel fuel}\end{pmatrix}$$

(*i*) For equipment/alternative fuel that is being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is 129,104 miles. For equipment/alternative fuel that is not being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is based on the age of the urban bus engine being rebuilt as specified in the following table:

Age of engine at time of rebuild	Discounted lifetime miles
5 years	229,478
6 years	204,881
7 years	180,703
8 years	155,902
9 years	131,505
10 years	109,680
11 years	90,608
12 years	70,200
13 years	48,364
14 years	25,000
15 or more years	0

(*ii*) The cost per mile for diesel fuel is calculated based on the following equation:

$$\text{Cost per mile of diesel fuel} = \frac{\text{Price of diesel fuel per gallon, excluding taxes}}{\text{3.3 miles per gallon}}$$

(*iii*) For equipment/alternative fuel that is being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the price of diesel fuel per gallon, excluding taxes, is $\$0.72 \times (CPI_R/CPI_{1992})$. For equipment/alternative fuel that is not being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the price of diesel fuel per gallon, excluding taxes, is the price at which the operator currently purchases diesel fuel, excluding taxes.

(*iv*) The cost per mile for alternative fuels is calculated based on the following equation:

$$\text{Cost per mile for alternative fuel} = \frac{\left(\begin{array}{c}\text{Unit price of}\\ \text{alternative fuel,}\\ \text{excluding taxes}\end{array}\right)}{\left(\begin{array}{c}\text{Fuel economy of}\\ \text{alternatively}\\ \text{fueled engine}\end{array}\right)}$$

(*v*) In order for the equipment/alternative fuel to be required, the fuel supplier must provide a contract to the urban bus operator specifying the cost of the fuel for the life of the engine being retrofitted. The contract must specify the incremental cost, compared to the cost of diesel fuel on a per mile basis, at which the fuel will be sold. As part of the contract, the fuel supplier must also provide on-site facilities, meeting all applicable safety and fire code requirements, for refueling, the urban bus engines being retrofitted, unless the operator already has sufficient refueling facilities or the operator agrees to use off-site refueling facilities. The fuel supplier must also provide for any modifications to existing facilities that are necessary due to the use of the equipment/alternative fuel to meet applicable safety and fire code requirements.

(*vi*) The fuel economy of the engine retrofitted with the equipment will be determined as part of the equipment certification process, as detailed in § 85.1407.

(D) For equipment requiring the use of a fuel additive, the fuel additive cost shall be calculated as follows:

$$\text{Fuel additive cost} = \frac{\left(\begin{array}{c}\text{Amount of fuel additive}\\ \text{required per gallon of fuel}\end{array}\right)\times\left(\begin{array}{c}\text{Discounted}\\ \text{lifetime miles}\end{array}\right)}{(\text{Fuel economy of engine})} \times\left(\begin{array}{c}\text{Price of fuel additive}\\ \text{per gallon}\\ \text{of fuel additive}\end{array}\right)$$

(*1*) For diesel-fueled engines, the fuel economy of the engine is 3.3 miles per gallon. For alternatively-fueled engines, the fuel economy of the engine shall be determined as part of the equipment certification process, as detailed in § 85.1407.

(*2*) For equipment/fuel additive that is being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is 129,104 miles. For equipment/fuel additive that is not being certified under § 85.1407 as available to all affected operators for less than the life cycle cost ceiling, the discounted lifetime mileage is based on the age of the urban bus engine being rebuilt as specified in the following table:

Age of engine at time of rebuild	Discounted lifetime miles
5 years	229,478
6 years	204,881
7 years	180,703
8 years	155,902
9 years	131,505
10 years	109,680
11 years	90,608
12 years	70,200
13 years	48,364
14 years	25,000
15 or more years	0

(*3*) The price of the fuel additive is the price at which the fuel additive supplier supplies the fuel additive to the urban bus operator. In order for the equipment/fuel additive to be required, the equipment/fuel additive supplier must provide a contract to the urban bus operator specifying the maximum cost at which the fuel additive will be sold for the life of the engine being retrofitted.

(*4*) The amount of fuel additive required per gallon of diesel fuel will be determined as part of the equipment certification process, as detailed in § 85.1407.

(E) The incremental maintenance cost of the equipment is equal to the cost of the parts necessary for scheduled maintenance of the retrofit equipment incremental to cost of the parts necessary for maintenance of an original, non-retrofitted engine. The incremental maintenance cost will be determined as part of the equipment certification process, as detailed in § 85.1407.

(F) For equipment which replaces an existing urban bus engine with a new, previously unused engine, a credit will be applied to the life cycle cost. The engine replacement credit will be determined as follows:

$$\text{Engine Replacement Credit}_{R} = \$10{,}000 \times \left(\text{CPI}_{R} / \text{CPI}_{1992}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(iii) The life cycle cost ceiling for complying with the 25 percent particulate emission reduction requirement is calculated by the following equation at the time of rebuild:

$$\text{Life Cycle Cost Ceiling}_R = \$2{,}000 \times \left(CPI_R / CPI_{1992}\right)$$

Where,

CPI_R is the most recent published Consumer Price Index at time of rebuild (for ''all items'' as published by the U.S. Bureau of Labor Statistics).

CPI_{1992} is the Consumer Price Index (for ''all items'' as published by the U.S. Bureau of Labor Statistics) for 1992.

(3)(i) Urban buses covered by this subpart for which no equipment is available under paragraphs (b)(1) or (b)(2) of this section shall be equipped with one of the following:

(A) The original engine rebuilt to its original engine configuration as specified in paragraph (b)(3)(ii) of this section; or

(B) An engine identical to its original engine which has been rebuilt to its original configuration as specified in paragraph (b)(3)(ii) of this section; or

(C) An engine of a configuration with a certification PM level lower than the original configuration; or

(D) A replacement engine with a particulate matter certification level lower than the original engine.

(ii) All replacement or rebuilt parts shall be equivalent to the original equipment specifications.

(4) Notwithstanding paragraph (b)(3) of this section, if as of July 1, 1996, no equipment has been certified to meet the cost ceiling requirements of paragraphs (b)(1) or (b)(2) of this section, then urban buses covered by this subpart shall be equipped with equipment that has been certified to achieve at least a 25 percent reduction in particulate emissions from the original certified particulate emission level of the urban bus engine model being rebuilt, provided the equipment does not require any of the following:

(i) A switch from mechanical control to electronic control; or

(ii) Installation of exhaust aftertreatment equipment; or

(iii) The use of a fuel different from the fuel on which the engine currently operates.

(c) Program 2: Averaging based program. Program 2 requires affected urban bus operators to meet an annual average fleet particulate emissions level, rather than requiring each individual rebuilt urban bus engine in the operator's fleet to meet a specific particulate emission level. Under Program 2, each affected fleet operator must reduce particulate emissions from its affected urban buses (i.e., 1993 and earlier model year urban buses) to a level low enough to meet an annual average target level for a fleet (TLF) for particulate emissions (in grams per brake horsepower-hour). The TLF is calculated for each year of the program beginning in 1996. During each calendar year, the average particulate emissions level from all of the operator's pre-1994 model year urban buses must be at or below the TLF for that calendar year. The TLF for a particular calendar year is calculated based on the Agency's determination of the projected emission level for each engine model in the operator's pre-1994 model year urban bus fleet, as specified in paragraph (c)(1)(iii) of this section, and based on a schedule for rebuilding of affected urban bus engines, as specified in paragraph (c)(1)(iv) of this section.

(1) During each calendar year starting with 1996, urban bus operators shall be in compliance with an annual Target Level for a Fleet (TLF) of particulate emissions calculated using the equation defined in paragraph (c)(1)(i) of this section. Operators must comply with a TLF, rounded to two places

after the decimal, until all pre-1994 urban buses have been retired from the operator's fleet.

(i) An urban bus operator's annual Target Level for a Fleet (TLF) for a particular calendar year shall be calculated as follows:

$$TLF_{CY} = \frac{\left(\sum_{MY=CY-15}^{1993} (B_{MY}) \times (WP_{MY})\right)}{\sum_{MY=CY-15}^{1993} (B_{MY})}$$

Where,

CY is the calendar year.

MY is the model year.

B_{MY} is the number of urban buses of that model year in the operator's fleet as of January 1, 1995, plus any urban buses of that model year added to the fleet after January 1, 1995.

WP_{MY} is the weighted average of projected particulate emissions for urban buses of that model year calculated using the formula in paragraph (c)(1)(ii) of this section.

(ii) The weighted average of projected particulate emissions for urban buses of a particular model year is calculated using the following equation:

$$WP_{MY} = \frac{\left(\sum_{1}^{z} (B_z) \times (P_z)\right)}{\sum_{1}^{z} (B_z)}$$

Where,

MY is the model year.

z is the number of different engine models in the fleet of model year MY.

B_z is the number of urban buses in the operator's fleet as of January 1, 1995 (including those added after January 1, 1995) equipped with a specific engine model of the given model year.

P_z is the projected particulate emission level of that engine model provided in paragraphs (c)(1)(iii) and (c)(1)(iv) of this section.

(iii)(A) Pre-rebuild particulate emission levels and projected post-rebuild particulate emission levels in grams per brake horsepower-hour (g/bhp-hr) are based on engine type and model year and are specified in the following table. The appropriate particulate level, pre-rebuild or post-rebuild, shall be determined using the information contained in paragraph (c)(1)(iv) of this section.

Engine model	Model year of engine	Pre-rebuild particulate level (g/bhp-hr)	Projected post-rebuild particulate level (g/bhp-hr)
DDC 6V92TA	1979–1987	0.50	0.30
	1988–1989	0.30	0.10
DDC 6V92TA DDECI	1986–1987	0.30	0.30
DDC 6V92TA DDECII	1988–1991	0.31	0.10
	1992	0.25	0.10
	1993 (no trap)	0.25	0.10
	1993 (trap)	0.07	0.07
DDC Series 50	1993	0.16	0.10
DDC 6V71N	1973–1987	0.50	0.50

Engine model	Model year of engine	Pre-rebuild particulate level (g/bhp-hr)	Projected post-rebuild particulate level (g/bhp-hr)
	1988–1989	0.50	0.10
DDC 6V71T	1985–1986	0.50	0.50
DDC 8V71N	1973–1984	0.50	0.50
DDC 6L71TA	1990	0.59	0.10
	1988–1989	0.31	0.10
DDC 6L71TA DDEC	1990–1991	0.30	0.10
Cummins L10	1985–1987	0.65	0.65
	1988–1989	0.55	0.10
	1990–1991	0.46	0.10
Cummins L10 EC	1992	0.25	0.10
	1993 (trap)	0.05	0.05
Alternatively-fueled engines	Pre-1994	0.10	0.10
Other engines	Pre-1988	0.50	0.50
	1988–1993	([1])	0.10

[1] Certification level.

(B) For the TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emissions levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model (other than any model year 1984 and 1987 engine models, and those engine models indicated in paragraph (c)(1)(iii)(B)(*4*) of this section) for which equipment has been certified by July 1, 1994 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1994 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, (and for any model year 1984 and 1987 engine models) for which equipment has been certified by July 1, 1994 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1994 as meeting the emission and cost requirements of paragraph (b)(1) or paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*5*) Notwithstanding paragraph (c)(1)(iii)(C)(*3*) of this section, if by July 1, 1994, no equipment has been certified for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be as indicated in the table at paragraph (c)(1)(iii)(A) of this section.

(C) For TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emission levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model (other than those indicated in paragraph (c)(1)(iii)(C)(*4*) of this section) for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1996 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, but for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1996 as meeting the requirements of either paragraph (b)(1) or paragraph (b)(2) of this section, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*5*) Notwithstanding paragraph (c)(1)(iii)(C)(*3*) of this section, if by July 1, 1996, no equipment has been certified to meet the emission requirements of paragraph (b)(1) or paragraph (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be the pre-rebuild particulate levels specified in the table at paragraph (c)(1)(iii)(A) of this section.

(D) For TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emission levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model (other than those indicated in paragraph (c)(1)(iii)(D)(*4*) of this section) for which equipment has been certified by July 1, 1998 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1998 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, but for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified by July 1, 1998 for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1998 as meeting the emission and cost requirements of paragraph (b)(1) or (b)(2) of this section, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*5*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1998, no equipment has been certified to meet the emission requirements of paragraph (b)(1) or (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be the pre-rebuild particulate levels specified in the table at paragraph (c)(1)(iii)(A) of this section; and

(*6*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1998, equipment has been certified to meet the emissions requirements of paragraph (b)(1) or (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, but no equipment has been certified by July 1, 1998 to meet the life-cycle cost requirements of paragraph (b)(1) or (b)(2) of this section, then the post-rebuild particulate levels shall be as specified in the following table:

Engine model	Model year sold	Pre-rebuild PM level (g/bhp-hr)	Post-rebuild PM level (g/bhp-hr)
DDC 6V92TA	1979–1987	0.50	0.30
	1988–1989	.30	.30
DDC 6V92TA DDECI	1986–1987	.30	.30
DDC 6V92TA DDECII	1988–1991	.31	.25
	1992	.25	.25
	1993 (no trap)	.25	.25
	1993 (trap)	.07	.07
DDC Series 50	1993	.16	.16
DDC 6V71N	1973–1987	.50	.50
	1988–1989	.50	.50
DDC 6V71T	1985–1986	.50	.50
DDC 8V71N	1973–1984	.50	.50
DDC 6L71TA	1990	.59	.59

Engine model	Model year sold	Pre-rebuild PM level (g/bhp-hr)	Post-rebuild PM level (g/bhp-hr)
	1988–1989	.31	.31
DDC 6L71TA DDEC	1990–1991	.30	.30
Cummins L10	1985–1987	.65	.46
	1988–1989	.55	.46
	1990–1991	.46	.46
Cummins L10 EC	1992	.25	.25
	1993 (trap)	.05	.05
Alternatively-fueled Engines	Pre-1994	.10	.10
Other Engines	Pre-1988	.50	.50
	1988–1993	(1)	(1)

(1) New engine certification level.

(iv) To determine which particulate (PM) emission level from paragraph (c)(1)(iii) of this section is used for a particular model year engine in a fleet for the TLF of a given calendar year, use the following table:

Model year of engine	Year for which TLF is being calculated	Particulate emission level (see § 85.1403(c)(1)(iii))
1993	1996–1998	Pre-Rebuild Level.[1]
	1999–2001	Post-Rebuild Level.[3]
	2002–thereafter	Post-Rebuild Level.[4]
1992	1996–1998	Pre-Rebuild Level.[1]
	1999–2003	Post-Rebuild Level.[3]
	2004–thereafter	Post-Rebuild Level.[4]
1991	1996–1997	Pre-Rebuild Level.[1]
	1998–2002	Post-Rebuild Level.[3]
	2003–thereafter	Post-Rebuild Level.[4]
1990	1996–1999	Pre-Rebuild Level.[1]
	2000–thereafter	Post-Rebuild Level.[4]
1989	1996–1999	Pre-Rebuild Level.[1]
	2000–thereafter	Post-Rebuild Level.[4]
1988	1996–1998	Pre-Rebuild Level.[1]
	1999–thereafter	Post-Rebuild Level.[3]
1987	1996–1998	Post-Rebuild Level.[2]
	1999–thereafter	Post-Rebuild Level.[3]
1986	1996–1997	Pre-Rebuild Level.[1]
	1998–thereafter	Post-Rebuild Level.[3]
1985	1996	Pre-Rebuild Level.[1]
	1997–thereafter	Post-Rebuild Level.[2]
1984	1996–thereafter	Post-Rebuild Level.[2]
Pre-1984	1996–thereafter	Pre-Rebuild Level.[1]

[1] The pre-rebuild PM level established in paragraph (c)(1)(iii)(A) of this section.
[2] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(B) of this section.
[3] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(C) of this section.
[4] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(D) of this section.

(2) To determine compliance under this program, the TLF, rounded to two places after the decimal, shall be compared with an annual Fleet Level Attained (FLA) of particulate emissions calculated using the equation defined in paragraph (c)(2)(i) of this section, and also rounded to two places after the decimal. At all times during a given calendar year, the FLA must be at or below the TLF for the same calendar year in order for the fleet to be in compliance.

(i) An urban bus operator shall calculate its Fleet Level Attained (FLA) using the following equation:

$$FLA = \frac{\left(\sum_{MY=MY_1}^{1993} (B_{MY}) \times (WE_{MY})\right)}{\left(\sum_{MY=MY_1}^{1993} B_{MY}\right) + B_R}$$

Where,

MY is the model year.

MY_1 is the model year of the oldest urban bus in a operator's fleet.

B_{MY} is the number of urban buses of model year MY in an operator's fleet, excluding those urban buses older than fifteen years that meet a 0.10 grams per brake horsepower-hour particulate standard.

B_R is the number of 1993 and earlier model year urban buses retired since January 1, 1995 that would have been less than 15 years old, as calculated by the model year of the urban bus on December 31st of the given calendar year, but does not include retired urban buses that are replaced by other 1993 and earlier model year urban buses.

WE_{MY} is the weighted average of engine-specific particulate emissions for urban buses in that model year in an operator's fleet, excluding those urban buses older than fifteen years that meet a 0.10 grams per brake horsepower-hour particulate standard, calculated using the formula in paragraph (c)(2)(ii) of this section.

(ii) The weighted average of engine specific particulate emissions for urban buses of a particular model year, excluding those urban buses older than fifteen years that meet a 0.10 grams per brake horsepower-hour particulate standard is calculated using the following equation:

$$WE_{MY} = \frac{\left(\sum_{1}^{q} (B_q) \times (E_q)\right)}{\sum_{1}^{q} (B_q)}$$

Where,

q is the number of different engine configurations in a given model year, excluding those urban buses older than fifteen years that meet a 0.10 grams per brake horsepower-hour particulate standard.

B_q is the number of urban buses with a specific engine configuration.

E_q is the engine-specific particulate emission level for a given configuration.

(iii) The E_q shall be defined as:

(A) The pre-rebuild level as specified in paragraph (c)(1)(iii) of this section in cases where an engine has not been rebuilt after January 1, 1995 or has been rebuilt to its original configuration; or

(B) The particulate emission level (in grams per brake horsepower-hour) achieved after installing emission control equipment on the urban bus at time of rebuild, where an engine has been rebuilt using emission control equipment after January 1, 1995. Such particulate emission levels will be established by the equipment certifier during equipment certification; or

(C) 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) for urban buses covered by the provisions specified in paragraph (d)(1) of this section; or

(D) The particulate emission level (in grams per brake horsepower-hour) of the upgrade engine configuration for urban buses covered by the provisions specified in paragraph (d)(3) of this section; or

(E) The particulate emission level (in grams per brake horsepower-hour) determined by applying an additional

percent reduction in particulate emissions to the particulate levels determined in paragraphs (c)(2)(iii)(A) through (c)(2)(iii)(D) of this section for those urban buses operating on diesel-based fuels which achieve particulate reductions beyond federally required diesel fuel with 0.05 weight percent sulfur content. Such additional percent reductions will be determined through certification of such diesel-based fuels as specified in §85.1407.

(d)(1) Operators of urban buses covered by this subpart which have had particulate traps installed prior to January 1, 1995, or are powered by an alternative fuel that significantly reduces particulate emissions compared to emissions from diesel fuel, may assume that such urban buses are operating at a PM level of 0.10 grams per brake horsepower-hour (0.037 grams per megajoule) for purposes of meeting the requirements set forth in paragraphs (b) and (c) of this section as long as such urban buses have engines that are properly calibrated and maintained in accordance with equipment manuals and instructions, and the operator has no reason to believe otherwise.

(2) Any urban buses which have had particulate traps installed prior to January 1, 1995, or are powered by a fuel that significantly reduces particulate emissions compared to emissions from diesel fuel, whose engines have not been properly calibrated and maintained in accordance with equipment manuals and instructions or the operator has reason to believe otherwise, shall be treated as if such equipment was not installed for purposes of determining compliance with paragraphs (b) and (c) of this section.

(3) Operators of urban buses covered by this subpart which have upgrade kits installed prior to January 1, 1995, may assume that such urban buses are operating at the PM level of the upgraded engine configuration for purposes of meeting the requirements set forth in paragraphs (b) and (c) of this section.

(e)(1) The standard and percent emission reductions requirements set forth in paragraphs (b) and (c) of this section refer to exhaust emitted over the operating schedule set forth in paragraph (f)(2) of Appendix I to part 86 of this chapter and measured and calculated in accordance with the procedures set forth in subpart N of part 86 of this chapter.

(2) Equipment certifiers may also submit emission results from EPA-approved alternative test procedures showing compliance with the 25 percent reduction requirements of paragraphs (b) and (c) of this section. As required in §85.1414, the equipment certifier shall supply information on the alternative test procedure which supports the certifier's claims that the alternative test procedure is typical of in-use urban bus operation.

(f) Every operator subject to the requirements prescribed in this section shall keep records of all engine rebuilds and replacements performed on urban buses as required in §85.1404, and maintain evidence that their urban buses are in compliance with the requirements of paragraphs (b) or (c) of this section.

(g) Operators shall affix the label provided with the equipment, required under §85.1411(a), to the engine being rebuilt with the equipment.

[58 FR 21386, Apr. 21, 1993, as amended at 63 FR 14635, Mar. 26, 1998]

§85.1404 Maintenance of records for urban bus operators; submittal of information; right of entry.

(a) The operator of any urban bus for which this subpart is applicable shall maintain and retain the following adequately organized and indexed records beginning January 1, 1995. Each operator shall keep such records until the five year anniversary of a rebuild or until the engine is rebuilt again, whichever occurs first.

(1) *General records.* The records required to be maintained under this paragraph shall consist of all purchase records, receipts, and part numbers for parts and components used in the rebuilding of urban bus engines.

(2) *Individual records.* A brief history of each urban bus subject to the rebuild provisions prescribed under this section including the records and documentation required to be maintained under §85.1403(f) of this subpart.

(3) *Fuel purchase records.* The records required under this paragraph consist of all purchase records of fuels for

which the operator is claiming additional emission reductions under § 85.1403(c)(2)(iii)(E), purchase records for fuel additives required for use with equipment, and purchase records for fuels, other than diesel fuel, which are used with dual-fueled engines.

(b)(1) Any operator subject to the requirements under this section shall provide any EPA Enforcement Officer, upon presentation of credentials during operating hours, access to the following:

(i) Any facility where records required to be maintained under this section are generated or stored.

(ii) Any facility where engine rebuilding or replacement takes place.

(2) Upon admission to any facility referred to in paragraph (b)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and make copies of records required to be maintained under this section.

(ii) To inspect and photograph any urban bus and engine subject to the standards set forth in § 85.1403 of this subpart.

(iii) To inspect and monitor any activity related to the rebuilding or replacement of an engine in an urban bus for which these regulations are applicable as described in § 85.1401 of this subpart.

§ 85.1405 Applicability.

The provisions of §§ 85.1405 through 85.1414 apply to retrofit/rebuild equipment which is to be installed on or used with 1993 and earlier model year urban buses whose engines are rebuilt or replaced after January 1, 1995. For the purposes of §§ 85.1405 through 85.1414, ''equipment'' includes alternative fuels and fuel additives to be used with urban bus engines.

§ 85.1406 Certification.

(a) Certification compliance shall be demonstrated as follows:

(1) *Test procedure and emission results.* The emission test to be used is the heavy-duty engine Federal Test Procedure as set forth in the applicable portions of part 86 of this chapter or an approved alternative test procedure prescribed under § 85.1414. Certification emission testing must be carried out using representative production equipment as provided in paragraph (b) of this section. The test results must demonstrate that the retrofit/rebuild equipment will comply with either the particulate emission requirements of §§ 85.1403(b)(1)(i) or 85.1403(b)(2)(i), or provide some level of particulate emission reduction, and will not cause the urban bus engine to fail to meet any applicable Federal emission requirements set for that engine in the applicable portions of 40 CFR part 86, provided the equipment is properly installed.

(2) *Emission test engine selection.* (i) The test engine used must represent the ''worst case'' with respect to particulate emissions of all those engine configurations for which the retrofit/rebuild equipment is being certified. The worst case engine configuration shall be the engine configuration having the highest engine-out particulate matter emission levels, when properly maintained and used, prior to installation of the retrofit/rebuild equipment. EPA reserves the right to request data or information showing that the particulate emission reduction efficiency of the retrofit/rebuild equipment being certified under this paragraph, for use with more than one engine family, does not vary significantly among the engine families.

(ii) The results of certification tests using the worst case engine selections made in this section shall be applicable for the other engine configurations for which the retrofit/rebuild equipment is designed.

(iii) The worst case test engine selected for certification emission testing is not required to meet Federal emission standards before the retrofit/rebuild equipment is installed. However, each test engine shall have representative emissions performance that is close to the standards and have no obvious or suspected emission defects. Each test engine shall be tuned properly and set to the engine manufacturer's specifications before testing is performed. Any excessively worn or malfunctioning emission related part shall be repaired or replaced with a new part prior to testing.

(iv) To demonstrate compliance with the particulate emission requirements

of §85.1403(b)(1)(i), the test engine used may be a new unused engine, an in-use engine that has been rebuilt previously, or an in-use engine that has not been rebuilt previously.

(v) (A) To demonstrate compliance with the particulate emission requirements of §85.1403(b)(2)(i) on engines for which particulate certification data exists, the test engine used may be a new unused engine, an in-use engine that has been rebuilt previously, or an in-use engine that has not been rebuilt previously.

(B) To demonstrate compliance with the particulate emission requirements of §85.1403(b)(2)(i) on engines for which no particulate certification data exists, the test engine used may be a new unused engine, or an in-use engine that is newly rebuilt to its original configuration.

(b) Diesel test fuel. Federally required low sulfur diesel fuel (with a sulfur content of 0.05 weight percent) shall be used for all new emissions testing required to be performed for certification of retrofit/rebuild equipment for diesel-fueled urban bus engines.

(c) Test equipment selection. Certification shall be based upon tests utilizing representative production equipment selected in a random manner.

(d) Replacing original equipment parts. Installation of any certified retrofit/rebuild equipment shall not result in the permanent removal or rendering inoperative of any original equipment emission related part other than the part(s) being replaced. Furthermore, installation of any certified retrofit/rebuild equipment shall not cause or contribute to an unreasonable risk to the public health, welfare or safety, or result in any additional range of parameter adjustability or accessibility to adjustment than that of the vehicle manufacturer's emission related part.

(e) Affects on engine on-board diagnostic system. Installation of any certified retrofit/rebuild equipment shall not alter or render inoperative any feature of the on-board diagnostic system incorporated by the engine manufacturer. The certified equipment may integrate with the existing diagnostic system if it does not alter or render inoperative any features of the system.

(f) In-use enforcement. (1) As a condition of certification, the equipment certifier agrees to notify operators who have installed this equipment and repair the equipment without cost to the operator when the Agency determines that a substantial number of the equipment kits, when properly maintained and used, and in actual use throughout the in-use compliance period, do not meet emission requirements.

(2) If the equipment certifier disagrees with such determination of nonconformity and so advises the MOD Director, the MOD Director shall afford the equipment certifier and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing conducted in accordance with procedures found in §85.1807. For purposes of this section, substitute the word ''equipment'' in place of the phrase ''motor vehicles and engines.''

§85.1407 Notification of intent to certify.

(a) Prior to the sale of any certified retrofit/rebuild equipment, notification of the intent to certify must be approved by the MOD Director.

(1) All notifications shall include:

(i) Identification of the candidate retrofit/rebuild equipment to be certified, including a list of parts and part numbers;

(ii) Identification of all engine configurations for which the equipment is being certified including make(s), engine model(s), model year(s), engine size(s) and all other specific configuration characteristics necessary to assure that the equipment will not be installed in any configuration for which it has not been certified;

(iii) All results and documentation of tests and procedures used by the equipment certifier as evidence of compliance with the emission requirements specified in §85.1406;

(iv) A description of the test equipment selection criteria used, and a statement that the test equipment used for certification testing is representative production equipment consistent with §85.1406(c);

(v) A description of the test engine selection criteria used, and rationale that supports the technical judgment

of the equipment certifier that the engine configuration used for certification testing represents worst case with respect to particulate matter emissions of all those configurations for which the retrofit/rebuild equipment is being certified, and all data that supports that conclusion;

(vi) A copy of the written instructions for proper maintenance and use of the equipment, including instructions as to whether the engine must be rebuilt to its original configuration before installing the equipment;

(vii) The scheduled maintenance required for the equipment over the in-use compliance period, including service intervals of the retrofit/rebuild equipment which detail the maintenance and replacement intervals in months and/or miles, as applicable;

(viii) A copy of the warranty language to be provided to the operator pursuant to both §§85.1409(a) and 85.1409(b);

(ix) A statement of commitment and willingness to comply with all the relevant terms and conditions of this subpart;

(x) A statement by the equipment certifier that use of its certified equipment will not cause a substantial increase to urban bus engine emissions in any normal driving mode not represented during certification testing; and

(xi) The office or officer of the equipment certifier authorized to receive correspondence regarding certification requirements pursuant to this subpart.

(2) If an equipment certifier wishes to certify equipment for use under §85.1403(b) for all affected urban bus operators as specified in §85.1401, the notification shall also contain all data and documentation used by the equipment certifier as evidence of compliance with the life cycle cost requirements specified in §§85.1403(b)(1)(ii) or 85.1403(b)(2)(ii); including:

(i) The price to be charged to an urban bus operator for the equipment, excluding shipping and handling costs and taxes;

(ii) A detailed breakout of the total number of hours necessary to install the equipment, and the number of hours necessary to install the equipment, incremental to a standard rebuild;

(iii) For equipment not requiring a change from on road diesel fuel, the percent change in fuel economy for an urban bus engine retrofitted with the equipment compared to the original engine based on testing performed over the heavy-duty engine Federal test procedure or an approved alternative test procedure prescribed under §85.1414, including all test data supporting the reported change in fuel economy;

(iv) For alternatively-fueled equipment, the fuel economy of the retrofitted engine based on testing performed over an approved test procedure prescribed under §85.1414, including all test data supporting the reported fuel economy, and the unit price of the alternative fuel that will be charged to all affected urban bus operators;

(v) For equipment requiring a fuel additive, the amount of fuel additive required per gallon of fuel and the unit price of the fuel additive that will be charged to all affected urban bus operators; and

(vi) A list of the scheduled maintenance for an engine with the retrofit, and a detailed breakdown of the cost of the parts necessary to perform scheduled maintenance, incremental to the cost of the parts necessary for maintenance typically performed on an engine without the equipment.

(3) If an equipment certifier wishes to certify equipment for use under §85.1403(b), but not for use by all affected urban bus operators as specified in §85.1401, the notification shall, in addition to the data and documentation specified in paragraph (a)(1) of this section, also contain data and documentation that demonstrate compliance with the life cycle cost requirements specified in §85.1403(b)(1)(ii) or §85.1403(b)(2)(ii) including:

(i) A detailed breakout of the total number of hours necessary to install the equipment, and the number of hours necessary to install the equipment, incremental to a standard rebuild;

(ii) The percent change in fuel economy for an urban bus engine retrofitted with the equipment compared to the original engine based on testing

performed over the heavy-duty engine Federal test procedure or an approved alternative test procedure prescribed under §85.1414, including all test data supporting the reported change in fuel economy;

(iii) A list of the scheduled maintenance for an engine with the retrofit, and a detailed breakdown of the cost of the scheduled maintenance, incremental to the cost of maintenance typically performed on an engine without the equipment;

(iv) For alternatively-fueled equipment, the fuel economy of the retrofitted engine based on testing performed over an approved test procedure prescribed under §85.1414, including all test data supporting the reported fuel economy;

(v) For equipment requiring a fuel additive, the amount of fuel additive required per gallon of fuel; and

(vi) A description of the type of urban bus operator to which the equipment certifier expects to sell the equipment for less than the life cycle cost requirements specified in §85.1403(b)(1)(ii) or §85.1403(b)(2)(ii).

(4) The notification shall be signed by an officer of the equipment certifier attesting to the accuracy and completeness of the information supplied in the notification.

(5) Notification to the Agency shall be by certified mail or another method by which date of receipt can be established.

(6) Two complete and identical copies of the notification and any subsequent industry comments on any such notification shall be submitted by the equipment certifier to: MOD Director, MOD (6405J), Attention: Retrofit/Rebuild Equipment, 401 ''M'' Street SW., Washington, DC 20460.

(7) A copy of the notification submitted under paragraph (a)(6) of this section will be placed in a public docket and a summary will be published in the FEDERAL REGISTER. Any party interested in the outcome of the decision as to whether retrofit/rebuild equipment may be certified, may submit comments to the MOD Director on any notice in the public docket for 45 days after the summary of the notification of intent to certify has been published in the FEDERAL REGISTER.

(b)(1) For an urban bus operator to take credit for additional particulate emission reductions for use of a clean diesel fuel under §85.1403(c)(2)(iii)(E), the following information must be submitted to the Agency:

(i) The additional percent reduction in particulate emissions for engines operated on the clean diesel fuel.

(A) The additional percent reduction in particulate emissions shall be calculated based on the results of emission tests performed on urban bus engines using federally required low sulfur fuel and the fuel for which the certifier is demonstrating addition emission reductions.

(B) The additional percent reduction in particulate emissions shall be calculated based on the following equation:

$$\text{Percent reduction of particulate emissions} = \frac{\begin{pmatrix}\text{Particulate emissions}\\ \text{for engines operated}\\ \text{on Federally required}\\ \text{low sulfur fuel}\end{pmatrix} - \begin{pmatrix}\text{Particulate emissions}\\ \text{for engines operated}\\ \text{on clean diesel fuel}\end{pmatrix}}{\begin{pmatrix}\text{Particulate emissions}\\ \text{for engines operated}\\ \text{on Federally required}\\ \text{low sulfur fuel}\end{pmatrix}}$$

(ii) The emission testing results for hydrocarbons, carbon monoxide, and oxides of nitrogen. The results must show that use of the clean diesel fuel does not lead to increases in any of these emissions.

(2) Emission test results must be submitted for all of the engine models for which an urban bus operator wishes to claim additional particulate emission reductions.

(3) Emissions test results shall be measured over the heavy-duty engine Federal test procedure or an approved alternative test procedure prescribed under § 85.1414.

(c) The MOD Director reserves the right to review an application to determine if the submitted documents adequately meet all the requirements for certification specified in §§ 85.1406 and 85.1407. The MOD Director shall determine and will publish in the FEDERAL REGISTER the effective date of certification of the candidate equipment. Equipment may be sold as certified after the effective date of certification.

EFFECTIVE DATE NOTE: Information collection requirements in § 85.1407 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

§ 85.1408 Objections to certification.

(a) At any time prior to certification, the MOD Director may notify the equipment certifier that such equipment shall not be certified pending further investigation. The basis upon which this notification shall be made may include, but not be limited to, information or test results submitted by the equipment certifier, or public comments submitted on the equipment which indicate:

(1) The test procedure used to demonstrate compliance with the particulate matter emission standard or percent reduction of § 85.1403 was not in compliance with the heavy-duty engine Federal Test Procedure of 40 CFR part 86 or an alternative test procedure approved by the Agency under § 85.1414; or

(2) Use of the candidate equipment may cause an urban bus engine to exceed any applicable emission requirements; or

(3) Use of the candidate equipment could cause or contribute to an unreasonable risk to public health, welfare or safety in its operation or function; or

(4) Installation of the candidate equipment requires procedures or materials which would likely cause such equipment to be improperly installed under normal conditions or would likely result in an urban bus engine being misadjusted; or

(5) Information and/or data required to be in the notification of intent to certify as provided by § 85.1407 have not been provided or may be inadequate; or

(6) The life cycle cost estimates provided by the equipment certifier do not accurately reflect the true life cycle costs for the candidate equipment.

(b) The equipment certifier must respond in writing to the statements made in the notification by the MOD Director, or the MOD Director shall withdraw the equipment certifier's notification of intent to certify. A copy of the certifier's response will be placed in the public docket.

(1) Any party interested in the outcome of a decision as to whether retrofit/rebuild equipment may be certified may provide the MOD Director with any relevant written information up to ten days after the certifier responds to the MOD Director's objection.

(2) Any interested party may request additional time to respond to the information submitted by the equipment certifier. The MOD Director upon a showing of good cause by the interested party may grant an extension of time to reply up to 30 days.

(3) The equipment certifier may reply to information submitted by interested parties. Notification of intent to reply shall be submitted to the MOD Director within 10 days of the date information from interested parties is submitted to the MOD Director.

(4) The MOD Director may, at his or her discretion, allow oral presentations by the equipment certifier or any interested party in connection with contested equipment certification.

(c) If notification has been provided to an equipment certifier pursuant to paragraph (a) of this section, the MOD Director shall, after reviewing all pertinent data and information, render a decision and inform the equipment certifier in writing as to whether such equipment may be certified and, if so, under what conditions the equipment may be certified. The written decision shall include an explanation of the reasons therefor.

(1) The decision by the MOD Director shall be provided to the certifier after receipt of all necessary information by the certifier or interested parties, or of the date of any oral presentation regarding the certification, whichever occurs second.

(2) A copy of the decision shall be sent to all interested parties identified in paragraphs (b)(3) and (b)(4) of this section.

(3) Within 20 days of receipt of a decision made pursuant to paragraph (c) of this section, any party may file a written appeal to the Office Director. The Office Director may, in his or her discretion, allow additional oral or written submissions, prior to rendering a final decision. The schedule for such submission shall be in accordance with the schedule specified in §85.1408(b).

(4) If no party files an appeal with the Office Director within 20 days, then the decision of the MOD Director shall be final.

(5) The Office Director shall make a final decision regarding the certification of equipment after receipt of all necessary information by the equipment certifier or from the date of any oral presentation, whichever occurs later.

(6) A copy of all final decisions made under this section shall be published in the FEDERAL REGISTER.

§85.1409 Warranty.

(a) As a condition of certification, the retrofit/rebuild equipment certifier shall warrant that if the certified equipment is properly installed and maintained as stated in the written instructions for proper maintenance and use, the equipment will not cause an urban bus engine to exceed the emission requirements of this subpart and the emission standards set forth in 40 CFR part 86. This retrofit/rebuild equipment warranty shall extend for a period of 150,000 miles from when the equipment is installed.

(b) As a condition of certification, the retrofit/rebuild equipment certifier shall provide an emissions defect warranty that if the certified equipment is properly installed and maintained as stated in the written instructions for proper maintenance and use, the equipment certifier will replace all defective parts, free of charge. This emissions defect warranty shall extend for a period of 100,000 miles from when the equipment is installed.

§85.1410 Changes after certification.

The equipment certifier shall recertify any retrofit/rebuild equipment which was certified pursuant to §85.1406 and to which modifications are made affect emissions or the capability of the equipment to meet any other requirement of this subpart.

§85.1411 Labeling requirements.

(a) All retrofit/rebuild equipment certified pursuant to this subpart shall contain a label that shall be affixed to the rebuilt engine which states, ''Certified to EPA Urban Bus Engine Rebuild Standards,'' the model and serial number of the equipment, the particulate emissions certification level of the equipment, and the name of the equipment certifier or other party designated to determine the validity of warranty claims. The label containing the information must be made durable and readable for at least the in-use compliance period of the equipment.

(b) The package in which the certified retrofit/rebuild equipment is contained, or an insert as described in paragraph (c) of this section, must have the following information conspicuously placed thereon:

(1) The statement ''Certified by (name of certifier or warranter) to EPA Urban Bus Engine Rebuild Emission Standards''; and

(2) A list of the vehicles or engines (in accordance with §85.1407(a)(1)(ii)) for which the equipment is certified, unless such information is provided as specified in paragraph (d) of this section.

(c) The package in which the certified retrofit/rebuild equipment is contained must include the following information provided on a written insert:

(1) A list of the vehicles or engines (in accordance with §85.1407(a)(1)(ii)) for which the equipment is certified, unless such information is provided as specified in paragraph (d) of this section;

(2) A list of all of the parts and identification numbers for the parts included in the package;

(3) The instructions for proper installation of the equipment;

(4) A statement of the maintenance or replacement interval for which the retrofit/rebuild equipment is certified; and

(5) A description of the maintenance necessary to be performed on the retrofit/rebuild equipment in the proper maintenance and use of the equipment.

(d) The information required by paragraphs (b)(2) and (c)(1) of this section may be provided in a catalog rather than on the package or on an insert, provided that access to the catalog is readily available to purchasers and installers of the equipment.

(e) When an equipment certifier desires to certify existing in-service stocks of its products, it may do so provided:

(1) The equipment does not differ in any operational or durability characteristic from the equipment specified in the notification made pursuant to § 85.1407; and

(2) An information sheet is made available to all parties selling the equipment.

(i) The information sheet shall be provided with all equipment sold as certified; and

(ii) The information sheet shall contain all of the information specified in paragraph (b) of this section.

EFFECTIVE DATE NOTE: Information collection requirements in § 85.1411 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

§ 85.1412 Maintenance and submittal of records for equipment certifiers.

(a) For each certified retrofit/rebuild equipment, the equipment certifier must establish, maintain and retain for 5 years from the date of certification the following adequately organized and indexed records:

(1) Detailed production drawings showing all dimensions, tolerances, performance requirements and material specifications and any other information necessary to completely describe the equipment;

(2) All data obtained during testing of the equipment and subsequent analyses based on that data, including the mileage and the vehicle or engine configuration determinants;

(3) All information used in determining those vehicles or engine for which the equipment is represented as being equivalent from an emissions standpoint to the original equipment being replaced;

(4) A description of the quality control plan used to monitor production and assure compliance of the equipment with the applicable certification requirements;

(5) All data taken in implementing the quality control plan, and any subsequent analyses of that data; and

(6) All in-service data, analyses performed by the equipment certifier and correspondence with vendors, distributors, consumers, retail outlets or engine manufacturers regarding any design, production or in-service problems associated with 25 or more pieces of any certified equipment.

(b) The records required to be maintained in paragraph (a) of this section shall be made available to the Agency upon the written request of the MOD Director.

(c) If the equipment certifier is selling equipment that is not certified as available to all affected urban bus operators under § 85.1403(b) and § 85.1407, then the equipment certifier shall submit to EPA, at the time an offer is made, a copy of all offers made to affected urban bus operators for which the equipment certifier has offered to sell its certified equipment for less than the life cycle cost limits specified in § 85.1403(b)(1)(iii) or § 85.1403(b)(2)(iii). The equipment certifier may assert that some of the information is entitled to confidential treatment as provided in § 85.1414.

EFFECTIVE DATE NOTE: Information collection requirements in § 85.1412 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

§ 85.1413 Decertification.

(a) The MOD Director may notify an equipment certifier that the Agency has made a preliminary determination that certain retrofit/rebuild equipment should be decertified.

(1) Such a preliminary determination may be made if there is reason to believe that the equipment manufactured has failed to comply with §§85.1405 through 85.1414. Information upon which such a determination will be made includes but is not limited to the following:

(i) The equipment was certified on the basis of emission tests, and the procedures used in such tests were not in substantial compliance with a portion or portions of the heavy-duty engine Federal Test Procedure contained in 40 CFR part 86 or an alternative test prescribed under 40 CFR 85.1414; or

(ii) Use of the certified equipment is causing urban bus engine emissions to exceed emission requirements for any regulated pollutant; or

(iii) Use of the certified equipment causes or contributes to an unreasonable risk to public health, welfare or safety or severely degrades driveability operation or function; or

(iv) The equipment has been modified in a manner requiring recertification pursuant to §85.1410; or

(v) The certifier of such equipment has not established, maintained or retained the records required pursuant to §85.1412 or fails to make the records available to the MOD Director upon written request pursuant to §85.1412; or

(vi) The life cycle cost of the equipment exceeds the limits specified in §85.1403(b)(1)(iii) or §85.1403(b)(2)(iii).

(2) Notice of a preliminary determination to decertify shall contain:

(i) A description of the noncomplying equipment;

(ii) The basis for the MOD Director's preliminary decision; and

(iii) The date by which the certifier must:

(A) Terminate the sale of the equipment as certified equipment; or

(B) Make the necessary change (if so recommended by the Agency); or

(C) Request an opportunity in writing to dispute the allegations of the preliminary decertification.

(b) If the equipment certifier requests an opportunity to respond to the preliminary determination, the certifier and other parties interested in the MOD Director's decision whether to decertify the equipment shall, within 15 days of the date of the request, submit written presentations, including the relevant information and data, to the MOD Director. The MOD Director, in his or her discretion, may provide an opportunity for oral presentations.

(1) Any interested party may request additional time to respond to the information submitted by the equipment certifier. The MOD Director upon a showing of good cause by the interested party may grant an extension of time to reply up to 30 days.

(2) The equipment certifier may have an extension of up to 30 days to reply to information submitted by interested parties. Notification of intent to reply shall be submitted to the MOD Director within 10 days of the date information from interested parties is submitted to the MOD Director.

(c) If an equipment certifier has disputed the allegations of the preliminary decisions, the MOD Director shall, after reviewing any additional information, notify the equipment certifier of his or her decision whether the equipment may continue to be sold as certified. This notification shall include an explanation upon which the decision was made and the effective date for decertification, where appropriate.

(d) Within 20 days from the date of a decision made pursuant to paragraph (c) of this section, any adversely affected party may appeal the decision to the Office Director.

(1) A petition for appeal to the Office Director must state all of the reasons why the decision of the MOD Director should be reversed.

(2) The Office Director may, in his or her discretion, allow additional oral or written testimony.

(3) If no appeal is filed with the Office Director within the permitted time period, the decision of the MOD Director shall be final.

(e) If a final decision is made to decertify equipment under paragraph (d) of this section, the certifier of such equipment shall notify his immediate customers that, as of the date of the final determination, the equipment in question has been decertified. The

equipment certifier shall offer to replace decertified equipment in the customer's inventory with certified replacement equipment or, if unable to do so, shall at the customer's request repurchase such inventory at a reasonable price. The immediate customers must stop selling the equipment once the certifier has notified the customer that the equipment has been decertified.

(f) Notwithstanding the requirements of paragraph (e) of this section, equipment purchased by an urban bus operator prior to decertification, shall be considered certified pursuant to this subpart.

§ 85.1414 Alternative test procedures.

As a part of the certification process, as set forth in § 85.1406, a certifier may request that the Agency approve an alternative test procedure, other than the heavy-duty engine Federal test procedure, to show compliance with the 25 percent reduction in particulate matter emissions as noted in § 85.1403(b)(2)(i). The alternative test may be a chassis-based test, but the alternative test shall be representative of in-use urban bus operation. The requestor shall supply relevant technical support to substantiate its claim of representativeness. Upon an acceptable showing that an alternative test is representative of in-use urban bus operation, the Agency shall determine whether to set such alternative test procedures through rulemaking. The provisions of the certification process apply to such a request for alternative procedures.

EFFECTIVE DATE NOTE: Information collection requirements in § 85.1414 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them.

§ 85.1415 Treatment of confidential information.

(a) Any certifier may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to the Agency.

(c) To assert that information submitted pursuant to this subpart is confidential, a certifier must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. In addition to the complete and identical copies submitted pursuant to § 85.1407(a)(6), the submitter shall also provide two identical copies of its submittal from which all confidential information shall be deleted. If a need arises to publicly release nonconfidential information, the Agency will assume that the submitter has accurately deleted all confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in 40 CFR part 2, subpart B.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by the Agency without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

Subpart P—Importation of Motor Vehicles and Motor Vehicle Engines

AUTHORITY: 42 U.S.C. 7522, 7525, 7541, 7542(a) and 7601(a).

SOURCE: 52 FR 36156, Sept. 25, 1987, unless otherwise noted.

§ 85.1501 Applicability.

(a) Except where otherwise indicated, this subpart is applicable to motor vehicles and motor vehicle engines which are offered for importation or imported into the United States and for which the Administrator has promulgated regulations under part 86 prescribing emission standards but which are not covered by certificates of conformity issued under section 206(a) of the Clean Air Act (i.e., which are nonconforming vehicles as defined below), as amended, and part 86 at the time of conditional

importation. Compliance with regulations under this subpart shall not relieve any person or entity from compliance with other applicable provisions of the Clean Air Act.

(b) Regulations prescribing further procedures for importation of motor vehicles and motor vehicle engines into the Customs territory of the United States, as defined in 19 U.S.C. 1202, are set forth at 19 CFR 12.73.

(c) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of 40 CFR part 86, subpart S.

[52 FR 36156, Sept. 25, 1987, as amended at 64 FR 23919, May 4, 1999; 65 FR 59943, Oct. 6, 2000]

§85.1502 Definitions.

(a) As used in this subpart, all terms not defined herein have the meanings given them in 19 CFR 12.73, in the Clean Air Act, as amended, and elsewhere in parts 85 and 86 of this chapter.

(1) *Act.* The Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

(2) *Administrator.* The Administrator of the Environmental Protection Agency.

(3) *Certificate of conformity.* The document issued by the Administrator under section 206(a) of the Act.

(4) *Certificate holder.* The entity in whose name the certificate of conformity for a class of motor vehicles or motor vehicle engines has been issued.

(5) *The Federal Compliance Testing sequence (FCT).* The testing sequence that incorporates all of the testing requirements of part 86 applicable at the time of an emissions test conducted pursuant to this subpart.

(6) *FTP.* The Federal Test Procedure at part 86.

(7) *Independent commercial importer (ICI).* An importer who is not an original equipment manufacturer (OEM) (see definition below) or does not have a contractual agreement with an OEM to act as its authorized representative for the distribution of motor vehicles or motor vehicle engines in the U.S. market.

(8) *Model year.* The manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year; *Provided,* That if the manufacturer has no annual production period, the term ''model year'' shall mean the calendar year in which a vehicle is modified. A certificate holder shall be deemed to have produced a vehicle or engine when the certificate holder has modified the nonconforming vehicle or engine.

(9) *Nonconforming vehicle or engine.* A motor vehicle or motor vehicle engine which is not covered by a certificate of conformity prior to final or conditional importation and which has not been finally admitted into the United States under the provisions of §85.1505, §85.1509 or the applicable provisions of §85.1512. Excluded from this definition are vehicles admitted under provisions of §85.1512 covering EPA approved manufacturer and U.S. Government Agency catalyst and O_2 sensor control programs.

(10) *Original equipment manufacturer (OEM).* The entity which originally manufactured the motor vehicle or motor vehicle engine prior to conditional importation.

(11) *Original production (OP) year.* The calendar year in which the motor vehicle or motor vehicle engine was originally produced by the OEM.

(12) *Original production (OP) years old.* The age of a vehicle as determined by subtracting the original production year of the vehicle from the calendar year of importation.

(13) *Running changes.* Those changes in vehicle or engine configuration, equipment or calibration which are made by an OEM or ICI in the course of motor vehicle or motor vehicle engine production.

(14) *United States.* United States includes the Customs territory of the United States as defined in 19 U.S.C. 1202, and the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

(15) *Useful life.* A period of time/mileage as specified in part 86 for a nonconforming vehicle which begins at the time of resale (for a motor vehicle or motor vehicle engine owned by the ICI at the time of importation) or release

to the owner (for a motor vehicle or motor vehicle engine not owned by the ICI at the time of importation) of the motor vehicle or motor vehicle engine by the ICI after modification and/or test pursuant to § 85.1505 or § 85.1509.

(16) *Working day*. Any day on which Federal government offices are open for normal business. Saturdays, Sundays, and official Federal holidays are not working days.

(b) [Reserved]

[52 FR 36156, Sept. 25, 1987, as amended at 61 FR 5842, Feb. 14, 1996]

§ 85.1503 General requirements for importation of nonconforming vehicles.

(a) A nonconforming vehicle or engine offered for importation into the United States must be imported by an ICI who is a current holder of a valid certificate of conformity unless an exemption or exclusion is granted by the Administrator under § 85.1511 of this subpart or the vehicle is eligible for entry under § 85.1512.

(b) Final admission shall not be granted unless:

(1) The vehicle or engine is covered by a certificate of conformity issued in the name of the importer under part 86 and the certificate holder has complied with all requirements of § 85.1505; or

(2) The vehicle or engine is modified and emissions tested in accordance with the provisions of § 85.1509 and the certificate holder has complied with all other requirements of § 85.1509; or

(3) The vehicle or engine is exempted or excluded under § 85.1511; or

(4) The vehicle was covered originally by a certificate of conformity and is otherwise eligible for entry under § 85.1512.

§ 85.1504 Conditional admission.

(a) A motor vehicle or motor vehicle engine offered for importation under § 85.1505, § 85.1509 or § 85.1512 may be conditionally admitted into the United States, but shall be refused final admission unless:

(1) At the time of conditional admission, the importer has submitted to the Administrator a written report that the subject vehicle or engine has been permitted conditional admission pending EPA approval of its application for final admission under § 85.1505, § 85.1509, or § 85.1512. This written report shall contain the following:

(i) Identification of the importer of the vehicle or engine and the importer's address and telephone number;

(ii) Identification of the vehicle or engine owner and the vehicle or engine owner's address, telephone number and taxpayer identification number;

(iii) Identification of the vehicle or engine;

(iv) Information indicating under what provision of these regulations the vehicle or engine is to be imported;

(v) Identification of the place where the subject vehicle or engine will be stored until EPA approval of the importer's application to the Administrator for final admission;

(vi) Authorization for EPA Enforcement Officers to conduct inspections or testing otherwise permitted by the Act or regulations thereunder;

(vii) Identification, where applicable, of the certificate by means of which the vehicle is being imported;

(viii) The original production year of the vehicle; and

(ix) Such other information as is deemed necessary by the Administrator.

(b) Such conditional admission shall not be under bond for a vehicle or engine which is imported under § 85.1505 or § 85.1509. A bond will be required for a vehicle or engine imported under applicable provisions of § 85.1512. The period of conditional admission shall not exceed 120 days. During this period, the importer shall store the vehicle or engine at a location where the Administrator will have reasonable access to the vehicle or engine for his/her inspection.

§ 85.1505 Final admission of certified vehicles.

(a) A motor vehicle or engine may be finally admitted into the United States upon approval of the certificate holder's application to the Administrator. Such application shall be made either by completing EPA forms or by submitting the data electronically to EPA's computer, in accordance with EPA instructions. Such application shall contain:

(1) The information required in §85.1504(a);

(2) Information demonstrating that the vehicle or engine has been modified in accordance with a valid certificate of conformity. Such demonstration shall be made in one of the following ways:

(i) Through an attestation by the certificate holder that the vehicle or engine has been modified in accordance with the provisions of the certificate holder's certificate, and presentation to EPA of a statement by the appropriate OEM that the OEM will provide to the certificate holder and to EPA information concerning running changes to the vehicle or engine described in the certificate holder's application for certification, and actual receipt by EPA of notification by the certificate holder of any running changes already implemented by the OEM at the time of application and their effect on emissions; or

(ii) Through an attestation by the certificate holder that the vehicle or engine has been modified in accordance with the provisions of the certificate holder's certificate of conformity and that the certificate holder has conducted an FTP test, at a laboratory within the United States, that demonstrates compliance with Federal emission requirements on every third vehicle or third engine imported under that certificate within 120 days of entry, with sequencing of the tests to be determined by the date of importation of each vehicle or engine. Should the certificate holder have exceeded a threshold of 300 vehicles or engines imported under the certificate without adjustments or other changes in accordance with paragraph (a)(3) of this section, the amount of required FTP testing may be reduced to every fifth vehicle or engine. In order to make a demonstration under paragraph (a)(2)(i) of this section, a certificate holder must have received permission from the Administrator to do so;

(3) The results of every FTP test which the certificate holder conducted on the vehicle or engine. Should a subject vehicle or engine have failed an FTP at any time, the following procedures are applicable:

(i) The certificate holder may either:

(A) Conduct one FTP retest that involves no adjustment of the vehicle or engine from the previous test (e.g., adjusting the RPM, timing, air-to-fuel ratio, etc.) other than adjustments to adjustable parameters that, upon inspection, were found to be out of tolerance. When such an allowable adjustment is made, the parameter may be reset only to the specified (i.e., nominal) value (and not any other value within the tolerance band); or

(B) Initiate a change in production (running change) under the provisions of 40 CFR 86.084–14(c)(13) or 86.1842–01, as applicable, that causes the vehicle to meet Federal emission requirements.

(ii) If the certificate holder chooses to retest in accordance with paragraph (a)(3)(i)(A) of this section:

(A) Such retests must be completed no later than five working days subsequent to the first FTP test;

(B) Should the subject vehicle or engine fail the second FTP, then the certificate holder must initiate a change in production (a running change) under the provisions of 40 CFR 86.084–14(c)(13) or 86.1842–01, as applicable, that causes the vehicle to meet Federal emission requirements.

(iii) If the certificate holder chooses to initiate a change in production (a running change) under the provisions of 40 CFR 86.084–14(c)(13) or 86.1842–01 as applicable, that causes the vehicle to meet Federal requirements, changes involving adjustments of adjustable vehicle parameters (e.g., adjusting the RPM, timing, air/fuel ratio) must be changes in the specified (i.e., nominal) values to be deemed acceptable by EPA.

(iv) Production changes made in accordance with this section must be implemented on all subsequent vehicles or engines imported under the certificate after the date of importation of the vehicle or engine which gave rise to the production change.

(v) Commencing with the first vehicle or engine receiving the running change, every third vehicle or engine imported under the certificate must be FTP tested to demonstrate compliance with Federal emission requirements until, as in paragraph(a)(2)(ii) of this section, a threshold of 300 vehicles or

engines imported under the certificate is exceeded, at which time the amount of required FTP testing may be reduced to every fifth vehicle or engine.

(vi) Reports concerning these running changes shall be made to both the Manufacturers Operations and Certification Divisions of EPA within ten working days of initiation of the running change. The cause of any failure of an FTP shall be identified, if known;

(4) The applicable deterioration factor;

(5) The FTP results adjusted by the deterioration factor;

(6) Such other information that may be specified by applicable regulations or on the certificate under which the vehicle or engine has been modified in order to assure compliance with requirements of the Act;

(7) All information required under § 85.1510;

(8) An attestation by the certificate holder that the certificate holder is responsible for the vehicle's or engine's compliance with Federal emission requirements, regardless of whether the certificate holder owns the vehicle or engine imported under this section;

(9) The name, address and telephone number of the person who the certificate holder prefers to receive EPA notification under § 85.1505(c); and

(10) Such other information as is deemed necessary by the Administrator.

(b) EPA approval for final admission of a vehicle or engine under this section shall be presumed not to have been granted if a vehicle has not been properly modified to be in conformity in all material respects with the description in the application for certification or has not complied with the provisions of § 85.1505(a)(2) or its final FTP results, adjusted by the deterioration factor, if applicable, do not comply with applicable emission standards.

(c) Except as provided in § 85.1505(b), EPA approval for final admission of a vehicle or engine under this section shall be presumed to have been granted should the certificate holder not have received oral or written notice from EPA to the contrary within 15 working days of the date of EPA's receipt of the certificate holder's application under § 85.1505(a). Such EPA notice shall be made to an employee of the certificate holder. If application is made on EPA forms, the date on a certified mail receipt shall be deemed to be the official date of notification to EPA. If application is made by submitting the data electronically, the date of acceptance by EPA's computer shall be deemed to be the official date of notification to EPA. During this 15 working day period, the vehicle or engine must be stored at a location where the Administrator will have reasonable access to the vehicle or engine for his/her inspection.

[52 FR 36156, Sept. 25, 1987, as amended at 64 FR 23919, May 4, 1999]

§ 85.1506 Inspection and testing of imported motor vehicles and engines.

(a) In order to allow the Administrator to determine whether a certificate holder's production vehicles or engines comply with applicable emission requirements or requirements of this subpart, EPA Enforcement Officers are authorized to conduct inspections and/or tests of vehicles or engines imported by the certificate holder. EPA Enforcement Officers shall be admitted during operating hours upon demand and upon presentation of credentials to any of the following:

(1) Any facility where any vehicle or engine imported by the certificate holder under this subpart was or is being modified, tested or stored; and

(2) Any facility where any record or other document relating to modification, testing or storage of the vehicles or engines, or required to be kept by § 85.1507, is located.

EPA may require inspection or retesting of vehicles or engines at the test facility used by the certificate holder or at an EPA-designated testing facility, with transportation and/or testing costs to be borne by the certificate holder.

(b) Upon admission to any facility referred to in paragraph (a) of this section, any EPA Enforcement Officer shall be allowed during operating hours:

(1) To inspect and monitor any part or aspect of activities relating to the

certificate holder's modification, testing and/or storage of vehicles or engines imported under this subpart;

(2) To inspect and make copies of any records or documents related to modification, testing and storage of a vehicle or engine, or required by §85.1507; and

(3) To inspect and photograph any part or aspect of any such vehicle or engine and any component used in the assembly thereof.

(c) Any EPA Enforcement Officer shall be furnished, by those in charge of a facility being inspected, with such reasonable assistance as he/she may request to help him/her discharge any function listed in this subpart. A certificate holder shall cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA (whether or not the certificate holder controls the facility).

(d) The requirements of paragraphs (a), (b) and (c) of this section apply whether or not the certificate holder owns or controls the facility in question. Noncompliance with the requirements of paragraphs (a), (b) and (c) may preclude an informed judgment that vehicles or engines which have been or are being imported under this subpart by the certificate holder comply with applicable emission requirements or requirements of this subpart. It is the certificate holder's responsibility to make such arrangements as may be necessary to assure compliance with paragraphs (a), (b) and (c) of this section. Failure to do so, or other failure to comply with paragraphs (a), (b) and (c), may result in sanctions as provided for in the Act or §85.1513(e).

(e) Duly designated Enforcement Officers are authorized to proceed ex parte to seek warrants authorizing the inspection or testing of the motor vehicles or motor vehicle engines described in paragraph (a) of this section whether or not the Enforcement Officer first attempted to seek permission from the certificate holder or facility owner to inspect such motor vehicles or motor vehicle engines.

(f) The results of the Administrator's test under this section shall comprise the official test data for the vehicle or engine for purposes of determining whether the vehicle or engine should be permitted final entry under §85.1505 or §85.1509.

(g) For purposes of this section:

(1) ''Presentation of Credentials'' shall mean display of the document designating a person as an EPA Enforcement Officer.

(2) Where vehicle storage areas or facilities are concerned, ''operating hours'' shall means all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those specified in paragraph (g)(2) of this section are concerned, ''operating hours'' shall mean all times during which the facility is in operation.

(4) ''Reasonable assistance'' includes, but is not limited to, clerical, copying, interpreting and translating services, and the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his/her questions.

§85.1507 Maintenance of certificate holder's records.

(a) The certificate holder subject to any of the provisions of this subpart shall establish, maintain and retain for six years from the date of entry of a nonconforming vehicle or engine imported by the certificate holder, adequately organized and indexed records, correspondence and other documents relating to the certification, modification, test, purchase, sale, storage, registration and importation of that vehicle or engine, including but not limited to:

(1) The declaration required by 19 CFR 12.73;

(2) Any documents or other written information required by a Federal government agency to be submitted or retained in conjunction with the certification, importation or emission testing of motor vehicles or motor vehicle engines;

(3) All bills of sale, invoices, purchase agreements, purchase orders, principal or agent agreements and correspondence between the certificate holder and

the purchaser, of each vehicle or engine, and any agents of the above parties;

(4) Documents providing parts identification data associated with the emission control system installed on each vehicle or engine demonstrating that such emission control system was properly installed on such vehicle or engine;

(5) Documents demonstrating that, where appropriate, each vehicle or engine was emissions tested in accordance with the Federal Test Procedure.

(6) Documents providing evidence that the requirements of § 85.1510 have been met.

(7) Documents providing evidence of compliance with all relevant requirements of the Clean Air Act, the Energy Tax Act of 1978, and the Energy Policy and Conservation Act;

(8) Documents providing evidence of the initiation of the ''15 day hold'' period for each vehicle or engine imported pursuant to § 85.1505 or § 85.1509;

(9) For vehicles owned by the ICI at the time of importation, documents providing evidence of the date of sale subsequent to importation, together with the name, address and telephone number of the purchaser, for each vehicle or engine imported pursuant to § 85.1505 or § 85.1509;

(10) For vehicles not owned by the ICI at the time of importation, documents providing evidence of the release to the owner subsequent to importation for each vehicle or engine imported pursuant to § 85.1505 or § 85.1509; and

(11) Documents providing evidence of the date of original manufacture of the vehicle or engine.

(b) The certificate holder is responsible for ensuring the maintenance of records required by this section, regardless of whether facilities used by the certificate holder to comply with requirements of this subpart are under the control of the certificate holder.

§ 85.1508 "In Use" inspections and recall requirements.

(a) Vehicles or engines which have been imported, modified and/or FTP tested by a certificate holder pursuant to § 85.1505 or § 85.1509 may be inspected and emission tested by EPA throughout the useful lives of the vehicles or engines.

(b) Certificate holders shall maintain for six years, and provide to EPA upon request, a list of owners of all vehicles or engines imported by the certificate holder under this subpart.

(c) A certificate holder will be notified whenever the Administrator has determined that a substantial number of a class or category of the certificate holder's vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202 when in actual use throughout their useful lives (as determined under section 202(d)). After such notification, the Recall Regulations at part 85, subpart S, shall govern the certificate holder's responsibilities and references to a manfacturer in the Recall Regulations shall apply to the certificate holder.

§ 85.1509 Final admission of modification and test vehicles.

(a) Except as provided in paragraphs (b), (c), (d), (e), and (f) of this section, a motor vehicle or motor vehicle engine may be imported under this section by a certificate holder possessing a currently valid certificate of conformity only if:

(1)(i) The vehicle or engine is six OP years old or older; or

(ii) The vehicle was owned, purchased and used overseas by military or civilian employees of the U.S. Government and

(A) An ICI does not hold a currently valid certificate for that particular vehicle; and

(B) The Federal agency employing the owner of such vehicle determines that such owner is stationed in an overseas area which either prohibits the importation of U.S.-certified vehicles or which does not have adequate repair facilities for U.S.-certified vehicles; and

(C) The Federal agency employing the personnel owning such vehicles determines that such vehicles are eligible for shipment to the United States at U.S. Government expense; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holders ineligible to import such modification/

test vehicles, as described in paragraph (j) of this section.

(b) In calendar year 1988, a motor vehicle or motor vehicle engine originally produced in calendar years 1983 through 1987 may be imported under this section by a certificate holder if:

(1) The certificate holder possesses a currently valid certificate of conformity for a vehicle or engine model originally produced in calendar years 1987 or 1988 and the make (i.e., the OEM) and fuel type of such certified model is the same as the make and fuel type of the vehicle or engine being imported under this section; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holder's ineligible to import such modification/test vehicles, as described in paragraph (j) of this section.

(c) In calendar year 1989, a motor vehicle or motor vehicle engine originally produced in calendar years 1984 through 1987 may be imported under this section by a certificate holder if:

(1) The certificate holder possesses a currently valid certificate of conformity for a vehicle or engine model originally produced in calendar years 1988 or 1989 and the make and fuel type of such certified model is the same as the make and fuel type of the vehicle or engine being imported under this section; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holders ineligible to import such modification/test vehicles, as described in paragraph (j) of this section,

(d) In calendar year 1990, a motor vehicle or motor vehicle engine originally produced in calendar years 1985 through 1987 may be imported under this section by a certificate holder if:

(1) The certificate holder possesses a currently valid certificate of conformity for a vehicle or engine model originally produced in calendar years 1989 or 1990 and the make and fuel type of such certified model is the same as the make and fuel type of the vehicle or engine being imported under this section; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holders ineligible to import such modification/test vehicles, as described in paragraph (j) of this section.

(e) In calendar year 1991, a motor vehicle or motor vehicle engine originally produced in calendar years 1986 and 1987 may be imported under this section by a certificate holder if:

(1) The certificate holder possesses a currently valid certificate of conformity for a vehicle or engine model originally produced in calendar years 1990 or 1991 and the make and fuel type of such certified model is the same as the make and fuel type of the vehicle or engine being imported under this section; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holders ineligible to import such modification/test vehicles, as described in paragraph (j) of this section.

(f) In calendar year 1992, a motor vehicle or motor vehicle engine originally produced in calendar year 1987 may be imported under this section by a certificate holder if:

(1) The certificate holder possesses a currently valid certificate of conformity for a vehicle or engine model originally produced in calendar year 1991 or 1992 and the make and fuel type of such certified model is the same as the make and fuel type of the vehicle or engine being imported under this section; and

(2) The certificate holder's name has not been placed on a currently effective EPA list of certificate holders ineligible to import such modification/test vehicles, as described in paragraph (j) of this section.

(g) A motor vehicle or motor vehicle engine conditionally imported under this section may be finally admitted into the United States upon approval of the certificate holder's application to the Administrator. Such application shall be made either by completing EPA forms or, if the applicant chooses, by submitting the data electronically to EPA's computer, in accordance with EPA instructions. Such application shall contain:

(1) The identification information required in §85.1504;

(2) An attestation by the certificate holder that the vehicle or engine has

been modified and/emission tested in accordance with the FTP at a laboratory within the United States;

(3) The results of any FTP;

(4) The deterioration factor assigned by EPA;

(5) The FTP results adjusted by the deterioration factor;

(6) An attestation by the certificate holder that emission testing and development of fuel economy data as required by § 85.1510 was performed after the vehicle or engine had been modified to conform to Department of Transportation safety standards;

(7) All information required under § 85.1510;

(8) An attestation by the certificate holder that the certificate holder is responsible for the vehicle's or engine's compliance with Federal emission requirements, regardless of whether the certificate holder owns the vehicle or engine imported under this section.

(9) The name, address and telephone number of the person who the certification holder prefers to receive EPA notification under § 85.1509(i).

(10) For any vehicle imported in accordance with paragraphs (b) through (f) of this section, an attestation by the certificate holder that the vehicle is of the same make and fuel type as the vehicle covered by a qualifying certificate as described in paragraphs (b) through (f) of this section, as applicable.

(11) Such other information as is deemed necessary by the Administrator.

(h) EPA approval for final admission of a vehicle or engine under this section shall be presumed not to have been granted if a vehicle's final FTP results, adjusted by the deterioration factor, if applicable, do not comply with applicable emission standards.

(i) Except as provided in § 85.1509(h), EPA approval for final admission of a vehicle or engine under this section shall be presumed to have been granted should the certificate holder not have received oral or written notice from EPA to the contrary within 15 working days of the date of EPA's receipt of the certificate holder's application under § 85.1509(g). Such EPA notice shall be made to an employee of the certificate holder. If application is made on EPA form, the date of a certified mail receipt shall be deemed to be the official date of notification to EPA. If application is made by submitting the data electronically, the date of acceptance by EPA's computer shall be deemed to be the official date of notification to EPA. During this 15 working day period, the vehicle or engine must be stored at a location where the Administrator will have reasonable access to inspect the vehicle or engine.

(j) *EPA list of certificate holders ineligible to import vehicles for modification/test.* EPA shall maintain a current list of certificate holders who have been determined to be ineligible to import vehicles or engines under this section. Such determinations shall be made in accordance with the criteria and procedures in § 85.1513(e) of this subpart.

(k) *Inspections.* Prior to final entry, vehicles or engines imported under this section are subject to special inspections as described in § 85.1506 with these additional provisions:

(1) If a significant number of vehicles imported by a certificate holder fail to comply, in the judgment of the Administrator, with emission requirements upon inspection or retest, or if the certificate holder fails to comply with any provision of these regulations that pertain to vehicles imported pursuant to § 85.1509, the certificate holder may be placed on the EPA list of certificate holders ineligible to import vehicles under this section as specified in paragraph (j) of this section and § 85.1513(e);

(2) Individual vehicles or engines which fail an FTP retest or inspection must be repaired and retested, as applicable, to demonstrate compliance with emission requirements before final admission.

(3) Unless otherwise specified by EPA, the costs of all retesting under this subsection, including transportation, shall be borne by the certificate holder.

(l) *In-Use inspection and testing.* Vehicles or engines imported under this section may be tested or inspected by EPA at any time during the vehicle's or engine's useful life in accordance with § 85.1508 (a) and (b). If, in the judgment of the Administrator, a significant number of properly maintained and used vehicles or engines imported by

the certificate holder fail to meet emission requirements, the name of the certificate holder may be placed on the EPA list of certificate holders ineligible to import vehicles under the modification/test provision as specified in paragraph (j) of this section and §85.1513(e).

§85.1510 Maintenance instructions, warranties, emission labeling and fuel economy requirements.

The provisions of this section are applicable to all vehicles or engines imported under the provisions of §§85.1505 and 85.1509.

(a) *Maintenance Instructions.* (1) The certificate holder shall furnish to the purchaser or to the owner of each vehicle or engine imported under §85.1505 or §85.1509 of this section, written instructions for the maintenance and use of the vehicle or engine by the purchaser or owner. Each application for final admission of a vehicle or engine shall provide an attestation that such instructions have been or will be (if the ultimate producer is unknown) furnished to the purchaser or owner of such vehicle or engine at the time of sale or redelivery. The certificate holder shall maintain a record of having furnished such instructions.

(2) For each vehicle or engine imported under §85.1509, the maintenance and use instructions shall be maintained in a file containing the records for that vehicle or engine.

(3) Such instructions shall not contain requirements more restrictive than those set forth in 40 CFR part 86, subpart A or subpart S, as applicable (Maintenance Instructions), and shall be in sufficient detail and clarity that an automotive mechanic of average training and ability can maintain or repair the vehicle or engine.

(4) Certificate holders shall furnish with each vehicle or engine a list of the emission control parts, and emission-related parts added by the certificate holder and the emission control and emission related parts furnished by the OEM.

(b) *Warranties.* (1) Certificate holders shall provide to vehicle or engine owners emission warranties identical to those required by sections 207 (a) and (b) of the Act and 40 CFR part 85, subpart V. The warranty period for each vehicle or engine shall commence on the date the vehicle or engine is delivered by the certificate holder to the ultimate purchaser or owner.

(2) Certificate holders shall ensure that these warranties:

(i) Are insured by a prepaid mandatory service insurance policy underwritten by an independent insurance company;

(ii) Are transferable to each successive owner for the periods specified in sections 207 (a) and (b); and

(iii) Provide that in the absence of a certificate holder's facility being reasonably available (i.e., within 50 miles) for performance of warranty repairs, such warranty repairs may be performed anywhere.

(3) Certificate holders shall attest in each application for final admission that such warranties will be or have been provided. Copies of such warranties shall be maintained in a file containing the records for that vehicle or engine.

(c) *Emission labeling.* (1) The certificate holder shall affix a permanent legible label in a readily visible position in the engine compartment. The label shall meet all the requirements of part 86 and shall contain the following statement ''This vehicle or engine was originally produced in (month and year of original production). It has been imported and modified by (certificate holder's name, address and telephone number) to conform to U.S. emission regulations applicable to the (year) model year.'' If the vehicle or engine is owned by the certificate holder at the time of importation, the label shall also state ''this vehicle or engine is warranted for five years or 50,000 miles from the date of purchase, whichever comes first.'' If the vehicle or engine is not owned by the certificate holder at the time of importation, the label shall state ''this vehicle or engine is warranted for five years or 50,000 miles from the date of release to the owner, whichever comes first.'' For vehicles imported under §85.1509, the label shall clearly state in bold letters that ''this vehicle has not been manufactured under a certificate of conformity but meets EPA air pollution control requirements under a modification/test

program.'' In addition, for all vehicles, the label shall contain the vacuum hose routing diagram applicable to the vehicles.

(2) As part of the application to the Administrator for final admission of each individual vehicle or engine under § 85.1509, the certificate holder shall maintain a copy of such label for each vehicle or engine in a file containing the records for that vehicle or engine. Certificate holders importing under §§ 85.1505 or 85.1509 shall attest to compliance with the above labeling requirements in each application for final admission.

(d) *Fuel economy labeling.* (1) The certificate holder shall affix a fuel economy label that complies with the requirements of 40 CFR part 600, subpart D.

(2) For purposes of generating the fuel economy data to be incorporated on such label, each vehicle imported under § 85.1509 shall be considered to be a separate model type.

(3) As part of the application to the Administrator for final admission of each individual vehicle or engine imported under § 85.1509, the certificate holder shall maintain a copy of such label for each vehicle or engine in a file containing the records for that vehicle or engine. In each application for final admission of a vehicle or engine under §§ 85.1505 or § 85.1509, the certificate holder shall attest to compliance with the above labeling requirements.

(e) *Gas guzzler tax.* (1) Certificate holders shall comply with any applicable provisions of the Energy Tax Act of 1978, 26 U.S.C. 4064, for every vehicle imported under § 85.1505 and § 85.1509.

(2) For vehicles not owned by the certificate holder, the certificate holder shall furnish to the vehicle owner applicable IRS forms (currently numbered 720 (Quarterly Federal Excise Tax) and 6197 (Fuel Economy Tax Computation Form)) which relate to the collection of the gas guzzler tax under the Energy Tax Act of 1978, 26 U.S.C. 4064.

(3) As part of the certificate holder's application to EPA for final admission of each vehicle imported under § 85.1509, the certificate holder shall furnish any fuel economy data required by the Energy Tax Act of 1978, 15 U.S.C. 4064.

(f) *Corporate Average Fuel Economy (CAFE).* (1) Certificate holders shall comply with any applicable CAFE requirements of the Energy Policy and Conservation Act, 15 U.S.C. 2001 et seq., and 40 CFR part 600, for all vehicles imported under §§ 85.1505 and 85.1509.

[52 FR 36156, Sept. 25, 1987, as amended at 64 FR 23919, May 4, 1999]

§ 85.1511 Exemptions and exclusions.

(a) Individuals, as well as certificate holders, shall be eligible for importing vehicles into the United States under the provisions of this section, unless otherwise specified.

(b) Notwithstanding any other requirements of this subpart, a motor vehicle or motor vehicle engine entitled to one of the temporary exemptions of this paragraph may be conditionally admitted into the United States if prior written approval for such conditional admission is obtained from the Administrator. Conditional admission shall be under bond. A written request for approval from the Administrator shall contain the identification required in § 85.1504(a)(1) (except for § 85.1504(a)(1)(v)) and information that indicates that the importer is entitled to the exemption. Noncompliance with provisions of this section may result in the forfeiture of the total amount of the bond or exporation of the vehicle or engine. The following temporary exemptions are permitted by this paragraph:

(1) *Exemption for repairs or alterations.* Owners of fleet vehicles or engines may import such vehicles or engines solely for purposes of repairs or alterations. Such vehicles or engines may not be registered or licensed in the United States for use on public roads and highways. They may not be sold or leased in the United States and must be exported upon completion of the repairs or alterations.

(2) *Testing exemption.* Testing vehicles or engines may be imported by any person subject to the requirements of 40 CFR 85.1705 and 85.1708. Test vehicles or engines may be operated on and registered for use on public roads or highways provided that the operation is an

integral part of the test. The exemption shall be limited to a period not exceeding one year from the date of importation unless a request is made by the appropriate importer concerning the vehicle in accordance with §85.1705(f) for a subsequent one-year period.

(3) *Precertification exemption.* Prototype vehicles for use in applying to EPA for certification may be imported by independent commercial importers subject to applicable provisions of 40 CFR 85.1706 and the following requirements:

(i) No more than one prototype vehicle for each engine family for which an independent commercial importer is seeking certification shall be imported by each independent commercial importer.

(ii) Unless a certificate of conformity is issued for the prototype vehicle, the total amount of the bond shall be forfeited or the vehicle must be exported within 180 days from the date of entry.

(4) *Display exemptions.* (i) Vehicles or engines intended solely for display may be imported subject to the requirements of 40 CFR 85.1707.

(ii) Display vehicles or engines may be imported by any person. Display vehicles or engines may not be sold in the United States and may not be registered or licensed for use on or operated on public roads or highways in the United States, unless an applicable certificate of conformity has been received.

(c) Notwithstanding any other requirements of this subpart, a motor vehicle or motor vehicle engine may be finally admitted into the United States under this paragraph if prior written approval for such final admission is obtained from the Administrator. Conditional admission of these vehicles is not permitted for the purpose of obtaining written approval from the Administrator. A request for approval shall contain the identification information required in §85.1504(a)(1) (except for §85.1504(a)(1)(v)) and information that indicates that the importer is entitled to the exemption or exclusion. The following exemptions or exclusions are permitted by this paragraph:

(1) *National security exemption.* Vehicles may be imported under the national security exemption found at 40 CFR 85.1708. Only persons who are manufacturers may import a vehicle under a national security exemption.

(2) *Hardship exemption.* The Administrator may exempt on a case-by-case basis certain motor vehicles from Federal emission requirements to accommodate unforeseen cases of extreme hardship or extraordinary circumstances. Some examples are as follows:

(i) Handicapped individuals who needs a special vehicle unavailable in a certified configuration;

(ii) Individuals who purchase a vehicle in a foreign country where resale is prohibited upon the departure of such as individual;

(iii) Individuals emigrating from a foreign country to the U.S. in circumstances of severe hardship.

(d) Foreign diplomatic and military personnel may import nonconforming vehicles without bond. At the time of admission, the importer shall submit to the Administrator the written report required in §85.1504(a)(1) (except for information required by §85.1504(a)(1)(v)). Such vehicles may not be be sold in the United States.

(e) *Racing exclusion.* Racing vehicles may be imported by any person provided the vehicles meet one or more of the exclusion criteria specified in 40 CFR 85.1703. Racing vehicles may not be registered or licensed for use on or operated on public roads and highways in the United States.

(f) *Exclusions/exemptions based on date of original manufacture.* (1) Notwithstanding any other requirements of this subpart, the following motor vehicles or motor vehicle engines are excluded from the requirements of the Act in accordance with section 216(3) of the Act and may be imported by any person:

(i) Gasoline-fueled light-duty vehicles and light-duty trucks originally manufactured prior to January 1, 1968.

(ii) Diesel-fueled light-duty vehicles originally manufactured prior to January 1, 1975.

(iii) Diesel-fueled light-duty trucks originally manufactured prior to January 1, 1976.

(iv) Motorcycles originally manufactured prior to January 1, 1978.

(v) Gasoline-fueled and diesel-fueled heavy-duty engines originally manufactured prior to January 1, 1970.

(2) Notwithstanding any other requirements of this subpart, a motor vehicle or motor vehicle engine not subject to an exclusion under § 85.1511(f)(1) but greater than twenty OP years old is entitled to an exemption from the requirements of the Act, provided that it is imported into the United States by a certificate holder. At the time of admission, the certificate holder shall submit to the Administrator the written report required in § 85.1504(a)(1) (except for information required by § 85.1504(a)(1)(v)).

(g) Applications for exemptions and exclusions provided for in paragraphs (b) and (c) of this section shall be mailed to: Investigation/Imports Section (EN–340F), Office of Mobile Sources, U.S. Environmental Protection Agency, Washington, DC 20460.

(h) Vehicles conditionally or finally admitted under paragraphs (b)(2), (b)(4), (c)(1), (c)(2), and (f)(2) of this section must still comply with all applicable requirements, if any, of the Energy Tax Act of 1978, the Energy Policy and Conservation Act and any other Federal or state requirements.

[52 FR 36156, Sept. 25, 1987; 52 FR 43827, Nov. 16, 1987]

§ 85.1512 Admission of catalyst and O_2 sensor-equipped vehicles.

(a)(1) Notwithstanding other provisions of this subpart, any person may conditionally import a vehicle which:

(i) Was covered by a certificate of conformity at the time of original manufacture or had previously been admitted into the United States under § 85.1505 or § 85.1509 (after June 30, 1988).

(ii) Was certified, or previously admitted under § 85.1505 or § 85.1509 (after June 30, 1988), with a catalyst emission control system and/or O_2 sensor;

(iii) Is labeled in accordance with 40 CFR part 86, subpart A or subpart S, or, where applicable, § 85.1510(c); and

(iv) Has been driven outside the United States, Canada and Mexico or such other countries as EPA may designate.

(2) Such vehicle must be entered under bond pursuant to 19 CFR 12.73 unless it is included in a catalyst and O_2 sensor control program approved by the Administrator upon such terms as may be deemed appropriate. Catalyst and O_2 sensor programs conducted by manufacturers may be approved each model year.

(b) For the purpose of this section, ''catalyst and O_2 sensor control program'' means a program instituted and maintained by a manufacturer, or any U.S. Government Agency for the purpose of preservation, replacement, or initial installation of catalytic converters and cleaning and/or replacement of O_2 sensors and, if applicable, restricted fuel filler inlets.

(c) For the purpose of this section, ''driven outside the United States, Canada and Mexico'' does not include mileage accumulated on vehicles solely under the control of manufacturers of new motor vehicles or engines for the purpose of vehicle testing and adjustment, and preparation for shipment to the United States.

(d) Vehicles conditionally imported pursuant to this section and under bond must be modified in accordance with the certificate of conformity applicable at the time of manufacture. In the case of vehicles previously imported under § 85.1509 or § 85.1504 (prior to July 1, 1988), the replacement catalyst and O_2 sensor, if applicable, must be equivalent (in terms of emission reduction) to the original catalyst and O_2 sensor. Such vehicles may be granted final admission upon application to the Administrator, on forms specified by the Administrator. Such application shall contain the information required in § 85.1504(a)(1) (i) through (v) and shall contain both an attestation by a qualified mechanic that the catalyst has been replaced and the O_2 sensor has been replaced, if necessary, and that both parts are functioning properly, and a copy of the invoice for parts and labor.

[52 FR 36156, Sept. 25, 1987, as amended at 64 FR 23919, May 4, 1999]

§ 85.1513 Prohibited acts; penalties.

(a) The importation of a motor vehicle or motor vehicle engine which is not covered by a certificate of conformity other than in accordance with this subpart and the entry regulations of the U.S. Customs Service at 19 CFR

12.73 is prohibited. Failure to comply with this section is a violation of section 203(a)(1) of the Act.

(b) Unless otherwise permitted by this subpart, during a period of conditional admission, the importer of a vehicle shall not:

(1) Operate the vehicle on streets or highways,

(2) Sell or offer the vehicle or engine for sale, or

(3) Store the vehicle on the premises of a dealer.

(c) Any vehicle or engine conditionally admitted pursuant to §§85.1504, 85.1511 or 85.1512, and not granted final admission within 120 days of such conditional admission, or within such additional time as the U.S. Customs Service may allow, shall be deemed to be unlawfully imported into the United States in violation of section 203(a)(1) of the Act, unless such vehicle or engine shall have been delivered to the U.S. Customs Service for export or other disposition under applicable Customs laws and regulations. Any vehicles or engines not so delivered shall be subject to seizure by the U.S. Customs Service.

(d) Any importer who violates section 203(a)(1) of the Act is subject to a civil penalty under section 205 of the Act of not more than $10,000 for each vehicle or engine subject to the violation. In addition to the penalty provided in the Act, where applicable, under the exemption provisions of §85.1511(b), or under §85.1512, any person or entity who fails to deliver such vehicle or engine to the U.S. Customs Service is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

(e) (1) A certificate holder whose vehicles or engines imported under §85.1505 or §85.1509 fail to conform to Federal emission requirements after modification and/or testing under the Federal Test Procedure (FTP) or who fails to comply with applicable provisions of this subpart, may, in addition to any other applicable sanctions and penalties, be subject to any, or all, of the following sanctions:

(i) The certificate holder's currently held certificates of conformity may be revoked or suspended;

(ii) The certificate holder may be deemed ineligible to apply for new certificates for up to 3 years; and

(iii) The certificate holder may be deemed ineligible to import vehicles or engines under §85.1509 in the future and be placed on a list of certificate holders ineligible to import vehicles or engines under the provisions of §85.1509.

(2) Grounds for the actions described in paragraph (e)(1) of this section shall include, but not be limited to, the following:

(i) Action or inaction by the certificate holder or the laboratory performing the FTP on behalf of the certificate holder which results in fraudulent, deceitful or grossly inaccurate representation of any fact or condition which affects a vehicle's or engine's eligibility for admission to the U.S. under this subpart;

(ii) Failure of a significant number of vehicles or engines imported to comply with Federal emission requirements upon EPA inspection or retest; or

(iii) Failure by a certificate holder to comply with requirements of this subpart.

(3) The following procedures govern any decision to suspend, revoke, or refuse to issue certificates under this subpart:

(i) When grounds appear to exist for the actions described in paragraph (e)(1) of this section, the Administrator shall notify the certificate holder in writing of any intended suspension or revocation of a certificate, proposed ineligibility to apply for new certificates, or intended suspension of eligibility to conduct modification/testing under §85.1509, and the grounds for such action.

(ii) Except as provided by paragraph (e)(3)(iv) of this section, the certificate holder must take the following actions before the Administrator will consider withdrawing notice of intent to suspend or revoke the certificate holder's certificate or the certificate holder's eligibility to perform modification/testing under §85.1509:

(A) Submit a written report to the Administrator which identifies the reason for the noncompliance of the vehicle or engines, describes the proposed remedy, including a description of any proposed quality control and/or quality

assurance measures to be taken by the certificate holder to prevent the future occurrence of the problem, and states the date on which the remedies will be implemented; or

(B) Demonstrate that the vehicles or engines do in fact comply with applicable regulations in this chapter by retesting such vehicles or engines in accordance with the FTP.

(iii) A certificate holder may request within 15 calendar days of the Administrator's notice of intent to suspend or revoke a certificate holder's eligibility to perform modification/testing or certificate that the Administrator grant such certificate holder a hearing:

(A) As to whether the tests have been properly conducted,

(B) As to any substantial factual issue raised by the Administrator's proposed action.

(iv) If, after the Administrator notifies a certificate holder of his/her intent to suspend or revoke a certificate holder's certificate of conformity or its eligibility to perform modification/testing under § 85.1509 and prior to any final suspension or revocation, the certificate holder demonstrates to the Administrator's satisfaction that the decision to initiate suspension or revocation of the certificate or eligibility to perform modification/testing under § 85.1509 was based on erroneous information, the Administrator will withdraw the notice of intent.

(4) Hearings on suspensions and revocations of certificates of conformity or of eligibility to perform modification/testing under § 85.1509 shall be held in accordance with the following:

(i) Applicability. The procedures prescribed by this section shall apply whenever a certificate holder requests a hearing pursuant to subsection (e)(3)(iii).

(ii) Hearing under paragraph (e)(3)(iii) of this section shall be held in accordance with the procedures outlined in § 88.613, where applicable, provided that where § 86.612 is referred to in § 86.613: Section 86.612(a) is replaced by § 85.1513(d)(2); and § 86.612(i) is replaced by § 85.1513(d)(3)(iii).

(5) When a hearing is requested under this paragraph and it clearly appears from the data or other information contained in the request for a hearing, or submitted at the hearing, that there is no genuine and substantial question of fact with respect to the issue of whether the certificate holder failed to comply with this subpart, the Administrator will enter an order denying the request for a hearing, or terminating the hearing, and suspending or revoking the certificate of conformity or the certificate holder's eligibility to perform modification/testing under § 85.1509.

(6) In lieu of requesting a hearing under paragraph (e)(3)(iii) of this section, a certificate holder may respond in writing to EPA's charges in the notice of intent to suspend or revoke. Such a written response must be received by EPA within 30 days of the date of EPA's notice of intent. No final decision to suspend or revoke will be made before that time.

§ 85.1514 Treatment of confidential information.

(a) Any importer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, an importer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter.

§85.1515 Emission standards and test procedures applicable to imported nonconforming motor vehicles and motor vehicle engines.

(a) Notwithstanding any other requirements of this subpart, any motor vehicle or motor vehicle engine conditionally imported pursuant to §85.1505 or §85.1509 and required to be emission tested shall be tested using the FCT at 40 CFR part 86 applicable to current model year motor vehicles and motor vehicle engines at the time of testing.

(b) The emission standards applicable to nonconforming light-duty vehicles and light-duty trucks imported pursuant to this subpart are outlined in tables 1 and 2 of this section, respectively. The useful life as specified in tables 1 and 2 of this section is applicable to imported light-duty vehicles and light-duty trucks, respectively.

(c)(1) Nonconforming motor vehicles or motor vehicle engines of 1994 OP model year and later conditionally imported pursuant to §85.1505 or §85.1509 shall meet all of the emission standards specified in 40 CFR part 86 for the model year in which the motor vehicle or motor vehicle engine is modified. At the option of the ICI, the nonconforming motor vehicle may comply with the emissions standards in 40 CFR 86.1708–99 or 86.1709–99, as applicable to a light-duty vehicle or light light-duty truck, in lieu of the otherwise applicable emissions standards specified in 40 CFR part 86 for the model year in which the nonconforming motor vehicle is modified. The provisions of 40 CFR 86.1710–99 do not apply to imported nonconforming motor vehicles. The useful life specified in 40 CFR part 86 for the model year in which the motor vehicle or motor vehicle engine is modified is applicable where useful life is not designated in this subpart.

(2)(i) The provisions of paragraph (c)(1) of this section notwithstanding, nonconforming light-duty vehicles and light light-duty trucks (LDV/LLDTs) modified in model years 2004, 2005 or 2006 must meet the FTP exhaust emission standards of bin 9 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the evaporative emission standards for light-duty vehicles and light light-duty trucks specified in 40 CFR 86.1811–04(e)(5).

(ii) Nonconforming LDT3s and LDT4s (HLDTs) and medium-duty passenger vehicles (MDPVs) modified in model years 2004 through 2006 must meet the FTP exhaust emission standards of bin 10 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the applicable evaporative standards specified in 40 CFR 86.1811–04(e)(5). For 2004 model year HLDTs and MDPVs where modifications commence on the first vehicle of a test group before December 21, 2003, this requirement does not apply to the 2004 model year. ICIs opting to bring all of their 2004 model year HLDTs and MDPVs into compliance with the exhaust emission standards of bin 10 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04, may use the optional higher NMOG values for their 2004–2006 model year LDT2s and 2004–2008 LDT4s.

(iii) Nonconforming LDT3s and LDT4s (HLDTs) and medium-duty passenger vehicles (MDPVs) modified in model years 2007 and 2008 must meet the FTP exhaust emission standards of bin 8 in Tables S04–1 and S04–2 in 40 CFR 86.1811–04 and the applicable evaporative standards specified in 40 CFR 86.1811–04(e)(5).

(iv) Nonconforming LDV/LLDTs modified in model years 2007 and later and nonconfoming HLDTs and MDPVs modified in model years 2009 and later must meet the FTP exhaust emission standards of bin 5 in Tables S04–1 and S04–2 of 40 CFR 86.1811–04, and the evaporative standards specified in 40 CFR 86.1811(e)(1) through (e)(4).

(v) ICIs are exempt from the Tier 2 and the interim non-Tier 2 phase-in intermediate percentage requirements for exhaust, evaporative and refueling emissions described in 40 CFR 86.1811–04.

(3)(i) As an option to the requirements of paragraph (c)(2) of this section, independent commercial importers may elect to meet lower bins in Tables S04–1 and S04–2 of 40 CFR 86.1811–04 than specified in paragraph (c)(2) of this section and bank or sell credits as permitted in 40 CFR 86.1860–04 and 40

CFR 86.1861–04. An ICI may not meet higher bins in Tables S04–1 and S04–2 of 40 CFR 86.1811–04 than specified in paragraph (c)(2) of this section unless it demonstrates to the Administrator at the time of certification that it has obtained appropriate and sufficient NO_X credits from another manufacturer, or has generated them in a previous model year or in the current model year and not transferred them to another manufacturer or used them to address other vehicles as permitted in 40 CFR 86.1860–04 and 40 CFR 86.1861–04.

(ii) Where an ICI desires to obtain a certificate of conformity using a bin higher than specified in paragraph (c)(2) of this section, but does not have sufficient credits to cover vehicles produced under such certificate, the Administrator may issue such certificate if the ICI has also obtained a certificate of conformity for vehicles certified using a bin lower than that required under paragraph (c)(2) of this section. The ICI may then produce vehicles to the higher bin only to the extent that it has generated sufficient credits from vehicles certified to the lower bin during the same model year.

(4) [Reserved]

(5) Except for the situation where an ICI desires to bank, sell or use NO_X credits as described in paragraph (c)(3) of this section, the requirements of 40 CFR 86.1811–04 related to fleet average NO_X standards and requirements to comply with such standards do not apply to vehicles modified under this subpart.

(6) ICIs using bins higher than those specified in paragraph (c)(2) of this section must monitor their production so that they do not produce more vehicles certified to the standards of such bins than their available credits can cover. ICIs must not have a credit deficit at the end of a model year and are not permitted to use the deficit carryforward provisions provided in 40 CFR 86.1860–04(e).

(7) The Administrator may condition the certificates of conformity issued to ICIs as necessary to ensure that vehicles subject to paragraph (c) of this section comply with the appropriate average NO_X standard for each model year.

(d) Except as provided in paragraph (c) of this section, ICI's must not participate in emission-related programs for emissions averaging, banking and trading, or nonconformance penalties.

TABLE 1 TO § 85.1515—EMISSION STANDARDS APPLICABLE TO IMPORTED LIGHT-DUTY MOTOR VEHICLES [1 2 3]

OP Year	Hydrocarbon	Carbon monoxide	Oxides of nitrogen	Particulate	Diesel hydrocarbon	Evaporative (years/miles)	Useful life
1968–76	1.5 gpm	15 gpm	3.1 gpm		6.0 g/test	5/50,000	
1977–79	1.5 gpm	15 gpm	2.0 gpm		6.0 g/test	5/50,000	
1980	0.41 gpm	7.0 gpm	2.0 gpm		6.0 g/test	5/50,000	
1981	0.41 gpm	3.4 gpm	1.0 gpm		2.0 g/test	5/50,000	
1982–86	0.41 gpm	3.4 gpm	1.0 gpm	0.60 gpm	2.0 g/test	5/50,000	
1987–93	0.41 gpm	3.4 gpm	1.0 gpm	0.20 gpm	2.0 g/test	5/50,000	
1994 and later	(4)	(4)	(4)	(4)	(4)	(4)	

[1] Diesel particulate standards apply only to diesel fueled light-duty vehicles. Evaporative hydrocarbon standards apply only to non-diesel fueled light-duty vehicles. For alternative fueled light-duty vehicles, the evaporative hydrocarbon standard is interpreted as organic material hydrocarbon equivalent grams carbon per test, as applicable.

[2] No crankcase emissions shall be discharged into the ambient atmosphere from any non-diesel fueled light-duty vehicle.

[3] All light-duty vehicles shall meet the applicable emission standards at both low and high-altitudes according to the procedures specified in 40 CFR part 86 for current model year motor vehicles at the time of testing.

[4] Specified in 40 CFR part 86 for the OP year of the vehicle, per 85.1515(c).

TABLE 2—EMISSION STANDARDS APPLICABLE TO IMPORTED LIGHT-DUTY TRUCKS [1 2 3 4 5]

OP year	Hydrocarbon	Carbon monoxide	Oxides of nitrogen	Particulate	Diesel hydrocarbon	Evaporative (years/miles)	Useful life
1968–78	2.0 gpm	20 gpm	3.1 gpm		6.0 g/test	5/50,000	
1979–80	1.7 gpm	18 gpm	2.3 gpm		6.0 g/test	5/50,000	
1981	1.7 gpm	18 gpm	2.3 gpm		2.0 g/test	5/50,000	
1982–83	1.7 gpm (2.0)	18 gpm (26)	2.3 gpm (2.3)	0.60 gpm (0.60)	2.0 g/test (2.6)	5/50,000	
1984	0.80 gpm (1.0)	10 gpm (14)	2.3 gpm (2.3)	0.60 gpm (0.60)	2.0 g/test (2.6)	5/50,000	

TABLE 2—EMISSION STANDARDS APPLICABLE TO IMPORTED LIGHT-DUTY TRUCKS [1 2 3 4 5]—Continued

OP year	Hydrocarbon	Carbon monoxide	Oxides of nitrogen	Particulate	Diesel hydrocarbon	Evaporative (years/miles)	Useful life
1985–86	0.80 gpm (1.0)	10 gpm (14)	2.3 gpm (2.3)	0.60 gpm (0.60)	2.0 g/test (2.6)	11/120,000	
1987	0.80 gpm (1.0)	10 gpm (14)	2.3 gpm (2.3)	0.26 gpm (0.26)	2.0 g/test (2.6)	11/120,000	
1988–89	0.80 gpm (1.0)	10 gpm (14)	1.2 gpm[6] (1.2)	0.26 gpm[7] (2.0)	2.0 g/test (2.6)	11/120,000	
	0.80 gpm (1.0)	10 gpm (14)	1.7 gpm[6] (1.7)	0.45 gpm[7] (0.26)	2.0 g/test (2.6)	11/120,000	
	0.80 gpm (1.0)	10 gpm (14)	2.3 gpm[6] (2.3)	0.45 gpm[7] (0.26)	2.0 g/test (2.6)	11/120,000	
1990–93	0.80 gpm (1.0)	10 gpm (14)	1.2 gpm[8] (1.2)	0.26 gpm[7] (0.26)	2.0 g/test (2.6)	11/120,000	
	0.80 gpm (1.0)	10 gpm (14)	1.7 gpm[8] (1.7)	0.45 gpm[7] (0.26)	2.0 g/test (2.6)	11/120,000	
1994 and later	([9])	([9])	([9])	([9])	([9])	([9])	

[1] Diesel particulate standards apply only to diesel fueled light-duty trucks. Evaporative hydrocarbon standards apply only to non-diesel fueled light-duty trucks. For alternative fueled light-duty trucks, the evaporative hydrocarbon standard is interpreted as organic material hydrocarbon equivalent grams carbon per test, as applicable.

[2] No crankcase emissions shall be discharged into the ambient atmosphere from any non-diesel fueled light-duty truck.

[3] A carbon monoxide standard of 0.50% of exhaust flow at curb idle is applicable to all 1984 and later model year light-duty trucks sold to, or owned by, an importer for principal use at other than a designated high-altitude location. This requirement is effective for light-duty trucks sold to, or owned by an importer for principal use at a designated high-altitude location beginning with the 1988 model year.

[4] All 1982 OP year and later light-duty trucks sold to, or owned by, an importer for principal use at a designated high-altitude location shall meet high-altitude emission standards according to the requirements specified in 40 CFR part 86 for current model year light-duty trucks at the time of testing.

[5] Standards in parentheses apply to motor vehicles sold to, or owned by, an importer for principal use at a designated high-altitude location. These standards must be met at high-altitude according to the procedures specified in 40 CFR part 86 for current model year motor vehicles at the time of testing.

[6] The oxides of nitrogen standard of 1.2 gpm applies to light-duty trucks up to and including 3,750 pounds loaded vehicle weight and 6,000 pounds or less gross vehicle weight the 1.7 gpm standard applies to light-duty trucks greater than 3,750 pound loaded vehicle weight and 6,000 pounds or less gross vehicle weight; the 2.3 gpm standard applies to light-duty trucks 6,001 pounds gross vehicle weight and greater.

[7] The diesel particulate standard of 0.26 gpm applies to light-duty trucks up to and including 3,750 pounds loaded vehicle weight; the 0.45 gpm standard applies to light-duty trucks 3,751 pounds and greater loaded vehicle weight.

[8] The oxides of nitrogen standard of 1.2 gpm applies to light-duty trucks up to and including 3,750 pounds loaded vehicle weight; the 1.7 gpm standard applies to light-duty trucks 3,751 pounds and greater loaded vehicle weight.

[9] Specified in 40 CFR part 86 for the OP year of the vehicle, per 85.1515(c).

[61 FR 5842, Feb. 14, 1996, as amended at 62 FR 31232, June 6, 1997; 63 FR 964, Jan. 7, 1998; 65 FR 6847, Feb. 10, 2000]

Subpart Q—Preemption of State Standards and Waiver Procedures for Nonroad Engines and Nonroad Vehicles

SOURCE: 59 FR 36987, July 20, 1994, unless otherwise noted.

§ 85.1601 Applicability.

The requirements of this subpart are applicable to nonroad engines and nonroad vehicles.

§ 85.1602 Definitions.

As used in this subpart, all terms not defined shall have the meaning given them in the Clean Air Act, as amended.

Commercial means an activity engaged in as a vocation.

Construction equipment or vehicle means any internal combustion engine-powered machine primarily used in construction and located on commercial construction sites.

Engine used in a locomotive means either an engine placed in the locomotive to move other equipment, freight, or passenger traffic, or an engine mounted on the locomotive to provide auxiliary power.

Farm equipment or vehicle means any internal combustion engine-powered machine primarily used in the commercial production and/or commercial harvesting of food, fiber, wood, or commercial organic products or for the processing of such products for further use on the farm.

Locomotive. The definition of *locomotive* specified in 40 CFR 92.2 applies to this subpart.

New means a domestic or imported nonroad vehicle or nonroad engine the

equitable or legal title to which has never been transferred to an ultimate purchaser. Where the equitable or legal title to an engine or vehicle is not transferred to an ultimate purchaser until after the engine or vehicle is placed into service, then the engine or vehicle will no longer be new after it is placed into service. A nonroad engine or vehicle is placed into service when it is used for its functional purposes. The term *ultimate purchaser* means, with respect to any new nonroad vehicle or new nonroad engine, the first person who in good faith purchases such *new* nonroad vehicle or new nonroad engine for purposes other than resale. This definition of *new* shall not apply to locomotives or engines used in locomotives.

New engine used in a locomotive means new locomotive engine, as defined in 40 CFR 92.2.

New locomotive. The definition of *new locomotive* specified in 40 CFR 92.2 applies to this subpart.

Nonroad engine means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

(ii) The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or

(iii) The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

Primarily used means used 51 percent or more.

[59 FR 36987, July 20, 1994, as amended at 63 FR 18998, Apr. 16, 1998]

§ 85.1603 Application of definitions; scope of preemption.

(a) For equipment that is used in applications in addition to farming or construction activities, if the equipment is primarily used as farm and/or construction equipment or vehicles, as defined in this subpart, it is considered farm or construction equipment or vehicles.

(b) States and any political subdivisions thereof are preempted from adopting or enforcing standards or other requirements from new engines smaller than 175 horsepower, that are primarily used in farm or construction equipment or vehicles, as defined in this subpart.

(c)(1) States and any political subdivisions thereof are preempted from adopting or enforcing standards or other requirements relating to the control of emissions from new locomotives and new engines used in locomotives.

(2) During a period equivalent in length to 133 percent of the useful life, expressed as MW-hrs (or miles where applicable), beginning at the point at

which the locomotive or engine becomes new, those standards or other requirements which are preempted include, but are not limited to, the following: emission standards, mandatory fleet average standards, certification requirements, aftermarket equipment requirements, and nonfederal in-use testing requirements. The standards and other requirements specified in the preceding sentence are preempted whether applicable to new or other locomotives or locomotive engines.

(d) No state or any political subdivisions thereof shall enforce any standards or other requirements relating to the control of emissions from nonroad engines or vehicles except as provided for in this subpart.

[59 FR 36987, July 20, 1994, as amended at 62 FR 67736, Dec. 30, 1997; 63 FR 18998, Apr. 16, 1998]

§85.1604 Procedures for California nonroad authorization requests.

(a) California shall request authorization to enforce its adopted standards and other requirements relating to the control of emissions from nonroad vehicles or engines that are otherwise not preempted by §85.1603(b) or §85.1603(c) from the Administrator of EPA and provide the record on which the state rulemaking was based.

(b) After receipt of the authorization request, the Administrator shall provide notice and opportunity for a public hearing regarding such requests.

[59 FR 36987, July 20, 1994, as amended at 62 FR 67736, Dec. 30, 1997]

§85.1605 Criteria for granting authorization.

(a) The Administrator shall grant the authorization if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.

(b) The authorization shall not be granted if the Administrator finds that:

(1) The determination of California is arbitrary and capricious;

(2) California does not need such California standards to meet compelling and extraordinary conditions; or

(3) California standards and accompanying enforcement procedures are not consistent with section 209.

§85.1606 Adoption of California standards by other states.

Any state other than California which has plan provisions approved under Part D of Title I of the Clean Air Act may adopt and enforce emission standards for any period, for nonroad vehicles and engines subject to the following requirements:

(a) The state must provide notice to the Administrator that it has adopted such standards.

(b) Such standards shall not apply to new engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower or to new locomotives or new engines used in locomotives.

(c) Such standards and implementation and enforcement shall be identical, for the period concerned, to the California standards authorized by the Administrator.

(d) The state shall adopt such standards at least two years before commencement of the period for which the standards take effect.

(e) California shall have adopted such standards two years before commencement of the period for which the standards take effect in the state that is adopting under section 209(e)(2)(B).

[59 FR 36987, July 20, 1994, as amended at 62 FR 67736, Dec. 30, 1997]

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

AUTHORITY: Secs. 208(b)(1), 216(2), and 301, Clean Air Act (42 U.S.C. 7522, 7550, and 7061).

SOURCE: 39 FR 32611, Sept. 10, 1974, unless otherwise noted.

§85.1701 General applicability.

(a) The provisions of this subpart regarding exemption are applicable to new and in-use motor vehicles and motor vehicle engines.

(b) The provisions of this subpart regarding exclusion are applicable after the effective date of these regulations.

(c) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of 40 CFR part 86, subpart S.

[39 FR 32611, Sept. 10, 1974, as amended at 64 FR 23919, May 4, 1999; 65 FR 59943, Oct. 6, 2000]

§ 85.1702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) *Export exemption* means an exemption granted by statute under section 203(b)(3) of the Act for the purpose of exporting new motor vehicles or new motor vehicle engines.

(2) *National security exemption* means an exemption which may be granted under section 203(b)(1) of the Act for the purpose of national security.

(3) *Pre-certification vehicle* means an uncertified vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(4) *Pre-certification vehicle engine* means an uncertified heavy-duty engine owned by a manufacturer and used in a manner not involving lease or sale in a vehicle employed from year to year in the ordinary course of business for product development, production method assessment and market promotion purposes.

(5) *Testing exemption* means an exemption which may be granted under section 203(b)(1) for the purpose of research investigations, studies, demonstrations or training, but not including national security.

[39 FR 32611, Sept. 10, 1974, as amended at 45 FR 13733, Mar. 3, 1980; 47 FR 30484, July 14, 1982]

§ 85.1703 Application of section 216(2).

(a) For the purpose of determining the applicability of section 216(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) The Administrator will, from time to time, publish in the FEDERAL REGISTER a list of vehicles which have been determined to be excluded. This list will be in appendix VI of 40 CFR part 85.

[39 FR 32611, Sept. 10, 1974, as amended at 45 FR 13733, Mar. 3, 1980]

§ 85.1704 Who may request an exemption.

(a) Any person may request a testing exemption.

(b) Any manufacturer may request a national security exemption under § 85.1708.

(c) For manufacturers, vehicles or engines for export purposes are exempt without application, subject to the provisions of § 85.1709. For eligible manufacturers, as determined by § 85.1706, vehicles or engines for pre-certification purposes are exempt without application, subject to the provisions of § 85.1706(a).

[45 FR 13733, Mar. 3, 1980, as amended at 47 FR 30484, July 14, 1982]

§ 85.1705 Testing exemption.

(a) Any person requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with section 203(b)(1);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program exhibits reasonableness in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the Environmental Protection Agency's (hereafter EPA) monitoring requirements. Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four above identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose is one which is consistent with one or more of the bases for exemption set forth under section 203(b)(1), namely, research, investigations, studies, demonstrations, or training, but not including national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing or causing to be performed one or more of the prohibited acts under section 203(a). In appropriate circumstances time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of vehicles or engines. In this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The maximum number of vehicles or engines involved; and

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The time or mileage duration of the test;

(4) The ownership arrangement with regard to the vehicles or engines involved in the test;

(5) The intended final disposition of the vehicles or engines;

(6) The manner in which vehicle identification numbers or the engine serial numbers will be identified, recorded, and made available; and

(7) The means or procedure whereby test results will be recorded.

(f) A manufacturer of new motor vehicles or new motor vehicle engines may request a testing exemption to cover any vehicles and/or engines intended for use in test programs planned or anticipated over the course of a subsequent one-year period. Unless otherwise required by the Director, Manufacturers Operations Division, a manufacturer requesting such an exemption need only furnish the information required by paragraphs (a)(1) and (d)(2) of this section along with a description of the recordkeeping and control procedures that will be employed to assure that the vehicles and/or engines are used for purposes consistent with section 203(b)(1).

[39 FR 32611, Sept. 10, 1974, as amended at 45 FR 13733, Mar. 3, 1980; 47 FR 30484, July 14, 1982]

§ 85.1706 Pre-certification exemption.

(a) Except as provided in paragraph (b) of this section, any pre-certification vehicle or pre-certification vehicle engine, as defined by § 85.1702(a) (3) or (4), is exempt from section 203(a), without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer shall create, maintain, and make available at reasonable times for review or copying by appropriate EPA employees records which provide each vehicle identification or engine serial number, indicate the use of the vehicle or engine on exempt status and indicate the final disposition of any vehicle or engine removed from exempt status; and

(2) Unless the requirement is waived or an alternative procedure is approved by the Director, Manufacturers Operations Division, the manufacturer shall

permanently affix to each vehicle or engine on exempt status in a readily visible portion of the engine compartment (on a readily visible portion of a heavy-duty engine or in a readily accessible position on a motorcycle) a label which cannot be removed without destruction or defacement and which states in the English language, in block letters and numerals of a color that contrasts with the background of the label, the following information:

(i) The label heading: Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement, engine family identification and model year of vehicle or engine; or person or office to be contacted for further information about the vehicle or engine;

(iv) The statement: THIS VEHICLE OR ENGINE IS EXEMPT FROM THE PROHIBITIONS OF SECTIONS 203(a)(1), (3) and (4) OF THE CLEAN AIR ACT, AS AMENDED.

(3) No provision of paragraph (a)(2) of this section shall prevent a manufacturer from including any other information it desires on the label.

(b) Any manufacturer that desires a pre-certification exemption and is in the business of importing, modifying or testing uncertified vehicles for resale under the provisions of 40 CFR 85.1501, *et seq.*, must apply to the Director, Manufacturers Operations Division. The Director may require such manufacturers to submit information regarding the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record-keeping procedures for control purposes will be employed.

[47 FR 30484, July 14, 1982]

§ 85.1707 Display exemption.

Where an uncertified vehicle or engine is a display vehicle or engine to be used solely for display purposes, will not be operated on the public streets or highways except for that operation incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been received, no request for exemption of the vehicle or engine is necessary.

[39 FR 32611, Sept. 10, 1974. Redesignated and amended at 47 FR 30484, July 14, 1982]

§ 85.1708 National security exemption.

A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

[39 FR 32611, Sept. 10, 1974. Redesignated at 47 FR 30484, July 14, 1982]

§ 85.1709 Export exemptions.

(a) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of section 203(a) of the Act, unless the importing country has new motor vehicle emission standards which differ from the USEPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards, whatsoever, is deemed to be a country having emission standards which differ from USEPA standards.

(c) EPA shall periodically publish in the FEDERAL REGISTER a list of foreign countries which have in force emissions standards identical to USEPA standards and have so notified EPA. New motor vehicles or new motor vehicle engines exported to such countries shall comply with USEPA certification regulations.

(d) It is a condition of any exemption for the purpose of export under section 203(b)(3) of the Act, that such exemption shall be void ab initio with respect to a new motor vehicle or new motor vehicle engine intended solely for export where:

(1) Such motor vehicle or motor vehicle engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export; and

(2) The motor vehicle or motor vehicle engine manufacturer had reason to believe that any such vehicle would be

sold or offered for sale as described in paragraph (d)(1) of this section.

[39 FR 32611, Sept. 10, 1974. Redesignated at 47 FR 30484, July 14, 1982]

§85.1710 Granting of exemptions.

(a) If upon completion of the review of an exemption request, as required by §§85.1705 and 85.1708, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and submitted to the person requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions will generally, include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines or vehicles setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the vehicles or engines.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject vehicle or engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio with respect to any vehicle or engine. Consequently, the causing or the performing of an act prohibited under sections 203(a) (1) or (3) of the Clean Air Act other than in strict conformity with all terms and conditions of this exemption shall render the person to whom the exemption is granted, and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 and 205 of the Act.

[39 FR 32611, Sept. 10, 1974, as amended at 45 FR 13733, Mar. 3, 1980. Redesignated and amended at 47 FR 30485, July 14, 1982]

§85.1711 Submission of exemption requests.

Requests for exemption or furtheinformation concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Manufacturers Operations Division (EN–340)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.,
Washington, DC 20460

[39 FR 32611, Sept. 10, 1974, as amended at 44 FR 61962, Oct. 29, 1979. Redesignated and amended at 47 FR 30485, July 14, 1982]

§85.1712 Treatment of confidential information.

(a) Any person or manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of it submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to ths subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34797, Aug. 27, 1985]

Subpart S—Recall Regulations

AUTHORITY: Sec. 301(a), Clean Air Act, 81 Stat. 504, as amended by sec. 15(c), 84 Stat.

1713 (42 U.S.C. 1857g(a)). The regulations implement sec. 207(c) (1)–(2), Clean Air Act, 84 Stat. 1697 (42 U.S.C. 1847f–5a(c)(1)–(2)); sec. 208(a), Clean Air Act, 81 Stat. 501, as renumbered by sec. 8(a), 84 Stat. 1694 (42 U.S.C. 1857f–6(a)).

SOURCE: 39 FR 44375, Dec. 23, 1974, unless otherwise noted.

§ 85.1801 Definitions.

For the purposes of this subpart, except as otherwise provided, words shall be defined as provided for by sections 214 and 302 of the Clean Air Act, 42 U.S.C. 1857, as amended.

(a) *Act* shall mean the Clean Air Act, 42 U.S.C. 1857, as amended.

(b) *Days* shall mean calendar days.

§ 85.1802 Notice to manufacturer of nonconformity; submission of Remedial Plan.

(a) A manufacturer will be notified whenever the Administrator has determined that a substantial number of a class or category of vehicles or engines produced by that manufacturer, although properly maintained and used, do not conform to the regulations prescribed under section 202 of the Act in effect during (and applicable to) the model year of such vehicle. The notification will include a description of each class or category of vehicles or engines encompassed by the determination of nonconformity, will give the factual basis for the determination of nonconformity (except information previously provided the manufacturer by the Agency), and will designate a date, no sooner than 45 days from the date of receipt of such notification, by which the manufacturer shall have submitted a plan to remedy the nonconformity.

(b) Unless a hearing is requested pursuant to § 85.1807, the remedial plan shall be submitted to the Administrator within the time limit specified in the Administrator's notification, provided that the Administrator may grant the manufacturer an extension upon good cause shown.

(c) If a manufacturer requests a public hearing pursuant to § 85.1807, unless as a result of such hearing the Administrator withdraws his determination of nonconformity, the manufacturer shall submit the remedial plan within 30 days of the end of such hearing.

[39 FR 44375, Dec. 23, 1974, as amended at 42 FR 36456, July 15, 1977]

§ 85.1803 Remedial Plan.

(a) When any manufacturer is notified by the Administrator that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations (including emission standards) or family particulate emission limits, as defined in part 86 promulgated under section 202 of the Act and in effect during (and applicable to) the model year of such class or classes of vehicles or engines, the manufacturer shall submit a plan to the Administrator to remedy such nonconformity. The plan shall contain the following:

(1) A description of each class or category of vehicle or engine to be recalled including the model year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity including a brief summary of the data and technical studies which support the manufacturer's decision as to the particular remedial changes to be used in correcting the nonconformity.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners.

(4) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan, an explanation of the manufacturer's reasons for imposing any such condition, and a description of the proof to be required of a vehicle or engine owner to demonstrate compliance with any such condition. Eligibility may not be denied solely on the basis that the vehicle or engine owner used parts not manufactured by the original equipment vehicle manufacturer, or had repairs performed by outlets other than the vehicle manufacturer's franchised

dealers. No maintenance or use condition may be imposed unless it is, in the judgement of the Administrator, demonstrably related to preventing the nonconformity.

(5) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied: *Provided,* That repair shall be completed within a reasonable time designated by the Administrator from the date the owner first tenders his vehicle or engine after the date designated by the manufacturer as the date on or after which the owner can have the nonconformity remedied.

(6) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of the class of persons other than dealers and authorized warranty agents of the manufacturer who will remedy the nonconformity, and a statement indicating that the participating members of the class will be properly equipped to perform such remedial action.

(7) Three copies of the letters of notification to be sent to vehicle or engine owners.

(8) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the remedial plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, the percentage of the total parts requirement of each person who is to perform the repair under the remedial plan to be shipped to initiate the campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(9) Three copies of all necessary instructions to be sent to those persons who are to perform the repair under the remedial plan.

(10) A description of the impact of the proposed changes on fuel consumption, driveability, and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these conclusions.

(11) Any other information, reports or data which the Administrator may reasonably determine is necessary to evaluate the remedial plan.

(b)(1) Notification to vehicle or engine owners shall be made by first class mail or by such means as approved by the Administrator: *Provided,* That for good cause, the Administrator may require the use of certified mail to ensure an effective notification.

(2) The manufacture shall use all reasonable means necessary to locate vehicle or engine owners: *Provided,* That for good cause, the Administrator may require the manufacturer to use motor vehicle registration lists as available from State or commercial sources to obtain the names and addresses of vehicle or engine owners to ensure an effective notification.

(3) The Administrator reserves the right to require the manufacturer to send by first class mail or other reasonable means subsequent notification to vehicle or engine owners: *Provided,* That for good cause, the Administrator may require the use of certified mail to ensure an effectctive notification.

(c)(1) The manufacturer shall require those who perform the repair under the remedial plan to affix a label to each vehicle or engine repaired or, when required, inspected under the remedial plan.

(2) The label shall be placed in such location as approved by the Administrator consistent with State law and shall be fabricated of a material suitable for the location in which it is installed and which is not readily removable intact.

(3) The label shall contain:

(i) The recall campaign number; and

(ii) A code designating the campaign facility at which the repair, or inspection for repair was performed.

(4) The Administrator reserves the right to waive any or all of the requirements of this paragraph if he determines that they constitute an unwarranted burden to the manufacturer.

(d) The Administrator may require the manufacturer to conduct tests on components and vehicles or engines incorporating a proposed change, repair, or modification reasonably designed and necessary to demonstrate the effectiveness of the change, repair, or modification.

NOTE: An interpretive ruling regarding §85.1803 is published in appendix A to this subpart.

[39 FR 44375, Dec. 23, 1974, as amended at 40 FR 28067, July 3, 1975; 42 FR 36456, July 15, 1977; 45 FR 36398, May 30, 1980; 48 FR 33462, July 21, 1983]

§ 85.1804 Approval of Plan: Implementation.

(a) If the Administrator finds that the remedial plan is designed and effective to correct the nonconformity, he will so notify the manufacturer in writing. If the remedial plan is not approved, the Administrator will provide the manufacturer notice of the disapproval and the reasons for the disapproval in writing.

(b) Upon receipt of notice from the Administrator that the remedial plan has been approved, the manufacturer shall commence implementation of the approved plan. Notification of vehicle or engine owners shall be in accordance with requirements of this subpart and shall proceed as follows:

(1) When no public hearing as described in §85.1807 is requested by the manufacturer, notification of vehicles or engine owners shall commence within 15 working days of the receipt by the manufacturer of the Administrator's approval unless otherwise specified by the Administrator.

(2) When a public hearing as described in §85.1807 is held, unless as a result of such hearing the Administrator withdraws the determination of nonconformity, the Administrator shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity.

§ 85.1805 Notification to vehicle or engine owners.

(a) The notification of vehicle or engine owners shall contain the following:

(1) The statement: ''The Administrator of the U.S. Environmental Protection Agency has determined that your vehicle or engine may be emitting pollutants in excess of the Federal emission standards or family particulate emission limits, as defined in Part 86. These standards or family particulate emission limits, as defined in Part 86 were established to protect the public health or welfare from the dangers of air pollution.''

(2) A statement that the nonconformity of any such vehicles or engines which have been, if required by the remedial plan, properly maintained and used, will be remedied at the expense of the manufacturer.

(3) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan and a description of the proof to be required of a vehicle or engine owner to demonstrate compliance with such condition. Eligibility may not be denied solely on the basis that the vehicle or engine owner used parts not manufactured by the original equipment vehicle manufacturer, or had repairs performed by outlets other than the vehicle manufacturer's franchised dealers.

(4) A clear description of the components which will be affected by the remedy and a general statement of the measures to be taken to correct the nonconformity.

(5) A statement that such nonconformity if not repaired may cause the vehicle or engine to fail an emission inspection test when such tests are required under State or local law.

(6) A description of the adverse affects, if any, that an uncorrected nonconformity would have on the performance or driveability of the vehicle or engine.

(7) A description of the adverse affects, if any, that such nonconformity would have on the functions of other engine components.

(8) A description of the procedure which the vehicle or engine owner should follow to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required

to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

(9) A card to be used by a vehicle or engine owner in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer and shall provide a space in which the owner may indicate the name and address of the person to whom the vehicle or engine was sold.

(10) The statement: ''In order to ensure your full protection under the emission warranty made applicable to your (vehicle or engine) by Federal law, and your right to participate in future recalls, it is recommended that you have (vehicle or engine) serviced as soon as possible. Failure to do so could legally be determined to be a lack of proper maintenance of your (vehicle or engine).''

(b) No notice sent pursuant to paragraph (a) of this section nor any other contemporaneous communication sent to vehicle or engine owners or dealers shall contain any statement or implication that the nonconformity does not exist or that the nonconformity will not degrade air quality.

(c) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Administrator has determined are reasonable and necessary to ensure the effectiveness of the recall campaign.

[39 FR 44375, Dec. 23, 1974, as amended at 48 FR 33462, July 21, 1983]

§ 85.1806 Records and reports.

(a) The manufacturer shall provide to the Administrator a copy of all communications which relate to the remedial plan directed to dealers and other persons who are to perform the repair under the remedial plan. Such copies shall be mailed to the Administrator contemporaneously with their transmission to dealers and other persons who are to perform the repair under the remedial plan.

(b) The manufacturer shall provide for the establishment and maintenance of records to enable the Administrator to conduct a continuing analysis of the adequacy of the recall campaign. The records shall include, for each class or category of vehicle or engine, but need not be limited to, the following:

(1) Recall campaign number as designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the recall campaign.

(4) Number of vehicles or engines known or estimated to be affected by the nonconformity.

(5) Number of vehicles or engines inspected pursuant to the remedial plan.

(6) Number of inspected vehicles found to be affected by the nonconformity.

(7) Number of vehicles actually receiving repair under the remedial plan.

(8) Number of vehicles determined to be unavailable for inspection or repair under the remedial plan due to exportation, theft, scrapping or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for remedial action due to a failure to properly maintain or use such vehicles or engines.

(c) If the manufacturer determines that the original answers for paragraphs (b) (3) and (4) of this section are incorrect, revised figures and an explanatory note shall be submitted. Answers to paragraphs (b) (5), (6), (7), and (8), and (9) of this section shall be cumulative totals.

(d) Unless otherwise directed by the Administrator, the information specified in paragraph (b) of this section shall be included in quarterly reports, with respect to each recall campaign, for six consecutive quarters beginning with the quarter in which the notification of owners was initiated, or until all nonconforming vehicles or engines involved in the campaign have been remedied, whichever occurs sooner. Such reports shall be submitted no later than 25 working days after the close of each calendar quarter.

(e) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, lists of the names and addresses of vehicles or engine owners.

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the remedial plan; and

(3) When eligibility for repair is conditioned on proper maintenance or use, that were determined not to qualify for such remedial action.

(f) The records described in paragraph (e) of this section shall be made available to the Administrator upon request.

(g) The records and reports required by this section shall be retained for not less than 5 years.

[39 FR 44375, Dec. 23, 1974; 40 FR 3447, Jan. 22, 1975]

§ 85.1807 Public hearings.

(a) *Definitions.* The following definitions shall be applicable to this section:

(1) ''Hearing Clerk'' shall mean the Hearing Clerk of the Environmental Protection Agency.

(2) ''Intervener'' shall mean a person who files a petition to be made an intervener pursuant to paragraph (g) of this section and whose petition is approved.

(3) ''Manufacturer'' refers to a manufacturer contesting a recall order directed at that manufacturer.

(4) ''Party'' shall include the Environmental Protection Agency, the manufacturer, and any interveners.

(5) ''Presiding Officer'' shall mean an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930 as amended).

(6) ''Environmental Appeals Board'' shall mean the Board within the Agency described in § 1.25 of this title. The Administrator delegates authority to the Environmental Appeals Board to issue final decisions in appeals filed under this subpart. Appeals directed to the Administrator, rather than to the Environmental Appeals Board, will not be considered. This delegation of authority to the Environmental Appeals Board does not preclude the Environmental Appeals Board from referring an appeal or a motion filed under this subpart to the Administrator for decision when the Environmental Appeals Board, in its discretion, deems it appropriate to do so. When an appeal or motion is referred to the Administrator, all parties shall be so notified and the rules in this part referring to the Environmental Appeals Board shall be interpreted as referring to the Administrator.

(b) *Request for public hearing.* (1)(i) If the manufacturer disagrees with the Administrator's finding of nonconformity he may request a public hearing as described in this section. Requests for such a hearing shall be filed with the Administrator not later than 45 days after the receipt of the Administrator's notification of nonconformity unless otherwise specified by the Administrator. Two copies of such request shall simultaneously be served upon the Director of the Manufacturers Operations Division and two copies filed with the Hearing Clerk. Failure of the manufacturer to request a hearing within the time provided shall constitute a waiver of his right to such a hearing. In such a case, the manufacturer shall carry out the recall order as required by § 85.1803–6.

(ii) Subsequent to the expiration of the period for requesting a hearing as of right, the Administrator may, in his discretion and for good cause shown, grant the manufacturer a hearing to contest the nonconformity.

(2) The request for a public hearing shall contain:

(i) A statement as to which classes or categories of vehicles or engines are to be the subject of the hearing;

(ii) A concise statement of the issues to be raised by the manufacturer at the hearing for each class or category of engine or vehicle for which the manufacturer has requested the hearing; and

(iii) A statement as to reasons the manufacturer believes he will prevail on the merits on each of the issues so raised.

(3) A copy of all requests for public hearings shall be kept on file in the Office of the Hearing Clerk and shall be made available to the public during Agency business hours.

(c) *Filing and service.* (1) An original and two copies of all documents or papers required or permitted to be filed pursuant to this section shall be filed with the Hearing Clerk. Filing shall be deemed timely if mailed, as determined by the postmark, to the Hearing Clerk within the time allowed by this section. If filing is to be accomplished by

mailing, the documents shall be sent to the address set forth in the notice of public hearing as described in paragraph (f) of this section.

(2) Except for requests to commence a hearing, at the same time a party files with the Hearing Clerk any additional issues for consideration at the hearing or any written testimony, documents, papers, exhibits, or materials, proposed to be introduced into evidence or papers filed in connection with any appeal, it shall serve upon all other parties copies thereof. A certificate of service shall be provided on or accompany each document or paper filed with the Hearing Clerk. Documents to be served upon the Director of the Manufacturers Operations Division shall be mailed to: Director, Manufacturers Operations Division, U.S. Environmental Protection Agency (EG–340), 1200 Pennsylvania Ave., NW., WSM, Washington, DC 20460. Service by mail is complete upon mailing.

(d) *Time.* (1) In computing any period of time prescribed or allowed by this section, except as otherwise provided, the day of the act or event from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and Federal legal holidays shall be included in computing any such period allowed for the filing of any document or paper, except that when such period expires on a Saturday, Sunday, or Federal legal holiday, such period shall be extended to include the next following business day.

(2) A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when service is accomplished by mail, three days shall be added to the prescribed period.

(e) *Consolidation.* The Administrator or the Presiding Officer in his discretion may consolidate two or more proceedings to be held under this section for the purpose of resolving one or more issues whenever it appears that such consolidation will expedite or simplify consideration of such issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(f) *Notice of public hearings.* (1) Notice of a public hearing under this section shall be given by publication in the FEDERAL REGISTER. Notice will be given at least 30 days prior to the commencement of such hearings.

(2) The notice of a public hearing shall include the following information:

(i) The purpose of the hearing and the legal authority under which the hearing is to be held;

(ii) A brief summary of the Administrator's determination of nonconformity;

(iii) A brief summary of the manufacturer's basis for contesting the Administrator's determination of nonconformity;

(iv) Information regarding the time and location of the hearing and the address to which all documents required or permitted to be filed should be sent;

(v) The address of the Hearing Clerk to whom all inquiries should be directed and with whom documents are required to be filed;

(vi) A statement that all petitions to be made an intervener must be filed with the Hearing Clerk within 25 days from the date of the notice of public hearing and must conform to the requirements of paragraph (g) of this section.

(3) The notice of public hearing shall be issued by the Assistant Administrator for Enforcement and General Counsel.

(g) *Interveners.* (1) Any person desiring to intervene in a hearing to be held under section 207(c)(1) of the Act shall file a petition setting forth the facts and reasons why he thinks he should be permitted to intervene.

(2) In passing upon a petition to intervene, the following factors, among other things, shall be considered by the Presiding Officer:

(i) The nature of the petitioner's interest including the nature and the extent of the property, financial, environmental protection, or other interest of the petitioner;

(ii) The effect of the order which may be entered in the proceeding on petitioner's interest;

(iii) The extent to which the petitioner's interest will be represented by

existing parties or may be protected by other means;

(iv) The extent to which petitioner's participation may reasonably be expected to assist materially in the development of a complete record;

(v) The effect of the intervention on the Agency's statutory mandate.

(3) A petition to intervene must be filed within 25 days following the notice of public hearing under section 207(c) (1) of the Act and shall be served on all parties. Any opposition to such petition must be filed within five days of such service.

(4) All petitions to be made an intervener shall be reviewed by the Presiding Officer using the criteria set forth in paragraph (g)(2) of this section and considering any oppositions to such petition. Where the petition demonstrates that the petitioner's interest is limited to particular issues, the Presiding Officer may, in granting such petition, limit petitioner's participation to those particular issues only.

(5) If the Presiding Officer grants the petition with respect to any or all issues, he shall so notify, or direct the Hearing Clerk to notify, the petitioner and all parties. If the Presiding Officer denies the petition he shall so notify, or direct the Hearing Clerk to notify, the petitioner and all parties and shall briefly state the reasons why the petition was denied.

(6) All petitions to be made an intervener shall include an agreement by the petitioner, and any person represented by the petitioner, to be subject to examination and cross-examination and to make any supporting and relevant records available at its own expense upon the request of the Presiding Officer, on his own motion or the motion of any party or other intervener. If the intervener fails to comply with any such request, the Presiding Officer may in his discretion, terminate his status as an intervener.

(h) *Intervention by motion.* Following the expiration of the time prescribed in paragraph (g) of this section for the submission of petitions to intervene in a hearing, any person may file a motion with the Presiding Officer to intervene in a hearing. Such a motion must contain the information and commitments required by paragraphs (g)(2) and (6) of this section, and, in addition, must show that there is good cause for granting the motion and must contain a statement that the intervener shall be bound by agreements, arrangements, and other determinations which may have been made in the proceeding.

(i) *Amicus Curiae.* Persons not parties to the proceedings wishing to file briefs may do so by leave of the Presiding Officer granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable.

(j) *Presiding Officer.* The Presiding Officer shall have the duty to conduct a fair and impartial hearing in accordance with 5 U.S.C. 554, 556 and 557, to take all necessary action to avoid delay in the disposition of the proceedings and to maintain order. He shall have all power consistent with Agency rule and with the Administrative Procedure Act necessary to this end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive relevant evidence;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in such proceedings;

(6) To require the submission of direct testimony in written form with or without affidavit whenever, in the opinion of the Presiding Officer, oral testimony is not necessary for full and true disclosure of the facts. Testimony concerning the conduct and results of tests and inspections may be submitted in written form.

(7) To enforce agreements and orders requiring access as authorized by law;

(8) To require the filing of briefs on any matter on which he is required to rule;

(9) To require any party or any witness, during the course of the hearing, to state his position on any issue;

(10) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(11) To make decisions or recommend decisions to resolve the disputed issues of the record of the hearing.

(12) To issue, upon good cause shown, protective orders as described in paragraph (n) of this section.

(k) *Conferences.* (1) At the discretion of the Presiding Officer, conferences may be held prior to or during any hearing. The Presiding Officer shall direct the Hearing Clerk to notify all parties and interveners of the time and location of any such conference. At the discretion of the Presiding Officer, persons other than parties may attend. At a conference the Presiding Officer may:

(i) Obtain stipulations and admissions, receive requests and order depositions to be taken, identify disputed issues of fact and law, and require or allow the submission of written testimony from any witness or party;

(ii) Set a hearing schedule for as many of the following as are deemed necessary by the Presiding Officer:

(A) Oral and written statements;

(B) Submission of written direct testimony as required or authorized by the Presiding Officer;

(C) Oral direct and cross-examination of a witness where necessary as prescribed in paragraph (p) of this section;

(D) Oral argument, if appropriate.

(iii) Identify matters of which official notice may be taken;

(iv) Consider limitation of the number of expert and other witnesses;

(v) Consider the procedure to be followed at the hearing; and

(vi) Consider any other matter that may expedite the hearing or aid in the disposition of the issue.

(2) The results of any conference including all stipulations shall, if not transcribed, be summarized in writing by the Presiding Officer and made part of the record.

(l) *Primary discovery (exchange of witness lists and documents).* (1) At a prehearing conference or within some reasonable time set by the Presiding Officer prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and summaries of expected testimony amended upon motion by a party.

(2) The Presiding Officer, may, upon motion by a party or other person, and for good cause shown, by order (i) restrict or defer disclosure by a party of the name of a witness or a narrative summary of the expected testimony of a witness, and (ii) prescribe other appropriate measures to protect a witness. Any party affected by any such action shall have an adequate opportunity, once he learns the name of a witness and obtains the narrative summary of his expected testimony, to prepare for the presentation of his case.

(m) *Other discovery.* (1) Except as so provided by paragraph (l) of this section, further discovery, under this paragraph, shall be permitted only upon determination by the Presiding Officer:

(i) That such discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not obtainable voluntarily; and

(iii) That such information has significant probative value. The Presiding Officer shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Presiding Officer or upon agreement of the parties.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that:

(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring an order of discovery shall make a motion or motions therefor. Such a motion shall set forth:

(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken. If the Presiding Officer determines the motion should be granted, he shall issue an order for the taking of such discovery together with the conditions and terms thereof.

(4) Failure to comply with an order issued pursuant to this paragraph may lead to the inference that the information to be discovered would be adverse to the person or party from whom the information was sought.

(n) *Protective orders: in camera proceedings.* (1) Upon motion by a party or by the person from whom discovery is sought, and upon a showing by the movant that the disclosure of the information to be discovered, or a particular part thereof, (other than emission data) would result in methods or processes entitled to protection as trade secrets of such person being divulged, the Presiding Officer may enter a protective order with respect to such material. Any protective order shall contain such terms governing the treatment of the information as may be appropriate under the circumstances to prevent disclosure outside the hearing: *Provided,* That the order shall state that the material shall be filed separately from other evidence and exhibits in the hearing. Disclosure shall be limited to parties to the hearing, their counsel and relevant technical consultants, and authorized representatives of the United States concerned with carrying out the Act. Except in the case of the government, disclosure may be limited to counsel to parties who shall not disclose such information to the parties themselves. Except in the case of the government, disclosure to a party or his counsel shall be conditioned on execution of a sworn statement that no disclosure of the information will be made to persons not entitled to receive it under the terms of the protective order. (No such provision is necessary where government employees are concerned because disclosure by them is subject to the terms of 18 U.S.C. 1905.)

(2)(i) A party or person seeking a protective order may be permitted to make all or part of the required showing in camera. A record shall be made of such in camera proceedings. If the Presiding Officer enters a protective order following a showing in camera, the record of such showing shall be sealed and preserved and made available to the Agency or court in the event of appeal.

(ii) Attendance at any in camera proceeding may be limited to the Presiding Officer, the Agency, and the person or party seeking the protective order.

(3) Any party, subject to the terms and conditions of any protective order issued pursuant to paragraph (n)(1) of this section, desiring for the presentation of his case to make use of any in camera documents or testimony shall make application to the Presiding Officer by motion setting forth the justification therefor. The Presiding Officer, in granting any such motion, shall enter an order protecting the rights of the affected persons and parties and preventing unnecessary disclosure of such information, including the presentation of such information and oral testimony and cross-examination concerning it in executive session, as in his discretion is necessary and practicable.

(4) In the submittal of proposed findings, briefs, or other papers, counsel for all parties shall make a good faith attempt to refrain from disclosing the specific details of *in camera* documents and testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such documents or testimony including generalized statements based on their contents. To the extent that counsel consider it necessary to include specific details in their presentations, such data shall be incorporated in separate proposed findings, briefs, or other papers marked ''confidential'', which shall become part of the *in camera* record.

(o) *Motions.* (1) All motions, except those made orally during the course of the hearing, shall be in writing and shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the Hearing Clerk and served upon all parties.

(2) Within ten days after service of any motion filed pursuant to this section, or within such other time as may be fixed by the Environmental Appeals Board or the Presiding Officer, as appropriate, any party may serve and file an answer to the motion. The movant shall, if requested by the Environmental Appeals Board or the Presiding Officer, as appropriate, serve and file reply papers within the time set by the request.

(3) The Presiding Officer shall rule upon all motions filed or made prior to the filing of his decision or accelerated decision, as appropriate. The Environmental Appeals Board shall rule upon all motions filed prior to the appointment of a Presiding Officer and all motions filed after the filing of the decision of the Presiding Officer or accelerated decision. Oral argument of motions will be permitted only if the Presiding Officer or the Environmental Appeals Board, as appropriate, deems it necessary.

(p) *Evidence.* (1) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable. Documents or parts thereof subject to a protective order under paragraph (n) of this section shall be segregated. Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) The Presiding Officer shall allow the parties to examine and to cross-examine a witness to the extent that such examination and cross-examination is necessary for a full and true disclosure of the facts.

(3) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of examination and cross-examination and other procedural matters shall appear in the record.

(4) Parties shall automatically be presumed to have taken exception to an adverse ruling.

(q) *Interlocutory appeal.* (1) An interlocutory appeal may be taken to the Environmental Appeals Board either (i) with the consent of the Presiding Officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense or prejudice to any party or substantial detriment to the public interest, or (ii) absent the consent of the Presiding Officer, by permission of the Environmental Appeals Board.

(2) Applications for interlocutory appeal of any ruling or order of the Presiding Officer may be filed with the Presiding Officer within 5 days of the issuance of the ruling or order being appealed. Answers thereto by other parties may be filed within 5 days of the service of such applications.

(3) The Presiding Officer shall rule on such applications within 5 days of the filing of such application or answers thereto.

(4) Applications to file such appeals absent consent of the Presiding Officer shall be filed with the Environmental Appeals Board within 5 days of the denial of any appeal by the Presiding Officer.

(5) The Environmental Appeals Board will consider the merits of the appeal on the application and any answers thereto. No oral argument will be heard nor other briefs filed unless the Environmental Appeals Board directs otherwise.

(6) Except under extraordinary circumstances as determined by the Presiding Officer, the taking of an interlocutory appeal will not stay the hearing.

(r) *Record.* (1) Hearings shall be stenographically reported and transcribed, and the original transcript shall be part of the record and the sole official transcript. Copies of the record shall be filed with the Hearing Clerk and made available during Agency business hours for public inspection. Any person desiring a copy of the record of the hearing or any part thereof shall be entitled to the same upon payment of the cost thereof.

(2) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record.

(s) *Proposed findings, conclusions.* (1) Within 20 days of the close of the reception of evidence, or within such longer time as may be fixed by the Presiding Officer, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and a proposed rule or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on.

(2) The record shall show the Presiding Officer's ruling on the proposed findings and conclusions except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

(t) *Decision of the Presiding Officer.* (1) Unless extended by the Environmental Appeals Board, the Presiding Officer shall issue and file with the Hearing Clerk his decision within 30 days after the period for filing proposed findings as provided for in paragraph (s) of this section has expired.

(2) The Presiding Officer's decision shall become the opinion of the Environmental Appeals Board (i) when no notice of intention to appeal as described in paragraph (u) of this section is filed, 30 days after the issuance thereof, unless in the interim the Environmental Appeals Board shall have taken action to review or stay the effective date of the decision; or (ii) when a notice of intention to appeal is filed but the appeal is not perfected as required by paragraph (u) of this section, 5 days after the period allowed for perfection of an appeal has expired unless within that 5 day period, the Environmental Appeals Board shall have taken action to review or stay the effective date of the decision.

(3) The Presiding Officer's decision shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record and an appropriate rule or order. Such decision shall be supported by substantial evidence and based upon a consideration of the whole record.

(4) At any time prior to the issuance of his decision, the Presiding Officer may reopen the proceeding for the reception of further evidence. Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the issuance of his decision.

(u) *Appeal from the Decision of the Presiding Officer.* (1) Any party to a proceeding may appeal the Presiding Officer's decision to the Environmental Appeals Board, *Provided,* That within 10 days after issuance of the Presiding Officer's decision such party files a notice of intention to appeal and an appeal brief within 30 days of such decision.

(2) When an appeal is taken from the decision of the Presiding Officer, any party may file a brief with respect to such appeal. The brief shall be filed within 20 days of the date of the filing of the appellant's brief.

(3) Any brief filed pursuant to this paragraph shall contain in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto;

(ii) A specification of the issues intended to be urged;

(iii) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each issue, with specific page references to the record and the legal or other material relied upon; and

(iv) A proposed form of rule or order for the Environmental Appeals Board's consideration if different from the rule or order contained in the Presiding Officer's decision.

(4) No brief in excess of 40 pages shall be filed without leave of the Environmental Appeals Board.

(5) Oral argument will be allowed in the discretion of the Environmental Appeals Board.

(v) *Review of the Presiding Officer's Decision in Absence of Appeal.* (1) If, after the expiration of the period for taking an appeal as provided for by paragraph (u) of this section, no notice of intention to appeal the decision of the Presiding Officer has been filed, or if filed, not perfected, the Hearing Clerk shall so notify the Environmental Appeals Board.

(2) The Environmental Appeals Board, upon receipt of notice from the Hearing Clerk that no notice of intention to appeal has been filed, or if filed, not perfected pursuant to paragraph (u) of this section, may, on its own motion, within the time limits specified in paragraph (t)(2) of this section, review the decision of the Presiding Officer. Notice of the intention of the Environmental Appeals Board to review the decision of the Presiding Officer shall be given to all parties and shall set forth the scope of such review and the issue which shall be considered and shall make provision for filing of briefs.

(w) *Decision on appeal or review*. (1) Upon appeal from or review of the Presiding Officer's decision, the Environmental Appeals Board shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and, in addition shall to the extent necessary or desirable exercise all the powers which it could have exercised if it had presided at the hearing.

(2) In rendering its decision, the Environmental Appeals Board shall adopt, modify, or set aside the findings, conclusions, and rule or order contained in the decision of the Presiding Officer and shall set forth in its decision a statement of the reasons or bases for its action.

(3) In those cases where the Environmental Appeals Board determines that it should have further information or additional views of the parties as to the form and content of the rule or order to be issued, the Environmental Appeals Board, in its discretion, may withhold final action pending the receipt of such additional information or views, or may remand the case to the Presiding Officer.

(x) *Reconsideration*. Within twenty (20) days after issuance of the Environmental Appeals Board's decision, any party may file with the Environmental Appeals Board a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or the final order and upon which the petitioner had no opportunity to argue before the Presiding Officer or the Environmental Appeals Board. Any party desiring to oppose such a petition shall file and answer thereto within ten (10) days after the filing of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory time period affecting such decision or order unless specifically so ordered by the Environmental Appeals Board.

(y) *Accelerated decision: Dismissal*. (1) The Presiding Officer, upon motion of any party or *sua sponte*, may at any time render an accelerated decision in favor of the Agency or the manufacturer as to all or any part of the proceeding, without further hearing or upon such limited additional evidence such as affidavits as he may require, or dismiss any party with prejudice, under any of the following conditions:

(i) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel;

(ii) There is no genuine issue of material fact and a party is entitled to judgment as a matter of law; or

(iii) Such other and further reasons as are just, including specifically failure to obey a procedural order of the Presiding Officer.

(2) If under this paragraph an accelerated decision is issued as to all the issues and claims joined in the proceeding, the decision shall be treated for the purposes of these procedures as the decision of the Presiding Officer as provided in paragraph (p) of this section.

(3) If under this paragraph, judgment is rendered on less than all issues or claims in the proceeding, the Presiding Officer shall determine what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts which appear without substantial controversy, and the issues and claims upon which the hearing will proceed.

(z) *Conclusion of hearing*. (1) If, after the expiration of the period for taking an appeal as provided for by paragraph (u) of this section, no appeal has been taken from the Presiding Officer's decision, and, after the expiration of the

period for review by the Environmental Appeals Board on its own motion as provided for by paragraph (v) of this section, the Environmental Appeals Board does not move to review such decision, the hearing will be deemed to have ended at the expiration of all periods allowed for such appeal and review.

(2) If an appeal of the Presiding Officer's decision is taken pursuant to paragraph (u) of this section, or if, in the absence of such appeal, the Environmental Appeals Board moves to review the decision of the Presiding Officer pursuant to paragraph (v) of this section, the hearing will be deemed to have ended upon the rendering of a final decision by the Environmental Appeals Board.

(aa) *Judicial Review*. (1) The Administrator hereby designates the Deputy General Counsel, Environmental Protection Agency as the officer upon whom copy of any petition for judicial review shall be served.

Such officer shall be responsible for filing in the court the record on which the order of the Environmental Appeals Board is based.

(2) Before forwarding the record to the court, the Agency shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the record to the court.

[39 FR 44375, Dec. 23, 1974; 40 FR 3447, Jan. 22, 1975, as amended at 44 FR 61962, Oct. 29, 1979; 57 FR 5329, Feb. 13, 1992]

§ 85.1808 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a person or manufacturer must indicate clearly the items of information claimed confidential by marking, circling bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Environmental Appeals Board only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34797, Aug. 27, 1985, as amended at 57 FR 5330, Feb. 13, 1992]

APPENDIX A TO SUBPART S OF PART 85—INTERPRETIVE RULING FOR § 85.1803—REMEDIAL PLANS

The purpose of this rule is to set forth EPA's interpretation regarding one aspect of a motor vehicle or motor vehicle engine manufacturer's recall liability under section 207(c)(1) of the Clean Air Act, 42 U.S.C. 7641(c)(1). This rule will provide guidance to vehicle and engine manufacturers to better enable them to submit acceptable remedial plans.

Section 207(c)(1) requires the Administrator to base a recall order on a determination that a substantial number of in-use vehicles or engines within a given class or category of vehicles or engines, although properly maintained and used, fail to conform to the regulations prescribed under section 202 when in actual use throughout their useful lives. After making such a determination, he shall require the manufacturer to submit a plan to remedy the nonconformity of any such vehicles or engines. The plan shall provide that the manufacturer will remedy, at the manufacturer's expense, all properly maintained and used vehicles which experienced the nonconformity during their useful lives regardless of their age or mileage at the time of repair.

(Secs. 207 and 301(a), Clean Air Act, as amended, 42 U.S.C. 7541 and 7601(a))

[45 FR 36398, May 30, 1980]

Subpart T—Emission Defect Reporting Requirements

AUTHORITY: Secs. 208(a) and 301(a), Clean Air Act, as amended (42 U.S.C. 1857f–6(a) and 1857g(a)).

SOURCE: 42 FR 28128, June 2, 1977, unless otherwise noted.

§ 85.1901 Applicability.

The requirements of this subpart shall be applicable to all 1972 and later model year vehicles and engines. The requirement to report emission-related defects affecting a given class or category of vehicles or engines shall remain applicable for five years from the end of the model year in which such vehicles or engines were manufactured.

§ 85.1902 Definitions.

For the purposes of this subpart and unless otherwise noted:

(a) *Act* shall mean the Clean Air Act, 42 U.S.C. 1857, as amended.

(b) The phrase emission-related defect shall mean a defect in design, materials, or workmanship in a device, system, or assembly described in the approved Application for Certification (required by 40 CFR 86.1843–01 and 86.1844–01, 40 CFR 86.098–22 and like provisions of subpart A of this part and 40 CFR part 86) which affects any parameter or specification enumerated in Appendix VIII of this part.

(c) The phrase *useful life* shall be given the meaning ascribed to it by section 202(d) of the Act and regulations promulgated thereunder.

(d) The phrase *Voluntary Emissions Recall* shall mean a repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer to remedy any emission-related defect for which direct notification of vehicle or engine owners has been provided.

(e) The phrase *ultimate purchaser* shall be given the meaning ascribed to it by section 214 of the Act.

(f) The term *manufacturer* shall be given the meaning ascribed to it by section 214 of the Act.

[42 FR 28128, June 2, 1977, as amended at 64 FR 23919, May 4, 1999]

§ 85.1903 Emissions defect information report.

(a) A manufacturer shall file a defect information report whenever, on the basis of data obtained subsequent to the effective date of these regulations:

(1) The manufacturer determines in accordance with procedures established by the manufacturer to identify safety related defects (pursuant to 15 U.S.C. 1381 et seq., as amended) that a specific emission-related defect exists; and

(2) That the specific emission-related defect exists in twenty-five or more vehicles or engines of the same model year.

No report shall be filed under this paragraph for any emission-related defect corrected prior to the sale of the affected vehicles or engines to an ultimate purchaser.

(b) Defect information reports required under paragraph (a) of this section shall be submitted not more than 15 working days after an emission-related defect is found to affect twenty-five vehicles or engines of the same model year. Items of information required by paragraph (c) of this section that are either not available within that period or are significantly revised shall be submitted as they become available.

(c) Except as provided in paragraph (b) of this section, each defect report shall contain the following information in substantially the format outlined below:

(1) The manufacturer's corporate name.

(2) A description of the defect.

(3) A description of each class or category of vehicles or engines potentially affected by the defect including make, model, model year, and such other information as may be required to identify the vehicles or engines affected.

(4) For each class or category of vehicle or engine described in response to paragraph (c)(3) of this section, the following shall also be provided:

(i) The number of vehicles or engines known or estimated to have the defect and an explanation of the means by which this number was determined.

(ii) The address of the plant(s) at which the potentially defective vehicles or engines were produced.

(5) An evaluation of the emissions impact of the defect and a description of any driveability problems which a defective vehicle might exhibit.

(6) Available emissions data which relate to the defect.

(7) An indication of any anticipated manufacturer follow-up.

§ 85.1904 Voluntary emissions recall report; quarterly reports.

(a) When any manufacturer initiates a voluntary emissions recall campaign involving twenty-five or more vehicles or engines, the manufacturer shall submit a report describing the manufacturer's voluntary emissions recall plan as prescribed by this section within 15 working days of the date owner notification was begun. The report shall contain the following:

(1) A description of each class or category of vehicle or engine recalled including the number of vehicles to be recalled, the model year, the make, the model, and such other information as may be required to identify the vehicles or engines recalled.

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments, or other changes to be made to correct the vehicles or engines affected by the emission-related defect.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the method by which they will be notified.

(4) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan, an explanation of the manufacturer's reasons for imposing any such condition, and a description of the proof to be required of a vehicle or engine owner to demonstrate compliance with any such condition.

(5) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor to remedy the defect, and the designation of facilities at which the defect can be remedied.

(6) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of the class of persons other than dealers and authorized warranty agents of the manufacturer who will remedy the defect.

(7) Three copies of the letters of notification to be sent to vehicle or engine owners.

(8) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the remedial plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, the percentage of the total parts requirement of each person who is to perform the repair under the remedial plan to be shipped to initiate the campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(9) Three copies of all necessary instructions to be sent to those persons who are to perform the repair under the remedial plan.

(10) A description of the impact of the proposed changes on fuel consumption, driveability, and safety of each class or category of vehicles or engines to be recalled.

(11) A sample of any label to be applied to vehicles or engines which participate in the voluntary recall campaign.

(b) Unless otherwise specified by the Administrator, the manufacturer shall report on the progress of the recall campaign by submitting subsequent reports for six consecutive quarters commencing with the quarter after the voluntary emissions recall campaign actually begins. Such reports shall be submitted no later than 25 working days after the close of each calendar quarter. For each class or category of vehicle or engine subject to the voluntary emissions recall campaign, the quarterly report shall contain the:

(1) Emission recall campaign number, if any, designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the voluntary emissions recall campaign.

(4) Number of vehicles or engines known or estimated to be affected by the emission-related defect and an explanation of the means by which this number was determined.

(5) Number of vehicles or engines inspected pursuant to the voluntary emissions recall plan.

(6) Number of inspected vehicles found to be affected by the emission-related defect.

(7) Number of vehicles actually receiving repair under the remedial plan.

(8) Number of vehicles determined to be unavailable for inspection or repair under the remedial plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for remedial action due to a failure to properly maintain or use such vehicles or engines.

(10) Three copies of any service bulletins transmitted to dealers which relate to the defect to be corrected and which have not previously been reported.

(11) Three copies of all communications transmitted to vehicle or engine owners which relate to the defect to be corrected and which have not previously been submitted.

(c) If the manufacturer determines that any of the information requested in paragraph (b) of this section has changed or was incorrect, revised information and an explanatory note shall be submitted. Answers to paragraphs (b)(5), (6), (7), (8), and (9) of this section shall be cumulative totals.

(d) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, the names and addresses of vehicles or engine owners:

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the remedial plan; and

(3) Who were determined not to qualify for such remedial action when eligibility is conditioned on proper maintenance or use.

(e) The records described in paragraph (d) of this section shall be made available to the Administrator upon request.

§ 85.1905 Alternative report formats.

(a) Any manufacturer may submit a plan for making either of the reports required by §§ 85.1903 and 85.1904 on computer cards, magnetic tape or other machine readable format. The proposed plan shall be accompanied by sufficient technical detail to allow a determination that data requirements of these sections will be met and that the data in such format will be usable by EPA.

(b) Upon approval by the Administrator of the proposed reporting system, the manufacturer may utilize such system until otherwise notified by the Administrator.

§ 85.1906 Report filing: Record retention.

(a) The reports required by §§ 85.1903 and 85.1904 shall be sent to: Director, Manufacturers Operations Division (EN 340), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) The information gathered by the manufacturer to compile the reports required by § 85.1903 and § 85.1904 shall be retained for not less than five years from the date of the manufacture of the vehicles or engines and shall be made available to duly authorized officials of the EPA upon request.

[42 FR 28128, June 2, 1977, as amended at 44 FR 61962, Oct. 29, 1979]

§ 85.1907 Responsibility under other legal provisions preserved.

The filing of any report under the provisions of this subpart shall not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any provision of law.

§ 85.1908 Disclaimer of production warranty applicability.

(a) The act of filing an Emission Defect Information Report pursuant to § 85.1903 is inconclusive as to the existence of a defect subject to the Production Warranty provided by section 207 (a) of the Act.

(b) A manufacturer may include on each page of its Emission Defect Information Report a disclaimer stating

that the filing of a Defect Information Report pursuant to these regulations is not conclusive as to the applicability of the Production Warranty provided by section 207(a) of the Act.

§ 85.1909 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted all confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34798, Aug. 27, 1985]

Subpart U [Reserved]

Subpart V—Emissions Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program

AUTHORITY: Secs. 203, 207, 208, and 301(a), Clean Air Act, as amended (42 U.S.C. 7522, 7541, 7542, and 7601(a)).

SOURCE: 45 FR 34839, May 22, 1980, unless otherwise noted.

§ 85.2101 General applicability.

(a) Sections 85.2101 through 85.2111 are applicable to all 1981 and later model year light-duty vehicles and light-duty trucks.

(b) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles and light-duty trucks under the provisions of 40 CFR part 86, subpart S.

[64 FR 23919, May 4, 1999]

§ 85.2102 Definitions.

(a) As used in §§ 85.2101 through 85.2111 all terms not defined herein shall have the meaning given them in the Act:

(1) *Act* means Part A of Title II of the Clean Air Act, 42 U.S.C. 7421 et seq. (formerly 42 U.S.C. 1857 et seq.), as amended.

(2) *Office Director* means the Director for the Office of Mobile Sources—Office of Air and Radiation of the Environmental Protection Agency or other authorized representative of the Office Director.

(3) *Certified Part* means a part certified in accordance with the aftermarket part certification regulations contained in this subpart.

(4) *Emission Performance Warranty* means that warranty given pursuant to this subpart and section 207(b) of the Act.

(5) *Office Director–Approved Emission Test* or *Emission Short Test* means any test prescribed under 40 CFR 85.2201 et

seq., and meeting all of the requirements thereunder.

(6) *Model Year* means the manufacturer's annual production period (as determined by the Office Director) which includes January 1 of such calendar year; however, if the manufacturer has no annual production period, the term ''model year'' shall mean the calendar year.

(7) *Original Equipment Part* means a part present in or on a vehicle at the time the vehicle is sold to the ultimate purchaser, except for components installed by a dealer which are not manufactured by the vehicle manufacturer or are not installed at the direction of the vehicle manufacturer.

(8) *Owner* means the original purchaser or any subsequent purchaser of a vehicle.

(9) *Owner's Manual* means the instruction booklet normally provided to the purchaser of a vehicle.

(10) *Useful Life* means that period established pursuant to section 202(d) of the Act and regulations promulgated thereunder.

(11) *Vehicle* means a light duty vehicle or a light duty truck.

(12) *Warranty Booklet* means a booklet, separate from the owner's manual, containing all warranties provided with the vehicle.

(13) *Written Instructions for Proper Maintenance and Use* means those maintenance and operation instructions specified in the owner's manual as being necessary to assure compliance of a vehicle with applicable emission standards for the useful life of the vehicle that are:

(i) In accordance with the instructions specified for performance on the manufacturer's prototype vehicle used in certification (including those specified for vehicles used under special circumstances), and

(ii) In compliance with the requirements of 40 CFR 86.094–38 or 86.1808–01 (as appropriate for the applicable model year vehicle/engine classification); and

(iii) In compliance with any other regulations promulgated by the Office Director governing maintenance and use instructions.

(14) *Emission Related Parts* means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance.

(15) *Objective Evidence* of an emission related repair means all diagnostic information and data, the actual parts replaced during repair, and any other information directly used to support a warranty claim, or to support denial of such a claim.

(16) *Valid Emission Performance Warranty Claim* means a claim in which there is no evidence that the vehicle had not been properly maintained and operated in accordance with manufacturer instructions, the vehicle failed to conform to applicable emission standards as measured by an Office Director-approved type of emission warranty test during its useful life and the owner is subject to sanction as a result of the test failure.

(17) *Reasonable Expense* means any expense incurred due to repair of a warranty failure caused by a non-original equipment certified part, including, but not limited to, all charges in any expense categories that would be considered payable by the involved vehicle manufacturer to its authorized dealer under a similar warranty situation where an original equipment part was the cause of the failure. Included in ''reasonable expense'' are any additional costs incurred specifically due to the processing of a claim involving a certified aftermarket part or parts as covered in these regulations. The direct parts and labor expenses of carrying out repairs is immediately chargeable to the part manufacturer. All charges beyond the actual parts and labor repair expenses must be amortized over the number of claims and/or over a number of years in a manner that would be considered consistent with generally accepted accounting principles. These expense categories shall include but are not limited to the cost of labor, materials, record keeping, special handling, and billing as a result of replacement of a certified aftermarket part.

(18) *MOD Director* means Director of Manufacturers Operations Division, Office of Mobile Sources—Office of Air

and Radiation of the Environmental Protection Agency.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32587, Aug. 8, 1989; 64 FR 23919, May 4, 1999]

§ 85.2103 Emission performance warranty.

(a) The manufacturer of each vehicle to which this subpart applies shall warrant in writing that if:

(1) The vehicle is maintained and operated in accordance with the written instructions for proper maintenance and use and

(2) The vehicle fails to conform at any time during its useful life to the applicable emission standards or family emission limits as determined by an EPA-approved emission test, and

(3) Such nonconformity results or will result in the vehicle owner having to bear any penalty or other sanction (including the denial of the right to use the vehicle) under local, State or Federal law, then the manufacturer shall remedy the nonconformity at no cost to the owner; *except that*, if the vehicle has been in operation for more than 24 months or 24,000 miles, the manufacturer shall be required to remedy only those nonconformities resulting from the failure of components which have been installed in or on the vehicle for the sole or primary purpose of reducing vehicle emissions and that were not in general use prior to model year 1968.

(b) The warranty period shall begin on the date the vehicle is delivered to its ultimate purchaser, or if the vehicle is first placed in service as a ''demonstrator'' or ''company'' car prior to delivery, on the date it is first placed in service.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32587, Aug. 8, 1989]

§ 85.2104 Owners' compliance with instructions for proper maintenance and use.

(a) An emission performance warranty claim may be denied on the basis of noncompliance by a vehicle owner with the written instructions for proper maintenance and use.

(b) When determining whether an owner has complied with the written instructions for proper maintenance and use, a vehicle manufacturer may require an owner to submit evidence of compliance only with those written maintenance instructions for which the manufacturer has an objective reason for believing:

(1) Were not performed; and

(2) If not performed could be the cause of the particular vehicle's exceeding applicable emission standards.

(c) Evidence of compliance with a maintenance instruction may consist of:

(1) A maintenance log book which has been validated at the approximate time or mileage intervals specified for service by someone who regularly engages in the business of servicing automobiles for the relevant maintenance instruction(s); or

(2) A showing that the vehicle has been submitted for scheduled maintenance servicing at the approximate time or mileage intervals specified for service to someone who regularly engages in the business of servicing automobiles for the purpose of performing the relevant maintenance; or

(3) A statement by the vehicle owner that he or she performed the maintenance at the approximate time or mileage interval specified including a showing,

(i) That the owner purchased and used proper parts, and

(ii) Upon request by the vehicle manufacturer, that the owner is able to perform the maintenance properly.

(d) Except as provided in paragraph (e) of this section, the time/mileage interval for scheduled maintenance services shall be the service interval specified for the part in the written instructions for proper maintenance and use.

(e) For certified parts having a maintenance or replacement interval different from that specified in the written instructions for proper maintenance and use, the time/mileage interval shall be the service interval for which the part was certified.

(f) The owner may perform maintenance or have maintenance performed more frequently then required in the maintenance instructions.

(g) Except as provided in paragraph (h) of this section, a manufacturer may

deny an emission performance warranty claim on the basis of noncompliance with the written instructions for proper maintenance and use only if:

(1) An owner is not able to comply with a request by a manufacturer for evidence pursuant to paragraph (c) of this section; or

(2) Notwithstanding the evidence presented pursuant to paragraph (c) of this section, the manufacturer is able to prove that the vehicle failed an emission short test because:

(i) The vehicle was abused, or

(ii) An instruction for the proper maintenance and use was performed in a manner resulting in a component's being improperly installed or a component or related parameter's being adjusted substantially outside of the manufacturer's specifications, or

(iii) Unscheduled maintenance was performed on a vehicle which resulted in the removing or rendering inoperative of any component affecting the vehicle's emissions.

(h) In no case may a manufacturer deny an emission performance warranty claim on the basis of:

(1) Warranty work or predelivery service performed by any facility authorized by the vehicle manufacturer to perform such work or service; or

(2) Work performed in an emergency situation to rectify an unsafe condition, including an unsafe driveability condition, attributable to the manufacturer, provided the vehicle owner has taken steps to put the vehicle back in a conforming condition in a timely manner; or

(3) The use of any uncertified part or non-compliance with any written instruction for proper maintenance and use which is not relevant to the reason that the vehicle failed to comply with applicable emission standards; or

(4) Any cause attributable to the vehicle manufacturer; or

(5) The use of any fuel which is commonly available in the geographical area in which the vehicle or engine is located, unless the written instructions for proper maintenance and use specify that the use of that fuel would adversely affect the emission control devices and systems of the vehicle, and there is commonly available information for the owner to identify the proper fuel to be used.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32587, Aug. 8, 1989]

§85.2105 Aftermarket parts.

(a) No valid emission performance warranty claim shall be denied on the basis of the use of a properly installed certified aftermarket part in the maintenance or repair of a vehicle. A vehicle manufacturer that honors a valid emission performance warranty claim involving a certified aftermarket part may seek reimbursement for reasonable expenses incurred in honoring the claim by following the warranty claim procedures listed in §85.2107(c).

(b) Except as provided in §85.2104(h), a vehicle manufacturer may deny an emission performance warranty claim on the basis of an uncertified aftermarket part used in the maintenance or repair of a vehicle if the vehicle manufacturer can demonstrate that the vehicle's failure to meet emission standards was caused by use of the uncertified part. A warranty claim may be denied if the vehicle manufacturer submits a written document to the vehicle owner that the vehicle owner is unable or unwilling to refute. The document must:

(1) Establish a causal connection between the emissions short test failure and use of the uncertified part, and,

(2) Assert that:

(i) Removal of the uncertified part and installation of any comparable certified or original equipment part previously removed or replaced during installation of the uncertified part will resolve the observed emissions failure in the vehicle, and/or

(ii) Use of the uncertified part has caused subsequent damage to other specified certified components such that replacement of these components would also be necessary to resolve the observed vehicle emissions failure, and,

(3) List all objective evidence as defined in §85.2102 that was used in the determination to deny warranty. This evidence must be made available to the vehicle owner or EPA upon request, and

(c) A part not required to be replaced at a definite interval in accordance

with the written instructions for maintenance and use shall be warranted for the full term of any warranty mandated by the Act. Instructions to replace a component only if checked and found to be operating below specification shall have no bearing on warrranty coverage, unless an owner did not follow such an instruction prior to the short test failure and noncompliance with that instruction caused the failure of another vehicle component relevant to the nonconformity.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32587, Aug. 8, 1989]

§ 85.2106 Warranty claim procedures.

(a) A claim under the emission performance warranty may be raised immediately upon the failure of an EPA-approved emission test if, as a result of that failure, an owner is required to take action of any kind in order to avoid imposition of a penalty or sanction. An owner need not suffer the loss of the right to use a vehicle, be fined, incur repair expenses, or actually bear any penalty or sanction to satisfy the requirement of § 85.2103(a)(3). That requirement shall be met if a test failure sets a procedure in motion under which the owner will bear a penalty or sanction if a vehicle is not brought into conformity or repaired to some specified extent within some specified period of time.

(b) A warranty claim may be submitted by bringing a vehicle to:

(1) Any repair facility authorized by the vehicle manufacturer to service that model vehicle, or

(2) Any repair facility authorized by the vehicle manufacturer to perform emission performance warranty repairs for that model vehicle.

(c) To the extent required by any Federal or State law, whether statutory or common law, a vehicle manufacturer shall be required to provide a means for non-franchised repair facilities to perform emission performance warranty repairs.

(d) The manufacturer of each vehicle to which the warranty is applicable shall establish procedures as to the manner in which a claim under the emission performance warranty is to be processed. The procedures shall:

(1) Provide for a final decision by the vehicle manufacturer within a reasonable time, not to exceed 30 days from the time at which the vehicle is initially presented for repair or within the time period during which an owner is required by local, State or federal law to have the vehicle repaired without incurring further penalties or sanctions (whichever is shorter), unless a delay

(i) Is requested by the vehicle owner, or

(ii) Is caused by an event not attributable to the vehicle manufacturer or the warranty repair facility; and

(2) Require that if the facility at which the vehicle is initially presented for repair is unable for any reason to honor the particular claim, then, unless this requirement is waived in writing by the vehicle owner, the repair facility shall forward the claim to an individual or office authorized to make emission performance warranty determinations for the manufacturer.

(e) Within the time period specified in paragraph (d) of this section the manufacturer shall:

(1) Notify the owner that it will honor the claim; or

(2) Provide the owner, in writing, with an explanation of the basis upon which the claim is being denied; or

(3) If the basis of the claim denial involves use of an uncertified part, provide the owner in writing with an explanation of the basis upon which the claim is being denied according to all criteria specified in § 85.2105(b).

(f) Failure to notify an owner within the required time period (as determined under paragraph (d) of this section) for reasons that are not attributable to the vehicle owner or events which are not beyond the control of the vehicle manufacturer or the repair facility, shall result in the vehicle manufacturer being responsible for repairing the warranted items free of charge to the vehicle owner.

(g) The vehicle manufacturer shall incur all costs associated with a determination that an emission performance warranty claim is valid.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32588, Aug. 8, 1989]

§ 85.2107 Warranty remedy.

(a) The manufacturer's obligation under the emission performance warranty shall be to make all adjustments, repairs or replacements necessary to assure that the vehicle complies with applicable emission standards of the U.S. Environmental Protection Agency, that it will continue to comply for the remainder of its useful life (if proper maintenance and operation are continued), and that it will operate in a safe manner. The manufacturer shall bear all costs incurred as a result of the above obligation, *except that* after the first 24 months or 24,000 miles (whichever first occurs) the manufacturer shall be responsible only for:

(1) The adjustment, repair or replacement of those components which have been installed in or on a vehicle for the sole or primary purpose of reducing vehicle emissions, and which were not in general use prior to model year 1968; and

(2) All other components which must be adjusted, repaired or replaced to enable a component repaired or replaced under paragraph (a)(1) of this section to perform properly.

(b) Under the Emissions Performance Warranty, the manufacturer shall be liable for the total cost of the remedy for any vehicle validly presented for repair to any authorized service facility authorized by the vehicle manufacturer. State or local limitations as to the extent of the penalty or sanction imposed upon an owner of a failed vehicle shall have no bearing on this liability.

(c) The remedy provided under paragraph (a) of this section shall include the repair or replacement of certified parts as required in § 85.2105(a). To seek reimbursement from the involved certified aftermarket part manufacturer for reasonable expenses incurred due to the certified aftermarket parts determined to be the cause of a performance warranty failure, the vehicle manufacturer must:

(1) Retain all parts replaced during the performance warranty repair, and

(2) Follow the procedures laid out in § 85.2117.

(d) If a manufacturer is unable (for reasons not attributable to the vehicle owner or events beyond the control of the vehicle manufacturer or an authorized repair facility) to repair a vehicle within the time period specified under § 85.2106(d) after the initial presentation of the vehicle to an authorized repair facility, then the owner shall be entitled to have the warranty remedy performed, at the expense of the manufacturer, by any repair facility of the owner's choosing.

(e) The vehicle manufacturer may deny warranty for a failure caused by an uncertified part in accordance with the criteria in § 85.2105.

[45 FR 34839, May 22, 1980, as amended at 54 FR 32588, Aug. 8, 1989]

§ 85.2108 Dealer certification.

(a) Upon the delivery of each new light-duty motor vehicle, the dealer shall furnish to the purchaser a certificate which states that:

(1) Based upon written notification furnished by the manufacturer, the dealer has knowledge that the vehicle is covered by an EPA Certificate of Conformity;

(2) Based upon a visual inspection of emissions control devices, there are no apparent deficiencies in the installation of such devices by the manufacturer. The visual inspection required by this subsection is limited to those emission control devices or portions thereof which are visible without removal or adjustment of any component or system of the vehicle, whether emissions related or otherwise.

(3) The dealer has performed all emission control system preparation required by the manufacturer prior to the sale of the vehicle, as set forth in the current predelivery service manual furnished by the manufacturer.

(b) The certificate shall further state that if the vehicle fails an EPA-approved emission test prior to the expiration of three months or 4,000 miles (whichever occurs first) from the date or mileage at the time of delivery of the vehicle to the ultimate purchaser, and the vehicle has been maintained and used in accordance with the written instructions for proper maintenance and use, then the vehicle manufacturer shall remedy the nonconformity under the emission performance warranty.

(c) For the purpose of this section, the term emission control devices shall be limited to all devices installed on a vehicle for the sole or primary purpose of controlling vehicle emissions and which were not in general use prior to 1968.

(d) A vehicle manufacturer shall provide the § 85.2108 remedy free of charge to the vehicle owner for any vehicle which, although maintained in accordance with the written instructions for proper maintenance and use, fails an emission short test prior to the expiration of three months or 4,000 miles from the time of sale to the ultimate purchaser, without regard to whether a penalty or sanction is imposed because of the emissions short-test failure.

(e) The dealer certification required by this section shall not be construed as either a representation or a warranty, express or implied, by the dealer that the emission control system or any part thereof is without defect nor that the system will properly perform.

[46 FR 38692, July 29, 1981]

§ 85.2109 Inclusion of warranty provisions in owners' manuals and warranty booklets.

(a) A manufacturer shall furnish with each new motor vehicle, a full explanation of the Emission Performance Warranty, including at a minimum the following information:

(1) A basic statement of the coverage of the emissions performance warranty as set out in § 85.2103. This shall be separated from any other warranty given by the manufacturer and shall be prefaced by the title ''Emissions Performance Warranty'' set in bold face type; and

(2) A list of all items which are covered by the emission performance warranty for the full useful life of the vehicle. This list shall contain all components which have been installed in or on a vehicle solely or primarily for the purpose of reducing vehicle emissions, except those components which were in general use prior to model year 1968. All items listed pursuant to this subsection shall be described in the same manner as they are likely to be described on a service facility work receipt for that vehicle; and

(3) A list or a reference to the location of the instructions for proper maintenance and use, together with the time and/or mileage interval at which such instructions are to be performed; and

(4) An explanation of the effect that the use of certified parts will have on the emission performance warranty. This explanation shall comport with the provisions of § 85.2105 (b) and (c), including a statement in boldface type that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any certified part; and

(5) Complete instructions as to when and how an owner may bring a claim under the emissions performance warranty, as governed by §§ 85.2104 and 85.2106. These instructions shall include:

(i) An explanation of the point in time at which a claim may be raised; and

(ii) Complete procedures as to the manner in which a claim may be raised; and

(iii) The provisions for manufacturer liability contained in § 85.2106(f) if the manufacturer fails to respond within the time period set in accordance with § 85.2106(d);

(6) An explanation that an owner may obtain further information concerning the emission performance warranty or that an owner may report violations of the terms of the Emission Performance Warranty by contacting the Director, Field Operations and Support Division (6406J), Environmental Protection Agency, 401 ''M'' Street, SW., Washington, DC 20460 (Attention: Warranty Claim).

(b) The warranty information shall be provided in the same document as other warranties provided with the vehicle.

(c) If a separate warranty booklet is provided with the vehicle, the owner's manual shall contain, at a minimum, the following information:

(1) A general list of all warranties covering the vehicle; and

(2) A statement that detailed warranty information can be found in the warranty booklet.

(d) If a separate warranty booklet is not provided with the vehicle, the information specified in paragraph (a) of this section shall be contained in the owner's manual.

[45 FR 34839, May 22, 1980, as amended at 58 FR 65554, Dec. 15, 1993]

§ 85.2110 Submission of owners' manuals and warranty statements to EPA.

(a) The manufacturer of each vehicle to which this subpart applies shall submit a copy to EPA of both the owner's manual and warranty booklet (if applicable) for each model vehicle, *except that*, if the same warranty information is to be provided for more than one model vehicle, the manufacturer may submit copies for a single model vehicle with a statement that such copies are complete and accurate representation of the warranty information provided with all other specified models.

(1) The owner's manuals and warranty booklets should be received by EPA 60 days prior to the introduction of the vehicle for sale.

(2) If the manuals and warranty booklets are not in their final printed format 60 days prior to the introduction of the vehicle for sale, a manufacturer may submit the most recent draft at that time, provided that final versions are submitted within 15 days of the final printing.

(b) All materials described in paragraph (a) of this section shall be sent to: Director, Field Operations and Support Division (6406J), Environmental Protection Agency, 401 ''M'' Street, SW., Washington, DC 20460 (Attention: Warranty Booklet).

[45 FR 34839, May 22, 1980, as amended at 58 FR 65554, Dec. 15, 1993]

§ 85.2111 Warranty enforcement.

The following acts are prohibited and may subject a manufacturer to up to a $25,000 civil penalty for each offense:

(a) Selling or leasing a light duty vehicle without providing in writing the warranty information required by § 85.2109;

(b) Failing or refusing to comply with the terms and conditions of the Emission Performance Warranty with respect to any vehicle to which this subpart applies. Acts constituting such a failure or refusal shall include, but are not limited to, the following,

(1) Failure to honor a valid warranty claim,

(2) Performance of a warranty repair in a manner which cannot reasonably be expected to allow the vehicle to meet applicable emission standards for the remainder of its useful life,

(3) Failure of a manufacturer to reimburse a dealer or other designated agent for performance of a vehicle repair made pursuant to this subpart, and

(4) Failure of a manufacturer to supply a part necessary to perform a warranty repair within the time limit specified under § 85.2106(d), unless such failure is for a reason not attributable to the vehicle manufacturer or the warranty repair facility;

(c) To provide directly or indirectly in any communication to the ultimate purchaser or any subsequent purchaser that the emission performance warranty coverage is conditioned upon the use of any name brand part, component, or system or upon service (other than a component or service provided without charge under the terms of the purchase agreement), unless the communication is made pursuant to a written waiver by the Office Director.

[45 FR 34839, May 22, 1980, as amended at 58 FR 65554, Dec. 15, 1993]

§ 85.2112 Applicability.

The provisions of §§ 85.2112 through 85.2122 apply to emission related automotive aftermarket parts which are to be installed in or on 1968 and later model year light-duty vehicles and light-duty trucks.

[54 FR 32588, Aug. 8, 1989]

§ 85.2113 Definitions.

As used in this subpart, all terms not defined shall have the meaning given them in the Act:

(a) *Act* means Part A of Title II of the Clean Air Act, 42 U.S.C. 7421 *et seq.* (formerly 42 U.S.C. 1857 *et seq.*) as amended.

(b) *Aftermarket Part* means any part offered for sale for installation in or on a motor vehicle after such vehicle has left the vehicle manufacturer's production line.

(c) *Aftermarket Part Manufacturer* means:

(1) A manufacturer of an aftermarket part or,

(2) A party that markets aftermarket parts under its own brand name, or,

(3) A rebuilder of original equipment or aftermarket parts, or

(4) A party that licenses others to sell its parts.

(d) *Agency* means the Environmental Protection Agency.

(e) *Certified Aftermarket Part* means any aftermarket part which has been certified pursuant to this subpart.

(f) *Emission Warranty* means those warranties given by vehicle manufacturers pursuant to section 207 of the Act.

(g) *Emission-Critical Parameters* means those critical parameters and tolerances which, if equivalent from one part to another, will not cause the vehicle to exceed applicable emission standards with such parts installed.

(h) *Engine Family* means the basic classification unit of a vehicle's product line for a single model year used for the purpose of emission-data vehicle or engine selection and as determined in accordance with 40 CFR 86.078–24.

(i) *Vehicle or Engine Configuration* means the specific subclassification unit of an engine family or certified part application group as determined by engine displacement, fuel system, engine code, transmission and inertia weight class, as applicable.

(j) *Certification Vehicle Emission Margin* for a certified engine family means the difference between the EPA emission standards and the average FTP emission test results of that engine family's emission-data vehicles at the projected applicable useful life mileage point (i.e., useful life mileage for light-duty vehicles is 50,000 miles and for light-duty trucks is 120,000 miles for 1985 and later model years or 50,000 miles for 1984 and earlier model years).

(k) *Applications* means all vehicle or engine configurations for which one part is being certified as set forth in the aftermarket part manufacturer's notification of intent to certify pursuant to § 85.2115(a)(1).

[45 FR 78458, Nov. 25, 1980, as amended at 54 FR 32588, Aug. 8, 1989]

§ 85.2114 Basis of certification.

(a) *Prior to certifying,* the aftermarket part manufacturer must determine:

(1) Whether the part to be certified is an emission related part as defined in § 85.2102. The MOD Director shall deny certification to any parts which he or she determines is not an emission related part.

(2) The vehicle or engine configurations for which this part is being certified. These are the vehicle and engine designs for which the aftermarket part manufacturer intends to sell the certified aftermarket part.

(3) Whether the part qualifies under one of the part categories, listed in § 85.2122 of this subpart that are eligible to certify using emission critical parameters and, if so, whether the manufacturer elects to demonstrate certification using emission critical parameters. An aftermarket part may be certified under this category only if the part's emission-critical parameters, as set forth in § 85.2122, are equivalent to those of the original equipment or previously certified part it is to replace. Compliance with the emission-critical parameters discussed in paragraph (b) of this section may be demonstrated by compliance with the relevant test procedures and criteria specified in appendix I to this subpart. The requirements of this paragraph apply to all on-road vehicles and engines. Alternatively, the manufacturer may elect to demonstrate certification compliance according to the emission test procedures described in paragraph (c) of this section.

(b) *For parts eligible to certify using emission-critical parameters, certification compliance can be demonstrated as follows.* (1) The durability procedure contained in appendix I to this subpart can be used. As an alternative, the aftermarket part manufacturer may use a different durability procedure if it can demonstrate to the MOD Director that the alternative procedure results in an improved technical evaluation of the part's influence on vehicle or engine emissions for its useful life mileage interval, or results in a significant cost savings to the aftermarket part manufacturer with no loss in technical validity compared to the recommended durability procedure. The

aftermarket part manufacturer shall receive the written approval from the MOD Director prior to implementation of the alternative procedures.

(2) Compliance with certification requirements is based on conformance with all emission-critical parameters in §85.2122. This shall be accomplished by performing such procedures, tests, or analyses described in appendix I, or other procedures subject to the MOD Director's approval, necessary to ascertain with a high degree of certainty the emission-critical parameter specifications and tolerances for the aftermarket part and the original equipment or previously certified part for which an equivalent aftermarket certified part is to be used.

(i) If information is available in Appendix I of this subpart to identify the applicable emission-critical parameters, the aftermarket part certifier must use such information.

(ii) If sampling and analysis of original equipment or previously certified parts is relied upon, the aftermarket part certifier must use sound statistical sampling techniques to ascertain the mean and range of the applicable emission parameters.

(iii) If an aftermarket part replaces more than one part on the same application, it may be certified only if the aftermarket part meets the applicable emission-critical parameters of §85.2122 for each part or parts which the aftermarket part is to replace. If an aftermarket part is to replace more than one part or an entire system, compliance must be demonstrated for all emission-critical parameters involved, except those which relate solely to the interface between the parts being replaced by the aftermarket part.

(c) *For parts certifying on the basis of emission test results, durability demonstration testing shall be conducted as follows.* (1) Prior to certification emission testing, the actual aftermarket part used for certification testing must meet the durability demonstration requirements of this paragraph for at least the part's useful life mileage interval.

(i) If an original equipment part has no scheduled replacement interval, then the useful life mileage interval of the aftermarket part of that type or which replaces the function of that part may be certified with a service interval less than the useful life of the motor vehicle or motor vehicle engine, or

(ii) If any provision of 40 CFR part 86 establishes a minimum replacement or service interval for an original equipment part during vehicle or engine certification, then the useful life mileage interval of the aftermarket part of that type or which replaces the function of that part is said minimum interval.

(2) The part manufacturer must decide whether it can demonstrate to the MOD Director that, during normal vehicle operation, the candidate part will not accelerate deterioration of any original equipment emission related parts. This demonstration must be based on technical rationale that shows that the candidate part has no significant physical or operational effect on any original emission components or system which would be different than that experienced by the vehicle operating with all original equipment emission system parts. The part's effect on each major emission system must be addressed separately in the demonstration.

(i) If the aftermarket part to be certified accelerates deterioration of any existing emission related parts then certification shall be carried out as specified under the paragraph (c)(3) of this section for parts that accelerate deterioration of existing emission related parts.

(ii) If the aftermarket part manufacturer can demonstrate that the part to be certified will not accelerate deterioration of any existing emission related components, then the manufacturer can certify according to paragraph (c)(4) in this section for parts demonstrated to not accelerate deterioration of existing emission related parts.

(3) *For aftermarket parts that accelerate deterioration of existing emission related parts during normal operation.* (i) The aftermarket test part can be installed on the durability test vehicle and aged for 50,000 miles using the vehicle durability driving schedules contained in part 86, appendix IV. As an alternative, the aftermarket part manufacturer may use a different durability procedure if it can demonstrate to the MOD

Director that the alternative procedure results in an improved technical evaluation of the part's influence on vehicle or engine emissions for the part's useful life mileage interval, or results in a significant cost savings to the aftermarket part manufacturer with no loss in technical validity compared to the recommended durability schedules in part 86, appendix IV. The aftermarket part manufacturer shall receive the written approval from the MOD Director prior to implementation of the alternative procedures.

NOTE: At the time of certification emission testing, the same part and vehicle combination used for mileage accumulation shall be used for emission testing.

(ii) Where the comparable original equipment part has a recommended replacement interval of less than 50,000 miles, the test part shall be replaced no sooner than its useful life mileage interval during the required 50,000 mile durability demonstration.

NOTE: At the time of certification emission testing, one of the aftermarket parts that accumulated at least its useful life mileage during the aging process under this paragraph shall be installed on the durability test vehicle that has accumulated 50,000 miles.

(4) *For aftermarket parts demonstrated not to accelerate deterioration on existing emission related parts during normal operation,* the part manufacturer must determine whether the part will cause a noticeable change in vehicle driveability.

(i) Parts that cause no noticeable change in vehicle driveability, performance, and/or fuel economy when the part fails, the durability driving schedules contained in part 86, appendix IV can be used. As an alternative, the aftermarket part manufacturer may use a different durability procedure if it can demonstrate to the MOD Director that the alternative procedure results in an improved technical evaluation of the part's influence on vehicle or engine emissions for its useful life mileage interval, or results in a significant cost savings to the aftermarket part manufacturer with no loss in technical validity compared to the durability schedules in part 86, appendix IV. The aftermarket part manufacturer shall receive the written approval from the MOD Director prior to implementation of the alternative procedures.

(ii) Parts demonstrated to cause a noticeable change in vehicle driveability, performance, and/or fuel economy when the part fails, are exempt from aging if the part manufacturer can demonstrate to the MOD Director that the primary failure mode of the aftermarket component or system affects the driveability, performance, and/or fuel economy of the vehicle at a level readily detectable by the driver and likely to result in near term repair of failing components and correction of the emissions failure. (Use of on-board diagnostics and malfunction indicators as covered in paragraph (g) of this section is not necessarily an adequate demonstration that the certified part will be replaced. The part manufacturer must demonstrate that the diagnostic and malfunction indicator system will routinely result in repair or replacement of the part in use).

(5) *For parts which only affect evaporative emissions performance,* the aftermarket part manufacturer shall determine and demonstrate to the MOD Director the appropriate durability procedure to age its part. The demonstration shall include all documentation, analyses, and test results that support this determination, and the documentation that support the durability procedure results shall be submitted with the notification of intent to certify as per § 85.2115 and is subject to MOD Director's review.

(6) *Durability demonstration vehicle selection.* The demonstration vehicle used must represent the ''worst case'' of all the configurations for which the aftermarket part is being certified. The worst case configuration shall be that configuration which will likely cause the most deterioration in the performance characteristics of the aftermarket part which influence emissions during the part's useful life mileage. The worst case configuration shall be selected from among those configurations for which the aftermarket part is to be certified. One of the following two methods shall be used to select the worst case durability demonstration vehicle(s):

(i) In the first method, the selection shall be based on a technical judgment

by the aftermarket part manufacturer of the impact of the particular design, or calibration of a particular parameter or combination of parameters, and/or an analysis of appropriate data, or

(ii) In the second alternative method, the selection shall be made from among those vehicle configurations with the heaviest equivalent test weight, and within that group, the largest displacement engine.

(d) *For parts certifying on the basis of emission test results, certification compliance shall be demonstrated as follows.* (1) The emission test to be used is the Federal Test Procedure as set forth in the applicable portions of 40 CFR part 86. Certification emission testing must be carried out using representative production aftermarket parts as provided in paragraph (e) of this section. The test results must demonstrate that the proper installation of the certified aftermarket part will not cause the vehicle to fail to meet any applicable Federal emission requirements under section 202 of the Act.

(2) The following portions of the Federal Test Procedure are not required to be performed when certifying a part using emission testing:

(i) The evaporative emissions portion, if the aftermarket manufacturer has an adequate technical basis for believing that the part has no effect on the vehicle's evaporative emissions;

(ii) The exhaust emissions portion, if the part manufacturer has an adequate technical basis for believing that the part has no affect on the vehicle's exhaust emissions; and

(iii) Other portions therein which the part manufacturer believes are not relevant; *Provided, That* the part manufacturer has requested and been granted a waiver in writing by the MOD Director for excluding such portion.

(3) Exhaust Emission Testing. Certification exhaust emission testing for aftermarket parts shall be carried out in the following manner:

(i) For light duty vehicle parts that accelerate deterioration of existing emission related parts, at least one emission test is required. The test(s) shall be performed according to the Federal Test Procedure on the same test vehicle and aftermarket part combination that was previously aged as required. The results of all tests performed shall be averaged for each emission constituent. The average values shall meet all applicable Federal emission requirements under section 202 of the Act.

(A) For aftermarket parts where the comparable original equipment part has no recommended replacement interval, the same part and vehicle combination used for the durability demonstration shall be used for certification exhaust emission testing.

(B) For aftermarket parts where the comparable original equipment part has a recommended replacement interval of less than 50,000 miles, one of the aftermarket parts that accumulated at least the part's useful life mileage during the durability demonstration must be installed on the durability demonstration vehicle that has accumulated 50,000 miles for certification exhaust emission testing.

(ii) For light duty truck parts that accelerate deterioration of existing emission related parts.

(A) An emission test shall be performed on emission test vehicles at 4000 miles and at 50,000 miles, with the part installed. Exhaust emission deterioration factors for the test vehicle shall be calculated from these two test results. The aftermarket part manufacturer may elect to perform other emission tests at interim mileages. However, any interim tests must be spaced at equal mileage intervals. If more than one test is performed at any one mileage point, then all tests at this point shall be averaged prior to determining the deterioration factor. The deterioration factor shall be calculated using the least squares straight line method, in accordance with §86.088–28(a). The deterioration factor for each emission constituent shall be used to linearly project the 50,000 mile test result out to 120,000 miles. The projected 120,000 mile test result shall meet light duty truck emission standards.

(B) As an option, the light-duty truck part manufacturer may durability age the test vehicle and aftermarket part to 120,000 miles, and then perform one Federal Test Procedure test. The actual test results in

this case must pass all Federal emission standards.

(iii) For parts demonstrated to not accelerate deterioration of existing emission related parts during normal operation:

(A) If parts cause no noticeable change in vehicle driveability, performance, and/or fuel economy when the part fails, the certification exhaust emission test vehicle need not be the same vehicle as that used for durability demonstration. Upon completion of aging, one Federal Test Procedure test shall be performed with the aged aftermarket part installed on a test vehicle that has just completed one Federal Test Procedure test in the original equipment configuration (i.e., before the aftermarket part or system is installed). If more than one test is performed either before or after the aftermarket part is installed, then an equivalent number of tests must be performed in both configurations. The results of all tests performed before the part is installed shall be averaged and the results of all tests performed after the part is installed shall be averaged for each emission constituent. The difference in Federal Test Procedure emission results between the tests with the aged aftermarket part installed and the test vehicle in the original equipment configuration shall be less than or equal to the certification vehicle emission margin of any and all of the certification test vehicles from the various configurations for which the aftermarket part is being certified.

(B) For parts demonstrated to cause a noticeable change in vehicle driveability, performance, and/or fuel economy when the part fails, no durability aging of the part is required before certification emission testing. One Federal Test Procedure test shall be performed on the test vehicle in its original equipment configuration (i.e., before the aftermarket part or system is installed) and one test with an aftermarket part representative of production (as provided in paragraph (e) of this section) installed on the test vehicle. If more than one test is performed either before or after the aftermarket part is installed, then an equivalent number of tests must be performed in both configurations. The results of all tests performed with the aftermarket part installed shall be averaged and the results of all tests performed in the original equipment configuration shall be averaged for each emission constituent. The difference in Federal Test Procedure emission results between the tests with the aftermarket part installed and the test vehicle in the original equipment configuration shall be less than or equal to the certification vehicle emission margin of any and all of the certification test vehicles from the various configurations for which the aftermarket part is being certified.

(4) Evaporative emission testing. For parts determined by the part manufacturer (with appropriate technical rationale) to affect only evaporative emissions performance, at least one evaporative emissions portion of the Federal Test Procedure test shall be performed on the vehicle in its original equipment configuration and at least one with the aftermarket part installed. Both the original equipment and aftermarket part shall be aged according to paragraph (c)(5) of this section prior to testing. If more than one test is performed either before or after the aftermarket part is installed, then an equivalent number of tests must be performed in both configurations. The emission results of all tests performed before the part is installed shall be averaged and the emission results of all tests performed after the part is installed shall be averaged. The difference in Federal Test Procedure emission results between the tests with the aged aftermarket part installed and the test vehicle in the original equipment configuration shall be less than or equal to the certification vehicle emission margin of any and all of the certification test vehicles from the various configurations for which the aftermarket part is being certified.

(5) Emission test vehicle selection: The test vehicle used must represent the ‘‘worst case’’ with respect to emissions of all those configurations for which the aftermarket part is being certified. The worst case configuration shall be that configuration which, having the aftermarket part installed, is least likely to meet the applicable emission standards among all those

configurations on which the aftermarket part is intended to be installed as a certified aftermarket part. One of the following two methods shall be used to select the worst case emission test vehicle(s):

(i) In the first method, the selection shall be based on a technical judgment by the aftermarket part manufacturer of the impact of the particular design or calibration of a particular parameter or combination of parameters and/or an analysis of appropriate data, or

(ii) In the second alternative method, two defined worst case test vehicles shall be selected from the vehicle configurations using the following criteria:

(A) The first test vehicle is that engine family for which the largest number of parts are projected to be sold. Within that family the manufacturer shall select the configurations with the heaviest equivalent test weight, and then within that group the configuration with the largest displacement engine.

(B) The second test vehicle shall be from a different vehicle manufacturer than the first test vehicle, or if the aftermarket part applies to only one vehicle manufacturer, from a different engine family. Engine families are determined by the vehicle manufacturer or when certifying under 40 CFR part 86. Within that group, the second test vehicle is selected from the vehicle configurations with the heaviest equivalent test weight, and then, within that group, the configuration with the largest displacement engine. If a part applies to only one engine family then only the vehicle specified in paragraph (d)(5)(ii)(A), of this section, is required to be tested.

(iii) The results of certification tests using the worst case vehicle selections made in this section shall only be applicable for configurations that are required to meet the same or less stringent (numerically higher) emission standards than those of the worst case configuration.

(iv) The worst case test vehicle(s) selected for certification emission testing is(are) not required to meet Federal emission standards in its original configuration. However, each test vehicle shall have representative emissions performance that is close to the standards and have no obvious emission defects. Each test vehicle shall be tuned properly and set to the vehicle manufacturer's specifications before testing is performed. Any excessively worn or malfunctioning emission related part shall be repaired prior to testing.

(e) *Test part selection.* Certification shall be based upon tests utilizing representative production aftermarket parts selected in a random manner in accordance with accepted statistical procedures.

(f) *Replacing original equipment parts.* Installation of any certified aftermarket part shall not result in the removal or rendering inoperative of any original equipment emission related part other than the part(s) being replaced. Furthermore, installation of any certified aftermarket part shall not require the readjustment of any other emission related part to other than the vehicle manufacturer specifications, cause or contribute to an unreasonable risk to the public health, welfare or safety, or result in any additional range of parameter adjustability or accessibility to adjustment than that of the vehicle manufacturer's emission related parts.

(g) *Affects on vehicle on board diagnostic system.* Installation of any certified aftermarket part shall not alter or render inoperative any feature of the on-board diagnostic system incorporated by the vehicle manufacturer. The certified part may integrate with the existing diagnostic system if it does not alter or render inoperative any features of the system. However, use of on-board diagnostics or warning indicators to alert the driver to part failure is not sufficient by itself to qualify the part for exemption from aging under paragraph (c)(4)(ii) of this section. The part manufacturer must demonstrate that the diagnostic and malfunction indicator system will routinely result in repair or replacement of the aftermarket part in use.

[54 FR 32588, Aug. 8, 1989]

§ 85.2115 Notification of intent to certify.

(a) At least 45 days prior to the sale of any certified automotive aftermarket part, notification of the

intent to certify must be received by the Office Director.

(1) The notification shall include:

(i) Identification of each part to be certified; and.

(ii) Identification of all vehicle or engine configurations for which the part is being certified including make(s), model(s), year(s), engine size(s) and all other specific configuration characteristics necessary to assure that the part will not be installed in any configuration for which it has not been certified; and

(iii) All determinations, demonstrations, technical rationale, and documentation provided in § 85.2114; and

(iv) Any and all written waivers and approvals obtained from the MOD director as provided in § 85.2114, and any correspondence with EPA regarding certification of that part; and

(v) A description of the tests, techniques, procedures, and results utilized to demonstrate compliance with § 85.2114(b) applicable to parts eligible to certify using emission-critical parameters, except that, if the procedure utilized is recommended in appendix I of this subpart, then only a statement to this effect is necessary. A description of all statistical methods and analyses used to determine the emission-critical parameters of the original equipment parts and compliance of the certified part(s) with those parameters including numbers of parts tested, selection criteria, means, variance, etc; and

(vi) All results and documentation of tests and procedures used by the part manufacturer as evidence of compliance with the durability and emission requirements specified in § 85.2114; and

(vii) A discussion of the technical basis(es) for foregoing any portion of the Federal Test Procedure when applicable; and

(viii) A description of the test part selection criteria used, and a statement that the test part(s) used for certification testing is(are) a representative production aftermarket part(s) consistent with § 85.2114(e); and

(ix) A description of the test and demonstration vehicle selection criteria used, and rationale that supports the technical judgment that the vehicle configurations used for emission testing and durability demonstration represent worst case with respect to emissions of all those configurations for which the aftermarket part is being certified, and all data that supports that conclusion; and

(x) The service intervals of the part, including maintenance and replacement intervals in months and/or miles, as applicable, and a statement indicating whether it is different than the service, maintenance, and replacement interval of the original equipment requirements; and

(xi) A statement, if applicable, that the part will not meet the labeling requirements of § 85.2119(a) and the description of the markings the aftermarket manufacturer intends to put on the part in order to comply with § 85.2119(b); and

(xii) A statement that the aftermarket part manufacturer accepts, as a condition of certification, the obligation to comply with the warranty requirements and dispute resolution procedures provided in § 85.2117; and

(xiii) A statement of commitment and willingness to comply with all the relevant terms and conditions of this subpart; and

(xiv) A statement by the aftermarket part manufacturer that use of its certified part will not cause a substantial increase to vehicle emissions in any normal driving mode not represented during certification or compliance testing; and

(xv) The office or officer of the aftermarket part manufacturer authorized to receive correspondence regarding certification requirements pursuant to this subpart.

(2) The notification shall be signed by an individual attesting to the accuracy and completeness of the information supplied in the notification.

(3) Notification to the Agency shall be by certified mail or another method by which date of receipt can be established.

(4) Two complete and identical copies of the notification and any subsequent industry comments on any such notification shall be submitted by the aftermarket manufacturer to: Mod Director, MOD (EN-340F), Attention:

Aftermarket Parts, 401 ''M'' St. SW., Washington, DC 20460.

(5) A copy of the notification submitted under paragraph (a)(4) of this section will be placed in a public docket. Comments on any notice in the public docket may be made to the MOD Director.

(b) The MOD Director reserves the right to review an application to determine if the submitted documents adequately meet all the requirements for certification specified in §§85.2114 and 85.2115. A part may be sold as certified 45 days after the receipt by the Agency of the notification given pursuant to this subsection provided that the Office Director has not notified the part manufacturer otherwise.

[54 FR 32591, Aug. 8, 1989]

§85.2116 Objections to certification.

(a) At any time prior to the end of the 45-day period after a notification of intent to certify an aftermarket part is received as specified in §85.2115, the MOD Director may notify the manufacturer of the aftermarket part that such aftermarket part may not be certified pending further investigation. The basis upon which this notification shall be made may include, but not be limited to, information or test results which indicate:

(1) Compliance with the applicable emission-critical parameters was not achieved or that the testing methods used to demonstrate compliance with the emission-critical parameters were inadequate;

(2) The part is to be certified on the basis of emission testing, and the procedure used in such tests was not in compliance with those portions of the Federal Test Procedure not waived pursuant to §85.2114(d)(2).

(3) Use of the certified part may cause a vehicle to exceed any applicable emission requirements;

(4) The durability requirement of §85.2114 has not been complied with;

(5) Use of the certified part could cause or contribute to an unreasonable risk to public health, welfare or safety in its operation or function;

(6) Installation of the certified part requires procedures or equipment which would likely cause it to be improperly installed under normal conditions or would likely result in a vehicle being misadjusted; or

(7) Information and/or data required to be in the notification of intent to certify as provided by §85.2115 have not been provided or may be inadequate; or,

(8) Documentation submitted under §85.2114(c)(4)(ii) was determined inadequate for durability exemption.

(b) The aftermarket part manufacturer must respond in writing to the statements made in the notification by the MOD Director, or the aftermarket part manufacturer shall withdraw its notification of intent to certify.

(1) Any party interested in the outcome of a decision as to whether a part may be certified may provide the MOD Director with any relevant written information up to ten days after the manufacturer responds to the MOD Director's objection.

(2) Any interested party may request additional time to respond to the information submitted by the part manufacturer. The MOD Director upon a showing of good cause by the interested party may grant an extension of time to reply up to 30 days.

(3) The part manufacturer may reply to information submitted by interested parties. Notification of intent to reply shall be submitted to the MOD Director within 10 days of the date information from interested parties is submitted to the MOD Director.

(4) The MOD Director may, at his or her discretion, allow oral presentations by the aftermarket manufacturer or any interested party in connection with a contested part certification.

(c) If an objection has been sent to an aftermarket part manufacturer pursuant to paragraph (a) of this section, the MOD Director shall, after reviewing all pertinent data and information, render a decision and inform the aftermarket part manufacturer in writing as to whether such part may be certified and, if so, under what conditions the part may be certified. The written decision shall include an explanation of the reasons therefor.

(1) The decision by the MOD Director shall be provided to the manufacturer within 30 working days of receipt of all necessary information by the manufacturer or interested parties, or of the

date of any oral presentation regarding the certification, whichever occurs second.

(2) A copy of the decision shall be sent to all identified interested parties.

(3) Within 20 days of receipt of a decision made pursuant to this subsection, any party may file a written appeal to the Office Director. The Office Director may, in his or her discretion, allow additional oral or written submissions, prior to rendering a final decision. The schedule for such submission shall be in accordance with the schedule specified in § 85.2116(b).

(4) If no party files an appeal with the Office Director within 20 days, then the decision of the MOD Director shall be final.

(5) The Office Director shall make a final decision regarding the certification of a part within 30 working days of receipt of all necessary information by the part manufacturer or from the date of any oral presentation, whichever occurs later.

(6) A copy of all final decisions made under this section shall be published in the FEDERAL REGISTER.

[45 FR 78460, Nov. 25, 1980, as amended at 54 FR 32592, Aug. 8, 1989]

§ 85.2117 Warranty and dispute resolution.

(a) *Warranty.* (1) As a condition of certification, the aftermarket part manufacturer shall warrant that if the certified part is properly installed it will not cause a vehicle to exceed Federal emission requirements as determined by an emission test approved by EPA under section 207(b)(1) of the Act. This aftermarket part warranty shall extend for the remaining performance warranty period of any vehicle on which the part is installed, or for the warranty period specified for an equivalent original equipment component, if this period is shorter than the remaining warranty period of the vehicle.

(2) The aftermarket part manufacturer's minimum obligation under this warranty shall be to reimburse vehicle manufacturers for all reasonable expenses incurred as a result of honoring a valid emission performance warranty claim which arises because of the use of the certified aftermarket part.

(3) The procedure used to process a certified aftermarket part warranty claim is as follows. The time requirements are in units of calendar days.

(i) The vehicle manufacturer shall submit, by certified mail or another method by which date of receipt can be established, a bill for reasonable expenses incurred to the part manufacturer for reimbursement. Accompanying the bill shall be a letter to the part manufacturer with an explanation of how the certified part caused the failure and a copy of the warranty repair order or receipt establishing the date that the performance repair was initiated by the vehicle owner.

(ii) The parts retained pursuant to § 85.2107(c)(1) shall be retained until the reimbursement process is resolved. The vehicle manufacturer shall store these parts or transfer these parts to the involved certified part manufacturer for storage. If the vehicle manufacturer transfers these parts to the certified part manufacturer, the part manufacturer shall retain these parts:

(A) For at least one year from the date of repair involving these parts, if the part manufacturer does not receive a bill from the vehicle manufacturer within that time period, or

(B) Until the claim reimbursement process has been resolved, if the part manufacturer receives a bill from the vehicle manufacturer within one year of the date of repair involving these parts.

(iii) If the vehicle manufacturer transfers the parts retained pursuant to paragraph (a)(3)(ii) of this section to the part manufacturer, a bill shall be submitted to the part manufacturer within one year of the date of initiation of the actual repair by the vehicle owner. If this requirement is not met, the vehicle manufacturer shall forfeit all rights to the reimbursement provisions provided in this regulation.

(iv) Storage costs are not reimbursable as part of a performance warranty claim.

(b) *Dispute resolution.* (1) The part manufacturer shall respond to the vehicle manufacturer within 30 days of receipt of the bill by paying the claim or requesting a meeting to resolve any disagreement. A meeting shall occur within the next two week period. At

this meeting the parties shall, in all good faith, attempt to resolve their disagreement. Discussions should be completed within 60 days of receipt of the bill for the warranty claim by the part manufacturer.

(2) If the parties cannot resolve their disagreement within 60 days, either party may file for arbitration. Neither party may file for arbitration within 60 days unless both parties agree to seek arbitration prior to the end of the 60-day period. If, after 60 days, either party files, then both parties shall submit to arbitration.

(3) This arbitration shall be carried out pursuant to the Arbitration Rules contained in appendix II of this subpart which are based on Commercial Arbitration Rules published by the American Arbitration Association, revised and in effect as of September 1, 1988. The Arbitration Rules detail the procedures to be followed by the parties and the arbitrator in resolving disputes under this section. They can be varied only with the agreement of both parties. If either involved manufacturer refuses to participate in the arbitration process, that party is treated as if it had lost the arbitration and is required to pay all reasonable expenses.

(4) Any party losing the arbitration has the right to resort to an appropriate federal district court or state court, subject to the established rules of that court regarding subject matter jurisdiction and personal jurisdiction.

(5) If the vehicle manufacturer wins the arbitration, the part manufacturer must provide reimbursement in accordance with the arbitrator's award and decision. Such reimbursement must be made within 30 days of the award and decision.

(6)(i) If the part manufacturer refuses to pay a lost arbitration award, the involved part will be decertified pursuant to 40 CFR 85.2121, provided that if the part manufacturer resorts to a court of competent jurisdiction, decertification will be withheld pending the outcome of such judicial determination.

(ii) In addition, under these circumstances, the vehicle manufacturer has the right to bring an enforcement action on the arbitration award and decision in the appropriate federal district court or state court, subject to the established rules of that court regarding subject matter jurisdiction and personal jurisdiction. If this court agrees with the arbitrator's award and decision, reimbursement shall be made within 30 days of the court's decision unless the court orders otherwise.

[54 FR 32592, Aug. 8, 1989]

§ 85.2118 Changes after certification.

The aftermarket part manufacturer shall be required to recertify any part which:

(a) Was certified pursuant to § 85.2114(b) and to which modifications are subsequently made which could affect the results of any test or judgment made that the part meets all of the applicable Emission-Critical Parameters;

(b) Was certified pursuant to § 85.2114(c) and to which modifications are made which are likely to affect emissions or the capability of the part to meet any other requirement of this subpart; or

(c) Was certified and is subsequently modified in a manner affecting the durability of the part or any emission control device, engine or the vehicle upon which such part is installed.

[45 FR 78461, Nov. 25, 1980, as amended at 54 FR 32593, Aug. 8, 1989]

§ 85.2119 Labeling requirements.

(a) Except as specified in paragraph (b) of this section, each part certified pursuant to these regulations shall have ''Certified to EPA Standards'' and the name of the aftermarket part manufacturer or other party designated to determine the validity of warranty claims placed on the part. The name of the aftermarket part manufacturer or other party and the statement, ''Certified to EPA Standards,'' must be made durable and readable for at least the useful life mileage interval of the part.

(b) In lieu of the name of the aftermarket part manufacturer or other party and ''Certified to EPA Standards,'' the part may contain unique identification markings. A description of the marking and statement that such marking is intended in lieu of the name of the aftermarket part manufacturer or other party and ''Certified to EPA Standards,'' shall be

made to the Agency in the notification of intent to certify. The unique symbol shall not be used on any uncertified or decertified part built or assembled after the date of decertification.

(c) The package in which the certified aftermarket part is contained must have the following information conspicuously placed thereon:

(1) The statement ''Certified by (name of manufacturer or warranter) to EPA Emission Standards'',

(2) A list of the vehicles or engines (in accordance with §85.2115(a)(1)(ii)) for which the part has been certified,

(3) A statement of the maintenance or replacement interval for which the part has been certified, if the interval is of a shorter duration than the interval specified in the written instructions for proper maintenance and use for the original equipment,

(4) A description of the maintenance necessary to be performed on the part in the proper maintenance and use of the part, if such maintenance is in addition to or different from that maintenance necessary on the original equipment part, and

(5) The instructions for proper installation if different from the vehicle manufacturer's recommended installation instruction for that part.

(d) The information required by paragraphs (c)(4) and (5) of this section may be provided on a written insert with the certified aftermarket part if the insert also contains the information required in paragraphs (c) (1), (2) and (3) of this section.

(e) The information required by paragraph (c)(2) of this section may be provided in a catalog rather than on the package or on an insert: *Provided,* That access to the catalog is readily available to purchasers and installers of the part.

(f) When an aftermarket part manufacturer desires to certify existing in-service stocks of its products, it may do so provided:

(1) The part does not differ in any operational or durability characteristic from the aftermarket parts specified in the notification made pursuant to §85.2115, and

(2) A supplemental information sheet is made available to all parties selling the part.

(i) The supplemental sheet shall be made available in sufficient quantities so that it can be provided with all parts sold as certified, and

(ii) The supplemental sheet shall contain all of the information specified in paragraph (c) of this section.

[45 FR 78461, Nov. 25, 1980, as amended at 54 FR 32593, Aug. 8, 1989]

§ 85.2120 Maintenance and submittal of records.

(a) For each certified aftermarket part, the aftermarket part manufacturer must establish, maintain and retain for 5 years the following adequately organized and indexed records:

(1) Detailed production drawings showing all dimensions, tolerances, performance requirements and material specifications and any other information necessary to completely describe the part;

(2) A description of the testing program, including all production part sampling techniques used to verify compliance of the certified aftermarket part with the applicable Emission-Critical Parameters and durability requirements;

(3) All data obtained during testing of the part and subsequent analyses based on that data, including the milege and the vehicle or engine configuration determinants if emission testing is utilized as the basis for certification;

(4) All information used in determining those vehicles for which the part is represented as being equivalent from an emissions standpoint to the original equipment part;

(5) A description of the quality control plan used to monitor production and assure compliance of the part with the applicable certification requirements;

(6) All data taken in implementing the quality control plan, and any subsequent analyses of that data;

(7) A description of all the methodology, analysis, testing and/or sampling techniques used to ascertain the emission critical parameter specifications of the originial equipment part; and

(8) All in-service data, analyses performed by the manufacturer and correspondence with vendors, distributors,

consumers, retail outlets or vehicle manufacturers regarding any design, production or in-service problems associated with 25 or more of any certified part.

(b) The records required to be maintained in paragraph (a) of this section shall be made available to the Agency upon the written request of the MOD Director.

(c) For parts certified only for vehicles with less than 5 years of emission performance warranty coverage remaining, records must be kept for 3 years or until they determine that approximately 80% of the applicable vehicles are outside the warranty period, whichever occurs second.

(d) This section shall expire 5 years from the effective date of this regulation unless renewed prior to that date.

[45 FR 78461, Nov. 25, 1980]

§85.2121 Decertification.

(a) The MOD Director may notify an aftermarket part manufacturer that the Agency has made a preliminary determination that one or more parts should be decertified.

(1) Such a preliminary determination may be made if there is reason to believe that the part manufactured has failed to comply with §§85.2112 through 85.2122. Information upon which such a determination will be made includes but is not limited to the following.

(i) Tests required to be performed to demonstrate compliance of the part with the applicable Emission-Critical Parameters

(A) Were not performed on the part(s), or

(B) Were insufficient to demonstrate compliance;

(ii) The part was certified on the basis of emission tests, and

(A) The procedures used in such tests were not in substantial compliance with a portion or portions of the Federal Test Procedure which were not waived pursuant to §85.2114(d);

(B) The emission results were not in compliance with the requirements of §85.2114(d); or

(C) The procedures used for part aging for durability demonstration were not in substantial compliance with the durability cycle required by §85.2114.

(iii) Use of the certified part is causing vehicle emissions to exceed emission requirements for any regulated pollutant;

(iv) Use of the certified part causes or contributes to an unreasonable risk to public health, welfare or safety or severely degrades drivability operation or function;

(v) The part has been modified in a manner requiring recertification pursuant to §85.2118; or

(vi) The manufacturer of such parts has not established, maintained or retained the records required pursuant to §85.2120 or fails to make the records available to the MOD Director upon written request pursuant to §85.2120.

(vii) Documentation required to support the type of durability demonstration used for a part under §85.2114:

(A) Were not submitted for the part, or

(B) Were insufficient to justify a claim of durability exemption status.

(viii) The aftermarket part manufacturer failed to pay a lost arbitration settlement within 30 days of the arbitrator's decision or within 30 days after completion of judicial review, if any.

(2) Notice of a preliminary determination to decertify shall contain:

(i) A description of the noncomplying part(s);

(ii) The basis for the MOD Director's preliminary decision; and

(iii) The date by which the manufacturer must

(A) Terminate the sale of the part as a certified part, or

(B) Make the necessary change (if so recommended by the Agency), and

(C) Request an opportunity in writing to dispute the allegations of the preliminary decertification.

(b) If the aftermarket part manufacturer requests an opportunity to respond to the preliminary determination, the manufacturer and other parties interested in the MOD Director's decision whether to decertify a part may, within 15 days of the date of the request, submit written presentations, including the relevant information and data, to the MOD Director. The MOD Director, in his or her discretion, may provide an opportunity for oral presentations.

(1) Any interested party may request additional time to respond to the information submitted by the part manufacturer. The MOD Director upon a showing of good cause by the interested party may grant an extension of time to reply up to 30 days.

(2) The part manufacturer may have an extension of up to 30 days to reply to information submitted by interested parties. Notification of intent to reply shall be submitted to the MOD Director within 10 days of the date information from interested parties is submitted to the MOD Director.

(c) If a part manufacturer has disputed the allegations of the preliminary decisions, the MOD Director shall, after reviewing any additional information, notify the aftermarket part manufacturer of his or her decision whether the part may continue to be sold as certified. This notification shall include an explanation upon which the decision was made and the effective date for decertification, where appropriate.

(d) Within 20 days from the date of a decision made pursuant to paragraph (c) of this section, any adversely affected party may appeal the decision to the Office Director.

(1) A petition for appeal to the Office Director must state all of the reasons why the decision of the MOD Director should be reversed.

(2) The Office Director may, in his or her discretion, allow additional oral or written testimony.

(3) If no appeal is filed with the Office Director within the permitted time period, the decision of the MOD Director shall be final.

(e) If a final decision is made to decertify a part under paragraph (d) of this section, the manufacturer of such part shall notify his immediate customers (other than retail customers) that, as of the date of the final determination, the part in question has been decertified. The part manufacturer shall offer to replace decertified parts in the customer's inventory with certified replacement parts or, if unable to do so, shall at the customer's request repurchase such inventory at a reasonable price.

(f) Notwithstanding the requirements of paragraph (e) of this section, a part purchased by a vehicle owner as certified, shall be considered certified pursuant to this subpart.

[45 FR 78462, Nov. 25, 1980, as amended at 54 FR 32593, Aug. 8, 1989]

§ 85.2122 Emission-critical parameters.

(a) The following parts may be certified in accordance with § 85.2114(b):

(1) *Carburetor Vacuum Break (Choke Pull-Off).* (i) The emission-critical parameters for carburetor vacuum breaks are:

(A) Diaphragm Displacement.

(B) Timed Delay.

(C) Modulated Stem Displacement.

(D) Modulated Stem Displacement Force.

(E) Vacuum Leakage.

(ii) For the purposes of this paragraph:

(A) ''Diaphragm Displacement'' means the distance through which the center of the diaphragm moves when activated. In the case of a non-modulated stem, diaphragm displacement corresponds to stem displacement.

(B) ''Timed Delay'' means a delayed diaphragm displacement controlled to occur within a given time period.

(C) ''Modulated Stem Displacement'' means the distance through which the modulated stem may move when actuated independent of diaphragm displacement.

(D) ''Modulated Stem Displacement Force'' means the amount of force required at start and finish of a modulated stem displacement.

(E) ''Vacuum Leakage'' means leakage into the vacuum cavity of a vacuum break.

(F) ''Vacuum Break'' (''Choke Pull-off'') means a vacuum-operated device to open the carburetor choke plate a predetermined amount on cold start.

(G) ''Modulated Stem'' means a stem attached to the vacuum break diaphragm in such a manner as to allow stem displacement independent of diaphragm displacement.

(H) ''Vacuum Purge System'' means a vacuum system with a controlled air flow to purge the vacuum system of undesirable manifold vapors.

(2) *Carburetor Choke Thermostats.* (i) The emission-critical parameters for all Choke Thermostats are:

(A) Thermal Deflection Rate.

(B) Mechanical Torque Rate.

(C) Index Mark Position.

(ii) The emission-critical parameters for Electrically-Heated Choke Thermostats are:

(A) Those parameters set forth in paragraph (a)(2)(i) of this section

(B) Time to rotate coil tang when electrically energized

(C) Electrical circuit resistance

(D) Electrical switching temperature

(iii) For the purpose of this paragraph:

(A) ''Choke'' means a device to restrict air flow into a carburetor in order to enrich the air/fuel mixture delivered to the engine by the carburetor during cold-engine start and cold-engine operation.

(B) ''Thermostat'' means a temperature-actuated device.

(C) ''Electrically-heated Choke'' means a device which contains a means for applying heat to the thermostatic coil by electrical current.

(D) ''Thermostatic Coil'' means a spiral-wound coil of thermally-sensitive material which provides rotary force (torque) and/or displacement as a function of applied temperature.

(E) ''Thermostatic Switch'' means an element of thermally-sensitive material which acts to open or close an electrical circuit as a function of temperature.

(F) ''Mechanical Torque Rate'' means a term applied to a thermostatic coil, defined as the torque accumulation per angular degree of deflection of a thermostatic coil.

(G) ''Thermal Deflection Rate'' means the angular degrees of rotation per degree of temperature change of the thermostatic coil.

(H) ''Index or Index Mark'' means a mark on a choke thermostat housing, located in a fixed relationship to the thermostatic coil tang position to aid in assembly and service adjustment of the choke.

(I) ''PTC Type Choke Heaters'' means a positive termperature coefficient resistant ceramic disc capable of providing heat to the thermostatic coil when electrically energized.

(3) *Carburetor Accelerator Pumps.* (i) The emission-critical parameter for accelerator pumps (plungers or diaphragms) is the average volume of fuel delivered per stroke by the pump within prescribed time limits.

(ii) For the purpose of this paragraph an ''Accelerator Pump (Plunger or Diaphragm)'' means a device used to provide a supplemental supply of fuel during increasing throttle opening as required.

(4) *Positive Crankcase Ventilation (PCV) Valves.* (i) The emission-critical parameter for a PCV valve is the volume of flow as a function of pressure differential across the valve.

(ii) For the purposes of this paragraph a ''PCV Valve'' means a device to control the flow of blow-by gasses and fresh air from the crankcase to the fuel induction system of the engine.

(5) *Breaker Points.* (i) The emission-critical parameters for breaker points are:

(A) Bounce.

(B) Dwell Angle.

(C) Contact Resistance.

(ii) For the purposes of this paragraph:

(A) ''Breaker Point'' means a mechanical switch operated by the distributor cam to establish and interrupt the primary ignition coil current.

(B) ''Bounce'' means unscheduled point contact opening(s) after initial closure and before scheduled reopening.

(C) ''Dwell Angle'' means the number of degrees of distributor mechanical rotation during which the breaker points are conducting current.

(D) ''Contact Resistance'' means the opposition to the flow of current between the mounting bracket and the insulated terminal.

(6) *Capacitors/Condensers.* (i) The emission-critical parameters for capacitors/condensers are:

(A) Capacitance.

(B) Series Resistance.

(C) Breakdown Voltage.

(ii) For the purposes of this paragraph:

(A) ''Capacitance'' means the property of a device which permits storage of electrically-separated charges when differences in electrical potential exist between the conductors and measured as the ratio of stored charge to the difference in electrical potential between conductors.

(B) ''Series Resistance'' means the sum of resistances from the condenser

plates to the condenser's external connections.

(C) ''Breakdown Voltage'' means the voltage level at which the capacitor fails.

(D) ''Capacitor/Condenser'' means a device for the storage of electrical energy consisting of two oppositely charged conducting plates separated by a dielectric and which resists the flow of direct current.

(7) *Distributor Caps and/or Rotors.* (i) The emission-critical parameters for distributor caps and/or rotors are:

(A) Physical and Thermal Integrity.

(B) Dielectric Strength.

(C) Flashover.

(ii) For the purposes of this paragraph:

(A) ''Flashover'' means the discharge of ignition voltage across the surface of the distributor cap and/or rotor rather than at the spark plug gap.

(B) ''Dielectric Strength'' means the ability of the material of the cap and/or rotor to resist the flow of electric current.

(C) ''Physical and Thermal Integrity'' means the ability of the material of the cap and/or rotor to resist physical and thermal breakdown.

(8) *Spark Plugs.* (i) The emission critical parameters for spark plugs are:

(A) Heat Rating.

(B) Gap Spacing.

(C) Gap Location.

(D) Flashover.

(E) Dielectric Strength.

(ii) For the purposes of this paragraph:

(A) ''Spark Plug'' means a device to suitably deliver high tension electrical ignition voltage to the spark gap in the engine combustion chamber.

(B) ''Heat Rating'' means that measurement of engine indicated mean effective pressure (IMEP) value obtained on the engine at a point when the supercharge pressure is 25.4mm (one inch) Hg below the preignition point of the spark plug, as rated according to SAE J549A Recommended Practice.

(C) ''Gap Spacing'' means the distance between the center electrode and the ground electrode where the high voltage ignition arc is discharged.

(D) ''Gap Location'' means the position of the electrode gap in the combustion chamber.

(E) ''Dielectric Strength'' means the ability of the spark plug's ceramic insulator material to resist electrical breakdown.

(F) ''Flashover'' means the discharge of ignition voltage at any point other than at the spark plug gap.

(9) *Inductive System Coils.* (i) The emission-critical parameters for inductive system coils are:

(A) Open Circuit Voltage Output.

(B) Dielectric Strength.

(C) Flashover.

(D) Rise Time.

(ii) For the purposes of this paragraph:

(A) ''Coil'' means a device used to provide high voltage in an inductive ignition system.

(B) ''Flashover'' means the discharge of ignition voltage across the coil.

(C) ''Dielectric Strength'' means the ability of the material of the coil to resist electrical breakdown.

(D) ''Rise Time'' means the time required for the spark voltage to increase from 10% to 90% of its maximum value.

(10) *Primary Resistors.* (i) The emission-critical parameter for primary resistors is the DC resistance.

(ii) For the purpose of this paragraph, a ''Primary Resistor'' means a device used in the primary circuit of an inductive ignition system to limit the flow of current.

(11) *Breaker Point Distributors.* (i) The emission-critical parameters for breaker point distributors are:

(A) Spark Timing.

(*1*) Centrifugal Advance Characteristics.

(*2*) Vacuum Advance Characteristics.

(B) Dwell Angle.

(C) Breaker point contact operation.

(D) Electrical resistance to ground.

(E) Capacity for compatibility with generally available original equipment and certified replacement parts listed in § 85.2112(a) (5), (6), (7), and (9).

(ii) For the purposes of this paragraph:

(A) ''Distributor'' means a device for directing the secondary current from the induction coil to the spark plugs at the proper intervals and in the proper firing order.

(B) ''Distributor Firing Angle'' means the angular relationship of

breaker point opening from one opening to the next in the firing sequence.

(C) ''Dwell Angle'' means the number of degrees of distributor mechanical rotation during which the breaker points are capable of conducting current.

(12) Engine Valves. [Reserved]

(13) Camshafts. [Reserved]

(14) Pistons. [Reserved]

(15) *Oxidizing Catalytic Converter.* (i) The emission-critical parameters for oxidizing catalytic converters are:

(A) Conversion Efficiency.

(B) Light-off Time.

(C) Mechanical and Thermal Integrity.

(ii) For the purposes of this paragraph including the relevant test procedures in the Appendix:

(A) ''Catalytic Converter'' means a device installed in the exhaust system of an internal combustion engine that utilizes catalytic action to oxidize hydrocarbon (HC) and carbon monoxide (CO) emissions to carbon dioxide (CO_2) and water (H_2O).

(B) ''Conversion Efficiency'' means the measure of the catalytic converter's ability to oxidize HC/CO to CO_2/H_2O under fully warmed-up conditions stated as a percentage calculated by the following formula:

$$\frac{\text{Inlet conc.} - \text{outlet conc.}}{\text{Inlet conc.}} \times 100$$

(C) ''Light-off Time'' or ''LOT'' means the time required for a catalytic converter (at ambient temperature 68–86 °F) to warm-up sufficiently to convert 50% of the incoming HC and CO to CO_2 and H_2O.

(D) ''Peak Air Flow'' means the maximum engine intake mass air flow rate measure during the 195 second to 202 second time interval of the Federal Test Procedure.

(E) ''Feed Gas'' means the chemical composition of the exhaust gas measured at the converter inlet.

(F) ''Aged Catalytic Converter'' means a converter that has been installed on a vehicle or engine stand and operated thru a cycle specifically designed to chemically age, including exposure to representative lead concentrations, and mechanically stress the catalytic converter in a manner representative of in-use vehicle or engine conditions.

(G) ''Mechanical and Thermal Intergrity'' means the ability of a converter to continue to operate at its previously determined efficiency and light-off time and be free from exhaust leaks when subject to thermal and mechanical stresses representative of the intended application.

(16) *Air Cleaner Filter Element.* (i) The emission-critical parameters for Air Cleaner Filter Elements are:

(A) Pressure drop.

(B) Efficiency.

(ii) For the purpose of this paragraph:

(A) ''Air Cleaner Filter Element'' means a device to remove particulates from the primary air that enters the air induction system of the engine.

(B) ''Pressure Drop'' means a measure, in kilopascals, of the difference in static pressure measured immediately upstream and downstream of the air filter element.

(C) ''Efficiency'' means the ability of the air cleaner or the unit under test to remove contaminant.

(17) *Electronic Inductive Ignition System and Components.* [Reserved]

(18) *Electronic Inductive Distributors.* [Reserved]

(b) Additional part standards. [Reserved]

[45 FR 78462, Nov. 25, 1980, as amended at 54 FR 32593, Aug. 8, 1989]

§ 85.2123 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information shall be deleted. If a need

arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted all confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34798, Aug. 27, 1985]

APPENDIX I TO SUBPART V OF PART 85—RECOMMENDED TEST PROCEDURES AND TEST CRITERIA AND RECOMMENDED DURABILITY PROCEDURES TO DEMONSTRATE COMPLIANCE WITH EMISSION CRITICAL PARAMETERS

A. CARBURETOR VACUUM BREAK (CHOKE PULL-OFF)

1. *Test Procedure and Criteria*

a. Vacuum leakage: Apply 457 ±13 mm (18.0 ±0.5 inches) Hg. vacuum to the vacuum unit to achieve full diaphragm displacement. Seal vacuum source to unit. There shall be no visible loss of diaphragm displacement or drop in vacuum gauge reading after a 15 second observation. Vacuum purge system and diaphragm displacement adjusting screw holes should be temporarily sealed during this test when applicable.

b. Diaphragm displacement: At stabilized temperature of −29 °C and 121 °C (−20 °F and 250 °F) with 457 ±13 mm (18.0 ±0.5 inches) Hg. vacuum applied to unit, the diaphragm displacement shall be within ±1 mm (0.04 inches) of the nominal original equipment displacement. The vacuum purge system must be open during this test when applicable. Adjusting screws that limit displacement should be temporarily removed and adjusting screw holes temporarily sealed during this test.

c. Timed delay (when applicable): With 457 ±13 mm (18.0 ±0.5 inches) Hg. applied to the unit, the vacuum break diaphragm displacement shall occur within ±20% of the original equipment time over the specified range of displacement. The diaphragm displacement shall be timed over the same distance for the original equipment as the replacement part and shall not be less than 60% of the total displacement range. The vacuum purge system must be open and the adjusting screw holes should be temporarily sealed during this test when applicable.

d. Modulated stem displacement (when applicable): With a force sufficient to extend the modulated stem to its full displacement, the displacement shall be within ±0.8 mm (±0.03 inches) of the original equipment specification.

e. Modulated stem displacement force (when applicable): The force required to start and finish the modulated stem displacement shall be within ±35% of the original equipment specification for forces up to 142 grams (5 ounces) and shall be within ±20% of the original equipment specification for forces exceeding 142 grams (5 ounces).

2. *Durability Procedures:* After 250,000 full displacement cycles (from atmospheric pressure to a minimum of 530mm (21 inches) Hg. vacuum at a temperature of 79 °C (175 °F)) in air, the following conditions shall be met:

a. Diaphragm displacement shall not degrade more than 10% from the original test measurements of paragraph 1.b. above.

b. Timed delay shall not degrade more than 10% from the original test measurement in paragraph 1.c. above.

c. Following these tests, the units must be free of visible defects.

B. CARBURETOR CHOKE THERMOSTATS

1. *Test Procedures and Criteria*

a. All chokes

i. *Thermal deflection rate*

When tested on a suitable fixture, the deflection rate shall be within ±6% of the original equipment value. The initial temperature and final temperature for purposes of this test may vary but shall exhibit a test temperature range of at least 44 °C (80 °F). Recommended test equipment, test procedures, and associated calculations are outlined in ASTM B389 (latest revision) or American National Standards Institute Z155–20.

ii. *Mechanical torque rate*

When tested on a suitable fixture, the torque rate shall be within ±12% of the mean original equipment value. Recommended test equipment, test procedures, and associated calculations are outlined in ASTM B362 (latest revision) or American National Standards Institute Z155–18 (latest revision).

iii. *Index mark position*

When stabilized for four hours at room temperature, the relative position of the thermostatic coil outer tang or loop and the index mark, when corrected to 24 °C (75 °F), shall be within ±5 angular degrees of the mean original equipment positions.

b. Electrically-heated Chokes

i. *Time to rotate coil tang*

When tested on a suitable fixture, the time to rotate through a prescribed angle at a prescribed temperature and prescribed voltage,

for the specfic choke device under test shall be within ±12 seconds or ±25% of the mean original equipment value whichever is greater.

ii. *Electrical circuit resistance*

In an electrically-heated choke utilizing PTC type choke heater, the circuit resistance shall be within ±1.5 ohms of the mean original equipment value at 24 ±3 °C (75° ±5 deg;F) unenergized.

iii. *Electrical switching temperature*

In an electrically heated choke thermostat utilizing a thermostatic disc switch in the electrical circuit, the temperature to open the circuit shall be within ±5.5 °C (10 °F) and the temperature to close the circuit shall be within ±11 °C (20 °F) of the mean original equipment value. Circuit opening temperature shall be measured on a decreasing temperature change, and the circuit closing temperature shall be measured on an increasing temperature change.

C. CARBURETOR ACCELERATOR PUMPS

1. *Test Procedure and Criteria*

a. Expose plunger or diaphragm assembly to temperatures of −30 °C (−20 °F) for 70 hours and at 70 °C (158 °F) for 24 hours, with a commercial grade fuel or equivalent.

b. Within one hour after temperature exposure of 1.a. above, each plunger or diaphragm assembly, when installed in an applicable carburetor or test fixture, shall at room temperature deliver a volume of test fluid (Stoddard solvent or equivalent) from a 10 stroke cycle,* within ±30% of the volume from a 10 stroke cycle of an original equipment plunger or diaphragm assembly.

2. *Durability Procedure:* After 250,000 operational cycles, at approximately 30 cycles per minute at room temperature in test fluid, the output of the plunger/diaphragm shall not drop below 90% of the low limit as established in 1.b.

**10 stroke cycle:* 10 strokes from closed throttle plate position to wide open throttle plate position occurring within a 15–25 second time period.

D. POSITIVE CRANKCASE VENTILATION (PCV) VALVE

1. *Test Procedure and Criteria*

a. Measure the flow of the PCV valve in standard cubic feet per minute (SCFM) vs. pressure differential across the valve over a range of operating pressures from 4–22 inches Hg., at standard atmospheric conditions (21.1 °C (70 °F) at 755mm (29.92 inches).

b. A PCV valve shall flow within the vehicle manufacturer's specifications or shall meet the following criteria: Whenever the mean of the original equipment flow curve is below 1 SCFM, a maximum deviation of the mean replacement PCV valve shall not exceed ±0.1 SCFM. Whenever the mean original equipment curve is equal to or greater than 1 SCFM, a maximum deviation of the mean of the replacement PCV valve shall not exceed ±10%. The total flow tolerance of the replacement valve shall not exceed the original equipment variation from the mean, at any pressure differential.

2. *Durability Procedure:* The flow of any specific PCV valve must not deviate from the flow curve of the original equipment PCV valve by more than the total original allowable tolerance when each is similarly operated in the intended vehicle application over the service interval stated by the certifier.

E. BREAKER POINTS

1. *Test Procedures and Criteria*

a. Set up test system circuit and equipment per Figure 1 with an OE breaker point assembly. Connect the primary to a 14±.5 V DC regulated power supply.

b. Record dwell angle and open-circuit output voltage at 300 and 500 distributor rpm and at 500 rpm intervals up to the maximum speed of the intended application.

c. Insert the replacement part in the test system and repeat the observations per b above under identical test conditions.

d. The data observed with the replacement part in the system must meet the following criteria:

(1) The dwell angle change: Not to exceed that of the original equipment by more than ±2° at all measured rpm intervals.

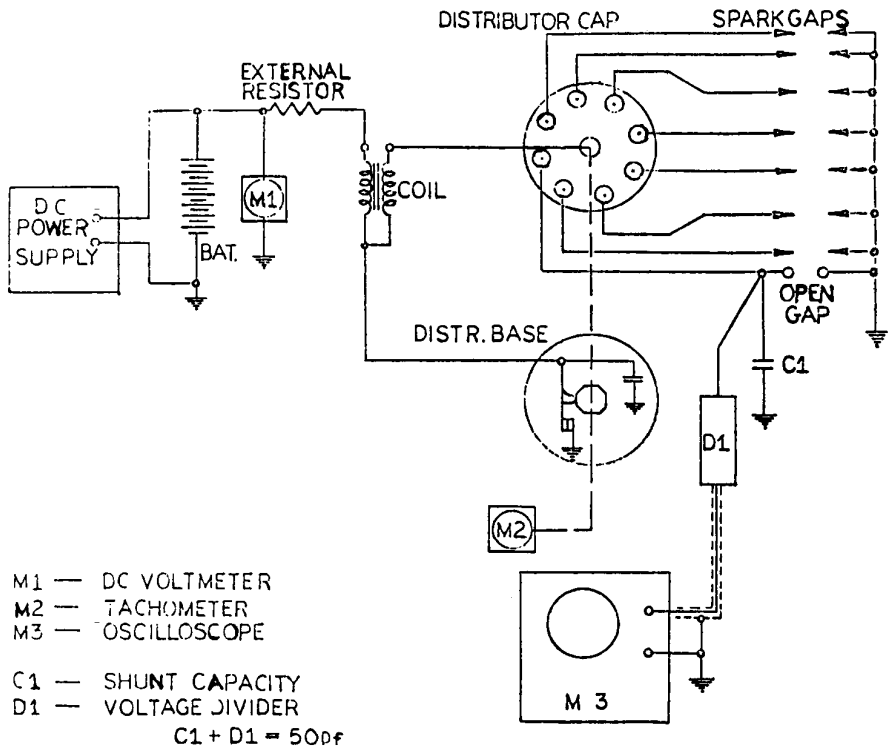

FIGURE I

(2) The open circuit output voltage (M–3): Not less than 90% of the OE breaker point assembly at any measured rpm.

e. Repeat step c above at −40 °C (−40 °F) and 100 °C (212 °F).

f. The breaker points shall operate without evidence of point bounce at all test speeds and temperatures and shall operate easily without binding when operated manually.

2. *Durability Procedures*

a. Set up a bench ignition system using an applicable distributor or electro-mechanical equivalent.

b. Install the breaker point assembly under test in the distributor, lubricate and adjust per applicable vehicle manufacturer's specifications. Use applicable coil, primary resistor, capacitor, cap and rotor.

c. Connect the primary of the test system with a power supply regulated at 14±0.5 V DC for a 12V system.

d. The secondary portion of the test system is to be connected to a 12±2KV spark gap.

e. An external heat source shall generate an ambient temperature of 70° (158 °F) for the distributor.

f. Drive the distributor at 1750±50 rpm for 200 hours. After each 50 hour interval, run the distributor for 5 minutes with one open circuit spark gap instead of a 12KV gap.

g. The replacement breaker point assembly must have the capability of performing throughout the duration of the test without evidence of any failure resulting in loss of spark in the 12KV spark gap.

h. After the 200 hours repeat step 1.c. above. The open circuit output voltage must be at least 90% of that measured in 1.c.

F. CAPACITORS/CONDENSERS

1. *Test Procedures and Criteria*

a. The electrostatic capacitance of the replacement condenser shall be within ±20% of the value of the original part at 20±3 °C (68±5 °F). The capacitance is to be measured on a

capacitance bridge having an accuracy of ±1% at 1 KHz frequency.

b. Set up the test system in accordance with Figure 1. The condenser series resistance shall be such that the output voltage at 500 distributor rpm with the replacement condenser shall not be less than 90% of the output voltage (M–3) with the original equipment condenser.

c. The capacitor must be able to withstand a minimum test voltage of 500V DC for a minimum of 0.1 seconds without failure.

d. (1) Measure capacitance after 4 hours minimum soak at 70° (158 °F).

(2) After one hour at room temperature, place capacitor at −18 °C (0 °F) for 4 hours minimum and measure capacitance.

(3) Place capacitor at room temperature for 4 hours minimum and measure capacitance.

e. After thermal cycling, repeat 1.a. and b. The results must be within ±10 percent of the intital measurements.

2. *Durability Procedure*

a. Set up a bench ignition system using an applicable distributor or an electro-mechanical equivalent.

b. Install the capacitor under test in the distributor adjusted to applicable vehicle manufacturer's specifications. Use applicable coil, primary resistor, breaker points, cap and rotor.

c. Connect the primary of the test system with a power supply regulated at 14±0.5V DC for 12V system.

d. The secondary portion of the test system is to be connected to a 12±2KV spark gap.

e. An external heat source shall generate an ambient temperature of 70 °C (158 °F) for the distributor.

f. Drive the distributor at 1750±50 rpm for 200 hours. After each 50 hour interval, run the distributor for 5 minutes with one open circuit spark gap instead of a 12KV gap.

g. The replacement part must have the capability of performing throughout the duration of the test without evidence of any failure resulting in loss of spark in the 12KV spark gap.

h. After the 200 hours, the condenser shall be within 10 percent of the capacitance and voltage measured in 1.a. and b. respectively.

G. Distributor Caps and/or Rotors

1. *Test Procedures and Criteria*

a. Set up test system in accordance with the circuit and equipment per Figure 1 with OE distributor cap and/or rotor. Connect the primary to a 14±.5V DC regulated power supply.

b. Record open circuit output voltage (M–3) at 300 and 500 distributor rpm and at intervals of 500 distributor rpm up to the maximum speed of the intended application.

c. Insert the intended replacement part(s) in the system and repeat step b. above under identical test conditions.

d. Subject the intended replacement part to the following thermal sequence through five complete cycles:

1. 12 hours at −40 °C (−40 °F)
2. 2 hours at room temperature
3. 4 hours at 100 °C (212 °F)
4. 2 hours at room temperature.

e. Repeat step b. above with the replacement part(s).

f. The output voltages measured with the replacement part(s) in the system must be at least 90% of the output voltage with the OE cap and/or rotor.

2. *Durability Procedures*

a. Set up test system in accordance with circuit and equipment per Figure 1.

b. Install the cap and/or rotor under test in distributor, lubricate and adjust per applicable vehicle manufacturer's specifications. Use equivalent coil, primary resistor, breaker points and capacitor.

c. Connect the primary of the test system with a power supply regulated at 14±0.5 V D.C.

1. In breaker point operated systems, connect secondary to a 12 KV±2 KV gap.

2. In electronic ignition systems, connect secondary to a gap equivalent to at least 50% of peak open-circuit voltage.

d. An external heat source shall generate an ambient temperature of 70° (158 °F) for the distributor.

e. Distributor shall be driven at 1750±50 rpm for 200 hours. After each 50 hours interval, run the distributor for 5 minutes with one open-circuit spark gap instead of a 12KV gap.

f. The replacement part(s) must have the capability of performing throughout the duration of the test without evidence of any failure resulting in loss of spark at the spark gap.

g. Repeat step 1.c. above. The open circuit output voltage must be at least 90% of that measured in step 1.c.

h. The replacement cap and/or rotor must be free of any visual cracks, arcing or melting.

H. Spark Plugs

1. *Test Procedures and Criteria*

a. Heat rating: When comparatively rated in the SAE 17.6 Spark Plug Rating engine according to the SAE J549A Recommended Practice, the comparative average rating of at least five (5) replacement spark plugs shall be within 15 percent of the average IMEP of at least five (5) OE spark plugs.

b. Gap spacing: The electrode spark gap shall be equivalent or adjustable to the recommended gap for the original equipment spark plug.

c. Gap location: The electrode gap position in the chamber shall be the same as specified by the vehicle manufacturer.

d. Flashover: The spark plug terminal end, with the properly fitted connecting boot, shall not flash-over at peak anticipated voltage for the intended application when electrode gap is 15% larger than vehicle manufacturer's gap specifications.

I. INDUCTIVE SYSTEM COILS

1. *Test Procedures and Criteria*

a. Set up the circuit in accordance with Figure 1. Operate the circuit by an applicable distributor or equivalent triggering device and applicable primarly resistor with a 50 pf load at 14.0±0.50 volts DC input as applicable and stabilized at an ambient temperature of 20 °C±3 °C (68 °F±5 °F).

b. With the original equipment coil installed, record the predominant minimum peak voltage and rise time at 300 and 500 distributor rpm, and at 500 rpm intervals up to the maximum intended operating speed. The measurement is to be taken after 4 minutes operation at each speed.

c. Install the replacement coil to be tested and repeat step b. above.

d. The replacement coil shall have an open-circuit output voltage (M–3) at least 90% of the OE coil output voltage and a rise time not to exceed 110% of original equipment coil at each distributor test speed.

2. *Durability Procedure*

a. Install the replacement ignition coil in the ignition system using the applicable rotor, cap, capacitor, breaker points, and primary resistor.

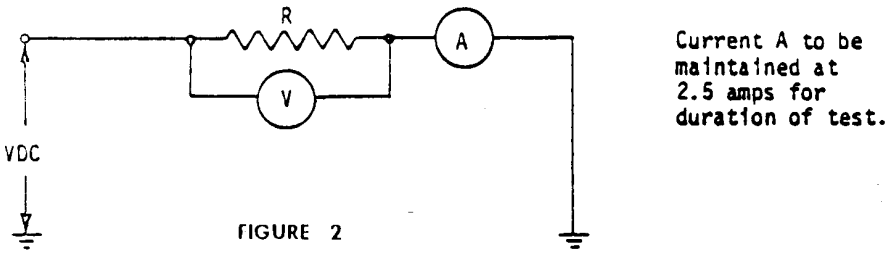

FIGURE 2

b. Operate the circuit with a regulated power supply of 14.0 ±.5 volts DC connected to the primary at an ambient temperature of 70 °C (158 °F) at 1750±50 distributor rpm for a duration of 200 hours. After each 50 hour interval, run the distributor for 5 minutes with one open-circuit spark gap instead of a 12KV gap.

c. The ignition coil shall perform throughout the test without any evidence of coil failure which would result in the loss of the spark in the 12 KV spark gap.

d. Repeat Step 1.c. above. The open-circuit output voltage must be at least 90% of that measured in 1.c.

J. PRIMARY RESISTORS

1. *Test Procedures and Criteria.*

a. Configure the circuit shown in Figure 2, using the original equipment resistor.

b. At 20±3 °C (68±5 °F), apply voltage for 15 minutes; maintain current at 2.5 amps. At conclusion of 15 minutes, read voltage and current. Calculate resistance using the relationship

R=E/I,

where:

R=Resistance in ohms,

E=Voltage (V) in volts,

I=Current (A) in amps.

c. Replace OE test sample with part to be certified and repeat step b. above.

d. Resistance of the part shall be within ±20% of original equipment resistance.

2. *Durability Procedure.*

a. Using the circuit shown in Figure 1, apply current at 70 °C (150 °F), for 200 hours.

b. After 200 hours retest as in step 1.c. above, and verify that resistance is within ±20% of the value as measured in step 1.b. above.

K. DISTRIBUTORS—BREAKER POINT

1. *Test Procedures and Criteria.*

a. Using an appropriate test installation, operate the distributor through its intended speed range.

b. The advance mechanism shall function within the tolerance of the vehicle manufacturer's original specification over the speed range of the intended application as to vacuum and centrifugal advance.

c. The advance mechanism shall repeatedly return to the zero setting

±0.5 distributor degrees after advancing and retarding through the operating range.

d. The distributor firing angle accuracy shall remain within the originally specified tolerances throughout the speed range of the intended application.

e. The distributor shall be capable of maintaining the dwell angle of the original equipment specification with ±2 degrees throughout the speed range of the intended application.

f. The distributor shall be capable of open-circuit output voltage (M–3) equal to at leat 90 percent of the voltage produced by the original equipment system over the speed range of the intended application.

2. *Durability Procedure.*

a. At an ambient temperature of 70 °C (150 °F), operate the distributor at 1750±50 rpm for 200 hours.

b. The distributor must meet the requirements of paragraph 1.b. through f. after the 200 hours.

L. RESERVED FOR ENGINE VALVES

M. RESERVED FOR CAMSHAFTS

N. RESERVED FOR PISTONS

O. OXIDIZING CATALYTIC CONVERTERS

1. *Test Procedures and Criteria.*

(a) The fresh and aged conversion efficiencies of the replacement oxidizing catalytic converter shall be equal to or exceed those of the original equipment converter for CO and HC emissions. The fresh and aged Light-off Time (LOT) of the replacement converter shall be equal to or less than those of the original equipment converter for CO and HC emissions. These parameters shall be determined for both fresh and aged converters under the same conditions using the following steady state feed gas concentrations and conditions for LOT and Conversion Efficiency respectively:

	LOT	Conversion efficiency
Exhaust mass flow rate.	See note (2)	See note (1).
Total hydrocarbons	See note (3)	See note (3).
Carbon monoxide	1.0 to 2.5%	1.0 to 2.5%.
Hydrogen	0.33×% CO maximum.	0.33×% CO maximum.
Oxygen	1.5×% CO minimum.	1.5×% CO minimum.
Converter inlet gas temperature.	650 °F to 850 °F ..	650 °F to 850 °F.

NOTE 1: Not less than peak air flow of the vehicle or engine configuration being certified for. If more than one vehicle or engine application is to be covered by a generic converter, the greatest peak vehicle or engine air flow shall be used.

NOTE 2: Between 0.10 and 0.40 times the value determined in Note 1.

NOTE 3: 500–2000 parts per million by volume minimum based on Methane calibration. If a non-engine simulator gas source is used, a mixture ratio of 10% propane to 90% propylene by volume will constitute an acceptable synthetic for total exhaust hydrocarbons.

(i) LOT tests shall be conducted by exposing the converter to a step change in temperature, from ambient to that specified above: 650°–850 °F. Converter inlet and outlet exhaust emissions as measured. Light-off Time is then determined by recording the time required for the converter to reduce the outlet emissions (HC and CO) to 50% of the inlet emissions, on a volumetric concentration basis, measured from the step temperature change.

(ii) Conversion efficiency measurements shall be obtained by passing stabilized-feed gas through the converter (at conditions specified above) and making simultaneous measurements of inlet and outlet emission volume concentrations. The conversion efficiency for CO and HC is then calculated.

(iii) The particular conditions for which LOT and conversion efficiency are measured (i.e., exhaust mass flow rate, total hydrocarbons, carbon monoxide, hydrogen, oxygen, and converter inlet temperature) for the replacement converter and original equipment converter tests must not vary from one another by more than 10%.

(b) Fresh and aged catalytic converters may be obtained by operating the converter on individual vehicle or engine application for which it is intended on the Federal Test Procedure road durability driving cycle. A fresh converter results when the converter has operated between 2000 and 5000 miles or equivalent hours. An aged converter results when the converter has been operated for the warranted life of the original equipment converter.

(c) Where one generic converter is intended to cover multiple vehicle or engine configurations, converter aging may be obtained per Paragraph (b) above, on a vehicle or engine which represents the greatest peak air flow of the group of vehicle configurations to be covered, and whose calibration and feed gas concentrations are representative of the vehicle or engine configurations being certified for.

2. *Other Considerations.*

(a) Replacement converter must fit within the width and length space envelope of the original equipment converter. Converter spacing from the underbody and for ground clearance must be the same or greater than the original equipment converter application.

(b) Pressure drop measured between inlet and outlet pipe interconnecting points on the replacement converter shall be within ±25% of similar measurements for the original equipment converter being replaced, when measured at each of three flow conditions 50 SCFM, 100 SCFM, and 150 SCFM

with a suitable fluid medium such as air. Maximum allowable exhaust gas leakage from the replacement coverter shall be 0.4 cubic feet per minute measured at 4.0 pounds per square inch differential. All measurements must be normalized to equal density conditions.

(c) Converter skin temperature shall be measured during the converter efficiency test. The skin temperature for the replacement converter must equal or be less than that for the original equipment converter.

P. AIR CLEANER FILTER ELEMENT

1. *Test Procedures and Criteria.*

(a) Using test equipment and procedures specified in SAE–J726c, perform:

(i) Air Flow and Pressure Drop Test (2.3) at 200 SCFM, record test conditions and pressure drop.

(ii) Efficiency Test (2.4) to measure full life efficiency at 200 SCFM to a total pressure drop of 9 inches of water, record test conditions and test duration from first to last addition of standard dust, weigh test element and absolute filter at end of test using three randomly selected original equipment air filter elements.

(b) Perform tests as in (a) above, under conditions controlled to within ±10% of the corresponding original equipment test conditions, for three randomly selected replacement air filter elements.

(c) The replacement air filter element average recorded test results. The pressure drop in (i) and absolute filter weight in (ii) must be equal to or less than those average results for the original equipment test results. The replacement air filter averaged test results for element weight in (ii) must be equal to or larger than averaged result for the original equipment averaged test results.

2. *Durability Procedure.*

(a) After use in the intended vehicle or engine application for the recommended service interval, the replacement element shall evidence an increase in pressure drop (as measured in 1 (a)(i) above) equal to or less than that of the original equipment air filter element tested in the identical manner.

[45 FR 78464, Nov. 25, 1980, as amended at 54 FR 32593, Aug. 8, 1989]

APPENDIX II TO SUBPART V OF PART 85—ARBITRATION RULES

Part A—Pre-Hearing

Section 1: Initiation of Arbitration

Either party may commence an arbitration under these rules by filing at any regional office of the American Arbitration Association (the AAA) three copies of a written submission to arbitrate under these rules, signed by either party. It shall contain a statement of the matter in dispute, the amount of money involved, the remedy sought, and the hearing locale requested, together with the appropriate administrative fee as provided in the Administrative Fee Schedule of the AAA in effect at the time the arbitration is filed. The filing party shall notify the MOD Director in writing within 14 days of when it files for arbitration and provide the MOD Director with the date of receipt of the bill by the part manufacturer.

Unless the AAA in its discretion determines otherwise and no party disagrees, the Expedited Procedures (as described in Part E of these Rules) shall be applied in any case where no disclosed claim or counterclaim exceeds $25,000, exclusive of interest and arbitration costs. Parties may also agree to the Expedited Procedures in cases involving claims in excess of $25,000.

All other cases, including those involving claims not in excess of $25,000 where either party so desires, shall be administered in accordance with Parts A through D of these Rules.

Section 2: Qualification of Arbitrator

Any arbitrator appointed pursuant to these Rules shall be neutral, subject to disqualification for the reasons specified in Section 6. If the parties specifically so agree in writing, the arbitrator shall not be subject to disqualification for said reasons.

The term ''arbitrator'' in these rules refers to the arbitration panel, whether composed of one or more arbitrators.

Section 3: Direct Appointment by Mutual Agreement of Parties

The involved manufacturers should select a mutually-agreeable arbitrator through which they will resolve their dispute. This step should be completed within 90 days from the date of receipt of the warranty claim bill by the part manufacturer.

Section 4: Appointment From Panel

If the parties have not appointed an arbitrator and have not provided any other method of appointment, the arbitrator shall be appointed in the following manner: 90 days from the date of receipt of the warranty claim bill by the part manufacturer, the AAA shall submit simultaneously to each party to the dispute an identical list of names of persons chosen from the National Panel of Commercial Arbitrators, established and maintained by the AAA.

Each party to the dispute shall have ten days from the mailing date in which to cross off any names objected to, number the remaining names in order of preference, and return the list to the AAA. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. From among the persons who

have been approved on both lists, and in accordance with the designated order of mutual preference, the AAA shall invite the acceptance of an arbitrator to serve. If the parties fail to agree on any of the persons named, or if acceptable arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the AAA shall have the power to make the appointment from among other members of the panel without the submission of additional lists.

Section 5: Number of Arbitrators; Notice to Arbitrator of Appointment

The dispute shall be heard and determined by one arbitrator, unless the AAA in its discretion, directs that a greater number of arbitrators be appointed.

Notice of the appointment of the arbitrator shall be mailed to the arbitrator by the AAA, together with a copy of these rules, and the signed acceptance of the arbitrator shall be filed with the AAA prior to the opening of the first hearing.

Section 6: Disclosure and Challenge Procedure

Any person appointed as an arbitrator shall disclose to the AAA any circumstance likely to affect impartiality, including any bias or any financial or personal interest in the result of the arbitration or any past or present relationship with the parties or their representatives. Upon receipt of such information from the arbitrator or another source, the AAA shall communicate the information to the parties and, if it deems it appropriate to do so, to the arbitrator and others. Upon objection of a party to the continued service of an arbitrator, the AAA shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

Section 7: Vacancies

If for any reason an arbitrator should be unable to perform the duties of the office, the AAA may, on proof satisfactory to it, declare the office vacant. Vacancies shall be filled in accordance with the applicable provisions of these rules.

In the event of a vacancy in a panel of arbitrators after the hearings have commenced, the remaining arbitrator or arbitrators may continue with the hearing and determination of the controversy, unless the parties agree otherwise.

Section 8: Interpretation and Application of Rules

The arbitrator shall interpret and apply these rules insofar as they relate to the arbitrator's powers and duties. When there is more than one arbitrator and a difference arises among them concerning the meaning or application of these rules, it shall be decided by a majority vote. If that is unobtainable, either an arbitrator or a party may refer the question to the AAA for final decision. All other rules shall be interpreted and applied by the AAA.

Section 9: Administrative Conference and Preliminary Hearing

At the request of any party or at the discretion of the AAA, an administrative conference with the AAA and the parties and/or their representatives will be scheduled in appropriate cases to expedite the arbitration proceedings.

In large or complex cases, at the request of any party or at the discretion of the arbitrator or the AAA, a preliminary hearing with the parties and/or their representatives and the arbitrator may be scheduled by the arbitrator to specify the issues to be resolved, stipulate to uncontested facts, and to consider any other matters that will expedite the arbitration proceedings. Consistent with the expedited nature of arbitration, the arbitrator may, at the preliminary hearing, establish (i) the extent of and the schedule for the production of relevant documents and other information, (ii) the identification of any witnesses to be called, and (iii) a schedule for further hearings to resolve the dispute.

Section 10: Fixing of Locale

The parties may mutually agree on the locale where the arbitration is to be held. If any party requests that the hearing be held in a specific locale and the other party files no objection thereto within ten days after notice of the request has been mailed to it by the AAA, the locale shall be the one requested. If a party objects to the locale requested by the other party, the AAA shall have the power to determine the locale and its decision shall be final and binding.

Part B—The Hearing

Section 1: Date, Time, and Place of Hearing

The arbitrator shall set the date, time, and place for each hearing. The AAA shall mail to each party notice thereof at least ten days in advance, unless the parties by mutual agreement waive such notice or modify the terms thereof.

Section 2: Representation

Any party may be represented by counsel or other authorized representative. A party intending to be so represented shall notify the other party and the AAA of the name and address of the representative at least three days prior to the date set for the hearing at which that person is first to appear.

When such a representative initiates an arbitration or responds for a party, notice is deemed to have been given.

Section 3: Attendance at Hearings

The arbitrator shall maintain the privacy of the hearings unless the law provides to the contrary. Representatives of the MOD director, and any persons having a direct interest in the arbitration are entitled to attend hearings. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person.

Section 4: Oaths

Before proceeding with the first hearing, each arbitrator may take an oath of office and, if required by law, shall do so. The arbitrator may require witnesses to testify under oath administered by any duly qualified person and, if it is required by law or requested by any party, shall do so.

Section 5: Majority Decision

All decisions of the arbitrators must be by a majority. The award must also be made by a majority.

Section 6: Order of Proceedings and Communication with Arbitrator

A hearing shall be opened by the filing of the oath of the arbitrator, where required; by the recording of the date, time, and place of the hearing, and the presence of the arbitrator, the parties and their representatives, if any; and by the receipt by the arbitrator of the statement of the claim and the answering statement, if any.

The arbitrator may, at the beginning of the hearing, ask for statements clarifying the issues involved. In some cases, part or all of the above will have been accomplished at the preliminary hearing conducted by the arbitrator pursuant to Part A Section 9 of these Rules.

The complaining party shall then present evidence to support its claim. The defending party shall then present evidence supporting its defense. Witnesses for each party shall submit to questions or other examination. The arbitrator has the discretion to vary this procedure but shall afford a full and equal opportunity to all parties for the presentation of any material and relevant evidence.

Exhibits, when offered by either party, may be received in evidence by the arbitrator.

The names and addresses of all witnesses and a description of the exhibits in the order received shall be made a part of the record.

There shall be no direct communication between the parties and an arbitrator other than at oral hearing, unless the parties and the arbitrator agree otherwise. Any other oral or written communication from the parties to the neutral arbitrator shall be directed to the AAA for transmittal to the arbitrator.

Section 7: Evidence

The parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the arbitrator may deem necessary to an understanding and determination of the dispute. An arbitrator or other person authorized by law to subpoena witnesses or documents may do so upon the request of any party or independently.

The arbitrator shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the arbitrators and all of the parties, except where any of the parties is absent, in default, or has waived the right to be present.

Section 8: Evidence by Affidavit and Post-hearing Filing of Documents or Other Evidence

The arbitrator may receive and consider the evidence of witnesses by affidavit, but shall give it only such weight as the arbitrator deems it entitled to after consideration of any objection made to its admission.

If the parties agree or the arbitrator directs that documents or other evidence be submitted to the arbitrator after the hearing, the documents or other evidence shall be filed with the AAA for transmission to the arbitrator. All parties shall be afforded an opportunity to examine such documents or other evidence.

Section 9: Closing of Hearing

The arbitrator shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies or if satisfied that the record is complete, the arbitrator shall declare the hearing closed and a minute thereof shall be recorded. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs. If documents are to be filed as provided for in Part B Section 9 and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the date of closing the hearing. The time limit within which the arbitrator is required to make the award shall commence to run, in the absence of other agreements by the parties, upon the closing of the hearing.

Section 10: Reopening of Hearing

The hearing may be reopened on the arbitrator's initiative, or upon application of a party, at any time before the award is made. The arbitrator may reopen the hearing and shall have 30 days from the closing of the reopened hearing within which to make an award.

Section 11: Waiver of Oral Hearing

The parties may provide, by written agreement, for the waiver of oral hearings.

Section 12: Waiver of Rules

Any party who proceeds with the arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state an objection thereto in writing, shall be deemed to have waived the right to object.

Section 13: Extensions of Time

The parties may modify any period of time by mutual agreement. The AAA or the arbitrator may for good cause extend any period of time established by these rules, except the time for making the award. The AAA shall notify the parties of any extension.

Section 14: Serving of Notice

Each party shall be deemed to have consented that any papers, notices, or process necessary or proper for the initiation or continuation of an arbitration under these rules; for any court action in connection therewith; or for the entry of judgment on any award made under these rules may be served on a party by mail addressed to the party or its representative at the last known address or by personal service, inside or outside the state where the arbitration is to be held, provided that reasonable opportunity to be heard with regard thereto has been granted to the party.

The AAA and the parties may also use facsimile transmission, telex, telegram, or other written forms of electronic communication to give the notices required by these rules.

Part C—Award and Decision

Section 1: Time of Award

The award shall be made promptly by the arbitrator and, unless otherwise agreed by the parties or specified by law, no later than 30 days from the date of closing the hearing, or, if oral hearings have been waived, from the date of the AAA's transmittal of the final statements and proofs to the arbitrator.

Section 2: Form of Award

The award shall be in writing and shall be signed by the arbitrator, or if a panel is utilized, a majority of the arbitrators. It shall be accompanied by a written decision which sets forth the reasons for the award. Both the award and the decision shall be filed by the arbitrator with the MOD Director.

Section 3: Scope of Award

The arbitrator may grant to the vehicle manufacturer any repair expenses that he or she deems to be just and equitable.

Section 4: Award upon Settlement

If the parties settle their dispute during the course of the arbitration, the arbitrator may set forth the terms of the agreed settlement in an award. Such an award is referred to as a consent award. The consent award shall be filed by the arbitrator with the MOD Director.

Section 5: Delivery of Award to Parties

Parties shall accept as legal delivery of the award, the placing of the award, or a true copy thereof in the mail addressed to a party or its representative at the last known address, personal service of the award, or the filing of the award in any other manner that is permitted by law.

Section 6: Release of Documents for Judicial Proceedings

The AAA shall, upon the written request of a party, furnish to the party, at its expense, certified copies of any papers in the AAA's possession that may be required in judicial proceedings relating to the arbitration.

Part D—Fees and Expenses

Section 1: Administrative Fee

The AAA shall be compensated for the cost of providing administrative services according to the AAA Administrative Fee Schedule and the AAA Refund Schedule. The Schedules in effect at the time the demand for arbitration or submission agreement is received shall be applicable.

The administrative fee shall be advanced by the initiating party or parties, subject to final allocation at the end of the case.

When a claim or counterclaim is withdrawn or settled, the refund shall be made in accordance with the Refund Schedule. The AAA may, in the event of extreme hardship on the part of any party, defer or reduce the administrative fee.

Section 2: Expenses

The loser of the arbitration is liable for all arbitration expenses unless determined otherwise by the arbitrator.

Section 3: Arbitrator's Fee

An arrangement for the compensation of an arbitrator shall be made through discussions by the parties with the AAA and not directly between the parties and the arbitrator. The terms of compensation of arbitrators on a panel shall be identical.

Section 4: Deposits

The AAA may require the parties to deposit in advance of any hearings such sums of money as it deems necessary to defray the expense of the arbitration, including the arbitrator's fee, if any, and shall render an accounting to the parties and return any unexpended balance at the conclusion of the case.

Part E—Expedited Procedures

Section 1: Notice by Telephone

The parties shall accept all notices from the AAA by telephone. Such notices by the AAA shall subsequently be confirmed in writing to the parties. Should there be a failure to confirm in writing any notice hereunder, the proceeding shall nonetheless be valid if notice has, in fact, been given by telephone.

Section 2: Appointment and Qualifications of Arbitrator

The AAA shall submit simultaneously to each party an identical list of five proposed arbitrators drawn from the National Panel of Commercial Arbitrators, from which one arbitrator shall be appointed.

Each party may strike two names from the list on a preemptory basis. The list is returnable to the AAA within seven days from the date of the AAA's mailing of the list to the parties.

If for any reason the appointment of an arbitrator cannot be made from the list, the AAA may make the appointment from among other members of the panel without the submission of additional lists.

The parties will be given notice by the AAA by telephone of the appointment of the arbitrator, who shall be subject to disqualification for the reasons specified in Part A, Section 6. The parties shall notify the AAA, by telephone, within seven days of any objection to the arbitrator appointed. Any objection by a party to the arbitrator shall be confirmed in writing to the AAA with a copy to the other party or parties.

Section 3: Date, Time, and Place of Hearing

The arbitrator shall set the date, time, and place of the hearing. The AAA will notify the parties by telephone, at least seven days in advance of the hearing date. Formal Notice of Hearing will be sent by the AAA to the parties and the MOD Director.

Section 4: The Hearing

Generally, the hearing shall be completed within one day, unless the dispute is resolved by the submission of documents. The arbitrator, for good cause shown, may schedule an additional hearing to be held within seven days.

Section 5: Time of Award

Unless otherwise agreed by the parties, the award shall be rendered not later than 14 days from the date of the closing of the hearing.

Section 6: Applicability of Rules

Unless explicitly contradicted by the provisions of this part, provisions of other parts of the Rules apply to proceedings conducted under this part.

[54 FR 32593, Aug. 8, 1989]

Subpart W—Emission Control System Performance Warranty Short Tests

AUTHORITY: Secs. 207, 301(a), Clean Air Act as amended (42 U.S.C. 7541(b) and 7601(a)).

§ 85.2201 Applicability.

(a) This subpart contains the short tests and standards to be employed in conjunction with the Emissions Performance Warranty, subpart V.

(b) *Calendar and model year limitations.* Certain test procedures contained in this subpart are subject to calendar and model year limitations. Otherwise, unless specifically indicated, the provisions of this subpart may be used to establish warranty eligibility for any 1981 and later model year light-duty vehicle and light-duty truck when tested during its useful life as prescribed under the Emissions Performance Warranty, in subpart V of this part.

(c) *Special recommendations for Ford Motor Company and Honda Prelude vehicles.* Due to unique emission control systems, 1981 through 1987 model year vehicles manufactured by Ford Motor Company and 1984 through 1985 model year Honda Preludes must be tested with procedures that either incorporate a special engine restart feature or utilize a dynamometer to simulate a road load. The Agency has included short tests with the special engine restart feature in this subpart even

though these vehicles are no longer eligible for the Emissions Performance Warranty, to ensure they are properly tested by state or other I/M authorities. Short tests incorporating the restart feature are the Engine restart 2500 rpm/Idle test—EPA 81 (§ 85.2210), Engine restart idle test—EPA 81 (§ 85.2211), Idle test—EPA 91 (§ 85.2213), Two speed idle test—EPA 91 (§ 85.2215), Preconditioned idle test—EPA 91 (§ 85.2218), Idle test with loaded preconditioning—EPA 91 (§ 85.2219), and Preconditioned two speed idle test—EPA 91 (§ 85.2220). Short tests utilizing a dynamometer are the Loaded test—EPA 81 (§ 85.2216) and Loaded test—EPA 91 (§ 85.2217). This recommendation does not apply to tests conducted at altitudes above 4000 feet. Any of the short test procedures may be used for other vehicles which are similarly no longer eligible for performance warranty coverage.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58400, Nov. 1, 1993]

§ 85.2202 General provisions.

The definitions and abbreviations in subpart A of part 86 of this chapter apply to this subpart.

[49 FR 24323, June 12, 1984]

§ 85.2203 Short test standards for 1981 and later model year light-duty vehicles.

(a) For light-duty vehicles for which the test procedures described in §§ 85.2209, 85.2210, 85.2211, 85.2212, 85.2214, or 85.2216 are used to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty vehicles at low altitude and 1982 and later model year vehicles at high altitude to which high altitude certification standards of 1.5 g/mile HC and 15 g/mile CO or less apply), short test emissions for all tests and test modes may not exceed the standards listed in paragraphs (a)(1) and (2) of this section.

(1) Hydrocarbons: 220 ppm as hexane.

(2) Carbon monoxide: 1.2%.

(b) For light-duty vehicles for which the test procedure described in § 85.2214 is used to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty vehicles at low altitude and 1982 and later model year vehicles at high altitude to which high altitude certification standards of 1.5 g/mile HC and 15 g/mile CO or less apply), the lowest readings from the two idle modes must be used to determine compliance. Short test emissions may not exceed the standards listed in paragraphs (b)(1) and (2) of this section.

(1) Hydrocarbons: 200 ppm as hexane.

(2) Carbon monoxide: 1.0%.

(c) For gasoline-fueled light-duty vehicles for which any of the test procedures described in §§ 85.2213, 85.2215, 85.2217, 85.2218, 85.2219, or 85.2220 are utilized to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty vehicles at low altitude and 1982 and later model year vehicles at high altitude to which high altitude certification standards of 1.5 g/mile HC and 15 g/mile CO or less apply), short test emissions for all tests and test modes may not exceed the standards listed in paragraphs (c)(1) and (2) of this section.

(1) Hydrocarbons: 220 ppm as hexane.

(2) Carbon monoxide: 1.2%.

[58 FR 58401, Nov. 1, 1993]

§ 85.2204 Short test standards for 1981 and later model year light-duty trucks.

(a) For light-duty trucks for which the test procedures described in § 85.2209, 85.2210, 85.2211, 85.2212, 85.2214, or 85.2216 are used to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty trucks at low altitude and 1982 and later model year trucks at high altitude to which high altitude certification standards of 2.0 g/mile HC and 26 g/mile CO or less apply), short test emissions may not exceed the standards listed in paragraphs (a)(1) and (2) of this section.

(1) Hydrocarbons: 220 ppm as hexane.

(2) Carbon monoxide: 1.2%.

(b) For light-duty trucks for which the test procedure described in § 85.2214 is used to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty trucks at low altitude and 1982 and later model year trucks at high altitude to which high altitude certification standards of 2.0 g/mile HC and 26 g/mile CO

or less apply), the lowest readings from the two idle modes must be used to determine compliance. Short test emissions may not exceed the standards listed in paragraphs (b)(1) and (2) of this section.

(1) Hydrocarbons: 200 ppm as hexane.

(2) Carbon monoxide: 1.0%.

(c) For 1981 and later model year gasoline-fueled light-duty trucks for which any of the test procedures described in § 85.2213, 85.2215, 85.2217, 85.2218, 85.2219, or 85.2220 are utilized to establish Emissions Performance Warranty eligibility (that is, 1981 and later model year light-duty trucks at low altitude and 1982 and later model year trucks at high altitude to which high altitude certification standards of 2.0 g/mile HC and 26 g/mile CO or less apply), short test emissions for all tests and test modes may not exceed the standards listed in paragraphs (c)(1) and (2) of this section.

(1) Hydrocarbons: 220 ppm as hexane.

(2) Carbon monoxide: 1.2%.

[58 FR 58401, Nov. 1, 1993]

§§ 85.2205–85.2206 [Reserved]

§ 85.2207 On-board diagnostics test standards.

(a) [Reserved]

(b) A vehicle shall fail the on-board diagnostics test if it is a 1996 or newer vehicle and the vehicle connector is missing, has been tampered with, or is otherwise inoperable.

(c) A vehicle shall fail the on-board diagnostics test if the malfunction indicator light is commanded to be illuminated and it is not visually illuminated according to visual inspection.

(d) A vehicle shall fail the on-board diagnostics test if the malfunction indicator light is commanded to be illuminated for one or more OBD diagnostic trouble codes (DTCs), as defined by SAE J2012. The procedure shall be done in accordance with SAE J2012 Diagnostic Trouble Code Definitions, (MAR92). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of SAE J2012 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at the EPA Docket No. A–94–21 at EPA's Air Docket, (LE–131) Room 1500 M, 1st Floor, Waterside Mall, 401 M Street SW, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) [Reserved]

[61 FR 40946, Aug. 6, 1996, as amended at 63 FR 24433, May 4, 1998; 66 FR 18178, Apr. 5, 2001]

§ 85.2208 Alternative standards and procedures.

(a)(1) As a part of the certification process, as set forth in 40 CFR part 86, subparts A and S, a manufacturer may request an alternative short test standard or short test procedure for any vehicle or engine for which the standards or procedures specified in this subpart are not appropriate. The requestor shall supply relevant test data and technical support to substantiate the claim and shall also recommend alternative test procedures and/or standards for the Administrator's consideration. Upon an acceptable showing that the general standards or procedures are not appropriate, the Administrator shall set alternative standards or procedures through rulemaking. The administrative provisions of the certification process (see 40 CFR part 86, subparts A and S), apply to such a request for alternative standards or procedures.

(2) Any such alternative standards or test procedures must be specified on the emission control information label to be effective for that particular vehicle or engine. The Administrator may waive this requirement if it is determined that a given model year of production for which an alternative test procedure is promulgated is too far advanced at the time of promulgation to make such a requirement practical.

(3) Alternative test procedures may be approved if the Administrator finds that:

(i) Such procedures are in accordance with good engineering practice, including errors of commission (at cutpoints corresponding to equivalent emission reductions) no higher than the tests they would replace;

(ii) Such procedures show a correlation with the Federal Test Procedure (with respect to their ability to detect

high emitting vehicles and ensure their effective repair) equal to or better than the tests they would replace; and

(iii) Such procedures would produce equivalent emission reductions in combination with other program elements.

(b) A State or other I/M authority conducting or supervising tests under this subpart may request to use quality control procedures which are different than those in § 85.2217. After an appropriate opportunity for public comment, the Administrator may approve the requested procedures provided the requested procedures are equivalent to those in § 85.2217. The requestor shall supply relevant test data and technical support to substantiate the claim that the procedures are equivalent to the specifications described in § 85.2217. Following a preliminary determination by the Administrator that an alternative procedure is equvalent, a FEDERAL REGISTER notice will be published announcing the request and explaining EPA's preliminary determination. All information relevant to the preliminary determination will be made available for comment in the public docket. Interested parties will be given 30 days to submit comments, and if EPA concludes that the preliminary determination was not in error, a final FEDERAL REGISTER notice will be published granting the State permission to use the alternative procedure.

(c)(1) A state or other I/M authority conducting or supervising tests under this subpart may request to use alternative short test standards or procedures. The requester must supply relevant test data and technical support to substantiate the claim and must also recommend alternative standards or test procedures for the Administrator's consideration. If the Administrator determines that the alternative standards or procedures satisfy the provisions of the Clean Air Act, 42 U.S.C. 7541 paragraphs (b)(i), (b)(ii), and (b)(iii) of this section, the Administrator will set alternative standards or procedures through rulemaking.

(2) Alternative test procedures may be approved if the Administrator finds that:

(i) Such procedures are in accordance with good engineering practice, including errors of commission (at cutpoints corresponding to equivalent emission reductions) no higher than the tests they would replace;

(ii) Such procedures show a correlation with the Federal Test Procedure (with respect to their ability to detect high emitting vehicles and ensure their effective repair) equal to or better than the tests they would replace; and

(iii) Such procedures would produce equivalent emission reductions in combination with other program elements.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58401, Nov. 1, 1993; 64 FR 23920, May 4, 1999]

§ 85.2209 2500 rpm/idle test—EPA 81.

(a)(1) *General calendar year applicability*. The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability*. (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part

51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off.

(c) *Test sequence.* (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe.

(4) The engine speed shall be increased to 2500 ± 300 rpm, with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling multiple tailpipes may be used. However, if this hardware is not used, exhaust concentrations from each pipe shall be measured within the 30 second period if stable readings can be obtained from both pipes before the 30 seconds have elapsed. If this is not possible, the procedures shall be conducted through step (5) for the first pipe and then the entire procedure beginning from step (3) shall be repeated for the second pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(5) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in paragraph (b)(4) of this section for multiple exhaust pipes, unless hardware capable of simultaneous sampling of multiple exhaust pipes is used.

(6) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (as specified in paragraphs (c)(4) and (5) of this section) must be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple exhaust pipes has been used.

(7) Exhaust concentration measurements from both the idle mode and the high speed mode are required.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58402, Nov. 1, 1993]

§ 85.2210 Engine restart 2500 rpm/idle test—EPA 81.

(a)(1) *General calendar year applicability.* The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability.* (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of

this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off.

(c) *Test sequence.* (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) The engine shall be turned off and then restarted.

(4) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe.

(5) The engine speed shall be increased to 2500 ±300 rpm, with the transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this hardware is not used, exhaust concentrations from each pipe shall be measured within the 30 second period if stable readings can be obtained from both pipes before the 30 seconds have elapsed. If this is not possible, the procedure shall be conducted through step (6) for the first pipe and then the entire procedure beginning from step (3) shall be repeated for the second pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust pipes originating from a common point.

(6) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this hardware is not used, exhaust concentrations from both pipes shall be measured in this step (6) within the 30 second period if stable readings can be obtained before the 30 seconds have elasped. If this is not possible, the entire procedure beginning from step (3) shall be repeated for the second pipe. For vehicles with multiple exhaust pipes only one of which was measured in step (5) before the 30 seconds at 2500 ±300 rmp had elapsed, the entire procedure beginning from step (3) shall be repeated for the second pipe after this step (6) is completed for the first pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust pipes originating from a common point.

(7) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (as specified in paragraphs (c) (5) and (6) of this section) must be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple exhaust pipes has been used.

(8) Exhaust concentration measurements from both the idle mode and the high speed mode are required.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58402, Nov. 1, 1993]

§ 85.2211 Engine restart idle test—EPA 81.

(a)(1) *General calendar year applicability.* The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability.* (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off.

(c) *Test sequence.* (1) Analyzers shall be warmed-up, in stabilized operation condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) The engine shall be turned off and then restarted.

(4) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe.

(5) The engine speed shall be increased to 2500 rpm ±300 rpm, with transmission in neutral, for 30 seconds.

(6) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this type of hardware is not used, exhaust concentrations from each pipe shall be measured within the 30 second period if stable readings can be obtained from both pipes before the 30 seconds have elapsed. If this is not possible, the entire procedure beginning from step (3) shall be repeated for the second pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(7) Multiple readings from multiple exhaust pipes shall be numerically averaged, if taken.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58402, Nov. 1, 1993]

§ 85.2212 Idle test—EPA 81.

(a)(1) *General calendar year applicability.* The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability.* (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of

this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off.

(c) *Test sequence.* (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in § 85.2217.

(2) *Optional:* The engine may be preconditioned by operating it at 2500 ±300 rpm for up to 30 seconds.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(4) Multiple readings from multiple exhaust pipes shall be numerically averaged, if taken.

[49 FR 24323, June 12, 1984, as amended at 58 FR 58403, Nov. 1, 1993]

§ 85.2213 Idle test—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations must begin ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§ 85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous measured values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO_2 falls below six percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a first-chance test and a second-chance test as described in paragraphs (b)(1) (i) and (ii) of this section.

(i) The first-chance test, as described under paragraph (c) of this section, consists of an idle mode.

(ii) The second-chance test as described under paragraph (d) of this section is performed only if the vehicle fails the first-chance test.

(2) The test sequence begins only after the requirements listed in paragraphs (b)(2) (i) through (iv) of this section are met.

(i) The vehicle is tested in as-received condition with the transmission in neutral or park and all accessories turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(ii) For all pre-1996 model year vehicles, a tachometer shall be attached to the vehicle in accordance with the analyzer manufacturer's instructions. For 1996 and newer model year vehicles the OBD data link connector will be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

(iii) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(iv) The measured concentration of CO plus CO_2 must be greater than or equal to six percent.

(c) *First-chance test.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met. The overall maximum test time for the first-chance test is 145 seconds (tt=145). The first-chance test consists of an idle mode only.

(1) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum mode length is determined as described under paragraph (c)(2) of this section. The maximum mode length is 90 seconds elapsed time (mt=90).

(2) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (c)(2) (i) through (v) of this section.

(i) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle passes the idle mode and the test terminates at the end of an elapsed time of 30 seconds (mt=30), if prior to that time the criteria of paragraph (c)(2)(i) of this section are not satisfied and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iii) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iv) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (c)(2) (i), (ii), and (iii) of this section is satisfied by an elapsed time of 90 seconds (mt=90). Alternatively, the vehicle may be failed if the provisions of paragraphs (c)(2) (i) and (ii) of this section are not met within an elapsed time of 30 seconds.

(v) *Optional.* The vehicle may fail the first-chance test and the second-chance test may be omitted if no exhaust gas concentration lower than 1800 ppm HC is found by an elapsed time of 30 seconds (mt=30).

(d) *Second-chance test.* If the vehicle fails the first-chance test, the test timer resets to zero (tt=0) and a second-chance test is performed. The overall maximum test time for the second-chance test is 425 seconds (tt=425). The test consists of a preconditioning mode followed immediately by an idle mode.

(1) *Preconditioning mode.* The mode timer starts (mt=0) when the engine speed is between 2200 and 2800 rpm. The mode continues for an elapsed time of 180 seconds (mt=180). If engine speed falls below 2200 rpm or exceeds 2800 rpm for more than five seconds in any one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing.

(2) *Idle mode*—(i) *Ford Motor Company and Honda vehicles.* The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

(ii) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum idle mode length is determined as described in paragraph (d)(2)(iii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is

made for the vehicle and the idle mode is terminated in accordance with paragraphs (d)(2)(iii) (A) through (D) of this section.

(A) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30), if prior to that time the criteria of paragraph (d)(2)(iii)(A) of this section are not satisfied and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (d)(2)(iii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58403, Nov. 1, 1993, as amended at 61 FR 40947, Aug. 6, 1996]

§85.2214 Two speed idle test—EPA 81.

(a)(1) *General calendar year applicability*. The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability*. (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in §51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in §51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in §51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements*. Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off.

(c) *Test sequence*. (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in §85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(4) The engine speed is increased to 2500±300 rpm, with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained

or at the end of 30 seconds, whichever occurs first. Repeat as specified in paragraph (c)(3) of this section for multiple exhaust pipes, if necessary.

(5) The engine speed is reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in paragraph (c)(3) of this section for multiple exhaust pipes, if necessary.

(6) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (as specified in paragraphs (c)(3), (4), and (5) of this section) must be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple tailpipe vehicles has been used.

(7) The idle mode final results shall be the lowest HC and lowest CO readings from steps (3) and (5).

(d) Exhaust concentration measurements from both the idle mode and the high-speed mode are not required. The short test may be used to evaluate emissions from either mode alone or from both modes, the choice being made by the jurisdiction implementing the inspection program. If exhaust concentrations are not measured on a given mode, the vehicle must be operated at the specified test condition for 15 to 30 seconds. The final idle mode, described in paragraph (c)(5) of this section, may be omitted if only high-speed mode exhaust concentrations are to be measured or if the vehicle is below idle standards on the first measurement, paragraph (c)(3) of this section. The high-speed mode may be omitted if only idle mode exhaust concentrations are to be measured and if the vehicle is below idle standards on the first measurement.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58404, Nov. 1, 1993]

§ 85.2215 Two speed idle test—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations begins ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a rate of once every 0.75 second. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§ 85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO^2 falls below six percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a first-chance test and a second-chance test as described in paragraphs (b)(1) (i) and (ii) of this section.

(i) The first-chance test, as described under paragraph (c) of this section, consists of an idle mode followed by a high-speed mode.

(ii) The second-chance high-speed mode, as described under paragraph (c) of this section, immediately follows the first-chance high-speed mode. It is performed only if the vehicle fails the first-chance test. The second-chance idle mode, as described under paragraph (d) of this section, follows the second-chance high-speed mode and is performed only if the vehicle fails the idle mode of the first-chance test.

(2) The test sequence begins only after the requirements listed in paragraphs (b)(2) (i) through (iv) of this section are met.

(i) The vehicle is tested in as-received condition with the transmission in neutral or park and all accessories

turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(ii) For all pre-1996 model year vehicles, a tachometer shall be attached to the vehicle in accordance with the analyzer manufacturer's instructions. For 1996 and newer model year vehicles the OBD data link connector will be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

(iii) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(iv) The measured concentration of CO plus CO^2 must be greater than or equal to six percent.

(c) *First-chance test and second-chance high-speed mode.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met. The overall maximum test time for the first-chance test and second-chance high-speed mode is 425 seconds (tt=425). The first-chance test consists of an idle mode followed immediately by a high-speed mode. This is followed immediately by an additional second-chance high-speed mode, if necessary.

(1) *First-chance idle mode.* (i) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum idle mode length is determined as described in paragraph (c)(1)(ii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(ii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode terminated as described in paragraphs (c)(1)(ii) (A) through (E) of this section.

(A) The vehicle passes the idle mode and the mode is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the mode is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(1)(ii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the mode is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the mode is terminated if none of the provisions of paragraphs (c)(1)(ii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90). Alternatively, the vehicle may be failed if the provisions of paragraphs (c)(1)(ii) (A) and (B) of this section are not met within an elapsed time of 30 seconds.

(E) *Optional.* The vehicle may fail the first-chance test and the second-chance test may be omitted if no exhaust gas concentration less than 1800 ppm HC is found by an elapsed time of 30 seconds (mt=30).

(2) *First-chance and second-chance high-speed modes.* This mode includes both the first-chance and second-chance high-speed modes, and follows immediately upon termination of the first-chance idle mode.

(i) The mode timer resets (mt=0) when the vehicle engine speed is between 2200 and 2800 rpm. If engine speed falls below 2200 rpm or exceeds 2800 rpm for more than two seconds in one excursion, or more than six seconds over all excursions within 30 seconds of the final measured value used in the pass/fail determination, the measured value is invalidated and the mode continued. If any excursion lasts for more than ten seconds, the mode timer resets to zero (mt=0) and timing resumes. The minimum high-speed mode length is

determined as described under paragraphs (c)(2) (ii) and (iii) of this section. The maximum high-speed mode length is 180 seconds elapsed time (mt=180).

(ii) *Ford Motor Company and Honda vehicles.* For 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes, the pass/fail analysis begins after an elapsed time of ten seconds (mt=10) using the following procedure. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles.

(A) For vehicles that *passed* the idle mode, a pass or fail determination is used to determine whether the high-speed test should be terminated *prior* to or at the end of an elapsed time of 180 seconds (mt=180), as described in paragraphs (c)(2)(ii)(A) (*1*) through (*4*) of this section.

(*1*) The vehicle passes the high-speed mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), the measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(*2*) The vehicle passes the high-speed mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(2)(ii)(A)(*1*) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*3*) The vehicle passes the high-speed mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 180 seconds (mt=180), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*4*) *Restart.* If at an elapsed time of 90 seconds (mt=90) the measured values are greater than the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section, the vehicle's engine must be shut off for not more than ten seconds after returning to idle and then is restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. The mode timer will stop upon engine shut off (mt=90) and resume upon engine restart. The pass/fail determination resumes as follows after 100 seconds have elapsed (mt=100).

(*i*) The vehicle passes the high-speed mode and the test is immediately terminated if, at any point between an elapsed time of 100 seconds (mt=100) and 180 seconds (mt=180), the measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(*ii*) The vehicle fails the high-speed mode and the test is terminated if paragraph (c)(2)(ii)(A)(*4*)(*i*) of this section is not satisfied by an elapsed time of 180 seconds (mt=180).

(B) A pass or fail determination is made for vehicles that *failed* the idle mode and the high-speed mode terminated at the *end* of an elapsed time of 180 seconds (mt=180) as described in paragraphs (c)(2)(ii)(B) (*1*) and (*2*) of this section.

(*1*) The vehicle passes the high-speed mode and the mode is terminated at an elapsed time of 180 seconds (mt=180) if any measured values of HC and CO exhaust gas concentrations during the high-speed mode are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*2*) *Restart.* If at an elapsed time of 90 seconds (mt=90) the measured values of HC and CO exhaust gas concentrations during the high-speed mode are greater than the applicable short test standards as determined by the procedure in paragraph (a)(2) of this section, the vehicle's engine must be shut off for not more than ten seconds after returning to idle and then is restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. The mode timer will stop upon engine shut off (mt=90) and resume upon engine restart. The pass/fail determination resumes, as described in paragraphs (c)(2)(ii)(B)(*2*) (*i*) and (*ii*) of this section after 100 seconds have elapsed (mt=100).

(*i*) The vehicle passes the high-speed mode and the mode is terminated at an elapsed time of 180 seconds (mt=180) if

any measured values of HC and CO exhaust gas concentrations during the high-speed mode are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*ii*) The vehicle fails the high-speed mode and the test is terminated if paragraph (c)(2)(ii)(B)(*2*)(*i*) of this section is not satisfied by an elapsed time of 180 seconds (mt=180).

(iii) *All other light-duty motor vehicles.* The pass/fail analysis for vehicles not specified in paragraph (c)(2)(ii) of this section begins after an elapsed time of ten seconds (mt=10) using the procedure described in paragraphs (c)(2)(iii)(A) and (B) of this section.

(A) For vehicles that *passed* the idle mode, a pass or fail determination is used to determine whether the high-speed mode should be terminated *prior* to or at the end of an elapsed time of 180 seconds (mt=180), as described in paragraphs (c)(2)(iii)(A) (*1*) through (*4*) of this section.

(*1*) The vehicle passes the high-speed mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), any measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(*2*) The vehicle passes the high-speed mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(2)(iii)(A)(*1*) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure in paragraph (a)(2) of this section.

(*3*) The vehicle passes the high-speed mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 180 seconds (mt=180), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*4*) The vehicle fails the high-speed mode and the test is terminated if none of the provisions of paragraphs (c)(2)(iii)(A) (*1*), (*2*), and (*3*) of this section is satisfied by an elapsed time of 180 seconds (mt=180).

(B) A pass or fail determination is made for vehicles that *failed* the idle mode and the high-speed mode terminated at the *end* of an elapsed time of 180 seconds (mt=180) as described in paragraphs (c)(2)(iii)(B) (*1*) and (*2*) of this section.

(*1*) The vehicle passes the high-speed mode and the mode is terminated at an elapsed time of 180 seconds (mt=180) if any measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(*2*) The vehicle fails the high-speed mode and the test is terminated if paragraph (c)(2)(iii)(B)(*1*) of this section is not satisfied by an elapsed time of 180 seconds (mt=180).

(d) *Second-chance idle mode.* If the vehicle fails the first-chance idle mode and passes the high-speed mode, the test timer resets to zero (tt=0) and a second-chance idle mode begins. The overall maximum test time for the second-chance idle mode is 145 seconds (tt=145). The test consists of an idle mode only.

(1) The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles.

(2) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If the engine speed exceeds 1100 rpm or falls below 350 rpm the mode timer resets to zero and resumes timing. The minimum second-chance idle mode length is determined as described in paragraph (d)(3) of this section. The maximum second-chance idle mode length is 90 seconds elapsed time (mt=90).

(3) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the second-chance idle mode is terminated in accordance with paragraphs (d)(3) (i) through (iv) of this section.

(i) The vehicle passes the second-chance idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), any measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle passes the second-chance idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (d)(3)(i) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iii) The vehicle passes the second-chance idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iv) The vehicle fails the second-chance idle mode and the test is terminated if none of the provisions of paragraphs (d)(3) (i), (ii), and (iii) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58405, Nov. 1, 1993, as amended at 61 FR 40947, Aug. 6, 1996]

§ 85.2216 Loaded test—EPA 81.

(a)(1) *General calendar year applicability*. The test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993, except as allowed in paragraph (a)(2) of this section.

(2) *Special calendar and model year applicability*. (i) The extended applicability described in paragraphs (a)(2) (ii) through (iv) of this section is restricted to 1995 and earlier model year vehicles or engines.

(ii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic decentralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1993.

(iii) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through June 30, 1994.

(iv) In a state for which the Administrator has approved a State Implementation Plan revision providing for the implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the test procedure described in this section may be used to establish Emissions Performance Warranty eligibility through December 31, 1995.

(b) *General requirements*. Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off. An auxiliary cooling fan is optional

(c) *Test sequence*. (1) The dynamometer and analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in §§ 85.2216 and 85.2217.

(2) The vehicle shall be placed on the dynamometer.

(3) The sample probe shall be inserted into the tailpipe.

(4) *Optional*. A high speed mode, maximum 50 mph and 30 seconds duration, is permitted if vehicle overheating does not occur.

(5) Drive for automatic or 3rd gear for manual transmissions shall be used. The vehicle shall be operated at 30±1 mph roll speed while measuring exhaust HC and CO. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously

sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(6) The vehicle must be idled with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in paragraph (c)(5) of this section for multiple exhaust pipes, if necessary.

(7) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (as specified in paragraphs (c)(5) and (6) of this section) must be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple tailpipe vehicles has been used.

(d) Exhaust concentration measurements from both the loaded mode and the idle mode are not required. The short test may be used to evaluate emissions from either mode alone or from both modes, the choice being made by the jurisdiction implementing the inspection program. If exhaust concentrations are not measured on the loaded mode the vehicle shall be operated at the specified test condition for 15 to 30 seconds. If idle exhaust concentrations are not measured, the idle mode may be omitted.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58407, Nov. 1, 1993]

§ 85.2217 Loaded test—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations begins ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 seconds. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§ 85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO_2 falls below six percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a loaded mode using a chassis dynamometer followed immediately by an idle mode as described in paragraphs (c) (1) and (2) of this section.

(2) The test sequence begins only after the requirements described in paragraphs (b)(2) (i) through (v) of this section are met.

(i) The dynamometer must be warmed up, in stabilized operating condition, adjusted, and calibrated in accordance with the procedures of § 85.2233. Prior to each test, variable-curve dynamometers must be checked for proper setting of the road-load indicator or road-load controller.

(ii) The vehicle is tested in as-received condition with all accessories turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(iii) The vehicle must be operated during each mode of the test with the gear selector in the position described in paragraphs (b)(2)(iii) (A) and (B) of this section.

(A) In drive for automatic transmissions and in second (or third if more appropriate) for manual transmissions for the loaded mode.

(B) In park or neutral for the idle mode.

(iv) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(v) The measured concentration of CO plus CO_2 must be greater than or equal to six percent.

(c) *Overall test procedure.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met and the mode timer initiates as specified in paragraph (c)(1) of this section. The overall maximum test time is 240 seconds (tt=240). The test is immediately terminated upon reaching the overall maximum test time.

(1) *Loaded mode*—(i) *Ford Motor Company and Honda vehicles.* (Optional.) The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

(ii) The mode timer starts (mt=0) when the dynamometer speed is within the limits specified for the vehicle engine size according to the following schedule. If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing. The minimum mode length is determined as described in paragraph (c)(1)(iii)(A) of this section. The maximum mode length is 90 seconds elapsed time (mt=90).

DYNAMOMETER TEST SCHEDULE

Gasoline engine size, No. cylinders	Roll speed, mph (kph)	Normal loading, brake hp (kilowatts)
4 or less	22–25 (35–40)	2.8–4.1 (2.1–3.1)
5–6	29–32 (47–52)	6.8–8.4 (5.1–6.3)
7 or more	32–35 (52–56)	8.4–10.8 (6.3–8.1)

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (c)(1)(iii)(A) through (C) of this section.

(A) The vehicle passes the loaded mode and the mode is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standard described in paragraph (a)(2) of this section.

(B) The vehicle fails the loaded mode and the mode is terminated if paragraph (c)(1)(iii)(A) of this section is not satisfied by an elapsed time of 90 seconds (mt=90).

(C) *Optional.* The vehicle may fail the loaded mode and any subsequent idle mode may be omitted if no exhaust gas concentration less than 1800 ppm HC is found by an elapsed time of 30 seconds (mt=30).

(2) *Idle mode*—(i) *Ford Motor Company and Honda vehicles.* (Optional.) The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

(ii) The mode timer starts (mt=0) 5 seconds after the dynamometer speed has reached zero. The minimum idle mode length is determined as described in paragraph (c)(2)(iii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (c)(2)(iii) (A) through (D) of this section.

(A) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of

paragraph (c)(2)(iii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test terminates if none of the provisions of paragraphs (c)(2)(iii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58407, Nov. 1, 1993]

§ 85.2218 Preconditioned idle test—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations begins ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO_2 falls below six percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a first-chance test and a second-chance test as described in paragraphs (b)(1) (i) and (ii) of this section.

(i) The first-chance test, as described under paragraph (c) of this section, consists of a preconditioning mode followed by an idle mode.

(ii) The second-chance test as described under paragraph (d) of this section is performed only if the vehicle fails the first-chance test.

(2) The test sequence begins only after the requirements described in paragraphs (b)(2) (i) through (iv) of this section are met.

(i) The vehicle is tested in as-received condition with the transmission in neutral or park and all accessories turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(ii) For all pre-1996 model year vehicles, a tachometer shall be attached to the vehicle in accordance with the analyzer manufacturer's instructions. For 1996 and newer model year vehicles the OBD data link connector will be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

(iii) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(iv) The measured concentration of CO plus CO_2 must be greater than or equal to six percent.

(c) *First-chance test.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met. The overall maximum test time is 200 seconds (tt=200). The first-

chance test consists of a preconditioning mode followed immediately by an idle mode.

(1) *Preconditioning mode.* The mode timer starts (mt=0) when the engine speed is between 2200 and 2800 rpm. The mode continues for an elapsed time of 30 seconds (mt=30). If engine speed falls below 2200 rpm or exceeds 2800 rpm for more than five seconds in any one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing.

(2) *Idle mode.* (i) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum idle mode length is determined as described in paragraph (c)(2)(ii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(ii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode terminates as described in paragraphs (c)(2)(ii) (A) through (E) of this section.

(A) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test terminates at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(2)(ii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test terminates if none of the provisions of paragraphs (c)(2)(ii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90). Alternatively, the vehicle may be failed if the provisions of paragraphs (c)(2) (i) and (ii) of this section are not met within an elapsed time of 30 seconds.

(E) *Optional.* The vehicle may fail the first-chance test and the second-chance test may be omitted if no exhaust gas concentration less than 1800 ppm HC is found at an elapsed time of 30 seconds (mt=30).

(d) *Second-chance test.* If the vehicle fails the first-chance test, the test timer resets to zero and a second-chance test is performed. The overall maximum test time for the second-chance test is 425 seconds. The test consists of a preconditioning mode followed immediately by an idle mode.

(1) *Preconditioning mode.* The mode timer starts (mt=0) when engine speed is between 2200 and 2800 rpm. The mode continues for an elapsed time of 180 seconds (mt=180). If the engine speed falls below 2200 rpm or exceeds 2800 rpm for more than five seconds in any one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing.

(2) *Idle mode*—(i) *Ford Motor Company and Honda vehicles.* The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and then restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles.

(ii) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If the engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum idle mode length is determined as described in paragraph (d)(2)(iii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is

terminated in accordance with paragraphs (d)(2)(iii) (A) through (D) of this section.

(A) The vehicle passes the idle mode and the test immediately terminates if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (d)(2)(iii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (d)(2)(iii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58408, Nov. 1, 1993, as amended at 61 FR 40947, Aug. 6, 1996]

§ 85.2219 Idle test with loaded preconditioning—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations begins ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§ 85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO_2 falls below 6 percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a first-chance test and a second-chance test as described in paragraphs (b)(1) (i) and (ii) of this section.

(i) The first-chance test, as described under paragraph (c) of this section, consists of an idle mode.

(ii) The second-chance test as described under paragraph (d) of this section is performed only if the vehicle fails the first-chance test.

(2) The test sequence begins only after the requirements described in paragraphs (b)(2) (i) through (v) of this section are met.

(i) The dynamometer must be warmed up, in stabilized operating condition, adjusted, and calibrated in accordance with the procedures of § 85.2233. Prior to each test, variable-curve dynamometers must be checked for proper setting of the road-load indicator or road-load controller.

(ii) The vehicle is tested in as-received condition with all accessories turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(iii) The vehicle must be operated during each mode of the test with the gear selector in the position described in paragraphs (b)(2)(iii) (A) and (B) of this section.

(A) In drive for automatic transmissions and in second (or third if

more appropriate) for manual transmissions for the loaded preconditioning mode.

(B) In park or neutral for the idle mode.

(iv) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(v) The measured concentration of CO plus CO_2 must be greater than or equal to 6 percent.

(c) *First-chance test.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met. The overall maximum test time is 155 seconds (tt=155). The first-chance test consists of an idle mode only.

(1) The minimum mode length is determined as described in paragraph (c)(2) of this section. The maximum mode length is 90 seconds elapsed time (mt=90).

(2) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode terminates in accordance with paragraphs (c)(2) (i) through (v) of this section.

(i) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(2)(i) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iii) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(iv) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (c)(2)(i), (ii), and (iii) of this section is satisfied by an elapsed time of 90 seconds (mt=90). Alternatively, the vehicle may be failed if the provisions of paragraphs (c)(2)(i) and (ii) of this section are not met within an elapsed time of 30 seconds.

(v) *Optional.* The vehicle may fail the first-chance test and the second-chance test may be omitted if no exhaust gas concentration less than 1800 ppm HC is found at an elapsed time of 30 seconds (mt=30).

(d) *Second-chance test.* If the vehicle fails the first-chance test, the test timer resets to zero (tt=0) and a second-chance test is performed. The overall maximum test time for the second-chance test is 200 seconds (tt=200). The test consists of a preconditioning mode using a chassis dynamometer, followed immediately by an idle mode.

(1) *Preconditioning mode.* (i) The mode timer starts (mt=0) when the dynamometer speed is within the limits specified for the vehicle engine size in accordance with the following schedule. The mode continues for a minimum elapsed time of 30 seconds (mt=30). If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing.

DYNAMOMETER TEST SCHEDULE

Gasoline engine size, No. cylinders	Roll speed, mph (kph)	Normal loading, brake hp (kilowatts)
4 or less	22–25 (35–40)	2.8–4.1 (2.1–3.1).
5–6	29–32 (47–52)	6.8–8.4 (5.1–6.3).
7 or more	32–35 (52–56)	8.4–10.8 (6.3–8.1).

(2) *Idle mode*—(i) *Ford Motor Company and Honda vehicles.* (Optional.) The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

(ii) The mode timer starts (mt=0) 5 seconds after the dynamometer speed has reached zero. The minimum idle mode length is determined as described in paragraph (d)(2)(iii) of this section. The maximum idle mode length is 90 seconds elapsed time (mt=90).

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (d)(2)(iii) (A) through (D) of this section.

(A) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (d)(2)(ii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (d)(2)(ii)(A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58409, Nov. 1, 1993]

§ 85.2220 Preconditioned two speed idle test—EPA 91.

(a) *General requirements*—(1) *Exhaust gas sampling algorithm.* The analysis of exhaust gas concentrations begins ten seconds after the applicable test mode begins. Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second. The measured value for pass/fail determinations is a simple running average of the measurements taken over five seconds.

(2) *Pass/fail determination.* A pass or fail determination is made for each applicable test mode based on a comparison of the short test standards contained in §§ 85.2203 and 85.2204, and the measured value for HC and CO as described in paragraph (a)(1) of this section. A vehicle passes the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable short test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(3) *Void test conditions.* The test immediately terminates and any exhaust gas measurements are voided if the measured concentration of CO plus CO_2 falls below six percent or the vehicle's engine stalls at any time during the test sequence.

(4) *Multiple exhaust pipes.* Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes must be sampled simultaneously.

(5) The test is immediately terminated upon reaching the overall maximum test time.

(b) *Test sequence.* (1) The test sequence consists of a first-chance test and a second-chance test as described in paragraphs (b)(1) (i) and (ii) of this section.

(i) The first-chance test, as described under paragraph (c) of this section, consists of a first-chance high-speed mode followed immediately by a first-chance idle mode.

(ii) The second-chance test as described under paragraph (d) of this section is performed only if the vehicle fails the first-chance test.

(2) The test sequence begins only after the requirements described in paragraphs (b)(2) (i) through (iv) of this section are met.

(i) The vehicle is tested in as-received condition with the transmission in neutral or park and all accessories turned off. The engine must be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation indicating that overheating has not occurred).

(ii) For all pre-1996 model year vehicles, a tachometer shall be attached to

the vehicle in accordance with the analyzer manufacturer's instructions. For 1996 and newer model year vehicles the OBD data link connector will be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

(iii) The sample probe is inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

(iv) The measured concentration of CO plus CO2 must be greater than or equal to six percent.

(c) *First-chance test.* The test timer starts (tt=0) when the conditions specified in paragraph (b)(2) of this section are met. The overall maximum test time is 290 seconds (tt=290). The first-chance test consists of a high-speed mode followed immediately by an idle mode.

(1) *First-chance high-speed mode.* (i) The mode timer starts (mt=0) when the vehicle engine speed is between 2200 and 2800 rpm. If the engine speed falls below 2200 rpm or exceeds 2800 rpm for more than two seconds in one excursion, or more than six seconds over all excursions within 30 seconds of the final measured value used in the pass/fail determination, the measured value is invalidated and the mode continued. If any excursion lasts for more than ten seconds, the mode timer resets to zero (mt=0) and timing resumes. The high-speed mode length is 90 seconds elapsed time (mt=90).

(ii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (c)(1)(ii)(A) through (C) of this section.

(A) The vehicle passes the high-speed mode and the mode is terminated at an elapsed time of 90 seconds (mt=90) if any measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(B) The vehicle fails the high-speed mode and the mode is terminated if the requirements of paragraph (c)(1)(ii)(A) of this section are not satisfied by an elapsed time of 90 seconds (mt=90).

(C) *Optional.* The vehicle may fail the first-chance test and any subsequent test may be omitted if no exhaust gas concentration lower than 1800 ppm HC is found at an elapsed time of 30 seconds (mt=30).

(2) *First-chance idle mode.* (i) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If the engine speed exceeds 1100 rpm or falls below 350 rpm, the mode timer resets to zero and resumes timing. The minimum first-chance idle mode length is determined as described in paragraph (c)(2)(ii) of this section. The maximum first-chance idle mode length is 90 seconds elapsed time (mt=90).

(ii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (c)(2)(ii) (A) through (D) of this section.

(A) The vehicle passes the idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (c)(2)(ii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(D) The vehicle fails the idle mode and the test is terminated if none of the provisions of paragraphs (c)(2)(ii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90). Alternatively, the vehicle may be failed if the provisions of paragraphs (c)(2) (i) and (ii) of this section are not

met within the elapsed time of 30 seconds.

(d) *Second-chance test.* (1) If the vehicle fails either mode of the first-chance test, the test timer resets to zero (tt=0) and a second-chance test begins. The second-chance test is performed based on the first-chance test failure mode or modes as described in paragraphs (d)(1)(i) through (iii) of this section.

(i) If the vehicle failed only the first-chance high-speed mode, the second-chance test consists of a second-chance high-speed mode as described in paragraph (d)(2) of this section. The overall maximum test time is 280 seconds (tt=280).

(ii) If the vehicle failed only the first-chance idle mode, the second-chance test consists of a second-chance preconditioning mode followed immediately by a second-chance idle mode as described in paragraphs (d) (3) and (4) of this section. The overall maximum test time is 425 seconds (tt=425).

(iii) If both the first-chance high-speed mode and first-chance idle mode were failed, the second-chance test consists of the second-chance high-speed mode followed immediately by the second-chance idle mode as described in paragraphs (d) (2) and (4) of this section. However, if during this second-chance procedure, the vehicle fails the second-chance high-speed mode, then the second-chance idle mode may be eliminated. The overall maximum test time is 425 seconds (tt=425).

(2) *Second-chance high-speed mode*—(i) *Ford Motor Company and Honda vehicles.* The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and then restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles.

(ii) The mode timer resets (mt=0) when the vehicle engine speed is between 2200 and 2800 rpm. If the engine speed falls below 2200 rpm or exceeds 2800 rpm for more than two seconds in one excursion, or more than six seconds over all excursions within 30 seconds of the final measured value used in the pass/fail determination, the measured value is invalidated and the mode continued. The minimum second-chance high-speed mode length is determined as described in paragraphs (d)(2) (iii) and (iv) of this section. If any excursion lasts for more than ten seconds, the mode timer resets to zero (mt=0) and timing resumes. The maximum second-chance high-speed mode length is 180 seconds elapsed time (mt=180).

(iii) In the case where the second-chance high-speed mode is not followed by the second-chance idle mode, the pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (d)(2)(iii) (A) through (D) of this section.

(A) The vehicle passes the high-speed mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the high-speed mode and the test is terminated if at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (d)(2)(iii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the high-speed mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 180 seconds (mt=180), the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(D) The vehicle fails the high-speed mode and the test is terminated if none of the provisions of paragraphs (d)(2)(iii) (A), (B), and (C) of this section is satisfied by an elapsed time of 180 seconds (mt=180).

(iv) In the case where the second-chance high-speed mode is followed by the second-chance idle mode, the pass/

fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (d)(2)(iv)(A) and (B) of this section.

(A) The vehicle passes the high-speed mode and the mode is terminated at the end of an elapsed time of 180 seconds (mt=180) if any measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(B) The vehicle fails the high-speed mode and the mode is terminated if paragraph (d)(2)(iv)(A) of this section is not satisfied by an elapsed time of 180 seconds (mt=180).

(3) *Second-chance preconditioning mode.* The mode timer starts (mt=0) when engine speed is between 2200 and 2800 rpm. The mode continues for an elapsed time of 180 seconds (mt=180). If the engine speed falls below 2200 rpm or exceeds 2800 rpm for more than five seconds in any one excursion, or 15 seconds over all excursions, the mode timer resets to zero and resumes timing.

(4) *Second-chance idle mode*—(i) *Ford Motor Company and Honda vehicles.* The engines of 1981–1987 model year Ford Motor Company vehicles and 1984–1985 model year Honda Preludes must be shut off for not more than ten seconds and then restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. This procedure may also be used for 1988–1989 model year Ford Motor Company vehicles but may not be used for other vehicles.

(ii) The mode timer starts (mt=0) when the vehicle engine speed is between 350 and 1100 rpm. If the engine speed exceeds 1100 rpm or falls below 350 rpm the mode timer resets to zero and resumes timing. The minimum second-chance idle mode length is determined as described in paragraph (d)(4)(iii) of this section. The maximum second-chance idle mode length is 90 seconds elapsed time (mt=90).

(iii) The pass/fail analysis begins after an elapsed time of ten seconds (mt=10). A pass or fail determination is made for the vehicle and the mode is terminated in accordance with paragraphs (d)(4)(iii) (A) through (D) of this section.

(A) The vehicle passes the second-chance idle mode and the test is immediately terminated if, prior to an elapsed time of 30 seconds (mt=30), measured values are less than or equal to 100 ppm HC and 0.5 percent CO.

(B) The vehicle passes the second-chance idle mode and the test is terminated at the end of an elapsed time of 30 seconds (mt=30) if, prior to that time, the criteria of paragraph (d)(4)(iii)(A) of this section are not satisfied, and the measured values are less than or equal to the applicable short test standards as determined by the procedure described in paragraph (a)(2) of this section.

(C) The vehicle passes the second-chance idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds (mt=30) and 90 seconds (mt=90), measured values are less than or equal to the applicable short test standards described in paragraph (a)(2) of this section.

(D) The vehicle fails the second-chance idle mode and the test is terminated if none of the provisions of paragraphs (d)(4)(iii) (A), (B), and (C) of this section is satisfied by an elapsed time of 90 seconds (mt=90).

[58 FR 58411, Nov. 1, 1993, as amended at 61 FR 40947, Aug. 6, 1996]

§ 85.2221 [Reserved]

§ 85.2222 On-board diagnostic test procedures.

The test sequence for the inspection of on-board diagnostic systems on 1996 and newer light-duty vehicles and light-duty trucks shall consist of the following steps:

(a) The on-board diagnostic inspection shall be conducted with the key-on/engine running (KOER), with the exception of inspecting for MIL illumination as required in paragraph (d)(4) of this section, during which the inspection shall be conducted with the key-on/engine off (KOEO).

(b) The inspector shall locate the vehicle connector and plug the test system into the connector.

(c) The test system shall send a Mode $01, PID $01 request in accordance with SAE J1979 to determine the evaluation status of the vehicle's on-board diagnostic system. The test system shall determine what monitors are supported by the on-board diagnostic system, and the readiness evaluation for applicable monitors in accordance with SAE J1979. The procedure shall be done in accordance with SAE J1979 ''E/E Diagnostic Test Modes,'' (DEC91). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of SAE J1979 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at the EPA Docket No. A–94–21 at EPA's Air Docket (LE–131), Room 1500 M, 1st Floor, Waterside Mall, 401 M Street SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) Coincident with the beginning of mandatory testing, repair, and retesting based upon the OBD–I/M check, if the readiness evaluation indicates that any on-board tests are not complete the customer shall be instructed to return after the vehicle has been run under conditions that allow completion of all applicable on-board tests. If the readiness evaluation again indicates that any on-board test is not complete the vehicle shall be failed.

(2) An exception to paragraph (c)(1) of this section is allowed for MY 1996 to MY 2000 vehicles, inclusive, with two or fewer unset readiness monitors, and for MY 2001 and newer vehicles with no more than one unset readiness monitor. Vehicles from those model years which would otherwise pass the OBD inspection, but for the unset readiness code(s) in question may be issued a passing certificate without being required to operate the vehicle in such a way as to activate those particular monitors. Vehicles from those model years with unset readiness codes which also have diagnostic trouble codes (DTCs) stored resulting in a lit malfunction indicator light (MIL) must be failed, though setting the unset readiness flags in question shall not be a prerequisite for passing the retest.

(d) The test system shall evaluate the malfunction indicator light status bit and record status information in the vehicle test record.

(1) If the malfunction indicator status bit indicates that the malfunction indicator light (MIL) has been commanded to be illuminated the test system shall send a Mode $03 request to determine the stored diagnostic trouble codes (DTCs). The system shall repeat this cycle until the number of codes reported equals the number expected based on the Mode 1 response. All DTCs resulting in MIL illumination shall be recorded in the vehicle test record and the vehicle shall fail the on-board diagnostic inspection.

(2) If the malfunction indicator light bit is not commanded to be illuminated the vehicle shall pass the on-board diagnostic inspection, even if DTCs are present.

(3) If the malfunction indicator light bit is commanded to be illuminated, the inspector shall visually inspect the malfunction indicator light to determine if it is illuminated. If the malfunction indicator light is commanded to be illuminated but is not, the vehicle shall fail the on-board diagnostic inspection.

(4) If the malfunction indicator light (MIL) does not illuminate at all when the vehicle is in the key-on/engine-off (KOEO) condition, the vehicle shall fail the on-board diagnostic inspection, even if no DTCs are present and the MIL has not been commanded on.

[61 FR 40947, Aug. 6, 1996, as amended at 63 FR 24433, May 4, 1998; 66 FR 18178, Apr. 5, 2001]

§ 85.2223 On-board diagnostic test report.

(a) Motorists whose vehicles fail the on-board diagnostic test described in § 85.2222 shall be provided with the on-board diagnostic test results, including the codes retrieved, the name of the component or system associated with each fault code, the status of the MIL illumination command, and the customer alert statement as stated in paragraph (c) of this section.

(b) [Reserved]

(c) In addition to any codes which were retrieved, the test report shall include the following language:

Your vehicle's computerized self-diagnostic system (OBD) registered the fault(s) listed below. This fault(s) is probably an indication of a malfunction of an emission component. However, multiple and/or seemingly unrelated faults may be an indication of an emission-related problem that occurred previously but upon further evaluation by the OBD system was determined to be only temporary. Therefore, proper diagnosis by a qualified technician is required to positively identify the source of any emission-related problem.

[61 FR 40948, Aug. 6, 1996, as amended at 66 FR 18179, Apr. 5, 2001]

§ 85.2224 Exhaust analysis system—EPA 81.

(a) Applicability. The requirements of this subsection apply to short tests conducted under Emissions Performance Warranty through December 31, 1993. The requirements of § 85.2225 apply concurrently until December 31, 1993, after which the requirements of § 85.2225 are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) *Sampling system*—(1) *General requirements.* The exhaust sampling system shall consist of a sample probe, moisture separator and analyzers for HC and CO.

(2) *Dual sample probe requirements.* If used, a dual sample probe must provide equal flow in each leg. The equal flow criterion is considered to be met if the flow rate in each leg of the probe (or an identical model) has been measured under two sample flow rates (the normal rate and a rate equal to the onset of low flow), and if the flow rates in each of the legs are found to be equal to each other (±15%).

(c) *Analyzers*—(1) *Accuracy.* The HC analyzer shall have an accuracy of ±15 ppm at 200 to 220 ppm concentration HC (as hexane). The CO analyzer shall have an accuracy of ±0.1% CO from 1.0% to 1.2% concentration.

(2) *Response time.* Response time of the analyzers shall be 15 seconds to 95% of the final reading.

(3) *Drift.* Analyzer drift (up-scale and down-scale zero and span wander) shall not exceed ±0.1% CO and ±15 ppm HC (as hexane) on the lowest range capable of reading 1.0% or 200 ppm HC (as hexane) during a one-hour period.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58412, Nov. 1, 1993]

§ 85.2225 Steady state test exhaust analysis system—EPA 91.

(a) *Special calendar and model year applicability.* The requirements of § 85.2224 apply concurrently for tests conducted under Emission Performance Warranty on 1995 and earlier model year vehicles or engines until December 31, 1993, after which the requirements of this section are solely in effect. The following exceptions apply: in a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2224 are concurrently in effect until June 30, 1994, for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2224 are concurrently in effect until December 31, 1995, for 1995 and earlier model year vehicles or engines.

(b) *Sampling System*—(1) *General requirements.* The sampling system for steady state short tests consists, at a minimum, of a tailpipe probe; a flexible

sample line; a water removal system; particulate trap; sample pump; flow control components; tachometer or dynamometer; analyzers for HC, CO, and CO2; and digital displays for exhaust concentrations of HC, CO, and CO2; and for engine rpm. Materials that are in contact with the gases sampled may not contaminate or change the character of the gases to be analyzed, including gases from alcohol-fueled vehicles. The probe must be capable of being inserted to a depth of at least ten inches into the tailpipe of the vehicle being tested or into an extension boot, if one is used. A digital display for dynamometer speed and load must be included if the test procedures described in §85.2217 or §85.2219 are conducted. Minimum specifications for optional NO analyzers are also described in this section. The analyzer system must be able to test, as specified in §§85.2213, 85.2215, 85.2217, 85.2218, 85.2219, and 85.2220 all model vehicles in service at the time of sale of the analyzer.

(2) *Temperature operating range.* The sampling system and all associated hardware must be of a design certified to operate within the performance specifications described in paragraph (c) of this section in ambient air temperatures ranging from 41 to 110 °F. The analyzer system must, where necessary, include features to keep the sampling system within the specified range.

(3) *Humidity operating range.* The sampling system and all associated hardware must be of a design certified to operate within the performance specifications described in paragraph (c) of this section at a minimum of 80 percent relative humidity throughout the required temperature range.

(4) *Barometric pressure compensation.* Barometric pressure compensation must be provided. Compensation is made for elevations up to 6000 feet (above mean sea level). At any given altitude and ambient conditions specified in paragraphs (b) (2) and (3) of this section, errors due to barometric pressure changes of ±2 inches of mercury may not exceed the accuracy limits specified in paragraph (c) of this section.

(5) *Dual sample probe requirements.* When testing a vehicle with dual exhaust pipes, a dual sample probe of a design certified by the analyzer manufacturer to provide equal flow in each leg must be used. The equal flow requirement is considered to be met if the flow rate in each leg of the probe has been measured under two sample pump flow rates (the normal rate and a rate equal to the onset of low flow), and if the flow rates in each of the legs are found to be equal to each other (within 15 percent of the flow rate in the leg having lower flow).

(6) *System lockout during warmup.* Functional operation of the gas sampling unit must remain disabled through a system lockout until the instrument meets stability and warmup requirements. The instrument is considered ''warmed up'' when the zero and span readings for HC, CO, and CO_2 have stabilized, within ±3 percent of the full range of low scale, for five minutes without adjustment.

(7) *Electromagnetic isolation and interference.* Electromagnetic signals found in an automotive service environment may not cause malfunctions or changes in the accuracy in the electronics of the analyzer system. The instrument design must ensure that readings do not vary as a result of electromagnetic radiation and induction devices normally found in the automotive service environment, including high energy vehicle ignition systems, radio frequency transmission radiation sources, and building electrical systems.

(8) *Vibration and shock protection.* System operation must be unaffected by the vibration and shock encountered under the normal operating conditions encountered in an automotive service environment.

(9) *Propane Equivalency Factor.* The Propane Equivalency Factor must be displayed in a manner that enables it to be viewed conveniently, while permitting it to be altered only by personnel specifically authorized to do so.

(c) *Analyzers*—(1) *Accuracy.* The analyzers must be of a design certified to meet the following accuracy requirements when calibrated to the span points specified in §85.2233(e)(2):

Channel	Range	Accuracy	Noise	Repeat-ability
HC, as hexane	0–400 ±12	6	8	
	401–1000 ±30	10	15	
	1001–2000 ±80	20	30	
CO, %	0–2.00 ±0.06	0.02	0.03	
	2.01–5.00 ±0.15	.06	.08	
	5.01–9.99 ±0.40	.10	.15	
CO_2,%	0–4.0 ±0.6	.2	.3	
	4.1–14.0 ±0.5	.2	.3	
	14.1–16.0 ±0.6	.2	.3	
NO, ppm	0–1000 ±32	16	20	
	1001–2000 ±60	25	30	
	2001–4000 ±120	50	60	

(2) *Minimum analyzer display resolution.* The analyzer electronics must have sufficient resolution to achieve the level of accuracy indicated in paragraphs (c)(2)(i) through (v) of this section.

(i) HC 1 ppm HC as hexane.

(ii) CO 0.01% CO.

(iii) CO2 0.1% CO_2.

(iv) NO 1 ppm NO.

(v) RPM 1 rpm.

(3) *Response time.* The response time from the probe to the display for HC, CO, and CO_2 analyzers may not exceed eight seconds to 90 percent of a step change in input. For NO analyzers, the response time may not exceed twelve seconds to 90 percent of a step change in input.

(4) *Display refresh rate.* Dynamic information being displayed must be refreshed at a minimum rate of twice per second.

(5) *Interference effects.* The interference effects for non-interest gases may not exceed ±10 ppm for hydrocarbons, ±0.05 percent for carbon monoxide, ±0.20 percent for carbon dioxide, and ±20 ppm for oxides of nitrogen.

(6) *Low flow indication.* The analyzer must provide an indication when the sample flow is below the acceptable level. The sampling system must be equipped with a flow meter (or equivalent) that indicates sample flow degradation when meter error exceeds three percent of full scale, or causes system response time to exceed 13 seconds to 90 percent of a step change in input, whichever is less.

(7) *Engine speed detection.* The analyzer must utilize a tachometer capable of detecting engine speed in revolutions per minute (rpm) with a 0.5 second response time and an accuracy of ±3 percent of the true rpm.

(8) *Test and mode timers.* The analyzer must be capable of simultaneously determining the amount of time elapsed in a test, and in a mode within that test.

(9) *Sample rate.* The analyzer must be capable of measuring exhaust concentrations of gases specified in this section at a minimum rate of once every 0.75 second.

(d) *Demonstration of conformity.* The analyzer must be demonstrated to the satisfaction of the inspection program manager, through acceptance testing procedures, to meet the requirements of this section and to be capable of being maintained as required in § 85.2233.

[58 FR 58413, Nov. 1, 1993; 59 FR 33913, July 1, 1994]

§§ 85.2226–85.2228 [Reserved]

§ 85.2229 Dynamometer—EPA 81.

(a) *Applicability.* The requirements of this subsection apply to short tests conducted under Emissions Performance Warranty through December 31, 1993. The requirements of § 85.2230 apply concurrently until December 31, 1993, after which the requirements of § 85.2230 are solely in effect. The following exceptions apply: in a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state

where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) The loaded test dynamometer shall be adjusted to produce a load of 9.0 ±1.0 hp at 30 mph.

(c) Speed shall be measured from the dynamometer roll(s) with an accuracy of ±1.5 mph at 30 mph true roll speed.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58414, Nov. 1, 1993]

§ 85.2230 Steady state test dynamometer—EPA 91.

(a) *Special calendar and model year applicability.* The requirements of § 85.2229 apply concurrently for tests conducted under Emission Performance Warranty on 1995 and earlier model year vehicles or engines until December 31, 1993, after which the requirements of this section are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2229 are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2229 are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) The chassis dynamometer for steady state short tests must provide the capabilities described in paragraphs (b) (1) through (7) of this section.

(1) *Power absorption.* The dynamometer must be capable of applying a load to the vehicle's driving tire surfaces at the horsepower and speed levels specified in paragraph (c) of this section.

(2) *Short-term stability.* Power absorption at constant speed may not drift more than ±0.5 horsepower (hp) during any single test mode.

(3) *Roll weight capacity.* The dynamometer must be capable of supporting a driving axle weight up to four thousand (4,000) pounds or greater.

(4) *Between roll wheel lifts.* For dual-roll dynamometers, these must be controllable and capable of lifting a minimum of four thousand (4,000) pounds.

(5) *Roll brakes.* Rolls must be locked when the wheel lift is up.

(6) *Speed indications.* The dynamometer speed display must have a range of 0 mph to 60 mph (or 0 kph to 100 kph), and a resolution and accuracy of at least 1 mph (or 1 kph).

(7) *Safety interlock.* A roll speed sensor and safety interlock circuit must be provided which prevents the application of the roll brakes and upward lift movement at any roll speed above 0.5 mph (0.8 kph).

(c) The dynamometer must produce the load speed relationships specified in §§ 85.2217 and 85.2219.

[58 FR 58414, Nov. 1, 1993]

§ 85.2231 On-board diagnostic test equipment requirements.

(a) The test system interface to the vehicle shall include a plug that conforms to SAE J1962 ''Diagnostic Connector.'' The procedure shall be done in accordance with SAE J1962 ''Diagnostic Connector'' (JUN92). This incorporation of reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR part 51. Copies of SAE J1962 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at the EPA Docket No. A–94–21 at EPA's Air Docket, (LE–131) Room 1500 M, 1st Floor, Waterside Mall, 1200 Pennsylvania Ave., NW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) The test system shall be capable of communicating with the standard data link connector of vehicles with certified OBD systems.

(c) The test system shall be capable of checking for the monitors supported by the on-board diagnostic system and the evaluation status of supported monitors (test complete/test not complete) in Mode $01 PID $01, as well as be able to request the diagnostic trouble codes, as specified in SAE J1979. In addition, the system shall have the capability to include bi-directional communication for control of the evaporative canister vent solenoid. SAE J1979 is incorporated by reference and approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of all the SAE documents cited above may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at the EPA Docket No. A–94–21 at EPA's Air Docket, (LE–131) Room 1500 M, 1st Floor, Waterside Mall, 1200 Pennsylvania Ave., NW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(d) [Reserved]

[61 FR 40948, Aug. 6, 1996, as amended at 63 FR 24434, May 4, 1998; 66 FR 18179, Apr. 5, 2001]

§ 85.2232 Calibrations, adjustments—EPA 81.

(a) *Applicability*. The requirements of this subsection apply to short tests conducted under Emissions Performance Warranty through December 31, 1993. The requirements of § 85.2233 apply concurrently until December 31, 1993, after which the requirements of § 85.2233 are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) Equipment shall be calibrated in accordance with the manufacturers' instructions.

(c) *Hourly checks.* Within one hour prior to a test, the analyzers shall be zeroed and spanned. Ambient air is acceptable as a zero gas; an electrical span check is acceptable. Zero and span checks shall be made on the lowest range capable of reading the short test standard. Analyzers that perform an automatic zero/span adjustment every time a test sequence is initiated are considered to meet the hourly checks.

(d) *Daily checks.* Within eight hours prior to a loaded test, the dynamometer shall be checked for proper power absorber settings.

(e) *Weekly checks*—(1) *Leak check.* For analyzers with a separate calibration or span port, CO readings using the span gas through the probe and through the calibration port shall be made and compared; discrepancies of over 3% shall require repair of leaks. No analyzer adjustments shall be permitted during this check. The leak check and the following gas span check may be combined into one operation.

(2) *Gas span check.* Within one week of the test, the analyzers shall have been spanned using calibration gases which meet the requirements in paragraph (d)(4) of this section and shall not have been readjusted since to a non-conforming gas. If the analyzer reads the span gas within 2% of the span gas value or within .05% CO and 6 ppm HC (use the larger of the two tolerances), then no adjustment of the analyzer is needed. For this check the span gas may be introduced either through the calibration port (if so equipped) or through the probe. This paragraph does not prevent those who wish to always adjust the analyzer to the exact span value from doing so.

(3) *Gas span adjustment.* If the analyzer fails to meet the gas span check specifications, then the analyzer shall be adjusted by the following procedures:

(i) For analyzers *without* a calibration port, perform a simple leak check (e.g., cap the probe). Repair any leaks

before continuing with this procedure. Introduce the span gas through the probe for this adjustment.

(ii) For analyzers *with* a calibration port, introduce the span gas through the port for this adjustment.

(iii) Perform a zero adjustment and a flowing span gas adjustment. Iterate between span and zero, as necessary, to obtain stable readings within the gas span check specifications.

(iv) Check the electrical span *without* changing the zero or span adjustments set in step (iii). If the electrical span does not match the electrical span line or voltage level, locate the potentiometer that controls the relationship between the gas span and the electrical span. Adjust this control until the electrical span target is achieved.

(v) Following this procedure, if the gas span value cannot be held within the 2% tolerance (or .05% CO and 6 ppm HC) while also meeting the electrical span criteria, then the analysis system and calibration bottle shall be removed from service until the problem is resolved and the adjustment tolerance met.

(vi) Automatic analyzers that perform either a substantially similar adjustment procedure or mathematical correction procedure are considered to meet this adjustment procedure.

(4) *Span gases.* The span gas used for the weekly check shall be traceable to NBS standards ±2% and have concentrations either:

(i) Between the standards specified in this subpart and the jurisdiction's inspection standards for the 1981 model year light duty vehicles, or

(ii) Within −50% to +100% of the standards in this subpart.

(f) *Other checks.* In addition to performing span and leak checks on a periodic basis, these checks shall also be used to verify system performance under the following special circumstances.

(1) *Gas span check.* Within one week of the test, the analyzers must have been spanned using calibration gases which met the requirements in paragraph (e)(4) of this section and must not have been readjusted since to a non-conforming gas. If the analyzer reads the span gas within two percent of the span gas value or within .05 percent of the CO and 6 ppm HC (use the larger of the two tolerances), then no adjustment of the analyzer is needed. (However, adjusting the analyzer to the exact span value is not precluded.) For this check the span gas may be introduced either through the calibration port, if so equipped, or through the probe.

(2) *Leak checks.* Each time the sample line integrity is broken, a leak check shall be performed prior to testing. A simple vacuum leak check (i.e., block the probe and check for low flow) is considered acceptable for these non-periodic checks.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58415, Nov. 1, 1993]

§ 85.2233 Steady state test equipment calibrations, adjustments, and quality control—EPA 91.

(a) *Special calendar and model year applicability.* The requirements of § 85.2232 apply concurrently for tests conducted under Emission Performance Warranty on 1995 and earlier model year vehicles or engines until December 31, 1993, after which the requirements of this section are solely in effect. The following exceptions apply: in a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2232 are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2232 are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) Equipment must be calibrated in accordance with the manufacturers' instructions.

(c) *Prior to each test*—(1) *Hydrocarbon hang-up check.* Immediately prior to each test the analyzer automatically performs a hydrocarbon hang-up check. If the HC reading, when the probe is

sampling ambient air, exceeds 20 ppm, the system must be purged with clean air or zero gas. The analyzer must be inhibited from continuing the test until HC levels drop below 20 ppm.

(2) *Automatic zero and span.* The analyzer conducts an automatic zero and span check prior to each test. The span check must include the HC, CO, and CO2 channels and, if present, the NO channel. If zero and/or span drift cause the signal levels to move beyond the adjustment range of the analyzer, it must lock out from testing.

(3) *Low flow.* The system locks out from testing if the sample flow is below the acceptable level as defined in § 85.2225(c)(6).

(d) *Leak check.* A system leak check is performed within 24 hours before the test in low volume stations (those performing less than 4,000 inspections per year) and within four hours in high-volume stations (4,000 or more inspections per year) and may be performed in conjunction with the gas calibration described in paragraph (e)(1) of this section. If a leak check is not performed within the preceding 24 hours in low volume stations and within four hours in high-volume stations or if the analyzer fails the leak check, the analyzer must lock out from testing. The leak check must be a procedure demonstrated to effectively check the sample hose and probe for leaks and is performed in accordance with good engineering practices. An error of more than ±2 percent of the reading using low range span gas must cause the analyzer to lock out from testing, and requires repair of leaks.

(e) *Gas calibration.* (1) On each operating day in high-volume stations, analyzers must automatically require and successfully pass a two-point gas calibration for HC, CO, and CO2 and must continually compensate for changes in barometric pressure. Calibration must be checked within four hours before the test and the analyzer adjusted if the reading is more than two percent different from the span gas value. In low-volume stations, analyzers must undergo a two-point calibration within 72 hours before each test, unless changes in barometric pressure are compensated for automatically and statistical process control demonstrates equal or better quality control using different frequencies. Gas calibration is accomplished by introducing span gas that meets the requirements of paragraph (e)(3) of this section into the analyzer through the calibration port. No adjustment of the analyzer is necessary if the analyzer reads the span gas within the allowable tolerance range; that is, the square root of sum of the squares of the span gas tolerance (described in paragraph (e)(3) of this section) and the calibration tolerance (which is equal to two percent). The gas calibration procedure corrects readings that exceed the allowable tolerance range to the center of the allowable tolerance range. The pressure in the sample cell must be the same with the calibration gas flowing during calibration as with the sample gas flowing during sampling. If the system is not calibrated, or the system fails the calibration check, the analyzer must lock out from testing.

(2) *Span points.* A two-point gas calibration procedure must be followed. The span is accomplished at one of the pairs of span points listed in paragraphs (e)(2)(i) and (ii) of this section.

(i)(A) 300 ppm and 1200 ppm propane (HC).

(B) 1.0% and 4.0% carbon monoxide (CO).

(C) 6.0% and 12.0% carbon dioxide (CO_2).

(D) (if equipped for nitric oxide) 1000 ppm and 3000 ppm nitric oxide (NO).

(ii)(A) 0 ppm and 600 ppm propane (HC).

(B) 0.0% and 1.6% carbon monoxide (CO).

(C) 0.0% and 11.0% carbon dioxide (CO_2)

(D) (if equipped for nitric oxide) 0 ppm and 1200 ppm nitric oxide (NO).

(3) *Span gases.* The analyzed concentrations for the span gases used for calibration must be nominally within two percent of the span points specified in paragraph (d)(2) of this section and must be traceable to National Institute of Standards and Technology (NIST) standards within two percent. Zero gases must conform to the specifications given in § 86.114–79 (a)(5) of this chapter.

(f) *Dynamometer checks*—(1) *Monthly check.* Within one month preceding

each loaded test, the accuracy of the roll speed indicator must be verified and the dynamometer must be checked for proper power absorber settings.

(2) *Semi-annual check.* Within six months preceding each loaded test as described in §85.2217, the road-load response of the variable-curve dynamometer or the frictional power absorption of the dynamometer must be checked by a coast down procedure similar to that described in §86.118–78 of this chapter. The check is done at 30 mph (48 kph), and a power absorption load setting to generate a power of 4.1 horsepower (or 3.057 kilowatts). The actual coast down time from 45 mph to 15 mph (72 kph to 24 kph) must be within +1 second of the time calculated by the equation in paragraph (f)(2)(i) of this section for English system units or paragraph (f)(2)(ii) of this section for SI units.

$$\text{(i)} \qquad \text{Coast Down Time} = \frac{0.10932 \times W}{P}$$

where W is the total inertia weight as represented by the weight of the rollers (excluding free rollers), and any inertia flywheels used, measured in pounds, and P is power, measured in horsepower. If the coast down time is not within the specified tolerance the dynamometer must be taken out of service and corrective action must be taken.

$$\text{(ii)} \qquad \text{Coast Down Time} = \frac{0.17978 \times W}{P}$$

where W is the total inertia weight as represented by the weight of the rollers (excluding free rollers), and any inertia flywheels used, measured in kilograms, and P is power, measured in kilowatts. If the coast down time is not within the specified tolerance the dynamometer must be taken out of service and corrective action must be taken.

(g) *Other checks.* In addition to the other periodic checks described in this section, those described in paragraphs (g)(1) and (2) of this section are also used to verify system performance under the special circumstances described therein.

(1) *Gas calibration.* (i) Each time the analyzer electronic or optical systems are repaired or replaced, a gas calibration is performed prior to returning the unit to service.

(ii) In high-volume stations, monthly multi-point calibrations are performed. Low-volume stations must perform multi-point calibrations every six months. The calibration curve is checked at 20 percent, 40 percent, 60 percent, and 80 percent of full scale, and must be adjusted or repaired if the specifications in §85.2225(c)(1) are not met.

(2) *Leak checks.* Each time the sample line integrity is broken, a leak check is performed prior to testing.

[58 FR 58415, Nov. 1, 1993; 59 FR 33913, July 1, 1994]

§§85.2234–85.2236 [Reserved]

§85.2237 Test report—EPA 81.

(a) *Applicability.* The requirements of this subsection apply to short tests conducted under Emissions Performance Warranty through December 31, 1993. The requirements of §85.2238 apply concurrently until December 31, 1993, after which the requirements of §85.2238 are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in §51.373 of this chapter, the requirements of this section are concurrently in effect until June 30, 1994, for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in §51.373 of this chapter, the requirements of this section are concurrently in effect until December 31, 1995, for 1995 and earlier model year vehicles or engines.

(b) Upon failure of a short test, the vehicle's operator or owner shall be furnished with a test report containing:

(1) Vehicle description, including either license plate or manufacturer identification number, and odometer readings.

(2) Date of test.

(3) Name of individual or organization performing the test and location thereof.

(4) Type of short test performed.

(5) Test results, exhaust concentrations for each mode measured.

(c) The test report shall certify that the short test was performed in accordance with these regulations and it shall be signed by an individual who either performed the test or has actual knowledge of the performance of the test.

(d) For purposes of this section, ''failure of a short test'' means that the vehicle exceeded the standards in this subpart or the Inspection/Maintenance standards of the jurisdiction, whichever is less stringent.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58416, Nov. 1, 1993]

§ 85.2238 Test report—EPA 91.

(a) *Special calendar and model year applicability.* The requirements of § 85.2237 apply concurrently for tests conducted under Emission Performance Warranty on 1995 and earlier model year vehicles or engines until December 31, 1993, after which the requirements of this section are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2237 are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2237 are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) Upon failure of a short test, the vehicle's owner or operator must be furnished with a test report containing the information listed in paragraphs (b)(1) through (7) of this section.

(1) Vehicle description, including license plate number, vehicle identification number, weight class, and odometer reading.

(2) Date and time of test.

(3) Name or identification number of the individual performing the test and the location of the test station and lane.

(4) Type of emission test performed.

(5) Applicable emission test standards.

(6) Test results, including exhaust concentrations for each mode measured.

(i) The reported exhaust concentrations are that pair of passing exhaust concentrations or, if none are obtained, that pair of failing exhaust concentrations, for which the product of HC+(151*CO) is a minimum.

(ii) If a second-chance test is conducted the reported exhaust concentrations are those obtained from the second-chance test.

(7) A statement indicating the availability of warranty coverage as provided in section 207 of the Clean Air Act (42 U.S.C. 7541).

(c) The test report must certify that the short test was performed in accordance with these regulations and, in the case of service station based programs, it must be signed by the individual who performed the test.

[58 FR 58416, Nov. 1, 1993]

Subpart X—Determination of Model Year for Motor Vehicles and Engines Used in Motor Vehicles Under Section 177 and Part A of Title II of the Clean Air Act

SOURCE: 60 FR 4738, Jan. 24, 1995, unless otherwise noted.

§ 85.2301 Applicability.

The definitions provided by this subpart are effective February 23, 1995 and apply to all light-duty motor vehicles and trucks, heavy-duty motor vehicles and heavy-duty engines used in motor vehicles, and on-highway motorcycles as such vehicles and engines are regulated under section 177 and Title II part A of the Clean Air Act.

§ 85.2302 Definition of model year.

Model year means the manufacturer's annual production period (as determined under § 85.2304) which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, the term ''model year'' shall mean the calendar year.

§ 85.2303 Duration of model year.

A specific model year must always include January 1 of the calendar year for which it is designated and may not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days.

§ 85.2304 Definition of production period.

(a) The ''annual production period'' for all models within an engine family of light-duty motor vehicles, heavy-duty motor vehicles and engines, and on-highway motorcycles begins either: when any vehicle or engine within the engine family is first produced; or on January 2 of the calendar year preceding the year for which the model year is designated, whichever date is later. The annual production period ends either: When the last such vehicle or engine is produced; or on December 31 of the calendar year for which the model year is named, whichever date is sooner.

(b) The date when a vehicle or engine is first produced is the ''Job 1 date,'' which is defined as that calendar date on which a manufacturer completes all manufacturing and assembling processes necessary to produce the first saleable unit of the designated model which is in all material respects the same as the vehicle or engine described in the manufacturer's application for certification. The ''Job 1 date'' may be a date earlier in time than the date on which the certificate of conformity is issued.

§ 85.2305 Duration and applicability of certificates of conformity.

(a) Except as provided in paragraph (b) of this section, a certificate of conformity is deemed to be effective and cover the vehicles or engines named in such certificate and produced during the annual production period, as defined in § 85.2304.

(b) Section 203 of the Clean Air Act prohibits the sale, offering for sale, delivery for introduction into commerce, and introduction into commerce, of any new vehicle or engine not covered by a certificate of conformity unless it is an imported vehicle exempted by the Administrator or otherwise authorized jointly by EPA and U.S. Customs Service regulations. However, the Act does not prohibit the production of vehicles or engines without a certificate of conformity. Vehicles or engines produced prior to the effective date of a certificate of conformity, as defined in paragraph (a) of this section, may also be covered by the certificate if the following conditions are met:

(1) The vehicles or engines conform in all material respects to the vehicles or engines described in the application for the certificate of conformity:

(2) The vehicles or engines are not sold, offered for sale, introduced into commerce, or delivered for introduction into commerce prior to the effective date of the certificate of conformity;

(3) The Agency is notified prior to the beginning of production when such production will start, and the Agency is provided full opportunity to inspect and/or test the vehicles during and after their production; for example, the Agency must have the opportunity to conduct selective enforcement auditing production line testing as if the vehicles had been produced after the effective date of the certificate.

(c) New vehicles or engines imported by an original equipment manufacturer after December 31 of the calendar year for which the model year was named are still covered by the certificate of conformity as long as the production of the vehicle or engine was completed before December 31 of that year. This paragraph does not apply to vehicles that may be covered by certificates held by independent commercial importers unless specifically approved by EPA.

(d) Vehicles or engines produced after December 31 of the calendar year for which the model year is named are not

covered by the certificate of conformity for that model year. A new certificate of conformity demonstrating compliance with currently applicable standards must be obtained for these vehicles or engines even if they are identical to vehicles or engines built before December 31.

(e) The extended coverage period described here for a certificate of conformity (i.e., up to one year plus 364 days) is primarily intended to allow flexibility in the introduction of new models. Under no circumstances should it be interpreted that existing models may ''skip'' yearly certification by pulling ahead the production of every other model year.

APPENDIXES I–VII TO PART 85 [RESERVED]

APPENDIX VIII TO PART 85—VEHICLE AND ENGINE PARAMETERS AND SPECIFICATIONS

A. LIGHT DUTY VEHICLE PARAMETERS AND SPECIFICATIONS

I. Basic Engine Parameters-Reciprocating Engines.
1. Compression ratio.
2. Cranking compression pressure.
3. Valves (intake and exhaust).
a. Head diameter dimension.
b. Valve lifter or actuator type and valve lash dimension.
4. Camshaft timing.
a. Valve opening (degrees BTDC).
b. Valve closing (degrees ATDC).
c. Valve overlap (inch-degrees).
II. Basic Engine Parameters—Rotary Engines.
1. Intake port(s).
a. Timing and overlap if exposed to the combustion chamber.
2. Exhaust port(s).
a. Timing and overlap if exposed to the combustion chamber.
3. Cranking compression pressure.
4. Compression ratio.
III. Air Inlet System.
1. Temperature control system calibration.
IV. Fuel System.
1. General.
a. Engine idle speed.
b. Engine idle mixture.
2. Carburetion.
a. Air-fuel flow calibration.
b. Transient enrichment system calibration.
c. Starting enrichment system calibration.
d. Altitude compensation system calibration.
e. Hot idle compensation system calibration.
3. Fuel injection.
a. Control parameters and calibration.
b. Fuel shutoff system calibration.
c. Starting enrichment system calibration.
d. Transient enrichment system calibration.
e. Air-fuel flow calibration.
f. Altitude compensation system calibration.
g. Operating pressure(s).
h. Injector timing calibrations.
V. Injection System.
1. Control parameters and calibration.
2. Initial timing setting.
3. Dwell setting.
4. Altitude compensation system calibration.
5. Spark plug voltage.
VI. Engine Cooling System.
1. Thermostat calibration.
VII. Exhaust Emission Control System.
1. Air injection system.
a. Control parameters and calibrations.
b. Pump flow rate.
2. EGR system.
a. Control parameters and calibrations.
b. EGR valve flow calibration.
3. Catalytic converter system.
a. Active surface area.
b. Volume of catalyst.
c. Conversion efficiency.
4. Backpressure.
VIII. Evaporative Emission Control System.
1. Control parameters and calibrations.
2. Fuel tank.
a. Pressure and vacuum relief settings.
IX. Crankcase Emission Control System.
1. Control parameters and calibrations.
2. Valve calibration.
X. Auxiliary Emission Control Devices (AECD).
1. Control parameters and calibrations.
2. Component calibration(s).
XI. Emission Control Related Warning Systems.
1. Control parameters and calibrations.
2. Component calibrations.
XII. Driveline Parameters.
1. Axle ratio(s).

B. HEAVY DUTY GASOLINE ENGINE PARAMETERS AND SPECIFICATIONS

I. Basic Engine Parameters.
1. Compression ratio.
2. Cranking compression pressure.
3. Supercharger/turbocharger calibration.
4. Valves (intake and exhaust).
a. Head diameter dimension.
b. Valve lifter or actuator type and valve lash dimension.
5. Camshaft timing.
a. Valve opening (degrees BTDC).
b. Valve closing (degrees ATDC).

c. Valve overlap (inch-degrees).
II. Air Inlet System.
1. Temperature control system calibration.
III. Fuel System.
1. General.
a. Engine idle speed.
b. Engine idle mixture.
2. Carburetion.
a. Air-fuel flow calibration.
b. Transient enrichment system calibration.
c. Starting enrichment system calibration.
d. Altitude compensation system calibration.
e. Hot idle compensation system calibration.
3. Fuel injection.
a. Control parameters and calibrations.
b. Fuel shutoff system calibration.
c. Starting enrichment system calibration.
d. Transient enrichment system calibration.
e. Air-fuel flow calibration.
f. Altitude compensation system calibration.
g. Operating pressure(s).
h. Injector timing calibration.
IV. Ignition System.
1. Control parameters and calibration.
2. Initial timing setting.
3. Dwell setting.
4. Altitude compensation system calibration.
5. Spark plug voltage.
V. Engine Cooling System.
1. Thermostat calibration.
VI. Exhaust Emission Control System.
1. Air injection system.
a. Control parameters and calibrations.
b. Pump flow rate.
2. EGR system.
a. Control parameters and calibrations.
b. EGR valve flow calibration.
3. Catalytic converter system.
a. Active surface area.
b. Volume of catalyst.
c. Conversion efficiency.
4. Backpressure.
VII. Evaporative Emission Control System.
1. Control parameters and calibrations.
2. Fuel tank.
a. Pressure and vacuum relief settings.
VIII. Crankcase Emission Control System.
1. Control parameters and calibrations.
2. Valve calibrations.
IX. Auxiliary Emission Control Devices (AECD).
1. Control parameters and calibrations.
2. Component calibrations.
X. Emission Control Related Warning Systems.
1. Control parameters and calibrations.
2. Component calibrations.

C. HEAVY DUTY DIESEL ENGINE PARAMETERS AND SPECIFICATIONS

I. Basic Engine Parameters-Four Stroke Cycle Reciprocating Engines.
1. Compression ratio.
2. Cranking compression pressure.
3. Supercharger/turbocharger calibration.
4. Valves (intake and exhaust).
a. Head diameter dimension.
b. Valve lifter or actuator type and valve lash dimension.
5. Camshaft timing.
a. Valve opening (degrees BTDC).
b. Valve closing (degrees ATDC).
c. Valve overlap (inch-degrees).
II. Basic Engine Parameters—Two-Stroke Cycle Reciprocating Engine.
1.–5. Same as Section C.I.
6. Intake port(s).
a. Timing in combustion cycle.
7. Exhaust port(s).
a. Timing in combustion cycle.
III. Air Inlet System.
1. Temperature control system calibration.
2. Maximum allowable air inlet restriction.
IV. Fuel System.
1. Fuel injection.
a. Control parameters and calibrations.
b. Transient enrichment system calibration.
c. Air-fuel flow calibration.
d. Altitude compensation system calibration.
e. Operating pressure(s).
f. Injector timing calibration.
V. Exhaust Emission Control System.
1. Maximum allowable backpressure.
VI. Crankcase Emission Control System.
1. Control parameters and calibrations.
2. Valve calibrations.
VII. Auxiliary Emission Control Devices (AECD).
1. Control parameters and calibrations.
2. Component calibration(s).

[42 FR 28129, June 2, 1977]

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Material Approved for Incorporation by Reference
Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected

Material Approved for Incorporation by Reference

(Revised as of July 1, 2003)

The Director of the Federal Register has approved under 5 U.S.C. 552(a) and 1 CFR Part 51 the incorporation by reference of the following publications. This list contains only those incorporations by reference effective as of the revision date of this volume. Incorporations by reference found within a regulation are effective upon the effective date of that regulation. For more information on incorporation by reference, see the preliminary pages of this volume.

40 CFR (PARTS 81 TO 85)
ENVIRONMENTAL PROTECTION AGENCY

	40 CFR
Air-Conditioning and Refrigeration Institute 4301 North Fairfax Drive, Arlington, VA 22203	
Appendix 93 to ARI Standard 700, Analytical Procedures for ARI Standard 700–93, 1994, the Air-Conditioning and Refrigeration Institute, Parts 1 through 9, 12 through 15, and 19 through 23.	Appendix A to Part 82, subpart F
American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959; Telephone: (610) 832–9585, FAX: (610) 832–9555	
ASTM E 700–79 (Reapproved 1990), Standard Test Method for Water in Gases Using Karl Fischer Reagent.	Appendix A to Part 82, subpart F
Environmental Protection Agency Copies available at: First International Bldg., 1201 Elm St., Dallas, TX 75270 General Services Administration, available from the Government Printing Office, Washington, DC 20402–9371; Telephone: (202) 512–1800	
Society of Automotive Engineers, Inc. 400 Commonwealth Dr., Warrendale, PA 15096–0001; Telephone: (412) 776–4841	
SAE J1962 ''Diagnostic Connector'' (JUN92)	85.2231(a)
SAE J1979 ''E/E Diagnostic Test Modes'' (DEC91)	85.2222(c); 85.2231(c)
SAE J2012 ''Diagnostic Trouble Code Definitions'' (MAR92)	85.2207(d)

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