(b), and the Administrator takes no action on that application to the extent that GHGs are not “subject to regulation.”

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:
   (i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO\textsubscript{2}e or more; or
   (ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO\textsubscript{2}e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:
   (i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO\textsubscript{2}e; or
   (ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO\textsubscript{2}e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO\textsubscript{2}e or more.

(4) For purposes of this paragraph (b)—
   (i) The term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
   (ii) The term tpy CO\textsubscript{2} equivalent emissions (CO\textsubscript{2}e) shall represent an amount of GHGs emitted, and shall be computed as follows:
      (A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.
      (B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO\textsubscript{2}e.
   (iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv) (2007)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i) (2007)) occur.

[75 FR 82556, Dec. 30, 2010]

§ 52.1273 [Reserved]

§ 52.1275 Legal authority.

   (a) The requirements of §51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

   (b) The requirements of §51.230(f) of this chapter are not met, since section 7106–117 of the Mississippi Code could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 7106–117 is disapproved.


§ 52.1276 [Reserved]

§ 52.1277 General requirements.

   (a) The requirements of §51.116(c) of this chapter are not met, since the legal authority to provide public availability of emission data is inadequate.

   (b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request