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**§ 51.125 [Reserved]**

**§ 51.126 Determination of widespread use of ORVR and waiver of CAA section 182(b)(3) Stage II gasoline vapor recovery requirements.**

(a) Pursuant to section 202(a)(6) of the Clean Air Act, the Administrator has determined that, effective May 16, 2012, onboard refueling vapor recovery (ORVR) systems are in widespread use in the motor vehicle fleet within the United States.

(b) Effective May 16, 2012, the Administrator waives the requirement of Clean Air Act section 182(b)(3) for Stage II vapor recovery systems in ozone nonattainment areas regardless of classification. States must submit and receive EPA approval of a revision to their approved State Implementation Plans before removing Stage II requirements that are contained therein.

[77 FR 28782, May 16, 2012]

## Subpart H—Prevention of Air Pollution Emergency Episodes

SOURCE: 51 FR 40668, Nov. 7, 1986, unless otherwise noted.

**§ 51.150 Classification of regions for episode plans.**

(a) This section continues the classification system for episode plans. Each region is classified separately with respect to each of the following pollutants: Sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and ozone.

(b) *Priority I Regions* means any area with greater ambient concentrations than the following:

(1) Sulfur dioxide—100 μg/m³ (0.04 ppm) annual arithmetic mean; 455 μg/m³ (0.17 ppm) 24-hour maximum.

(2) Particulate matter—95 μg/m³ annual geometric mean; 325 μg/m³ 24-hour maximum.

(3) Carbon monoxide—55 mg/m³ (48 ppm) 1-hour maximum; 14 mg/m³ (12 ppm) 8-hour maximum.

(4) Nitrogen dioxide—100 μg/m³ (0.06 ppm) annual arithmetic mean.

(5) Ozone—195 μg/m³ (0.10 ppm) 1-hour maximum.

(c) *Priority IA Region* means any area which is Priority I primarily because of emissions from a single point source.

(d) *Priority II Region* means any area which is not a Priority I region and has ambient concentrations between the following:

(1) Sulfur Dioxides—60–100 μg/m³ (0.02–0.04 ppm) annual arithmetic mean; 260–445 μg/m³ (0.10–0.17 ppm) 24-hour maximum; any concentration above 1,300 μg/m³ (0.50 ppm) three-hour average.

(2) Particulate matter—60–95 μg/m³ annual geometric mean; 150–325 μg/m³ 24-hour maximum.

(e) In the absence of adequate monitoring data, appropriate models must be used to classify an area under paragraph (b) of this section, consistent with the requirements contained in § 51.112(a).

(f) Areas which do not meet the above criteria are classified Priority III.

[51 FR 40668, Nov. 7, 1986, as amended at 58 FR 38822, July 20, 1993]

**§ 51.151 Significant harm levels.**

Each plan for a Priority I region must include a contingency plan which must, as a minimum, provide for taking action necessary to prevent ambient pollutant concentrations at any location in such region from reaching the following levels:

*Sulfur dioxide*—2.620 μg/m³ (1.0 ppm) 24-hour average.

$PM_{10}$—600 micrograms/cubic meter; 24-hour average.

*Carbon monoxide*—57.5 mg/m³ (50 ppm) 8-hour average; 86.3 mg/m³ (75 ppm) 4-hour average; 144 mg/m³ (125 ppm) 1-hour average.

*Ozone*—1,200 ug/m³ (0.6 ppm) 2-hour average.

*Nitrogen dioxide*—3.750 ug/m³ (2.0 ppm) 1-hour average; 938 ug/m³ (0.5 ppm) 24-hour average.

[51 FR 40668, Nov. 7, 1986, as amended at 52 FR 24713, July 1, 1987]

**§ 51.152 Contingency plans.**

(a) Each contingency plan must—

(1) Specify two or more stages of episode criteria such as those set forth in appendix L to this part, or their equivalent;

(2) Provide for public announcement whenever any episode stage has been determined to exist; and

(3) Specify adequate emission control actions to be taken at each episode stage. (Examples of emission control actions are set forth in appendix L.)

(b) Each contingency plan for a Priority I region must provide for the following:

(1) Prompt acquisition of forecasts of atmospheric stagnation conditions and of updates of such forecasts as frequently as they are issued by the National Weather Service.

(2) Inspection of sources to ascertain compliance with applicable emission control action requirements.

(3) Communications procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage, including procedures for contact with public officials, major emission sources, public health, safety, and emergency agencies and news media.

(c) Each plan for a Priority IA and II region must include a contingency plan that meets, as a minimum, the requirements of paragraphs (b)(1) and (b)(2) of this section. Areas classified Priority III do not need to develop episode plans.

(d) Notwithstanding the requirements of paragraphs (b) and (c) of this section, the Administrator may, at his discretion—

(1) Exempt from the requirements of this section those portions of Priority I, IA, or II regions which have been designated as attainment or unclassifiable for national primary and secondary standards under section 107 of the Act; or

(2) Limit the requirements pertaining to emission control actions in Priority I regions to—

(i) Urbanized areas as identified in the most recent United States Census, and

(ii) Major emitting facilities, as defined by section 169(1) of the Act, outside the urbanized areas.

### § 51.153 Reevaluation of episode plans.

(a) States should periodically reevaluate priority classifications of all Regions or portion of Regions within their borders. The reevaluation must consider the three most recent years of air quality data. If the evaluation indicates a change to a higher priority classification, appropriate changes in the episode plan must be made as expeditiously as practicable.

(b) [Reserved]

## Subpart I—Review of New Sources and Modifications

SOURCE: 51 FR 40669, Nov. 7, 1986, unless otherwise noted.

### § 51.160 Legally enforceable procedures.

(a) Each plan must set forth legally enforceable procedures that enable the State or local agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in—

(1) A violation of applicable portions of the control strategy; or

(2) Interference with attainment or maintenance of a national standard in the State in which the proposed source (or modification) is located or in a neighboring State.

(b) Such procedures must include means by which the State or local agency responsible for final decisionmaking on an application for approval to construct or modify will prevent such construction or modification if—

(1) It will result in a violation of applicable portions of the control strategy; or

(2) It will interfere with the attainment or maintenance of a national standard.

(c) The procedures must provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of such information on—

(1) The nature and amounts of emissions to be emitted by it or emitted by associated mobile sources;

(2) The location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section.