

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_{2.5} NAAQS nonattainment area.

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

PM_{2.5} design value (DV) for a PM_{2.5} 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_{2.5} NAAQS are the fine particulate matter National Ambient Air Quality Standards codified at 40 CFR part 50.

PM_{2.5} plan precursors are those PM_{2.5} precursors required to be regulated in the applicable attainment plan and/or NNSR program.

PM_{2.5} precursors are Sulfur dioxide (SO₂), Oxides of nitrogen (NO_x), Volatile organic compounds (VOC), and Ammonia (NH₃).

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_{2.5} precursor do not contribute significantly to PM_{2.5} levels that exceed the relevant PM_{2.5} 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_{2.5} and PM_{2.5} plan precursors as are required for the purpose of ensuring attainment of the applicable PM_{2.5} 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_{2.5} nonattainment area and that achieves permanent and enforceable reductions in direct PM_{2.5} emissions and/or PM_{2.5} 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_{2.5} and PM_{2.5} 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_{2.5} 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_{2.5} nonattainment area.* Any area designated nonattainment for a PM_{2.5} NAAQS shall be classified at the time of such designation, by operation of law, as a Moderate PM_{2.5} nonattainment area.

(b) *Reclassification as Serious PM_{2.5} 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_{2.5} nonattainment area that the EPA determines cannot practicably attain a particular PM_{2.5} NAAQS by the applicable Moderate area attainment date.

(2) A Moderate PM_{2.5} 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_{2.5} 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_{2.5} NAAQS, the state(s) shall submit a Moderate area attainment plan that

§51.1003

40 CFR Ch. I (7–1–23 Edition)

meets all of the following requirements:

- (i) Base year emissions inventory requirements set forth at §51.1008(a)(1);
- (ii) Attainment projected emissions inventory requirements set forth at §51.1008(a)(2);
- (iii) Moderate area attainment plan control strategy requirements set forth at §51.1009;
- (iv) Attainment demonstration and modeling requirements set forth at §51.1011;
- (v) Reasonable Further Progress (RFP) requirements set forth at §51.1012;
- (vi) Quantitative milestone requirements set forth at §51.1013;
- (vii) Contingency measure requirements set forth at §51.1014; and,
- (viii) Nonattainment new source review plan requirements pursuant to §51.165.

(2) The state(s) shall submit its Moderate area attainment plan to the EPA no later than 18 months from the effective date of designation of the area.

(b) *Nonattainment areas reclassified to Serious.* (1) For any nonattainment area reclassified to Serious for a PM_{2.5} NAAQS under §51.1002(b), in addition to meeting the Moderate area attainment plan submission requirements set forth at §51.1003(a), the state(s) shall submit a Serious area attainment plan that meets all of the following requirements:

- (i) Base year emissions inventory requirements set forth at §51.1008(b)(1);
- (ii) Attainment projected emissions inventory requirements set forth at §51.1008(b)(2);
- (iii) Serious area attainment plan control strategy requirements set forth at §51.1010;
- (iv) Attainment demonstration and modeling requirements set forth at §51.1011;
- (v) Reasonable Further Progress (RFP) requirements set forth at §51.1012;
- (vi) Quantitative milestone requirements set forth at §51.1013;
- (vii) Contingency measure requirements set forth at §51.1014; and,
- (viii) Nonattainment new source review plan requirements pursuant to §51.165.

(2) The state(s) shall submit its Serious area attainment plan to the EPA according to the following schedule:

(i) *Discretionary reclassification.* (A) For any nonattainment area reclassified to Serious for a particular PM_{2.5} NAAQS under §51.1002(b)(1) because the EPA determined it cannot practicably attain the NAAQS by the applicable Moderate area attainment date, the state(s) shall submit to the EPA no later than 18 months from the effective date of reclassification the portion of the Serious area attainment plan that meets the following requirements:

(1) Base year emissions inventory requirements set forth at §51.1008(b)(1);

(2) Serious area attainment plan control strategy requirements set forth at §51.1010(a)(1) through (4); and,

(3) Nonattainment new source review plan requirements pursuant to §51.165.

(B) The state(s) shall submit to the EPA the portion of the Serious area attainment plan that meets the requirements set forth at paragraphs (b)(1)(ii), and (b)(1)(iv) through (vii) of this section to the EPA by a date that is no later than 4 years after the effective date of reclassification, or 2 years prior to the attainment date, whichever is earlier.

(ii) *Mandatory reclassification.* For any nonattainment area reclassified to Serious for a particular PM_{2.5} NAAQS under §51.1002(b)(2) because the EPA determined it failed to attain the NAAQS by the applicable Moderate area attainment date, the state(s) shall submit to the EPA a Serious area attainment plan meeting the requirements set forth at paragraphs (b)(1)(i) through (viii) of this section within 18 months from the effective date of reclassification, or 2 years before the attainment date, whichever is earlier.

(iii) If the state(s) submits to the EPA a request for a Serious area attainment date extension simultaneous with the Serious area attainment plan due under paragraph (b)(1) of this section, such a plan shall meet the most stringent measure (MSM) requirements set forth at §51.1010(b) in addition to the BACM and BACT and additional feasible measure requirements set forth at §51.1010(a).

(c) *Serious nonattainment areas subject to CAA section 189(d) for failing to attain*

Environmental Protection Agency

§51.1004

the PM_{2.5} NAAQS by the applicable Serious area attainment date. (1) For any Serious nonattainment area that fails to attain the PM_{2.5} NAAQS by the applicable Serious area attainment date, the state(s) shall submit a revised Serious area attainment plan that demonstrates that each year the area will achieve at least a 5 percent reduction in emissions of direct PM_{2.5} or a 5 percent reduction in emissions of a PM_{2.5} plan precursor based on the most recent emissions inventory for the area. The revised attainment plan shall meet the following requirements:

- (i) Emissions inventory requirements set forth at §51.1008(c)(1);
- (ii) Emissions inventory requirements set forth at §51.1008(c)(2);
- (iii) Serious area attainment plan control strategy requirements set forth at §51.1010;
- (iv) Attainment demonstration and modeling requirements set forth at §51.1011;
- (v) Reasonable Further Progress (RFP) requirements set forth at §51.1012;
- (vi) Quantitative milestone requirements set forth at §51.1013;
- (vii) Contingency measure requirements set forth at §51.1014; and
- (viii) Nonattainment new source review plan requirements pursuant to §51.165.

(2) The state(s) shall submit to the EPA the revised attainment plan meeting the requirements set forth at paragraphs (c)(1)(i) through (vii) of this section no later than 12 months from the applicable Serious area attainment date that was previously missed.

(d) Any attainment plan submitted to the EPA under this section shall establish motor vehicle emissions budgets for the projected attainment year for the area, if applicable. The state shall develop such budgets according to the requirements of the transportation conformity rule as they apply to PM_{2.5} nonattainment areas (40 CFR part 93).

§51.1004 Attainment dates.

(a) The state shall submit a projected attainment date as part of its attainment plan submission under §51.1003 for any PM_{2.5} NAAQS nonattainment area located in whole or in part within its boundaries. The state shall justify

the projected attainment date for each such nonattainment area (or portion of a nonattainment area) as part of the demonstration of attainment developed and submitted according to the requirements set forth at §51.1011 and according to the following:

(1) Nonattainment areas initially classified as Moderate.

(i) Except for nonattainment areas that meet the criterion under paragraph (a)(1)(ii) of this section, the projected attainment date for a Moderate PM_{2.5} nonattainment area shall be as expeditious as practicable through the implementation of all control measures required under §51.1009. The attainment date may be as late as the end of the sixth calendar year after the effective date of designation if the state demonstrates that the implementation of the control measures that qualify as RACM, RACT, and additional reasonable measures, but that are not necessary for demonstrating attainment by the end of the sixth calendar year after the effective date of designation, will not collectively advance the attainment date by at least 1 year.

(ii) The projected attainment date for a Moderate PM_{2.5} nonattainment area which the state demonstrates cannot practicably attain the applicable PM_{2.5} NAAQS by the end of the sixth calendar year after the effective date of designation of the area with the implementation of all control measures required under §51.1009 shall be the end of the sixth calendar year after the effective date of designation unless and until the area is reclassified as Serious according to §51.1002.

(2) *Nonattainment areas reclassified to Serious.* (i) Except for nonattainment areas that meet the criterion under paragraph (a)(2)(ii) of this section, the projected attainment date for a Serious PM_{2.5} nonattainment area shall be as expeditious as practicable with the implementation of all control measures required under §51.1010 but no later than the end of the tenth calendar year after the effective date of designation.

(ii) A state that submits an attainment plan that demonstrates that a Serious PM_{2.5} nonattainment area cannot practicably attain the PM_{2.5}