

§51.1013

(3) An analysis that presents the schedule of control measures and estimated emissions changes to be achieved by each milestone year, and that demonstrates that the control strategy will achieve reasonable progress toward attainment between the applicable base year and the attainment year. The analysis shall rely on information from the base year inventory for the nonattainment area required in §51.1008(a)(1) and the attainment projected inventory for the nonattainment area required in §51.1008(a)(2), in addition to the RFP projected emissions required in paragraph (a)(2) of this section.

(4) An analysis that demonstrates that by the end of the calendar year for each milestone date for the area determined in accordance with §51.1013(a), pollutant emissions will be at levels that reflect either generally linear progress or stepwise progress in reducing emissions on an annual basis between the base year and the attainment year. A demonstration of stepwise progress must be accompanied by appropriate justification for the selected implementation schedule.

(5) At the state's election, an analysis that identifies air quality targets associated with the RFP projected emissions identified for the milestone years at the design value monitor locations.

(b) For a multi-state or multi-jurisdictional nonattainment area, the RFP plans for each state represented in the nonattainment area shall demonstrate RFP on the basis of common multi-state inventories. The states or jurisdictions within which the area is located must provide a coordinated RFP plan. Each state in a multi-state nonattainment area must ensure that the sources within its boundaries comply with enforceable emission levels and other requirements that in combination with the reductions planned in other state(s) within the nonattainment area will provide for attainment as expeditiously as practicable and demonstrate RFP consistent with these regulations.

40 CFR Ch. I (7-1-19 Edition)

§51.1013 Quantitative milestone requirements.

(a) Consistent with CAA section 189(c)(1), the state must submit in each attainment plan for a PM_{2.5} nonattainment area specific quantitative milestones that demonstrate reasonable further progress toward attainment of the applicable PM_{2.5} NAAQS in the area and that meet the following requirements:

(1) *Nonattainment areas initially classified as Moderate.* (i) Except as provided in paragraph (a)(4) of this section, each attainment plan submittal for a Moderate PM_{2.5} nonattainment area shall contain quantitative milestones to be achieved no later than a milestone date of 4.5 years and 7.5 years from the date of designation of the area.

(ii) The plan shall contain quantitative milestones to be achieved by the milestone dates specified in paragraph (a)(1)(i) of this section, as applicable, and that provide for objective evaluation of reasonable further progress toward timely attainment of the applicable PM_{2.5} NAAQS in the area. At a minimum, each quantitative milestone plan must include a milestone for tracking progress achieved in implementing the SIP control measures, including RACM and RACT, by each milestone date.

(2) *Nonattainment areas reclassified as Serious.* (i) Except as provided in paragraph (a)(4) of this section, each attainment plan submission that demonstrates that a Serious PM_{2.5} nonattainment area can attain a particular PM_{2.5} NAAQS by the end of the tenth calendar year following the effective date of designation of the area with the implementation of control measures as required under §51.1010(a) shall contain quantitative milestones to be achieved no later than milestone dates of 7.5 years and 10.5 years, respectively, from the date of designation of the area.

(ii) Except as provided in paragraph (a)(4) of this section, each attainment plan submission that demonstrates that a Serious PM_{2.5} nonattainment area cannot practicably attain a particular PM_{2.5} NAAQS by the end of the tenth calendar year following the date

Environmental Protection Agency

§51.1013

of designation of the area with the implementation of control measures required under §51.1010(a) shall contain quantitative milestones to be achieved no later than milestone dates of 7.5 years, 10.5 years, and 13.5 years from the date of designation of the area. If the attainment date is beyond 13.5 years from the date of designation of the area, such attainment plan shall also contain a quantitative milestones to be achieved no later than milestone dates of 16.5 years, respectively, from the date of designation of the area.

(iii) The plan shall contain quantitative milestones to be achieved by the milestone dates specified in paragraphs (a)(2)(i) and (ii) of this section, as applicable, and that provide for objective evaluation of reasonable further progress toward timely attainment of the applicable PM_{2.5} NAAQS in the area. At a minimum, each quantitative milestone plan must include a milestone for tracking progress achieved in implementing SIP control measures, including BACM and BACT, by each milestone date.

(3) *Serious areas that fail to attain by the applicable Serious area attainment date.* (i) Except as provided in paragraph (a)(4) of this section, each attainment plan submission for a Serious area that failed to attain a particular PM_{2.5} NAAQS by the applicable Serious area attainment date and is therefore subject to the requirements of CAA section 189(d) and §51.1003(c) shall contain quantitative milestones.

(A) If the attainment plan is due prior to a date 13.5 years from designation of the area, then the plan shall contain milestones to be achieved by no later than a milestone date of 13.5 years from the date of designation of the area, and every 3 years thereafter, until the milestone date that falls within 3 years after the applicable attainment date.

(B) If the attainment plan is due later than a date 13.5 years from designation of the area, then the plan shall contain milestones to be achieved by no later than a milestone date of 16.5 years from the date of designation of the area, and every 3 years thereafter, until the milestone date that falls within 3 years after the applicable attainment date.

(ii) The plan shall contain quantitative milestones to be achieved by the milestone dates for the area, and that provide for objective evaluation of reasonable further progress toward timely attainment of the applicable PM_{2.5} NAAQS in the area. At a minimum, each quantitative milestone plan must include a milestone for tracking progress achieved in implementing the SIP control measures by each milestone date.

(4) Each attainment plan submission for an area designated nonattainment for the 1997 and/or 2006 PM_{2.5} NAAQS before January 15, 2015, shall contain quantitative milestones to be achieved no later than 3 years after December 31, 2014, and every 3 years thereafter until the milestone date that falls within 3 years after the applicable attainment date.

(b) Not later than 90 days after the date on which a milestone applicable to a PM_{2.5} nonattainment area occurs, each state in which all or part of such area is located shall submit to the Administrator a milestone report that contains all of the following:

(1) A certification by the Governor or Governor's designee that the SIP control strategy is being implemented consistent with the RFP plan, as described in the applicable attainment plan;

(2) Technical support, including calculations, sufficient to document completion statistics for appropriate milestones and to demonstrate that the quantitative milestones have been satisfied and how the emissions reductions achieved to date compare to those required or scheduled to meet RFP; and,

(3) A discussion of whether the area will attain the applicable PM_{2.5} NAAQS by the projected attainment date for the area.

(c) If a state fails to submit a milestone report by the date specified in paragraph (b) of this section, the Administrator shall require the state to submit, within 9 months after such failure, a plan revision that assures that the area will achieve the next milestone or attain the applicable NAAQS by the applicable date, whichever is earlier. If the Administrator determines that an area has not met any applicable milestone by the milestone

§ 51.1014

40 CFR Ch. I (7–1–19 Edition)

date, the state shall submit, within 9 months after such determination, a plan revision that assures that the area will achieve the next milestone or attain the applicable NAAQS by the applicable date, whichever is earlier.

§ 51.1014 Contingency measure requirements.

(a) The state must include as part of each attainment plan submitted under this subpart for a PM_{2.5} nonattainment area specific contingency measures that shall take effect with minimal further action by the state or the EPA following a determination by the Administrator that the area has failed:

(1) To meet any RFP requirement in an attainment plan approved in accordance with § 51.1012;

(2) To meet any quantitative milestone in an attainment plan approved in accordance with § 51.1013;

(3) To submit a quantitative milestone report required under § 51.1013(b); or,

(4) To attain the applicable PM_{2.5} NAAQS by the applicable attainment date.

(b) The contingency measures adopted as part of a PM_{2.5} attainment plan shall meet all of the following requirements:

(1) The contingency measures shall consist of control measures that are not otherwise included in the control strategy or that achieve emissions reductions not otherwise relied upon in the control strategy for the area; and,

(2) Each contingency measure shall specify the timeframe within which its requirements become effective following a determination by the Administrator under paragraph (a) of this section.

(c) The attainment plan submission shall contain a description of the specific trigger mechanisms for the contingency measures and specify a schedule for implementation.

§ 51.1015 Clean data requirements.

(a) *Nonattainment areas initially classified as Moderate.* Upon a determination by the EPA that a Moderate PM_{2.5} nonattainment area has attained the PM_{2.5} NAAQS, the requirements for the state to submit an attainment demonstration, provisions demonstrating that

reasonably available control measures (including reasonably available control technology for stationary sources) shall be implemented no later than 4 years following the date of designation of the area, reasonable further progress plan, quantitative milestones and quantitative milestone reports, and contingency measures for the area shall be suspended until such time as:

(1) The area is redesignated to attainment, after which such requirements are permanently discharged; or,

(2) The EPA determines that the area has re-violated the PM_{2.5} NAAQS, at which time the state shall submit such attainment plan elements for the Moderate nonattainment area by a future date to be determined by the EPA and announced through publication in the FEDERAL REGISTER at the time EPA determines the area is violating the PM_{2.5} NAAQS.

(b) *Nonattainment areas reclassified as Serious.* Upon a determination by the EPA that a Serious PM_{2.5} nonattainment area has attained the PM_{2.5} NAAQS, the requirements for the state to submit an attainment demonstration, reasonable further progress plan, quantitative milestones and quantitative milestone reports, and contingency measures for the area shall be suspended until such time as:

(1) The area is redesignated to attainment, after which such requirements are permanently discharged; or,

(2) The EPA determines that the area has re-violated the PM_{2.5} NAAQS, at which time the state shall submit such attainment plan elements for the Serious nonattainment area by a future date to be determined by the EPA and announced through publication in the FEDERAL REGISTER at the time the EPA determines the area is violating the PM_{2.5} NAAQS.

§ 51.1016 Continued applicability of the FIP and SIP requirements pertaining to interstate transport under CAA section 110(a)(2)(D)(i) and (ii) after revocation of the 1997 primary annual PM_{2.5} NAAQS.

All control requirements associated with a FIP or approved SIP in effect for an area pursuant to obligations arising from CAA section 110(a)(2)(D)(i) and (ii) as of October 24, 2016, such as the CAIR or the CSAPR, shall continue