ORAL ARGUMENT NOT YET SCHEDULED

No. 10-1167 (and consolidated cases)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN CHEMISTRY COUNCIL, *et al.*,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,

Respondents.

On Petition for Review of Final Action of the
United States Environmental Protection Agency

INITIAL BRIEF FOR INTERVENORS IN SUPPORT OF RESPONDENTS

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Certificate as to Parties Rulings and Related Cases

A. Parties and Amici. All parties, intervenors, and amici appearing in this Court are listed in Petitioners' Joint Opening Brief.

B. Rulings Under Review. The rulings at issue, the 1978, 1980 and 2002 Clean Air Act rules challenged in these consolidated petitions for review, are listed in Petitioners' Joint Opening Brief.

C. Related Cases. Each of these consolidated petitions for review is related. Moreover, these petitions are related to and will be heard by the same panel as: *Coalition for Responsible Regulation, et al. v. EPA*, Nos. 09-1322, *et al*.; *Coalition for Responsible Regulation, et al. v. EPA,* Nos. 10-1073, *et al*.; and *Coalition for Responsible Regulation, et. al v. EPA*, Nos. 10-1092, *et al*.

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Glossary of Abbreviations

Pursuant to Circuit Rule 28(a)(3), the following acronyms and abbreviations are used in this brief:

ACC	American Chemistry Council
ANPR	Advance Notice of Proposed Rulemaking
AQCR	Air Quality Control Region
BACT	Best Available Control Technology
CAA	Clean Air Act
CMA	Chemical Manufacturers Association
EPA	U.S. Environmental Protection Agency
GHG(s)	Greenhouse Gas(es)
H_2S	Hydrogen Sulfide
JA	Joint Appendix
NAAQS	National Ambient Air Quality Standard(s)
NSPS	New Source Performance Standard
PM	Particulate Matter
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SO_2	Sulfur Dioxide
TPY	Tons per Year

STATEMENT OF JURISDICTION

Petitioners seek judicial review of Clean Air Act regulations promulgated in 1978, 1980, and 2002 long past the 60-day time period for seeking review. As explained in Part I, *infra*, pp. 5-17, the Court lacks jurisdiction over these petitions pursuant to Section 307(b) of the Clean Air Act (Act), 42 U.S.C. § 7607(b). The intervening developments on which Petitioners rely are not valid grounds for reopening the period for judicial review. Nor have petitioners met the exhaustion requirements of Section 307(d)(7)(B) of the Act, 42 U.S.C. § 7607(d)(7)(B), which this Court has characterized as jurisdictional in nature.

STATUTES AND REGULATIONS

All pertinent statutes and regulations are set forth Petitioners' and Respondents' briefs.

BACKGROUND AND STATEMENT OF THE CASE

The statutory, administrative, and procedural background is set forth in the Brief for Respondents, pp. 2-10.

SUMMARY OF ARGUMENT

Petitioners seek judicial review of regulations that EPA promulgated in 1978, 1980, and 2002 implementing the Prevention of Significant Deterioration (PSD) program in Title I, Part C of the Clean Air Act. The regulations apply the

statutory requirement that each new or modified major stationary source located in any area that meets one of the National Ambient Air Quality Standards (NAAQS) obtain a permit if the source emits sufficient amounts of any air pollutant, whether or not the pollutant is the subject of a NAAQS. In concluding that a source's emissions of non-NAAQS pollutants can trigger the PSD permitting obligation, EPA relied on the plain language of the statute. Section 169(1) defines a "major emitting facility" as any source emitting threshold amounts of "any air pollutant." 42 U.S.C. § 7479(1). Section 165(a) requires a permit for any such source constructed or modified "in any area to which this part applies." 42 U.S.C. § 7475(a). EPA also relied upon this Court's conclusion in *Alabama Power Co. v. Costle*, 636 F.2d 323 (D.C. Cir. 1979), that the PSD permitting obligations may be triggered by emissions of pollutants for which no NAAQS exists.

Petitioners claim that EPA's regulation of greenhouse gases has given a decades-old PSD applicability issue new salience, and they now seek to relitigate EPA's longstanding rules implementing the plain text of the statute. They assert a "pollutant-specific situs" theory – that the Act somehow doubly restricts the PSD permitting obligations only to sources that (1) emit "major" amounts of a NAAQS pollutant and (2) are located in an area that is in attainment for that very pollutant.

These arguments are jurisdictionally barred. Section 307(b)(1) of the Act requires that suits for judicial review of EPA actions be filed within 60 days of

publication of the action, except when a later-filed petition "is based solely on grounds arising after such sixtieth day." 42 U.S.C. § 7607(b)(1). Petitioners have not satisfied the exacting requirements for review commenced more than 60 days after a rule's publication. Their attacks on the old PSD regulations rely on statutory language that has been in place since the relevant provisions became part of the Clean Air Act in 1977; such purely legal grounds were readily available during the 1978 and 1980 rulemakings, and, thus, are not a proper basis for review now. Indeed, comments and court filings in the early PSD rulemakings from Petitioners American Chemistry Council and American Petroleum Institute demonstrate that industries involved in the present challenge fully understood EPA's position 30 years ago. They alleged then (as they do now) that it would unduly burden industry, and they advanced then the same statutory arguments they seek to re-argue in this case. Section 307(b) bars such belated attacks.

Contrary to Petitioners' arguments, EPA did not reopen the challenged old rules in the Tailoring Rule proceedings, *see* 75 Fed. Reg. 31,514 (June 3, 2010); its explanation of the statute and its 30-year-old regulations in response to public comments did not subject those decisions to new review. And, even if Petitioners actually produced new developments that could support a valid "new grounds" petition, they would still face the jurisdictional bar of Section 307(d)(7)(B), which

requires that they await EPA's response to their reconsideration petitions before seeking judicial review.

Even if Petitioners could overcome these jurisdictional hurdles, their claims would fail on the merits. EPA's regulations follow unambiguous statutory language explicitly providing that a new or modified source located "in any area to which this part applies" – *i.e.*, in any area meeting one or more NAAQS – is subject to PSD permit requirements if it emits sufficient amounts of "any air pollutant" – not just NAAQS pollutants. Petitioners' "pollutant-specific situs" theory is divorced from statutory text and contradicts the ordinary meaning of the key statutory language on which they rely. Petitioners' interpretation of the phrases "in any area to which this part applies" and "any air pollutant" adds limitations to the statutory language that Congress never imposed. Other portions of the PSD provisions, and their legislative history, make clear that Congress simply did not create the cramped program Petitioners posit.

This Court's decision in *Alabama Power Co. v. Costle*, 636 F.2d 323 (D.C. Cir. 1979), far from supporting Petitioners' view, strongly supports EPA's reading of the statute.

Finally, Petitioners are clearly wrong in asserting that EPA's longstanding statutory interpretation is (or has become) unreasonable, as they wholly fail to demonstrate that the relevant portions of the statute are ambiguous.

ARGUMENT

I. PETITIONERS' ATTACKS ON THE 1978, 1980, AND 2002 REGULATIONS ARE NOT PROPERLY BEFORE THE COURT

A. Petitioners Do Not Satisfy the Limited Exception in Section 307(b)(1) for Challenges Filed More than 60 Days After the Agency Action

Section 307(b)(1) of the Act provides that petitions for review challenging EPA actions "shall be filed within sixty days from the date notice of such promulgation, approval, or action appears in the Federal Register." 42 U.S.C. § 7607(b)(1). The filing period in the Clean Air Act "is jurisdictional in nature," *Motor & Equip. Mfrs. Ass'n v. Nichols,* 142 F.3d 449, 460 (D.C. Cir. 1998) (internal quotation marks omitted); "if the petitioners have failed to comply with it, [the Court is] powerless to address their claim." *Med. Waste Inst. & Energy Recovery Council v. E.P.A.*, No. 09-1297, 2011 WL 2507842, at *5 (D.C. Cir. June 24, 2011); *see NRDC v. EPA*, 571 F.3d 1245, 1265 (D.C. Cir. 2009). This judicial review provision "set[s] a tone for expedition of the administrative process that effectuates the congressional purpose to protect and enhance an invaluable national resource, our clean air." *Alabama Power*, 636 F.2d at 344.

The Act provides an exception to this window when a petition for review "is based solely on grounds arising after such sixtieth day," and the petition is filed within sixty days of the after-arising grounds. 42 U.S.C. § 7607(b)(1); *see Nat'l*

Mining Ass'n v. Dep't. of Interior, 70 F.3d 1345, 1349 (D.C. Cir. 1995) ("*NMA*") (interpreting an identical statutory review provision).

Claiming that the promulgation of emissions standards for greenhouse gases from new motor vehicles in 2010 provided "new grounds" that restart the jurisdictional clock, Petitioners seek review of four sets of regulations promulgated long ago – in 1978, 1980, and 2002 – that implement the PSD program, in Title I, Part C, of the Act, 42 U.S.C. §§ 7470 *et seq*.

Petitioners' "new grounds" challenge fails at the threshold. As demonstrated below, the plain language of the statute refutes their proposition that the PSD program can be limited to only sources of NAAQS pollutants. Here, as in *Union Elec. v. EPA*, 427 U.S. 246, 255-66 (1976), the Court can summarily deny the new grounds petition because it is predicated upon a legal theory that is ruled out by statute. *See* EPA Br. 39.

In any event, the petition fails because Petitioners rely on statutory arguments that were available three decades ago. Indeed, Petitioners resurrect statutory arguments that some of them actually made in their original challenge to EPA's PSD regulations. The Court lacks jurisdiction to entertain these questions in petitions filed more than 10,000 days after the 60-day period prescribed by Congress has closed.

1. Petitioners Cannot Satisfy Section 307(b)(1)'s Limited Exception for Untimely Challenges

To satisfy Section 307(b)(1), Petitioners must present new grounds that were not available during the 60-day statutory review window, and their challenge must be "based solely" on these new grounds. *See* 42 U.S.C. § 7607(b)(1); *see also Am. Rd. & Transp. Builders Ass'n v. EPA*, 588 F.3d 1109, 1114 (D.C. Cir. 2009) (pointing to "additional requirement" that "after arising grounds" petition be "based solely" on the asserted new grounds); *NMA*, 70 F.3d at 1350 (finding petitioners' contrary-to-law claim jurisdictionally barred because "all the arguments [they] make in support of that proposition were available to them at the time the rule was adopted"); *Oljato Chapter of Navajo Tribe v. Train*, 515 F.2d 654, 657 (D.C. Cir. 1975). Petitioners' "pollutant-specific situs" theory does not satisfy either prong of Section 307(b)(1), because all of the textual and structural arguments they offer for that position were available during the original 60-day window. *See* EPA Br. 38. The relevant text of the Clean Air Act has not changed since the 1978 and 1980 rulemakings, and the textual arguments Petitioners advance could have been made decades ago.

Indeed, the pollutant-specific situs theory was actually raised in one of the rulemakings more than 30 years ago by the lead petitioner in this case. Petitioner American Chemistry Council, then called the Chemical Manufacturers Association

(CMA), argued, in comments on EPA's post-*Alabama Power* PSD rulemaking, that:

> *the Act does not support the application of PSD review to any source or modification which would emit only non-criteria pollutants in amounts above threshold levels*. Section 165(a) provides that the PSD review provisions are not triggered unless a major emitting facility is constructed in an 'area to which this part applies,' i.e. a PSD area. Under Section 107, designation of an area as PSD or nonattainment for purposes of Parts C and D of the Act must be done on a pollutant-specific basis. Unless a source triggers PSD by exceeding the threshold limit for some pollutant for which the area is PSD or unclassified, (i.e. is a major emitting facility with regard to that pollutant), the concept of threshold levels is absurd.

Comments of the Chemical Manufacturers Association, EPA Docket No. A-79-35, III-B-317, at 17-18 (filed Feb. 29, 1980) (emphasis added) (JA __). According to CMA, under the Act, a source could not become subject to PSD permitting requirements review because of its emissions of a non-NAAQS pollutant – in that case, hydrogen sulfide (H_2S):

> … a source in an area designated as PSD solely for SO_2, which emits 5 tons of SO_2 and 100 tons of H_2S should not trigger the requirements of Section 165(a) for SO_2 since it is clearly below the designated threshold level for SO_2, and should not trigger the requirements of Section 165(a) for H_2S, since it is not in a PSD area for H_2S.

Id. at 17 (JA __). This is the same statutory argument ACC makes here. Because ACC had every opportunity to pursue judicial review of its purely legal question in

1980, it cannot have judicial review of the same question now, decades after the 60-day window prescribed in Section 307(b) has closed. *See also* EPA Br. 18-21.

Petitioners made the same argument in a rehearing petition following this Court's initial ruling in *Alabama Power.* Industry Petitioners Petition for Rehearing on the Application of PSD Requirements to Pollutants other than Sulfur Dioxide and Particulates in *Alabama Power Co. v. Costle,* Nos. 78-1006, *et al*. (filed July 19, 1979) ("Industry Petition for Rehearing") (JA __). There they argued against EPA's reading of the Act's PSD trigger, noting concerns with sources that would become subject to PSD requirements based solely on their emissions of non-NAAQS pollutants. *Id.* at 15 (JA __). In their view, EPA's reading must be wrong because it swept in too many sources at too high a cost. *See id.* at 13 (JA __). The industry rehearing petition identified 17 pollutants that could trigger PSD under EPA's 1978 rules, including 10 pollutants not covered by a NAAQS, and argued that new source review should not apply to these pollutants. *Id.* at 2, 4, 14-15, 17 (JA __, __, __-__, __). The petitioners complained that allowing emissions of these non-NAAQS pollutants to trigger PSD permitting obligations and imposing BACT or monitoring requirements for non-NAAQS pollutants would impose undue regulatory burdens and economic costs. *See id*. at 7, 15 & n.* (JA __).

Pleading for yet another opportunity to raise this argument regarding greenhouse gases, Petitioners can only claim that the administrative challenges of permitting greenhouse gas sources under PSD are so unexpected that they warrant renewed judicial review. Br. 18-19. But claims of "unexpected difficulties" are not a free ticket to judicial review outside the 60-day window. As this Court has explained, Section 307(b) reflects Congress's balancing of considerations of changed circumstances against "the need for administrative finality," *NMA*, 70 F.3d at 1350, and Congress's resolution of those conflicting interests in a statutory provision that demands that a petition be "based solely on grounds arising after such sixtieth day." *Id.* Petitioners cannot satisfy that standard, and Congress's concern with finality is of particular importance when parties seek to restart review of foundational administrative rules decades after the rules were promulgated.[1]

[1] EPA demonstrates (Br. 41-44) that any claim that Petitioners' purely legal statutory arguments were unripe prior to the promulgation of the Vehicle Rule is meritless. *See Eagle-Picher Indus., Inc. v. EPA*, 759 F.2d 905, 917-18 (D.C. Cir. 1985) (explaining that "because the issue presented for review is purely a legal one, it was suitable for review" when the regulation was issued). Petitioners' suggestion (Br. 24) that review may proceed any time an "individual claim[ant]" lacked a ripe claim when the rule was initially promulgated would render the statutory time limit a dead letter and destroy finality, because entities created after issuance of the rule would always be available to sue outside the 60-day limit.

B. EPA Did Not Reopen the Issue of Whether Non-NAAQS Pollutants Trigger PSD Obligations

Petitioners' contention that EPA reopened its PSD rules (Br. 24-27) is equally unfounded. The Agency expressly disclaimed that it was reopening its decades-old conclusion that the Act unambiguously mandates application of PSD permitting obligations to major sources of all air pollutants subject to regulation under the Act. *E.g.*, 75 Fed. Reg. 31,514, 31,517 (June 30, 2010) (JA __).

Nor did EPA "constructively" or implicitly reopen its existing rules by promulgating the Vehicle Rule or by asking in the Tailoring Rule for comments on how to minimize permitting implementation burdens. EPA's request for comment on "techniques to mitigate administrative problems consistent with the statutory requirements," Br. 25 (quoting Proposed Tailoring Rule, 74 Fed. Reg. 55,292, 55,295 (Oct. 27, 2009) (JA__)), cannot reasonably be read as a suggestion that EPA would, or could, change its long-held reading of the unambiguous statutory language.[2] Instead, as EPA demonstrates (Br. 46-47), the Agency sought only specific suggestions on ways to streamline the permitting process consistent with

[2] Indeed, until recently, at least some of the Petitioners understood the Act to require that if regulated under Section 202, "greenhouse gases would be deemed pollutants 'subject to regulation' under the Clean Air Act," and "any 'major' stationary source which emits or has the potential to emit (PTE) a regulated pollutant becomes subject to the Prevention of Significant Deterioration (PSD) Program. See, 42 U.S.C. § 7475(a)(4)." Comments of the American Chemistry Council on ANPR, EPA Docket No. EPA-HQ-OAR-2008-0318-1728 at 5 (Nov. 26, 2008) (Exh. C to EPA Mtn. to Dismiss) (Doc. 1265173).

its statutorily-mandated scope. *See Pub. Citizen v. Nuclear Regulatory Comm'n*, 901 F.2d 147, 150 (D.C. Cir. 1990) (reopening inquiry looks to "the entire context of the rulemaking").

Moreover, EPA did not reopen the matter merely by explaining its long-held statutory construction in response to comments. *See Med. Waste Inst.*, 2011 WL 2507842, at *6 (noting that the regulatory approach at issue had been adopted in a 1997 rule under Section 129 of Act, court held that petitioners' "renewed objection" in a 2009 rulemaking "does not compensate for the petitioners' failure to raise their complaint before the court within sixty days of the EPA's first use of the pollutant-by-pollutant approach, as required by the statute"); *see also Am. Iron & Steel Inst. v. EPA*, 886 F.2d 390, 398 (D.C. Cir. 1989).

Likewise, Petitioners cannot establish a constructive reopening based on the Vehicle Rule. The Vehicle Rule did not "*completely* change the [PSD] regulatory context" as Petitioners claim, (Br. 26) (citing *Sierra Club v. EPA*, 551 F.3d 1019, 1025 (D.C. Cir. 2008)) (emphasis in original). In *Sierra Club* the Agency changed the basic functioning of the prior regulation by adding or subtracting provisions, thereby "creat[ing] a different regulatory construct." *Sierra Club*, 551 F.3d at 1025; *see also Kennecott Utah Copper Corp. v. U.S. Dep't of Interior*, 88 F.3d 1191, 1214 (D.C. Cir. 1996) (updated regulations changed the remedies provided by a related regulation). Here, in contrast, the "basic regulatory scheme remains

unchanged." *NRDC v. EPA*, 571 F.3d 1245, 1266 (D.C. Cir. 2009); *see* EPA Br. 50-51.

Nor have the "stakes of a court challenge" changed so significantly as to effect reopening. *Kennecott*, 88 F.3d 1191 at 1214. Indeed, the industry petitioners in *Alabama Power*, like Petitioners here, claimed that by extending PSD permitting obligations to sources of pollutants for which there were no NAAQS, EPA's rules unjustifiably broadened the statute's scope and imposed serious burdens on industry.[3]

As this Court's recent decision in *Medical Waste Institute* illustrates, when the Section 307(b) window for review of an EPA rule has passed, even the fact that it is subsequently incorporated into a new regulation that operates in a very different regulatory context does not warrant reopener. There, petitioners urged that a standard-setting method under Section 129 of the Act that looked to the top-performing 12 percent of sources to set standards controlling each particular pollutant produced by medical waste incinerators had been reopened, in part,

[3] *See* Industry Petition for Rehearing at 11-12 (complaining that "economic consequences" of Court's decision that PSD's BACT requirement applies to non-NAAQS pollutants would be "massive"); *id*. at 15 (complaining that all industry stationary sources that emit 100/250 tons of H_2S (hydrogen sulfide) would require a PSD permit even though H_2S was subject to regulation only in an "extremely limited" context); *id*. at 15-16 ("Under EPA's approach, potentially thousands of industrial sources that are not directly subject to [standards for mercury emissions] will nevertheless be forced to undergo the lengthy and costly PSD permitting process.") (JA __, __, __).

because in the years since EPA had first adopted its "pollutant-by-pollutant" approach, the universe of covered sources had shrunk by well over 90 percent, and that factual change and other factors meant that the approach would now yield significantly more stringent control requirements. 2011 WL 2507842, at *2, *6. The Court rejected actual and "constructive" reopener arguments and ruled that petitioners' "challenge to the EPA's longstanding practice of setting floors based on the emissions levels achieved by the best performing units with respect to each individual pollutant is barred." *Id*. at *6.

C. Even If Petitioners' Claims Could Constitute New Grounds, They Have Not Exhausted Administrative Remedies

The only argument Petitioners offer that is *not* mere recapitulation of statutory arguments that were made or could have been made decades ago is that the advent of greenhouse gas regulation with the promulgation of the Vehicle Rule created new factual circumstances that undermine the basis for the challenged rules. *See*, *e.g*., Br. 18-19, 23-24. But Petitioners are barred from bringing this point to the Court before resolving it in front of the Agency.

The petitions are meritless because the coverage of greenhouse gases does not constitute "new grounds" where EPA's regulations already covered other non-NAAQS pollutants and because their legal theory is precluded by statute. But even if the present petitions were "based solely" on these recent events – and even if the statute could be read to admit of the relief they seek– the petitions still would not

be properly before this Court. As EPA notes (Br. 53-54), if their contentions actually were "new grounds," then under *Oljato Chapter of Navajo Tribe v. Train,* 515 F.2d 654 (D.C. Cir. 1975), the agency must be given the opportunity in the first instance to decide whether the new grounds call for regulatory changes.

Petitioners argue (Br. 28-29) that an *Oljato* petition to EPA should not be required here because the new grounds are simply the ripening of a claim. Petitioners' own brief, however, elsewhere characterizes their claim as involving new "facts," "events," and "information." (Br. 18-19, 23-24) (citations and internal quotation marks omitted). If so, then EPA must first be allowed to consider those recent developments as presented in a petition for reconsideration.

Indeed, with respect to the 1980 and 2002 rules, the exhaustion requirement applies not only under *Oljato*, *see* 515 F.2d at 666 (relying on court's "inherent powers to enforce our interest in informed decision making"), but also by virtue of Section 307(d)(7)(B),[4] which states:

> Only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. If the person raising an objection can demonstrate to the

[4] Enacted as part of the 1977 Amendments, the rulemaking provisions of Section 307(d) expressly apply to regulations implementing the PSD program. *See* 42 U.S.C. § 7607(d)(1)(J). Section 307(d) applies to the regulations proposed more than 90 days from the Amendments' August 7, 1977, enactment date. *See* 42 U.S.C. § 7607(d)(11). The 1978 PSD regulations were proposed on November 3, 1977, and so they do not appear to be governed by Section 307(d).

> Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. If the Administrator refuses to convene such a proceeding, such person may seek review of such refusal * * * *

42 U.S.C. § 7607(d)(7)(B).[5]

Thus, even if Petitioners raise "new grounds" under Section 307(b), they are required by Section 307(d)(7)(B) to seek reconsideration before EPA.[6] The statute provides for judicial review of any denial of reconsideration, but Petitioners may not jump directly to judicial review before EPA's disposition of their reconsideration petition. *See* EPA Br. 54-55 (noting that Petitioners actually have

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[5] The legislative history to Section 307(d)(7)(B) describes the provision as "confirm[ing]" this Court's decision in *Oljato*:

> Section 307(d)(7)(B) would specify the circumstances in which a reviewing court may consider data and arguments that were not presented to the agency during the rulemaking. Even in such cases, however, the Agency must first be given an opportunity to pass on the significance of the materials and determine whether supplementary proceeding [sic] are called for or not. Thus, the committee bill confirms the court's decision in *Oljato Chapter of the Navajo Tribe v. Train*, 515 F.2d 654 (D.C. Cir. 1975).

H.R. Rep. No. 95-294, at 323 (1977), 1977 Legis. Hist. 2790.

[6] The parenthetical in the second sentence of Section 307(d)(7)(B), referring to objections arising "within the time specified for review" specifies a category of objections that may trigger administrative reconsideration, but does not limit the application of the exhaustion requirement (as the first sentence makes clear).

filed petitions seeking reconsideration of EPA's statutory construction in light of the advent of greenhouse gas regulation).

Because Section 307(d)(7)(B) is a statutory requirement, Petitioners' pleas to overlook exhaustion requirements here are unavailing. *See Spinelli v. Goss*, 446 F.3d 159, 162 (D.C. Cir. 2006) ("[A] court may not read futility or other exceptions into statutory exhaustion requirements where Congress has provided otherwise. Such 'jurisdictional exhaustion,' as we have called it, may not be excused.") (citations and some internal quotation marks omitted); *Appalachian Power Co. v. EPA*, 249 F.3d 1032, 1065 (D.C. Cir. 2001) (because petitioner had failed to comply with Section 307(d)(7)(B), "[t]his Court has no jurisdiction to consider MCV's claims").

II. EVEN IF PROPERLY BEFORE THE COURT, PETITIONERS' ATTACKS ON THE REGULATIONS ARE MERITLESS

Assuming Petitioners could get beyond the jurisdictional bar to challenging decades-old regulations, their petitions fail on the merits because their reading of the Clean Air Act conflicts with its plain language. The PSD provisions in Part C of the Act unambiguously provide that construction of a major source of "any air pollutant" in any attainment or unclassifiable area triggers the Section 165 permit requirement. Petitioners' extraordinary efforts to circumvent that language uniformly fail.

A. The Plain Language of the Act Refutes Petitioners' "Pollutant-Specific Situs" Theory

Petitioners propose an unnatural reading of clear statutory language in their effort to severely restrict the PSD permitting program. The two provisions that form the basis of Petitioners' counterintuitive interpretation are the definition of "major emitting facility" in Section 169(1) and the applicability language in the first sentence of Section 165(a). Comparing a straightforward reading of these provisions with Petitioners' contorted construction exposes the error of their position.

Congress defined "major emitting facility" – the core jurisdictional term of the PSD statute, *see Alabama Power*, 636 F.2d at 352 – expansively to include emitters of specified quantities of "any air pollutant." 42 U.S.C. § 7479(1). Likewise, whether a change to such a facility constitutes a "modification" requiring a permit turns on whether the change increases the amount of "any air pollutant" the facility emits. *Id*. §§ 7411(a), 7479(2)(C). "[R]ead naturally, the word 'any' has an expansive meaning, that is, 'one or some indiscriminately of whatever kind.'" *New York v. EPA*, 443 F.3d 880, 885 (D.C. Cir. 2006) (citation and some internal quotation marks omitted). "[T]he context of the Clean Air Act [PSD provisions] warrants no departure from the word's customary effect." *Id.* at 885-86 (distinguishing *Nixon v. Mo. Mun. League*, 541 U.S. 125 (2004), on which

Petitioners rely).[7] Petitioners' reading is incompatible with the Section 165(1) text. *See* EPA Br. 32 (noting that Petitioners' approach "replaces the phrase 'any air pollutant' with 'a pollutant for which a NAAQS has been promulgated with which the area is in attainment,'" and therefore "cannot be reconciled with the statutory text").

Section 165(a), in turn, requires permits for major emitting facilities constructed in "any area to which this part applies." 42 U.S.C. § 7475(a). "[T]his part" is Part C, and Part C "applies" to all areas that are classified as attainment or unclassifiable for at least one NAAQS pollutant. *See* EPA Br. 15. Far from limiting the scope of the permit requirement, the coupling of "*any* air pollutant" with "*any* area to which this part applies," emphasizes the permit program's broad applicability. *Cf. Massachusetts v. EPA*, 549 U.S. 497, 529 (2007) ("On its face, the definition embraces all airborne compounds of whatever stripe, and underscores that intent through the repeated use of the word 'any.'"). A new or modified source needs a Section 165 permit if it emits major amounts of any air pollutant and is located in any area to which Part C applies, *i.e*., any attainment area. EPA Br. 15-16. The language is unambiguous.

[7] *See also Massachusetts v. EPA*, 549 U.S. 497, 528-29 (2007) (holding that "[t]he Clean Air Act's sweeping definition of 'air pollutant' includes '*any* air pollution agent or combination of such agents ….'") (citing *Dep't of Hous. and Urban Dev. v. Rucker*, 535 U. S. 125, 131 (2002), on the expansive meaning of "any").

Petitioners nonetheless divine a different meaning. *See, e.g.*, Br. 4, 30-34. Contrary to the statutory text and EPA's longstanding implementing rules, Petitioners assert a double limitation: first, that the PSD permitting requirement in Section 165 can only be triggered by emissions of an air pollutant for which a NAAQS exists, and second, that the source must be located in an area classified as attainment for the same NAAQS pollutant that it emits in major amounts. *See*, *e.g.*, Br. 30-34. This is not a permissible reading of the statute. The core of Petitioners' effort is an extremely peculiar reading of the phrase "in any area to which this part applies." Under Petitioners' theory, whether a facility is constructed "in an area to which this part applies" depends not on where the facility is located, but on which pollutants it emits. Indeed, under their theory, a source can be located smack in the middle of an attainment area – and be surrounded on all sides by sources that Petitioners agree must hold PSD permits – yet *not* be located "in an area to which this part applies." [8]

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[8] The embarrassments do not end there. Under Petitioners' theory, the very same source can be "constructed in any area to which this part applies" and be *not* "constructed in any area to which this part applies" – without any change in an area's attainment status or any Birnam Wood-like factory-moving operation. Under their theory – which would exempt sources of non-NAAQS pollutants from PSD permitting both for initial construction and modifications, *see* Br. 7 n.2, 12-13 – a factory that holds a PSD permit because it emits major amounts of a NAAQS pollutant for which the area is in attainment (say, sulfur dioxide), and subsequently undertakes a modification that will significantly increase emissions of a non-NAAQS pollutant (say, H_2S), would escape permitting for the modification.

Among other defects, that result is profoundly contrary to ordinary English usage. *See Schindler Elevator Corp. v. U.S. ex rel. Kirk*, 131 S. Ct. 1885, 1891 (2011) (statutory construction of undefined terms starts with "ordinary meaning" of terms employed). The "*area*" in which something is "constructed" does not depend on the thing's characteristics or activities. Whether a building is "constructed in an agricultural area" does not turn on whether it is a computer store or a barn. Petitioners' theory also conflicts with Clean Air Act usage: the Act defines an "area" not on a facility-by-facility basis, but rather by its NAAQS attainment status, which, in turn, is defined by region, not source. *See Alabama Power*, 636 F.2d at 365 (noting that, in the PSD provisions, Congress used "precise language" "where its concern was more source (rather than area) specific").

Congress simply did not enact the statute Petitioners wish it had enacted – not in 1977 when it legislated the PSD program, and not in 1990 when it amended the statute after more than a decade of experience with the PSD program's implementation. *See* EPA Br. 31-32. The statute nowhere limits the permit requirement to only major sources of a NAAQS pollutant, let alone to only sources of a NAAQS pollutant located in an area classified as attainment for that same pollutant. To the contrary, the language of the Act encompasses sources of "any air pollutant" located in "any area" to which Part C applies. Petitioners' argument ignores the statutory language.

B. Petitioners Fail to Demonstrate that Congress Did Not Mean Exactly What It Said In Section 165(a)

Petitioners fail to meet their burden to show "that, as a matter of historical fact, Congress did not mean what it appears to have said, or that, as a matter of logic and statutory structure, it almost surely could not have meant it." *Engine Mfrs. Ass'n v. EPA*, 88 F.3d 1075, 1089 (D.C. Cir. 1996); *see also, e.g., Conn. Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992). Here, Petitioners would have to provide strong and clear evidence that Congress in fact intended to adopt a permit program limited only to new and modified sources that emit a NAAQS pollutant in major amounts and are located in an attainment area for that same pollutant.

But no such showing is possible. Instead, the statute's language and structure demonstrate that Congress enacted a broad and adaptable PSD program aimed at protecting the public health and welfare from a number of varied threats posed by air pollution that are not addressed by the NAAQS. *See* EPA Br. 22-24.

1. "Area to which this part applies" clarifies the broad scope of PSD requirements and its relationship to Nonattainment New Source Review

Petitioners note that all areas of the country have been classified attainment for at least one NAAQS since 1977. From this they assert that EPA's statutory reading renders the phrase "in any area to which this part applies" surplusage because that reading encompasses all areas of the country. Br. at 35-36. But

Congress wrote these provisions in 1977 against a different background. In the years leading up to 1977, EPA air quality data identified a number of areas that failed to meet all five of the then-current NAAQS for which EPA had gathered data.[9] It is the 95th Congress's perspective that matters, *see Eagle-Picher Indus., Inc. v. EPA*, 759 F.2d 922, 927-28 (D.C. Cir. 1985), and in the mid-1970s the prospect that some areas could be in nonattainment for all NAAQS was not far-fetched.

Further, even when all areas are in attainment with the NAAQS for at least one pollutant, the phrase "any area to which this part applies" serves at least two other functions. First, it distinguishes Part C and Part D Nonattainment New Source Review applicability for sources located in areas that are in attainment for some pollutants and nonattainment for others. EPA Br. 18. Second, the phrase serves to clarify that Section 165's permitting requirements apply to the entire universe of attainment areas. Other sections of Part C establish specific

[9] *See* U.S. EPA, Monitoring and Air Quality Trends Report, 1974, at Table 3-5 (e.g., AQCR 024, Metropolitan Los Angeles; AQCR 043, New Jersey-New York-Connecticut; AQCR 067, Metropolitan Chicago) (Addendum A to this Brief). The 1974 report includes the most recent data relevant to the question of areas that did not meet any of the NAAQS leading up to the 1977 Amendments, as the air quality trends report for 1975 (the only subsequent report completed before adoption of the 1977 Amendments) did not include comprehensive AQCR-specific information. EPA did not collect data for the only other NAAQS pollutant, hydrocarbons, in 1974. *See id.* at 1; 48 Fed. Reg. 628 (January 5, 1983) (repealing the hydrocarbon NAAQS). Congress adopted Section 107(d), 42 U.S.C. § 7407(d), requiring formal attainment designations, as part of the 1977 Amendments.

requirements for specific sub-types of attainment areas (e.g., Class I, II, and III areas). *See* 42 U.S.C. §§ 7462-64 and 7466. These sections set out differential treatment based on the particular class of attainment area and particular pollutant at issue. But Section 165 applies to them all. EPA's regulations track this plain meaning of "any area to which this part applies" and do not treat that phrase as surplusage. *See Pub. Citizen v. Rubber Mfrs. Ass'n*, 533 F.3d 810, 818 (D.C. Cir. 2008) ("[A] provision… may in fact perform[] 'a significant function simply by clarifying'") (quoting *United States v. Atl. Research Corp.,* 551 U.S. 128, 137 (2007)); *see also BP Am. Prod. Co. v. Burton*, 549 U.S. 84, 98 (2006).

2. Other uses of "area to which this part applies" do not constrain its meaning as to PSD permitting applicability

Petitioners claim other uses of the phrase "in any area to which this part applies" in Sections 163(b)(4) and 165(a)(3)(A) support their cramped reading of the same phrase in the first sentence of 165(a), Br. 31-32. But these other provisions do not support the counter-textual limits Petitioners would impose. *See* EPA Br. 31-32. Indeed, even the case Petitioners cite observes that "where the subject-matter to which the words refer is not the same in the several places where they are used or the conditions are different[,] … the meaning [of the same words or phrase] well may vary to meet the purposes of the law." *Atl. Cleaners & Dyers v. United States*, 286 U.S. 427, 433 (1932). The statutory sections on which

Petitioners rely are in fact worded differently and have distinctly different functions. For example, the language in 165(a)(3)(A) is part of a provision describing the contents of a PSD permit that must be held once applicability is triggered, not the threshold question of applicability – a difference Petitioners elsewhere highlight themselves. *See* Br. 40. The cited provisions do not advance Petitioners' argument.

3. The 95th Congress Knew How to Restrict PSD Requirements to Particular Air Pollutants When It So Intended

The careful distinctions Congress drew in defining which pollutants are covered by various elements of the PSD program further undermine Petitioners' suggestions (*e.g.*, Br. 37-38) that Congress's use of the encompassing terms "any area" and "any air pollutant" was inadvertent. Some PSD requirements apply to all regulated pollutants, while others apply only to specific pollutants regulated under specified provisions of the Act. For example, whereas Section 163 applies only to the specific pollutants specified therein (particulate matter and sulfur dioxide), Sections 165(a)(4) and 165(e)(1) apply to "each pollutant subject to regulation" under the Act, 42 U.S.C. §§ 7473, 7475. Likewise, Section 165(e)(1) broadly requires an air quality *analysis* "for each pollutant subject to regulation under this chapter which will be emitted from such facility," but the next provision, Section 165(e)(2), requires air quality *monitoring* only for purposes of determining whether

emissions from the facility will exceed maximum allowable increases or maximum allowable concentrations (which are established only for certain pollutants). 42 U.S.C. § 7475(e)(1), (2).

This Court, in *Alabama Power*, commented upon these and other precise distinctions drawn by Congress throughout Part C. *See, e.g.,* 636 F.2d at 365 (noting that in Part C Congress used "precise language" "where its concern was more source (rather than area) specific"); *id*. at 370 n.134 (noting that a pollutant can be subject to BACT under Section 165(a)(4), without any need for a showing that emissions would violate NAAQS or allowable increments); *id*. at 371-72 (discussing Sections 165(e)(1) and 165(e)(2)); *id.* at 403-06 (contrasting breadth of BACT requirement with relative narrowness of other PSD provisions). The Congress that used such carefully delineated terms did not speak imprecisely or casually when it predicated the PSD permitting obligation on emissions of "any air pollutant" in "any area" subject to Part C.

C. The Legislative Purposes of the PSD Program Undermine Petitioners' Theory

Petitioners claim that Congress's sole purpose in adopting the "limited" PSD program was to maintain compliance with the NAAQS. Br. 33-34. But they are wrong: The text of the statute makes clear that Congress's purpose went beyond creating a static program limited to ensuring that the NAAQS would be satisfied in attainment areas. *See* EPA Br. 23-24.

> Section 160(1) states that the PSD program's purpose is
>
> to protect public health and welfare from *any actual or potential adverse effect* which in the Administrator's judgment may reasonably be anticipate [sic] to occur *from air pollution or from exposures to pollutants in other media*, which pollutants originate as emissions to the ambient air), *notwithstanding attainment and maintenance of all national ambient air quality standards* . . . .

42 U.S.C. § 7470(1) (emphases added). This language is incompatible with Petitioners' cramped version of the program.

Two forms of health and welfare effects can occur from air pollution "notwithstanding attainment and maintenance" of all NAAQS: effects caused by concentrations of NAAQS pollutants below the minimum clean-up standards for polluted areas and those caused by non-NAAQS pollutants. By referring to "any actual or potential adverse effect," Congress showed a concern for preventing both types of effects. Further evidence of this broad concern is found in the reference to "air pollution" without any limiting adjective.[10] By contrast, Petitioners' reading would unjustifiably limit "actual or potential adverse effect" solely to effects

[10] The legislative history shows that Congress did not intend to limit the scope of air quality protection provided by the PSD program to NAAQS pollutants. The House Report noted that "[t]he inadequacies of the [NAAQS] are substantial both with regard to the pollutants which are regulated and *with respect to their failure to regulate others*." H.R. Rep. No. 95-294 at 106, 1977 Legis. Hist. 2573 (emphasis added); *see also id*. at 140, 1977 Legis. Hist. 2607 (noting "the increasing evidence of potentially serious health and welfare impacts from air pollution at levels which are better than the minimal national standards, and *from air pollutants for which national standards have not yet been established*") (emphasis added).

associated with NAAQS pollutants. Similarly, they would insert unwarranted limitations on the broad term "air pollution" (*i.e.*, only air pollution *caused by NAAQS pollutants*).[11] *Supra* 18-19; *infra*, n.13; *see also Envtl. Def. Fund v. EPA*, 898 F.2d 183, 190 (D.C. Cir. 1990) (holding that EPA can consider PSD limits for nitrogen compounds for which no NAAQS exists: "Subsection [166] (c) … commands the Administrator to inquire into a pollutant's relation to the goals and purposes of the statute, and we find nothing in the language or legislative history suggesting that this duty could be satisfied simply by referencing the ambient standards").

Consistent with the broad, express statutory objectives, Congress included in Part C a variety of substantive provisions that would be inexplicable if Congress's purpose were limited as Petitioners suggest, including the requirements that sources implement BACT and perform air quality analyses as to any pollutants subject to regulation under the Act and requirements that PSD permit applicants

[11] Moreover, by referencing any "effect" on "welfare," this provision expressly includes effects on "weather" and "climate." *See* 42 U.S.C. § 7602(h). The House Report linked the PSD program directly to addressing adverse effects from climate change: "A policy of preventing significant deterioration of clear air resources which minimizes the impact of emissions of new industrial sources will help reduce possible major weather modifications such as increased acidity of rainfall, changes in amounts of rainfall and temperature changes." H.R. Rep. No. 95-294, at 138, 1977 Legis. Hist. 2605.

demonstrate compliance with other emissions standards and limitations under the Act. *See* EPA Br. 4-5, 21.[12]

D. *Alabama Power* Confirms that the Section 165(a) Permit Requirement is Triggered by Sufficient Emissions of a Non-NAAQS Pollutant

Petitioners' reliance on isolated portions of this Court's *Alabama Power* decision is no more persuasive than their mistaken textual analysis. Most directly on point, *Alabama Power* expressly states:

> Once a source has been so identified [as a major emitting facility], it may become subject to section 165's substantial administrative burdens and stringent technological control requirements for each pollutant regulated under the Act, *even though the air pollutant, emissions of which caused the source to be classified as a "major emitting facility," may not be a pollutant for which NAAQS have been promulgated or even one that is otherwise regulated under the Act*.

636 F.2d at 352 (emphasis added). Petitioners are wrong when they try to dismiss this passage as a mere "gloss" on the meaning of Sections 165 and 169. Br. at 39. As EPA has shown, this passage plainly states that the Section 165 permit requirements are not restricted to NAAQS pollutants. *See* EPA Br. 18-21. There is every reason for this Court to follow its earlier ruling. *See CBOCS West, Inc. v. Humphries*, 553 U.S. 442, 452 (2008) ("considerations of *stare decisis* have special

[12] Petitioners (Br. 39) trumpet the fact that EPA interprets "any air pollutant" in Section 169(1) to mean any air pollutant subject to regulation under the Act. But as EPA explains (Br. 17), that interpretation is not before the Court here, and certainly does not support further limiting "any air pollutant" to the handful of NAAQS pollutants.

force in the area of statutory interpretation") (quoting *Patterson v. McLean Credit Union*, 491 U.S. 164, 172 (1989)).

Indeed, the Court set out this same interpretation using a specific example in its earlier *per curiam* decision. *See Alabama Power Co. v. EPA*, 606 F.2d 1068, 1080 n. 20 (D.C. Cir. June 18, 1979). The Court explained that "a major emitting facility of 'excluded particulates' [*i.e.*, particulates not included in any NAAQS] would become subject to the preconstruction review and permit requirements of section 165." *Id*. A month after the June opinion, several industry groups, including the Chemical Manufacturers Association (now known as ACC), sought rehearing on whether "the PSD review and permit process applies immediately. . . to all 'pollutants subject to regulation under the Act.'" Industry Rehearing Petition at 3. Moreover, the rehearing petitioners argued that PSD applicability was limited solely to the NAAQS pollutants. *Supra* 9-10. The final *Alabama Power* opinion rejected this view, repeating the conclusion that the full range of air pollutants can trigger PSD. *See* 636 F.2d at 370 n.134.

Petitioners assert that "*Alabama Power* did not reconcile Section 169(1) with Sections 107, 161, and 165(a)," Br. 39. But this Court was fully aware of the interactions among those provisions. *See* 636 F.2d at 349-50 (discussing attainment and nonattainment areas under Section 107, as well as Section 161 state plans); *id.* at 362 (describing Section 161 requirements "to prevent significant

deterioration of air quality in each [clean air area]") (quoting § 161; brackets by Court); *id*. at 364 (noting that "Industry petitioners contend that [the language of Section 165(a)] limits the application of the PSD review requirements to sources constructed in certain *locations*, and that those locations are the statutorily defined 'clean air areas.'") (emphasis in original; footnote omitted). Thus, the Court *did* reconcile the various provisions of Part C – just not to Petitioners' liking.

Petitioners also claim to find support for their "pollutant-specific situs" theory (Br. 35) in a part of the *Alabama Power* opinion that considered a different question: whether EPA could apply various PSD program requirements to sources located in *nonattainment* areas for the purpose of addressing such sources' interference with attainment or maintenance in areas downwind in another state. *See* 636 F.2d at 365-68.

The Court determined that the PSD program cannot be applied in that way, in part because other tools in the statute are available for reducing interstate pollution. The Court held that the applicability of the permit requirement turned on whether a source is located in an area to which Part C applies, not on whether a source located outside that area would have an impact on it. *See* 636 F.2d at 665-66; 45 Fed. Reg. 52,676, 52,710 (Aug. 7, 1980). EPA's rules fully respect the holding that the source be located in an attainment area. And nothing in this

specific holding, which tracks the "in any area" language of Section 165(a), addresses which pollutants trigger applicability of the PSD permit requirement.

In sum, Petitioners' "pollutant-specific situs" theory of PSD applicability is wildly untethered from text, structure, and purposes of the Act. The Act requires permits for new and modified major stationary sources emitting "any" air pollutant, and the pollutant that triggers PSD applicability "may not be a pollutant for which NAAQS have been promulgated," *Alabama Power*, 636 F.2d at 352. Nothing offered by Petitioners even suggests that the statute allows (let alone *requires*) Petitioners' pollutant-specific situs theory.

E. Petitioners' "Pollutant-Specific Situs" Theory Undermines the Statutory Objectives

Following the statutory text, EPA's rules require PSD permits for new or modified sources if the only pollutants they emit in major amounts are non-NAAQS pollutants, such as greenhouse gases. There is no merit to Petitioners' assertion that this "vitiates the purpose of the PSD program" of preventing emissions that would cause NAAQS violations. Br. at 33-34. To the contrary, by following the plain meaning of the statute, EPA's regulations produce greater reductions in NAAQS pollutants than would petitioners' concocted theory. The reason is that far fewer sources must meet the BACT requirement under Petitioners' theory than under the statutory approach. Since BACT applies to "each pollutant subject to regulation" under the Act, 42 U.S.C. §§ 7475(a)(4),

7479(3); *see Alabama Power*, 636 F.2d at 352-53, PSD permitting under the current regulations produces reductions in NAAQS pollutants that would not be achieved under petitioners' interpretation.[13]

Thus as a practical matter, Petitioners are simply wrong that "no NAAQS is maintained by requiring a PSD permit for a source with major emissions of a pollutant without a NAAQS." Br. 34. Instead, the additional reductions in NAAQS pollutants under EPA's rules serve one of the PSD program's core goals: to prevent the worsening of air quality in attainment areas to levels that violate the NAAQS. *See Alabama Power*, 636 F.2d at 362. In contrast, Petitioners' theory would result in significantly higher levels of NAAQS pollution in attainment areas, threatening even the very values which Petitioners (wrongly) suppose are the sole statutory purpose of PSD permits.

[13] For example, consider a new source located in an area that is in attainment for PM and attainment for SO_2. The source would emit below the applicability threshold for these NAAQS pollutants (say, at 90 tons per year (tpy) each), but above the threshold for hydrogen sulfide ("H_2S"), a pollutant without a NAAQS, at 110 tpy. Under EPA's rules, this source would need to control its emissions of PM and SO_2 to BACT levels because the source is major for H_2S – thereby helping to protect air quality with respect to both NAAQS pollutants. It would also have to comply with BACT for H_2S. Under Petitioners' "pollutant-specific situs" theory, however, this facility would be exempt from these pollution limits.

F. Petitioners' Argument that EPA's Application of the PSD Program to Major Sources of Greenhouse Gases is "Unreasonable" is Groundless

Finally, Petitioners argue (Br. 41-45) that the administrative challenges unique to greenhouse gases – in particular the greater number of sources that emit greenhouse gases above the statutory thresholds – render EPA's existing rules "unreasonable" under *Chevron* Step II. But the advent of greenhouse gas regulation does not introduce ambiguity into clear text: The Act, today as in 1977, provides that the PSD permitting obligation is triggered by emissions of "any air pollutant"– and it is not open to question that greenhouse gases fall within that definition. *See Am. Elec. Power Co., Inc. v. Connecticut*, 10-174, 2011 WL 2437011, at *4 (S. Ct. June 20, 2011) (reaffirming that carbon dioxide emissions "qualify as air pollution subject to regulation under the Act" and noting EPA's work to phase in greenhouse gas PSD permitting for stationary sources); *Massachusetts*, 549 U.S. at 532 (holding that the "capacious" statutory definition of "air pollutant" encompasses greenhouse gases). The Section 165 permitting program cannot reasonably be limited to NAAQS pollutants, any more than can the Section 202 program that was the subject of *Massachusetts*. "Where the intent of Congress is clear, that is the end of the matter." *Chevron,* 467 U.S. at 842-43. *Chevron* Step II reasonableness questions arise only when ambiguity is present.

Nor is asserted "absurdity" due to applying "*plain* text" evidence of *ambiguity in the same text*.[14] On the relevant question, the Act is not ambiguous.

Petitioners make much of the relatively high volume of greenhouse gas emissions compared with the emissions of other pollutants. But the practical challenges posed by the difference in emissions volumes are not evidence of any statutory ambiguity. EPA has addressed those volumetric issues in the Tailoring Rule, and that is the place for the Court to consider Petitioners' claims regarding those issues. *See* EPA Br. 52 & n.26. EPA did not find, in the Tailoring proceeding or anywhere else, that *applying PSD to greenhouse gases* is inherently absurd or a basis for finding ambiguity. "Virtually *every* legal (or other) rule has imperfect applications in particular circumstances," *Barnhart v. Thomas*, 540 U.S. 20, 29 (2003); EPA has dealt with any imperfections related to applying the plain text of the statute to greenhouse gases through the administrative mechanisms contained in the Tailoring Rule. That is the correct and lawful approach to the issue, not abandoning the statutory text and adopting (for all pollutants) Petitioners' indefensible "pollutant-specific situs" theory.

[14] Petitioners' reference to *Bower v. Federal Express Corp.*, 96 F.3d 200 (6th Cir. 1996), is equally unavailing. The court there explained that when an agency promulgates a rule that conflicts with the statute so as to defeat "the clear scope of the statute itself," the statute governs and the regulation must fail. *Id.* at 209. The language Petitioners quote, *see id.* at 207-08, speaks to how statutory plain text should be construed, not whether its application is "unreasonable."

CONCLUSION

For the foregoing reasons, the petitions for review should be dismissed or, if the Court concludes it has jurisdiction, denied.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7), I hereby certify that:

1. this brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B) because, as counted by the word count feature of Microsoft Word 2010, it contains exactly 8695 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii) and Circuit Rule 32(a)(1); and

2. this brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) because it was prepared using Microsoft Word 2010 in a proportionally spaced typeface, Times New Roman, in 14 pt. font.

/s/ Sean H. Donahue

Dated: July 7, 2011 Sean H. Donahue

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Brief for Intervenors in Support of Respondents was electronically filed today via the Court's CM/ECF system, and that, pursuant to Circuit Rule 31(b), five paper copies of the brief were dispatched to the Court by overnight delivery service. I further certify that a copy of the brief was today served electronically through the court's CM/ECF system on all registered counsel for Petitioners and Intervenors.

/s/ Sean H. Donahue

Dated: July 7, 2011 Sean H. Donahue

ADDENDUM

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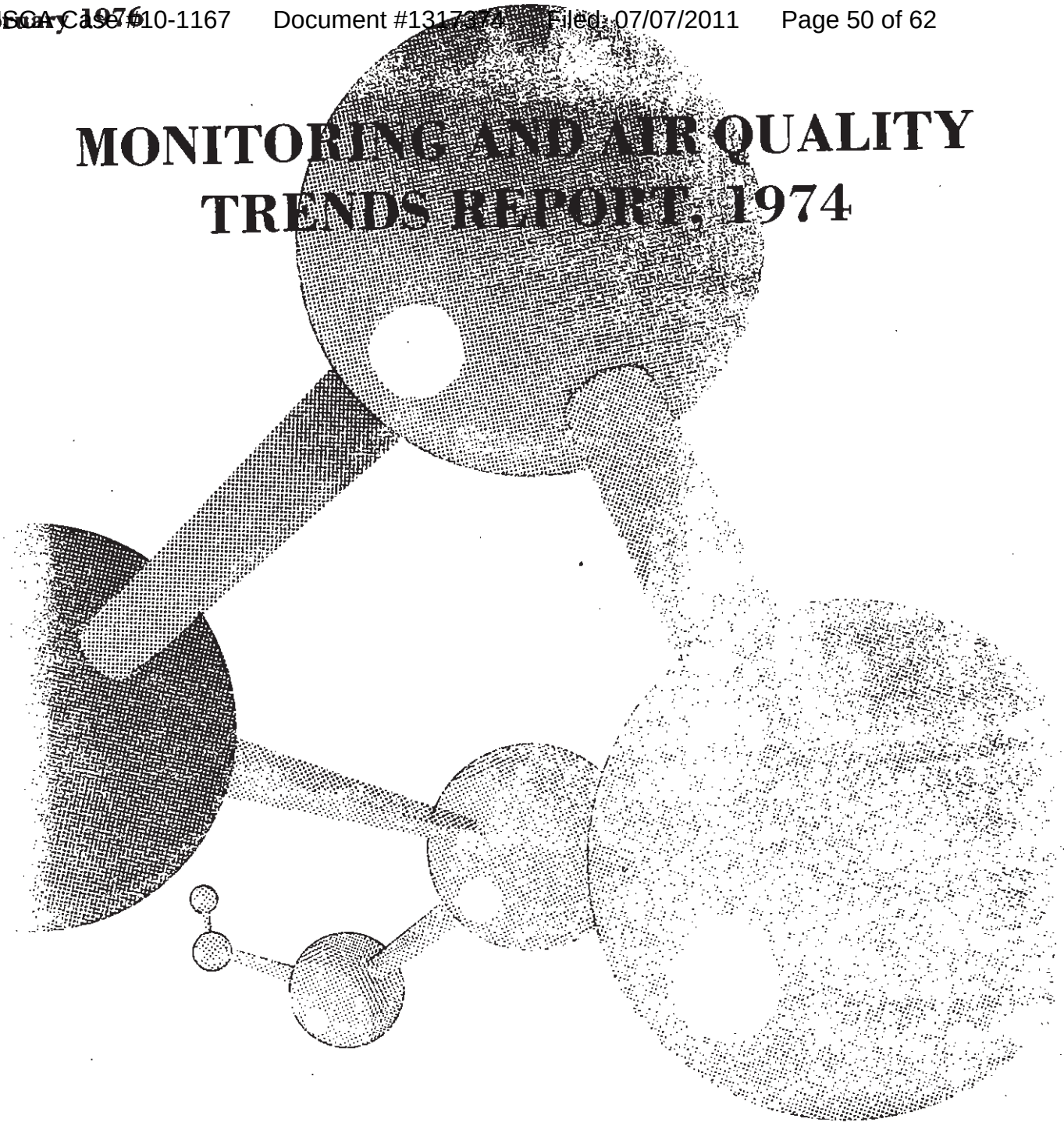
Frank

MONITORING AND AIR QUALITY TRENDS REPORT, 1974



U.S. ENVIRONMENTAL PROTECTION AGENCY
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MONITORING AND AIR QUALITY TRENDS REPORT, 1974

1. INTRODUCTION

1.1 GENERAL DESCRIPTION

Progress toward achieving compliance with the National Ambient Air Quality Standards (NAAQS) is measured through the collection and analysis of air quality data. These data are obtained by state and local control agencies through their monitoring activities, and are forwarded to the U.S. Environmental Protection Agency (EPA). This report, the fourth in a series issued by EPA[1-3], summarizes (1) the air quality data collected in 1974 and (2) the scope of monitoring activities for that year. Trends in air quality over recent years are discussed at length in two sections of this report. Other sections treat selected aspects of data interpretation.

Data are included in this report on five of the six pollutants for which NAAQS have been set: total suspended particulate matter (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), oxidants (O_x), and nitrogen dioxide (NO_2). As yet, no reference method has been designated by EPA for NO_2; the data presented in this report were obtained by one or more of eight methods that are regarded as candidates for the reference method or as possible equivalent methods.

The nonmethane hydrocarbons guide (NMHC) is used for meeting oxidant standards because of the relationship between emission of hydrocarbons and the production of oxidants; but monitoring of hydrocarbons is not currently required. Thus, no information is given in this report for this group of pollutants.

The principal sources of air quality data in 1974 were the many monitoring networks operated by or responsible to the state air pollution control agencies. Data acquired through these state-supervised

monitoring networks must be submitted quarterly to EPA's National Aerometric Data Bank (NADB). This schedule is designed to facilitate periodic appraisal, nationwide, of progress in implementing the monitoring networks themselves and progress toward achieving the air quality standards. According to this schedule, data for a calendar quarter are to be submitted through one of EPA's ten Regional Offices, entered in the data bank, and made accessible for summarization within 120 days after the close of that quarter.

The summaries in this report reflect all 1974 data received by September 1, 1975.

Reporting stations have been included in the data tables in the Appendices if they have submitted at least three sample values from monitors which collect an integrated sample over a 24-hour period or at least 400 hourly values from a continuous monitor.

Annual means of pollutants have been calculated only if four valid quarters of data have been collected and reported. A tentative annual mean (followed by a question mark) is calculated if at least two but fewer than four valid quarters of data are present.

Extraordinarily high maximum values have been flagged (#) in the Appendices of this report. Some may be the consequence of measurement or data processing errors; some may be legitimate values. This is the only publication in which such values will be flagged as being suspect. Because it is the responsibility of the agencies submitting the data to check suspect values and delete erroneous ones, routine data retrievals from EPA's National Air Data Bank will not identify these potentially anomalous values.

The monitoring results reported here are by no means comprehensive. For example, diffusion modeling of emissions from large point sources of SO_2 indicates areas in which violations of NAAQS have probably occurred, even though no actual monitoring data have been reported. Also, data from some short-term or sporadic monitoring for such purposes as special studies and complaint investigations are usually not submitted to the National Air Data Bank because the data are not extensive enough to provide equitable comparisons with routine data from permanent monitoring sites.

The special topics section of this report contains a review of urban-nonurban oxidant investigations and a summary of estimated nationwide emissions for 1970 through 1974.

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80	24-HR # STA (2)	24-HR #> STD 365	3-HR #> STD 1300	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40*	8-HR #> STD 10*	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
	UG/CU.M:		60	75		150	260		80		365	1300		40*	10*		160		
	P.P.M:		-	-		-	-		.03		.14	.50		35	9		.08		
015 PHOENIX-TUCSON (ARIZ)		(11)						(8 + 3)					(3)			(3)		(0)	
	70	2	1	1	3	2	0	1	?	6	3	4	0	0	0	0	0	0	0
	71	9	9	9	16	12	8	2	0	9	3	5	2	2	2	0	0	0	0
	72	9	8	7	16	13	8	2	1	10	2	4	3	2	3	1	0	0	0
	73	12	10	7	32	24	15	3	1	29	16	8	4	0	2	2	2	1	0
	74	15	12	11	46	28	12	12	5	32	16	11	12	4	9	2	1	0	0
016 CENTRAL ARKANSAS		(3)						(1 + 0)					(0)			(0)		(0)	
	70	1	1	0	5	1	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	0	?	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	72	3	2	1	11	3	0	0	0	1	0	0	0	0	0	0	0	0	0
	73	9	5	0	10	2	0	0	0	2	0	0	0	0	0	0	0	1	0
	74	10	4	2	18	3	0	1	0	9	0	0	0	0	0	0	0	0	0
017 METROPOLITAN FORT SMITH (ARK-OKLA)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	1	0	0	3	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	1	?	0	4	2	1	1	0	2	0	0	0	0	0	0	0	0	0
	72	1	0	0	8	1	0	1	0	2	0	0	0	0	0	0	0	0	0
	73	6	3	1	8	3	0	1	0	3	0	0	0	0	0	0	0	0	0
	74	4	2	1	13	2	0	0	0	2	0	0	0	0	0	0	0	0	0
018 METROPOLITAN MEMPHIS (ARK-MISS-TENN)		(9)						(1 + 0)					(0)			(2)		(9)	
	70	2	2	2	2	1	0	1	0	2	0	0	0	0	0	0	0	0	0
	71	2	1	1	2	1	0	1	0	1	0	0	1	0	0	0	0	0	0
	72	11	8	4	15	5	0	1	0	4	0	0	1	0	0	2	0	0	0
	73	6	4	3	22	13	2	0	0	12	0	0	3	0	2	4	2	0	0
	74	16	12	5	19	11	0	9	0	10	0	1	2	0	2	2	2	7	0
019 MONROE-EL DORADO (ARK-LA)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	2	1	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	72	4	3	2	6	2	0	1	0	2	0	0	0	0	0	0	0	0	0
	73	3	1	?	7	4	0	1	0	3	0	0	0	0	0	0	0	1	0
	74	5	2	1	6	1	0	3	0	3	0	0	0	0	0	0	0	0	0
020 NORTHEAST ARKANSAS		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	1	1	1	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	5	5	4	23	15	3	0	0	1	0	0	0	0	0	0	0	0	0
	74	5	5	4	22	10	2	1	0	1	0	0	0	0	0	0	0	0	0
021 NORTHWEST ARKANSAS		(1)						(1 + 0)					(0)			(0)		(0)	
	70	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	1	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	74	2	0	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD! SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80 .03	24-HR # STA (2)	24-HR #> STD 365 .14	3-HR #> STD 1300 .50	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40* 35	8-HR #> STD 10* 9	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160 .08	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
022 SHREVEPORT-TEXARKANA-TYLER (ARK-LA-OKLA-TEX)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	3	3	1	7	5	1	0	0	1	0	0	0	0	0	0	0	0	0
	71	3	2	1	6	2	1	1	0	2	0	0	0	0	0	0	0	0	0
	72	5	4	3	11	3	0	3	0	3	0	0	0	0	0	0	0	0	0
	73	6	3	1	11	4	0	2	0	6	0	0	0	0	0	0	0	0	0
	74	5	4	1	18	3	0	3	0	7	0	0	0	0	0	0	0	1	0
023 GREAT BASIN VALLEY (CALIF)		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
024 METROPOLITAN LOS ANGELES (CALIF)		(28)						(3 + 1)					(11)			(11)		(10)	
	70	12	12	12	14	12	5	15	0	21	0	0	13	5	12	17	15	10	8
	71	12	11	10	19	15	4	13	0	21	0	0	15	2	14	16	16	13	8
	72	20	17	15	23	17	7	17	0	21	0	1	19	2	16	19	19	16	7
	73	16	14	13	27	21	7	11	0	28	0	0	26	3	21	27	25	13	7
	74	24	24	18	31	25	3	24	0	29	0	0	28	2	23	37	37	24	14
025 NORTH CENTRAL COAST (CALIF)		(3)						(1 + 0)					(0)			(2)		(0)	
	70	4	2	0	4	0	0	0	0	0	0	0	0	0	0	3	2	2	0
	71	4	2	0	4	2	0	0	0	0	0	0	0	0	0	3	3	2	0
	72	4	0	0	4	1	0	0	0	0	0	0	1	0	0	4	4	3	0
	73	4	1	1	4	1	0	0	0	0	0	0	2	0	0	4	4	3	0
	74	4	2	1	5	0	0	0	0	0	0	0	2	0	0	4	4	3	0
026 NORTH COAST (CALIF)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	2	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	1	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	72	1	0	0	2	0	0	0	0	1	0	0	0	0	0	1	0	0	0
	73	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	1	0
	74	4	2	1	7	1	1	0	0	0	0	0	1	0	0	0	0	0	0
027 NORTHEAST PLATEAU (CALIF)		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	74	4	2	0	5	2	0	1	0	1	1	0	0	0	0	0	0	0	0
028 SACRAMENTO VALLEY (CALIF)		(3)						(1 + 0)					(31)			(3)		(0)	
	70	1	0	0	3	0	0	0	0	1	0	0	2	0	2	3	3	1	0
	71	3	2	2	5	1	0	0	0	1	0	0	2	1	2	3	3	2	0
	72	5	4	0	5	0	0	0	0	1	0	0	4	0	1	6	6	4	0
	73	4	3	2	5	3	0	0	0	1	0	0	4	0	0	5	5	4	0
	74	6	5	2	8	5	0	1	0	1	0	0	4	0	1	5	5	4	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD: SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80	24-HR # STA (2)	24-HR #> STD 365	3-HR #> STD 1300	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40*	8-HR #> STD 10*	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
UG/CU.M: P.P.M:			-	-		-	-		.03		.14	.50		35	9		.08		
036 METROPOLITAN DENVER (COLO)		(11)						(1 + 0)					(3)			(3)		(0)	
	70	20	17	13	20	18	5	3	0	3	0	0	1	1	1	2	2	1	0
	71	23	21	13	24	19	8	0	0	3	0	0	1	1	1	1	1	0	0
	72	20	18	11	23	20	8	1	0	3	0	0	1	1	1	2	2	1	0
	73	21	20	16	23	23	13	0	0	10	0	0	7	5	7	8	7	0	0
	74	21	20	14	22	21	12	6	0	9	0	0	6	2	6	6	6	2	0
037 PAWNEE (COLO)		(5)						(1 + 0)					(0)			(0)		(0)	
	70	9	8	6	10	9	2	0	0	0	0	0	0	0	0	0	0	0	0
	71	10	9	9	11	10	4	0	0	0	0	0	0	0	0	0	0	0	0
	72	7	6	4	11	11	4	0	0	0	0	0	0	0	0	0	0	0	0
	73	10	9	8	13	11	4	0	0	0	0	0	0	0	0	0	0	0	0
	74	10	8	6	12	11	4	0	0	0	0	0	1	0	1	0	0	0	0
038 SAN ISABEL (COLO)		(7)						(1 + 0)					(0)			(0)		(0)	
	70	9	7	6	9	8	3	0	0	0	0	0	0	0	0	1	1	0	0
	71	9	8	5	9	7	4	0	0	0	0	0	0	0	0	0	0	0	0
	72	8	6	5	9	8	1	0	0	0	0	0	0	0	0	0	0	0	0
	73	8	7	5	10	8	2	0	0	0	0	0	0	0	0	0	0	0	0
	74	7	6	3	9	6	0	0	-	0	0	0	0	0	0	0	0	0	0
039 SAN LUIS (COLO)		(1)						(1 + 0)					(0)			(0)		(0)	
	70	1	1	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	2	1	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	5	0	0	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	4	1	0	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0
	74	4	1	0	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0
040 YAMPA (COLO)		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	4	3	1	5	3	1	0	0	0	0	0	0	0	0	0	0	0	0
	72	4	3	1	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0
	73	4	3	1	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0
	74	2	1	1	4	2	1	0	0	0	0	0	0	0	0	0	0	0	0
041 EASTERN CONNECTICUT		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	?	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	3	3	2	4	2	1	0	0	1	0	0	0	0	0	0	0	0	0
	72	3	1	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	5	1	0	2	?	7	5	0	0	0	0	0	0	0	0
	74	0	0	0	7	0	0	0	0	7	0	0	0	0	0	0	0	0	0
042 HARTFORD-NEW HAVEN-SPRINGFIELD (CONN-MASS)		(13)						(9 + 4)					(4)			(4)		(9)	
	70	7	7	4	10	6	0	6	1	9	0	0	0	0	0	0	0	0	0
	71	29	22	14	47	22	6	7	3	20	1	0	1	1	1	1	1	0	0
	72	37	17	6	43	18	2	10	2	17	3	0	0	0	0	1	0	0	0
	73	9	2	1	47	10	1	7	1	30	6	1	3	0	3	3	3	1	1
	74	1	?	0	44	6	0	0	0	26	2	2	5	0	4	6	6	1	1

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD; SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80 .03	24-HR # STA (2)	24-HR #> STD 365 .14	3-HR #> STD 1300 .50	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40* 35	8-HR #> STD 10* 9	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160 .08	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
043 NEW JERSEY-NEW YORK-CONNECTICUT		(41)						(20 + 15)					(15)			(15)		(10)	
	70	62	47	33	83	49	5	7	3	27	9	1	18	3	16	0	0	2	0
	71	73	51	29	94	47	9	22	3	36	6	0	20	7	19	4	4	2	1
	72	53	21	4	69	19	4	12	3	28	2	0	9	3	8	8	8	0	0
	73	69	19	6	152	54	5	26	1	63	7	1	21	8	18	11	9	2	1
	74	89	38	12	144	45	3	49	1	110	1	2	31	5	28	11	11	13	0
044 NORTHWESTERN CONNECTICUT		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	2	1	1	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0
	72	2	1	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	3	0	0	0	0	3	1	0	0	0	0	1	1	0	0
	74	0	0	0	4	1	0	0	0	2	0	0	0	0	0				
045 METROPOLITAN PHILADELPHIA (DEL-N.J.-PA)		(21)						(14 + 9)					(9)			(9)		(10)	
	70	9	8	4	13	6	1	10	3	19	2	1	8	2	7	1	1	2	0
	71	17	14	5	25	10	3	11	0	28	1	0	8	2	7	1	1	1	0
	72	28	14	7	42	13	2	9	0	27	0	1	2	1	2	3	3	1	0
	73	11	2	1	61	19	3	13	0	31	0	0	10	1	9	7	6	1	0
	74	39	10	4	64	24	6	14	0	49	1	1	20	1	14	17	11	5	0
046 SOUTHERN DELAWARE		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	0	?	0	3	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	72	0	0	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	73	0	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	74	3	0	0	3	0	0	0	0	3	0	0	0	0	0	0	0	0	0
047 NATIONAL CAPITAL (D.C.-MD-VA)		(15)						(10 + 5)					(5)			(5)		(10)	
	70	13	8	2	30	11	2	1	0	4	0	0	2	1	2	1	1	1	0
	71	11	4	1	49	11	0	1	?	18	1	1	5	1	3	6	5	1	0
	72	46	10	3	60	11	3	15	?	32	0	0	8	3	4	7	4	0	0
	73	43	10	4	62	7	3	20	0	37	4	4	9	3	6	13	8	1	0
	74	41	4	3	74	12	6	20	0	42	1	1	10	1	4	11	7	14	0
048 CENTRAL FLORIDA		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	5	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
049 JACKSONVILLE-BRUNSWICK (FLA-GA)		(11)						(3 + 1)					(0)			(3)		(0)	
	70	11	5	3	11	5	3	9	0	12	0	0	0	0	0	0	0	0	0
	71	10	8	4	11	7	3	3	?	13	1	1	2	0	1	1	0	0	0
	72	2	1	?	16	3	1	1	0	6	0	0	4	1	4	3	0	0	0
	73	2	2	?	29	11	9	2	?	12	3	0	1	0	0	1	0	0	0
	74	2	0	0	5	0	0	1	?	3	2	0	0	0	0	0	0	0	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD; SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80 .03	24-HR # STA (2)	24-HR #> STD 365 .14	3-HR #> STD 1300 .50	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40* 35	8-HR #> STD 10* 9	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160 .08	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
UG/CU.M: P.P.M:			-	-		-	-												
050 SOUTHEAST FLORIDA		(3)						(1 + 0)					(0)			(0)		(10)	
	70	1	1	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	72	1	1	0	6	0	0	0	0	2	0	0	1	0	0	1	0	0	0
	73	0	?	?	42	4	1	1	0	7	0	0	1	0	0	4	3	0	0
	74	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
051 SOUTHWEST FLORIDA		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	0	0	3	0	0	0	0	1	0	0	0	0	0	1	1	0	0
	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
052 WEST CENTRAL FLORIDA		(11)						(8 + 3)					(0)			(0)		(10)	
	70	3	1	1	3	0	0	2	0	3	0	0	0	0	0	0	0	0	0
	71	2	?	0	3	1	0	3	0	3	0	0	0	0	0	0	0	0	0
	72	3	1	1	3	0	0	3	0	3	0	0	0	0	0	0	0	0	0
	73	0	?	?	15	5	1	1	0	14	0	0	0	0	0	0	0	0	0
	74	0	0	0	1	0	0	0	0	2	0	0	0	0	0	0	0	0	0
053 AUGUSTA-AIKEN (GA-S.C.)		(7)						(3 + 1)					(0)			(0)		(0)	
	70	1	1	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	2	0	0	7	0	0	1	0	7	0	0	0	0	0	0	0	0	0
	73	6	0	0	7	0	0	6	0	7	0	0	0	0	0	0	0	0	0
	74	6	1	0	10	2	0	5	0	9	1	0	0	0	0	0	0	4	0
054 CENTRAL GEORGIA		(7)						(5 + 2)					(0)			(0)		(0)	
	70	1	1	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	?	?	5	1	0	0	0	2	0	0	0	0	0	0	0	0	0
	73	4	2	0	5	1	0	2	0	2	0	0	0	0	0	0	0	0	0
	74	5	1	0	7	4	0	5	0	7	5	0	0	0	0	0	0	0	0
055 CHATTANOOGA (GA-TENN)		(8)						(3 + 1)					(0)			(0)		(8)	
	70	2	2	2	7	5	3	1	0	1	0	0	0	0	0	0	0	0	0
	71	4	2	2	9	5	2	0	0	1	0	0	0	0	0	0	0	0	0
	72	7	5	4	13	8	2	1	0	6	0	0	0	0	0	0	0	0	0
	73	2	2	1	15	7	1	2	0	14	0	0	0	0	0	0	0	0	0
	74	12	6	5	16	7	2	12	0	16	2	0	0	0	0	0	0	10	0
056 METROPOLITAN ATLANTA (GA)		(12)						(9 + 4)					(0)			(0)		(10)	
	70	1	1	1	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	1	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	72	1	1	1	10	0	0	1	0	3	0	0	2	0	0	0	0	0	0
	73	4	1	1	22	3	1	1	0	15	0	0	2	0	1	0	0	0	0
	74	21	2	2	24	3	0	10	7	16	1	1	2	0	2	2	1	10	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD; SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80	24-HR # STA (2)	24-HR #> STD 365	3-HR #> STD 1300	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40*	8-HR #> STD 10*	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
	UG/CU.M:								.03		.14	.50		35	9		.08		
	P.P.M:		-	-		-	-												
064 METROPOLITAN BOISE (IDAHO)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	3	3	1	5	3	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	5	5	4	6	5	2	0	0	0	0	0	0	0	0	0	0	0	0
	72	6	4	3	7	4	1	0	0	0	0	0	0	0	0	0	0	0	0
	73	6	4	4	7	7	4	0	0	0	0	0	0	0	0	0	0	0	0
	74	4	4	2	5	4	2	0	0	0	0	0	0	0	0	0	0	0	0
065 BURLINGTON-KEOKUK (ILL-IOWA)		(8)						(6 + 2)					(0)			(0)		(0)	
	70	1	1	1	2	2	2	0	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	1	3	2	1	0	0	1	0	0	0	0	0	0	0	0	0
	72	7	7	5	8	5	1	1	0	2	1	1	0	0	0	0	0	0	0
	73	5	4	1	10	8	1	1	0	4	1	1	0	0	0	0	0	0	0
	74	8	7	2	9	6	1	5	0	10	0	1	0	0	0	1	0	3	0
066 EAST CENTRAL ILLINOIS		(1)						(3 + 1)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	0	?	?	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0
	73	0	?	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	74	1	0	0	2	0	0	1	0	4	0	1	0	0	0	0	0	1	0
067 METROPOLITAN CHICAGO (ILL-IND)		(24)						(15 + 10)					(10)			(10)		(10)	
	70	33	33	33	66	58	25	30	11	57	12	1	5	0	5	1	1	1	1
	71	37	37	33	58	50	14	38	5	55	4	6	6	3	6	1	1	1	1
	72	93	73	59	117	91	28	64	6	80	4	4	5	0	5	2	1	1	1
	73	93	77	48	125	75	18	60	1	91	1	4	11	1	6	4	3	1	1
	74	92	74	49	133	89	23	50	0	105	0	3	13	1	8	7	6	29	1
068 METROPOLITAN DUBUQUE (ILL-IOWA-WISC)		(5)						(1 + 0)					(0)			(0)		(0)	
	70	0	?	?	1	1	1	0	0	1	0	0	0	0	0	0	0	0	0
	71	0	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	72	1	1	0	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0
	73	2	1	?	6	3	1	0	0	4	0	0	0	0	0	0	0	0	0
	74	4	0	0	6	1	0	2	0	5	0	0	0	0	0	0	0	1	0
069 METROPOLITAN QUAD CITIES (ILL-IOWA)		(7)						(1 + 0)					(0)			(0)		(0)	
	70	4	4	2	5	3	2	0	0	0	0	0	0	0	0	0	0	0	0
	71	3	2	2	4	3	2	0	0	0	0	0	0	0	0	0	0	0	0
	72	6	5	4	9	6	2	0	0	0	0	0	0	0	0	1	0	0	0
	73	7	5	5	11	7	0	0	0	3	0	0	0	0	0	1	0	0	0
	74	11	8	6	17	6	0	2	0	5	0	0	0	0	0	3	0	1	0
070 METROPOLITAN ST. LOUIS (ILL-MO)		(14)						(10 + 5)					(5)			(5)		(10)	
	70	12	11	8	18	15	7	1	?	4	0	0	1	0	1	1	0	0	0
	71	7	7	6	18	10	3	3	0	9	0	0	6	0	4	5	5	1	0
	72	33	31	24	37	27	9	2	?	14	4	2	10	0	7	7	6	0	0
	73	34	26	17	43	20	4	6	?	19	2	2	13	2	12	13	13	9	0
	74	25	21	10	43	22	5	2	0	30	3	7	15	0	9	14	13	6	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD; SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	ANNUAL #> SEC 60	ANNUAL #> PRI 75	24-HOUR # STA (2)	24-HOUR #> SEC 150	24-HOUR #> PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	ANNUAL #> STD 80	24-HR # STA (2)	24-HR #> STD 365	3-HR #> STD 1300	CARBON MONOXIDE 1-HR # STA (2)	1-HR #> STD 40*	8-HR #> STD 10*	OXIDANTS 1-HR # STA (2)	1-HR #> STD 160	NITROGEN DIOXIDE # STA (1)	#>ANN STD 100
	UG/CU.M:		60	75		150	260		80		365	1300		40*	10*		160		
	P.P.M:		-	-		-	-		.03		.14	.50		35	9		.08		
113 CUMBERLAND-KEYSER (MD-W.VA)		(5)						(4 + 1)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	2	0	0	0	0	4	0	1	1	0	1	0	0	0	0
	72	1	1	1	9	5	0	1	0	9	0	0	2	0	0	0	0	0	0
	73	6	5	2	6	4	0	6	0	8	0	0	2	0	1	0	0	0	0
	74	6	5	2	10	5	0	6	0	9	0	0	1	0	0	0	0	6	0
114 EASTERN SHORE (MD)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	5	0	0	7	0	0	3	0	4	0	0	0	0	0	0	0	0	0
	73	6	1	0	7	1	0	4	0	5	0	0	0	0	0	0	0	0	0
	74	5	1	0	7	0	0	4	0	5	0	0	0	0	0	0	0	4	0
115 METROPOLITAN BALTIMORE (MD)		(13)						(9 + 4)					(4)			(4)		(10)	
	70	1	1	1	1	1	1	1	0	1	0	0	0	0	0	0	0	0	0
	71	0	?	?	1	1	1	1	0	3	0	0	1	0	1	0	0	0	0
	72	30	16	6	31	12	3	15	0	28	2	0	11	0	7	2	0	0	0
	73	28	13	5	31	17	5	14	0	37	3	0	11	0	5	5	5	1	1
	74	29	14	8	33	15	5	22	0	37	0	0	14	1	4	5	0	23	0
116 SOUTHERN MARYLAND		(1)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	72	1	0	0	3	0	0	1	0	3	0	0	0	0	0	0	0	0	0
	73	3	0	0	4	0	0	2	0	4	0	0	0	0	0	0	0	3	0
	74	3	0	0	3	0	0	3	0	3	0	0	0	0	0	0	0	0	0
117 BERKSHIRE (MASS)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
	71	2	1	0	6	2	0	2	0	6	1	0	0	0	0	0	0	0	0
	72	6	0	0	6	1	0	6	0	6	0	0	0	0	0	0	0	0	0
	73	5	0	0	6	0	0	5	0	7	0	0	1	0	0	1	0	0	0
	74	0	0	0	6	0	0	0	0	7	0	0	1	0	0	1	1	0	0
118 CENTRAL MASSACHUSETTS		(8)						(3 + 1)					(0)			(0)		(2)	
	70	1	1	1	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	1	3	3	1	1	0	3	0	0	0	0	0	0	0	0	0
	72	3	2	1	3	3	1	4	0	5	0	0	0	0	0	0	0	0	0
	73	4	2	0	10	5	1	2	0	10	0	0	1	0	1	0	0	0	0
	74	0	?	?	8	3	1	0	0	10	0	0	1	0	1	2	2	0	0
119 METROPOLITAN BOSTON (MASS)		(17)						(12 + 7)					(7)			(7)		(10)	
	70	3	3	3	6	4	1	3	2	8	2	0	0	0	0	0	0	0	0
	71	9	7	5	21	8	3	7	7	23	1	0	2	0	2	1	1	0	0
	72	17	5	3	22	5	1	16	0	25	0	0	2	0	2	0	0	0	0
	73	7	2	1	22	5	2	18	0	29	0	0	7	1	7	5	5	0	0
	74	0	?	?	21	2	0	0	0	27	0	0	5	0	5	5	5	0	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD! SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER

Table 3-5 (continued). NUMBER OF STATIONS REPORTING AND NUMBER OF STATIONS AT WHICH STANDARDS WERE EXCEEDED, BY AQCR, 1970-1974

AIR QUALITY CONTROL REGION	YR	SUSPENDED PARTICULATES ANNUAL # STA (1)	# > SEC 60	# > PRI 75	24-HOUR # STA (2)	# > SEC 150	# > PRI 260	SULFUR DIOXIDE ANNUAL # STA (1)	# > STD 80	24-HR # STA (2)	# > STD 365	3-HR # > STD 1300	CARBON MONOXIDE 1-HR # STA (2)	# > STD 40*	8-HR # > STD 10*	OXIDANTS 1-HR # STA (2)	# > STD 160	NITROGEN DIOXIDE # STA (1)	# >AN STD 100
	UG/CU.M:	(1)	60	75	(2)	150	260		.03		.14	.50		35	9		.08		
	P.P.M:		-	-		-	-												
169 SANDHILLS (N.C.)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	3	0	0	0	0	3	0	0	0	0	0	0	0	0	0
	72	6	2	0	8	1	0	5	0	7	0	0	0	0	0	0	0	0	0
	73	0	?	?	9	1	0	0	0	8	0	0	0	0	0	0	0	0	0
	74	8	0	0	8	0	0	7	0	7	0	0	0	0	0	0	0	7	0
170 SOUTHERN COASTAL PLAIN (N.C.)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	0	0	12	0	0	0	0	12	0	0	0	0	0	0	0	0	0
	72	14	2	1	17	3	1	7	0	16	0	0	0	0	0	0	0	0	0
	73	0	?	?	14	3	1	0	0	13	0	0	0	0	0	0	0	0	0
	74	13	2	0	15	2	0	12	0	14	0	0	0	0	0	0	0	12	0
171 WESTERN MOUNTAIN (N.C.)		(6)						(1 + 0)					(0)			(0)		(0)	
	70	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	0	?	?	10	3	1	0	0	6	0	0	0	0	0	0	0	0	0
	72	7	4	3	26	13	4	1	0	17	0	0	1	0	0	1	0	0	0
	73	0	?	?	24	9	4	0	0	12	0	0	1	0	0	1	1	0	0
	74	14	4	1	19	5	0	11	0	13	0	0	0	0	0	1	1	11	0
172 NORTH DAKOTA (REMAINDER)		(3)						(1 + 0)					(0)			(0)		(0)	
	70	6	1	?	9	3	0	0	0	0	0	0	0	0	0	0	0	0	0
	71	1	1	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	72	11	3	2	13	5	2	0	0	0	0	0	0	0	0	0	0	0	0
	73	11	2	1	13	4	1	0	0	0	0	0	0	0	0	0	0	0	0
	74	11	1	0	26	5	0	0	0	2	0	0	0	0	0	0	0	0	0
173 DAYTON (OHIO)		(10)						(3 + 1)					(0)			(3)		(10)	
	70	1	1	1	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	1	1	1	0	1	0	1	0	0	1	0	1	0	0	0	0
	72	16	10	5	23	8	0	5	0	13	0	0	1	0	0	0	0	0	0
	73	17	7	2	28	6	1	4	1	21	1	0	2	1	1	4	3	0	0
	74	19	5	1	35	6	0	12	0	24	0	0	5	0	0	7	3	0	0
174 GREATER METROPOLITAN CLEVELAND (OHIO)		(16)						(11 + 6)					(0)			(6)		(10)	
	70	23	23	22	40	38	13	13	5	26	1	1	2	0	1	1	1	0	0
	71	34	34	33	49	43	13	21	5	31	2	0	2	0	0	2	1	0	0
	72	30	29	21	55	32	7	19	6	39	1	0	5	0	4	1	1	0	0
	73	62	50	24	83	47	14	36	0	52	0	0	2	0	2	3	1	1	0
	74	30	17	8	83	37	14	18	7	53	1	3	1	0	1	2	1	8	2
175 MANSFIELD-MARION (OHIO)		(3)						(3 + 1)					(0)			(0)		(0)	
	70	1	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
	71	1	1	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0
	72	3	2	2	6	1	0	1	0	1	0	0	0	0	0	0	0	0	0
	73	2	1	1	11	2	1	1	0	1	0	0	0	0	0	0	0	0	0
	74	4	4	2	7	4	2	0	0	0	0	0	0	0	0	0	0	0	0

(1) NUMBER OF STATIONS REPORTING A FULL YEAR'S VALID DATA
(2) NUMBER OF STATIONS REPORTING AT LEAST 3 24-HR VALUES OR 400 HOURLY VALUES
? STATIONS WITH INCOMPLETE DATA MAY BE EXCEEDING THE ANNUAL STANDARD; SEE APPENDICES
* CO STANDARDS ARE IN MILLIGRAMS PER CUBIC METER