

## Environmental Protection Agency

## § 51.1000

paragraph (b) of this section when the Administrator becomes aware of applicability.

(2) *Plan components.* At a minimum, each mitigation plan developed under this paragraph shall contain provisions for the following:

(i) Public notification to and education programs for affected or potentially affected communities. Such notification and education programs shall apply whenever air quality concentrations exceed or are expected to exceed a national ambient air quality standard with an averaging time that is less than or equal to 24-hours.

(ii) Steps to identify, study and implement mitigating measures, including approaches to address each of the following:

(A) Measures to abate or minimize contributing controllable sources of identified pollutants.

(B) Methods to minimize public exposure to high concentrations of identified pollutants.

(C) Processes to collect and maintain data pertinent to the event.

(D) Mechanisms to consult with other air quality managers in the affected area regarding the appropriate responses to abate and minimize impacts.

(iii) Provisions for periodic review and evaluation of the mitigation plan and its implementation and effectiveness by the State and all interested stakeholders.

(A) With the submission of the initial mitigation plan according to the requirements in paragraph (b)(3) of this section that contains the elements in paragraph (b)(2) of this section, the State must:

(1) Document that a draft version of the mitigation plan was available for public comment for a minimum of 30 days;

(2) Submit the public comments it received along with its mitigation plan to the Administrator; and

(3) In its submission to the Administrator, for each public comment received, explain the changes made to the mitigation plan or explain why the State did not make any changes to the mitigation plan.

(B) The State shall specify in its mitigation plan the periodic review

and evaluation process that it intends to follow for reviews following the initial review identified in paragraph (b)(2)(iii)(A) of this section.

(3) *Submission of mitigation plans.* All States subject to the provisions of paragraph (b) of this section shall, after notice and opportunity for public comment identified in paragraph (b)(2)(iii)(A) of this section, submit a mitigation plan to the Administrator for review and verification of the plan components identified in paragraph (b)(2) of this section.

(i) States shall submit their mitigation plans within 2 years of being notified that they are subject to the provisions of paragraph (b) of this section.

(ii) The Administrator shall review each mitigation plan developed according to the requirements in paragraph (b)(2) of this section and shall notify the submitting State upon completion of such review.

[81 FR 68282, Oct. 3, 2016]

### Subpart Z—Provisions for Implementation of PM<sub>2.5</sub> National Ambient Air Quality Standards

SOURCE: 81 FR 58151, Aug. 24, 2016, unless otherwise noted.

#### § 51.1000 Definitions.

The following definitions apply for purposes of this subpart. Any term not defined herein shall have the meaning as defined in 40 CFR 51.100 or Clean Air Act section 302.

*Act* means the Clean Air Act as codified at 42 U.S.C. 7401–7671q (2003).

*Additional feasible measure* is any control measure that otherwise meets the definition of “best available control measure” (BACM) but can only be implemented in whole or in part beginning 4 years after the date of reclassification of an area as Serious and no later than the statutory attainment date for the area.

*Additional reasonable measure* is any control measure that otherwise meets the definition of “reasonably available control measure” (RACM) but can only be implemented in whole or in part during the period beginning 4 years after the effective date of designation

of a nonattainment area and no later than the end of the sixth calendar year following the effective date of designation of the area.

*Applicable annual standard* is the annual PM<sub>2.5</sub> NAAQS established, revised, or retained as a result of a particular PM<sub>2.5</sub> NAAQS review.

*Applicable attainment date* means the latest statutory date by which an area is required to attain a particular PM<sub>2.5</sub> NAAQS, unless the EPA has approved an attainment plan for the area to attain such NAAQS, in which case the applicable attainment date is the date approved under such attainment plan. If the EPA grants an extension of an approved attainment date, then the applicable attainment date for the area shall be the extended date.

*Applicable 24-hour standard* is the 24-hour PM<sub>2.5</sub> NAAQS established, revised, or retained as a result of a particular PM<sub>2.5</sub> NAAQS review.

*Attainment projected inventory for the nonattainment area* means the projected emissions of direct PM<sub>2.5</sub> and all PM<sub>2.5</sub> precursors on the projected attainment date for the area. This projected inventory includes sources included in the base year inventory for the nonattainment area revised to account for changes in direct PM<sub>2.5</sub> and all PM<sub>2.5</sub> precursors through implementation of the plan and any additional sources of such emissions expected within the boundaries of the nonattainment area by the projected attainment date for the area.

*Average-season-day emissions* means the sum of all emissions during the applicable season divided by the number of days in that season.

*Base year inventory for the nonattainment area* means the actual emissions of direct PM<sub>2.5</sub> and all PM<sub>2.5</sub> precursors from all sources within the boundaries of a nonattainment area in one of the 3 years used for purposes of designations or another technically appropriate year.

*Best available control measure (BACM)* is any technologically and economically feasible control measure that can be implemented in whole or in part within 4 years after the date of reclassification of a Moderate PM<sub>2.5</sub> nonattainment area to Serious and that generally can achieve greater perma-

nent and enforceable emissions reductions in direct PM<sub>2.5</sub> emissions and/or emissions of PM<sub>2.5</sub> plan precursors from sources in the area than can be achieved through the implementation of RACM on the same source(s). BACM includes best available control technology (BACT).

*Date of designation* means the effective date of a PM<sub>2.5</sub> area designation as promulgated by the Administrator.

*Date of reclassification* means the effective date of a PM<sub>2.5</sub> area reclassification from Moderate to Serious as promulgated by the Administrator.

*Direct PM<sub>2.5</sub> emissions* means solid or liquid particles emitted directly from an air emissions source or activity, or reaction products of gases emitted directly from an air emissions source or activity which form particulate matter as they reach ambient temperatures. Direct PM<sub>2.5</sub> emissions include filterable and condensable PM<sub>2.5</sub> emissions composed of elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other organic or inorganic particles that exist or form through reactions as emissions reach ambient temperatures (including but not limited to crustal material, metals, and sea salt).

*Implemented* means adopted by the state, fully approved into the SIP by the EPA, and requiring expeditious compliance by affected sources with installation and/or operation of any equipment, control device, process change, or other emission reduction activity.

*Major stationary source* means any stationary source of air pollutant(s) that emits, or has the potential to emit 100 tons per year or more of direct PM<sub>2.5</sub> or any PM<sub>2.5</sub> precursor in any Moderate nonattainment area for the PM<sub>2.5</sub> NAAQS, or 70 tons per year or more of direct PM<sub>2.5</sub> or any PM<sub>2.5</sub> precursor in any Serious nonattainment area for the PM<sub>2.5</sub> NAAQS.

*Mobile source* means mobile sources as defined by 40 CFR 51.50.

*Most stringent measure (MSM)* is any permanent and enforceable control measure that achieves the most stringent emissions reductions in direct PM<sub>2.5</sub> emissions and/or emissions of PM<sub>2.5</sub> plan precursors from among

## Environmental Protection Agency

## § 51.1003

those control measures which are either included in the SIP for any other NAAQS, or have been achieved in practice in any state, and that can feasibly be implemented in the relevant PM<sub>2.5</sub> NAAQS nonattainment area.

*Nonpoint source* means nonpoint sources as defined by 40 CFR 51.50.

*PM<sub>2.5</sub> design value* (DV) for a PM<sub>2.5</sub> nonattainment area is the highest of the 3-year average concentrations calculated for the ambient air quality monitors in the area, in accordance with 40 CFR part 50, appendix N.

*PM<sub>2.5</sub> NAAQS* are the fine particulate matter National Ambient Air Quality Standards codified at 40 CFR part 50.

*PM<sub>2.5</sub> plan precursors* are those PM<sub>2.5</sub> precursors required to be regulated in the applicable attainment plan and/or NNSR program.

*PM<sub>2.5</sub> precursors* are Sulfur dioxide (SO<sub>2</sub>), Oxides of nitrogen (NO<sub>x</sub>), Volatile organic compounds (VOC), and Ammonia (NH<sub>3</sub>).

*Point source* means point sources as defined by 40 CFR 51.50.

*Precursor demonstration* means an optional set of analyses provided by a state that are designed to show that emissions of a particular PM<sub>2.5</sub> precursor do not contribute significantly to PM<sub>2.5</sub> levels that exceed the relevant PM<sub>2.5</sub> standard in a particular nonattainment area. The three types of precursor demonstrations provided in this rule are the comprehensive precursor demonstration, the major stationary source precursor demonstration, and the NNSR precursor demonstration.

*Reasonable further progress* (RFP) means such annual incremental reductions in emissions of direct PM<sub>2.5</sub> and PM<sub>2.5</sub> plan precursors as are required for the purpose of ensuring attainment of the applicable PM<sub>2.5</sub> NAAQS in a nonattainment area by the applicable attainment date.

*Reasonably available control measure* (RACM) is any technologically and economically feasible measure that can be implemented in whole or in part within 4 years after the effective date of designation of a PM<sub>2.5</sub> nonattainment area and that achieves permanent and enforceable reductions in direct PM<sub>2.5</sub> emissions and/or PM<sub>2.5</sub> plan precursor emissions from sources in the area.

RACM includes reasonably available control technology (RACT).

*RFP projected emissions* means the estimated emissions for direct PM<sub>2.5</sub> and PM<sub>2.5</sub> plan precursors by source category or subcategory for the years in which quantitative milestones are due for a nonattainment area.

*Subpart 1* means subpart 1 of part D of title I of the Act.

*Subpart 4* means subpart 4 of part D of title I of the Act.

### § 51.1001 Applicability of part 51.

The provisions in subparts A through X of this part apply to areas for purposes of the PM<sub>2.5</sub> NAAQS to the extent they are not inconsistent with the provisions of this subpart.

### § 51.1002 Classifications and reclassifications.

(a) *Initial classification as Moderate PM<sub>2.5</sub> nonattainment area.* Any area designated nonattainment for a PM<sub>2.5</sub> NAAQS shall be classified at the time of such designation, by operation of law, as a Moderate PM<sub>2.5</sub> nonattainment area.

(b) *Reclassification as Serious PM<sub>2.5</sub> nonattainment area.* A Moderate nonattainment area shall be reclassified to Serious under the following circumstances:

(1) The EPA shall reclassify as Serious through notice-and-comment rulemaking any Moderate PM<sub>2.5</sub> nonattainment area that the EPA determines cannot practicably attain a particular PM<sub>2.5</sub> NAAQS by the applicable Moderate area attainment date.

(2) A Moderate PM<sub>2.5</sub> nonattainment area shall be reclassified by operation of law as a Serious nonattainment area if the EPA finds through notice-and-comment rulemaking that the area failed to attain a particular PM<sub>2.5</sub> NAAQS by the applicable Moderate area attainment date.

### § 51.1003 Attainment plan due dates and submission requirements.

(a) *Nonattainment areas initially classified as Moderate.* (1) For any area designated as nonattainment and initially classified as Moderate for a PM<sub>2.5</sub> NAAQS, the state(s) shall submit a Moderate area attainment plan that