Environmental Protection Agency

VI. Policy Where Attainment Dates Have Not Passed

In some cases, the dates for attainment of primary standards specified in the SIP under section 110 have not yet passed due to a delay in the promulgation of a plan under this section of the Act. In addition, the Act provides more flexibility with respect to the dates for attainment of secondary NAAQS than for primary standards. Rather than setting specific deadlines, section 110 requires secondary NAAQS to be achieved within a “reasonable time.” Therefore, in some cases, the date for attainment of secondary standards specified in the SIP under section 110 may also not yet have passed. In such cases, a new source locating in an area designated in 40 CFR 81.300 et seq., as nonattainment (or, where section III of this Ruling is applicable, a new source that would cause or contribute to a NAAQS violation) may be exempt from the Conditions of section IV.A if the conditions in paragraphs VI.A through C are met.

A. The new source meets the applicable SIP emission limitations.

B. The new source will not interfere with the attainment date specified in the SIP under section 110 of the Act.

C. The Administrator has determined that conditions A and B of this section are satisfied and such determination is published in the Federal Register.


(46 FR 3282, Jan. 16, 1979)

EDITORIAL NOTE: For Federal Register citations affecting appendix S to part 51, 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 75 FR 16016, Mar. 31, 2010, part 51, appendix S, paragraphs II.A.5(ii), II.A.6(ii), II.A.9, II.A.24(ii)(b), II.A.24(ii)(d), II.A.30(i)(a), II.A.30(ii)(a), II.A.30(iii), II.A.30(iv), IV.L.1(c)(1), IV.J.3, IV.K.4(c), IV.K.4(d), were added, effective April 1, 2010 until Oct. 3, 2011.

APPENDIXES T–U TO PART 51

[RESERVED]

APPENDIX V TO PART 51—CRITERIA FOR DETERMINING THE COMPLETENESS OF PLAN SUBMISSIONS

1.0. Purpose

This appendix V sets forth the minimum criteria for determining whether a State implementation plan submitted for consider-