

## Environmental Protection Agency

## §51.1016

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<sub>2.5</sub> 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<sub>2.5</sub> NAAQS by the applicable attainment date.

(b) The contingency measures adopted as part of a PM<sub>2.5</sub> 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<sub>2.5</sub> nonattainment area has attained the PM<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> NAAQS.

(b) *Nonattainment areas reclassified as Serious.* Upon a determination by the EPA that a Serious PM<sub>2.5</sub> nonattainment area has attained the PM<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> 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