

Proposed EPA Guidance (August 14, 1998)

MEMORANDUM

SUBJECT: Proposed Implementation Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) and the Regional Haze Program

FROM: John S. Seitz, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Regional Office Air Division Directors

On July 16, 1997, the President issued a directive to EPA on the implementation of the revised air quality standards for ozone and PM. The purpose of this memorandum is to provide guidance on implementing the revised ozone and PM NAAQS and the regional haze program consistent with the Clean Air Act and the President's Directive.

[Notes to guidance commenter:

The “placeholders” in this guidance are references to additional guidance on ozone, PM and regional haze that EPA plans to make available in draft later in 1998. By Dec. 1998, EPA plans to provide one final document that includes the guidance currently in this document plus the guidance for those places where placeholders currently appear. The table of contents in this guidance serves as a complete listing of the guidance that will be covered in the final document.

This document includes dates for certain activities that are based on the proposed NOx SIP call (62 FR 60318, November 17, 1997). These dates will be modified as appropriate in the final guidance to reflect the dates in the final SIP call.]

For the revised ozone NAAQS, the guidance covers five areas. First, it lays out a classification scheme. This includes the dates by which designations and classifications will occur, anticipated dates for when nonattainment State implementation plans (SIPs) are due, and anticipated attainment dates. Second, it provides a policy clarifying the requirement that States adopt RACM/RACT into ozone nonattainment area SIPs for the ozone standard. Third, it provides details on the SIP requirements for ozone transitional areas. Fourth, it provides initial guidance on the RFP requirement for traditional ozone nonattainment areas. Fifth, the document

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provides placeholders for the additional guidance EPA plans to issue by December 1998 to address SIP requirements for ozone areas.

For the revised PM NAAQS, the guidance covers three areas. First, it describes a classification scheme for the revised PM₁₀ NAAQS. Second, it describes SIP requirements for serious and moderate areas under the revised PM₁₀ NAAQS. Third, it clarifies the requirement that States adopt RACM/RACT into PM nonattainment area SIPs.

For the PM_{2.5} NAAQS and the regional haze program, the guidance provides placeholders for the additional guidance that EPA plans to issue by December 1998 addressing regional planning, inter-program coordination, and economic incentive programs.

The purpose of this guidance is to set forth EPA's current views on the issues identified above. These issues will be addressed in future rulemakings as appropriate (e.g., actions approving or disapproving SIP submittals and actions establishing SIP submittal deadlines). In those rulemakings, EPA plans to propose to take a particular action based in whole or in part on its views of the relevant issues, and the public will have an opportunity to comment on EPA's interpretations during the rulemakings. When EPA issues final rules based on its views at that time, those views will be binding on the States, the public, and EPA as a matter of law.

A complete listing of the guidance and other actions EPA plans to issue to implement the revised ozone and PM NAAQS can be found in a table on EPA's implementation website (<http://ttnwww.rtpnc.epa.gov/implement/actions.htm>). If you have any questions concerning implementation of this guidance, please contact Sally Shaver, Director of the Air Quality Strategies and Standards Division. The staff contacts are Chris Stoneman (ozone) at 919/541-0823 and Larry Wallace (PM) at 919/541-0906.

Attachment

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**Implementation Guidance for the Revised Ozone and Particulate Matter (PM)
National Ambient Air Quality Standards (NAAQS) and the Regional Haze Program**

PREFACE

The purpose of this guidance is to set forth EPA's current views on the issues identified above. These issues will be addressed in future rulemakings as appropriate (e.g., actions approving or disapproving State implementation plan (SIP) submittals and actions establishing SIP submittal deadlines). In those rulemakings, EPA plans to propose to take a particular action based in whole or in part on its views of the relevant issues, and the public will have an opportunity to comment on EPA's interpretations during the rulemakings. When EPA issues final rules based on its views at that time, those views will be binding on the States, the public, and EPA as a matter of law.

In addition, under the recently promulgated Tribal Authority Rule¹, eligible tribal governments may elect to develop their own air quality management programs. Where tribal governments choose not to implement air programs, the EPA has the authority under the Clean Air Act (Act) to ensure implementation of programs necessary to protect tribal air resources. This implementation guidance is directly applicable to the States for the development of SIPs for the revised ozone and PM standards and the regional haze program. Eligible tribes have the option of developing tribal implementation plans. Whereas a State Governor can request designation of nonattainment areas within the State, the request generally would not apply to portions of nonattainment areas located within Indian Country. The eligible tribal government can request designation of the tribal portion of a nonattainment area. If a tribe does not make such a request, EPA can make such a designation. Thus, the Regional Offices should work with States and tribes to ensure that the basic principles of this guidance are implemented and protection of air quality is ensured nationwide.

[This document includes dates for certain activities that are based on the proposed NO_x SIP call (62 FR 60318, November 17, 1997). These dates will be modified as appropriate in the final guidance to reflect the dates in the final SIP call.]

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¹"Indian Tribes: Air Quality Planning and Management," 63 FR 7254, February 12, 1998.

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Attachment A: Classification Scheme for the 8-hour Ozone NAAQS

Attachment B: Classification Scheme for the PM₁₀ NAAQS

Attachment C: Act Legal Authority

INTRODUCTION

On July 18, 1997, EPA issued revised NAAQS for ozone and PM. For ozone, the NAAQS is now based on an 8-hour averaging period (versus 1 hour for the previous NAAQS) and the level has been changed from 0.12 ppm to 0.08 ppm (62 FR 38856). For the PM NAAQS, EPA has added a new 24-hour and an annual NAAQS for PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) and revised the form for the pre-existing 24-hour PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) NAAQS (62 FR 38652). The EPA did not revise the level of the annual PM₁₀ NAAQS but did revise some aspects of the form of the standard (62 FR 38652).

In addition, in the final action for the PM_{2.5} NAAQS, EPA determined that visibility impairment in “mandatory Class I Federal areas²” due to regional haze is a PM_{2.5} welfare effect of concern. The EPA has decided to address the regional haze concern through a set of specially-tailored regulations which the Act requires EPA to issue to provide for reasonable progress toward improvement of visibility impairment due to regional haze. The EPA proposed the regulations on July 31, 1997 (62 FR 41138); when finalized, these regulations will set up a framework to assure progress toward visibility improvement.

For the revised ozone NAAQS, the guidance covers five areas. First, it lays out a classification scheme. This includes the dates by which designations³ and classifications will occur, anticipated dates for when nonattainment SIPs are due, and anticipated attainment dates. Second, it provides a policy clarifying the requirement that States adopt reasonably available control measures/reasonably available control technology (RACM/RACT) into ozone nonattainment area SIPs for the ozone standard. Third, it provides details on the SIP

²Areas designated as mandatory Class I Federal areas are those national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks which were in existence on August 7, 1977. Visibility has been identified as an important value in 156 of these areas, referred to in this guidance for shorthand as “Class I areas.” (See 40 CFR part 81, subpart D.) The extent of a mandatory Class I Federal area includes subsequent changes in boundaries, such as park expansions (section 162(a)).

³For guidance on the designations process, see “Re-issue of the Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS),” Sally L. Shaver, Director, Air Quality Strategies and Standards Division, June 16, 1998.

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requirements for ozone transitional areas. Fourth, it provides initial guidance on the reasonable further progress (RFP) requirement for traditional ozone nonattainment areas. Fifth, the document provides placeholders for the additional guidance EPA plans to issue by December 1998 to address SIP requirements for ozone areas.

For the revised PM NAAQS, the guidance covers three areas. First, it describes a classification scheme for the revised PM₁₀ NAAQS. Second, it describes SIP requirements for serious and moderate areas under the revised PM₁₀ NAAQS. Third, it clarifies the requirement that States adopt RACM/RACT into PM nonattainment area SIPs.

For the PM_{2.5} NAAQS and the regional haze program, the guidance provides placeholders for the additional guidance that EPA plans to issue by December 1998 addressing regional planning, inter-program coordination, and economic incentive programs.

REVISED 8-HOUR OZONE NAAQS

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1. Classification Scheme

Areas designated nonattainment for the 8-hour ozone standard will be subject to the planning requirements of subpart 1 of part D of title I of the Act. These provisions grant EPA the authority to create classifications for nonattainment areas (see Attachment C). Under this authority, EPA plans to establish a classification scheme for the 8-hour ozone standard that has three formal classifications: transitional, traditional, and international transport. In this section, dates are provided by which certain activities will occur for these three classifications. Some of those dates are common to two or all three classifications. First, for all three types of areas, final designations and classifications will occur by July 18, 2000. Second, for traditional and international transport areas, nonattainment area SIPs will be due by July 18, 2003.

In addition, this section provides attainment dates that EPA anticipates establishing for the three types of areas. The EPA will formally establish attainment dates when EPA takes rulemaking action on the specific SIPs submitted by the States. The formal assignment of attainment dates will be based on EPA's review of the facts and circumstances specific to each nonattainment area and the SIP for the area. In this document, EPA provides guidance on the requirements for these SIPs. The definition of attainment date is also the same for all three classifications of ozone areas. Consistent with EPA's previous interpretation under the 1990 Amendments to the Act, attainment date is defined, for planning purposes, as the date by which areas must demonstrate they will have achieved sufficient emissions reductions through control measure implementation to enable the area to demonstrate at least one ozone season of clean air

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quality in the attainment year.⁴ Clean air quality data are defined for the attainment year as follows: the fourth-highest daily maximum 8-hour average ozone concentration must be less than or equal to 0.084 ppm.

a. Transitional Areas

The Presidential Directive of July 16, 1997 called for the creation of a transitional classification for certain areas. This classification is available only to areas that have had the 1-hour ozone standard revoked but do not attain the 8-hour ozone standard (see section 3.a.). (Based on air quality data, EPA has determined and will continue to determine through rulemaking which areas have attained the 1-hour standard and will revoke that standard for those areas.) Areas wanting to be transitional must also submit a SIP by 2000. Areas that have had the 1-hour standard revoked but do not attain the 8-hour standard and that elect not to be transitional, or do not qualify for it, will be classified as either traditional or international transport. Areas that wish to be considered as a transitional area should consult with the appropriate Regional Office as soon as possible.

The transitional classification is the primary element of EPA's flexible implementation approach for ozone. This classification encourages cleaner air sooner, responds to the fact that ozone is a regional as well as a local problem, and eliminates unnecessary planning and regulatory burdens for State and local governments. In transitional areas in the East, few, if any, local control measures will be necessary since their ozone problem is significantly due to regional ozone transport. For these areas, EPA's plan to issue a call for regional nitrogen oxides (NO_x) controls, which, when finalized, should address the air quality problem. Under the final NO_x SIP call that EPA plans to issue in September 1998,⁵ States will need to adopt regional NO_x controls in order

⁴In the 1990 Amendments, Congress provided EPA the authority to grant a 1-year extension of the attainment date for ozone nonattainment areas up to 2 times provided certain "clean air" and other criteria are met (see sections 172(a)(2)(C) and 181(a)(5)). Since 1990, EPA has interpreted the inclusion of these provisions to mean that, for planning purposes, a State can implement emissions reductions needed for attainment as late as the attainment year, such that the air quality data in the attainment year would enable the area to qualify for an extension (see "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 at 13509, April 16, 1992; referred to hereafter as the 1992 General Preamble). The EPA believes it is consistent with the statute and appropriate to use this definition of attainment date, for planning purposes, for the 8-hour ozone NAAQS.

⁵On November 7, 1997 (62 FR 60318), EPA proposed a regional NO_x reduction strategy for 22 Eastern States plus the District of Columbia to help areas attain the 1- and 8-hour ozone NAAQS. The EPA supplemented the proposal on May 11, 1998 (63 FR 25902) and plans to issue a final rule in September 1998.

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to meet the NO_x emissions budgets established by the SIP call. The EPA's modeling completed to date projects that the vast majority of the new 8-hour ozone nonattainment areas will attain through the regional NO_x strategy. The EPA believes, therefore, that these areas will not need to adopt additional measures beyond those required in response to the NO_x SIP call. In the coming months after the final SIP call is published, EPA will make available a list of those areas projected to attain through the SIP call. In addition, for transitional areas, EPA plans to establish modified new source review and transportation conformity requirements⁶ that will enable States to comply with only minor revisions to their existing programs. In addition, most transitional areas will be able to rely on EPA regional scale modeling--wholly or partially--to demonstrate attainment of the 8-hour ozone standard.

The majority of the candidates for the transitional classification will be areas within the NO_x SIP call region (proposed as 22 States plus DC). Such areas that have had the 1-hour standard revoked, but do not attain the 8-hour standard, may want to be classified transitional if they are projected to attain the 8-hour standard as a result of regional NO_x reductions. Other candidates for the classification will include areas that have had the 1-hour standard revoked, but do not attain the 8-hour standard, that benefit partially or not at all from the NO_x SIP call.

For areas that are projected to attain the 8-hour standard through implementation of the NO_x SIP call, the transitional area SIP providing for attainment will primarily be the SIP that States will have to submit in response to the final NO_x SIP call. The EPA anticipates that the SIP will be due by September 1999.⁷ (A complete list of transitional area SIP elements is in section 3.a.) As mentioned above, in the coming months after the final SIP call is published, EPA will make available a list of those counties projected to attain through the SIP call.

For areas where the NO_x SIP call is not projected to be sufficient for attainment of the 8-hour standard or does not apply, the transitional area SIP providing for attainment will consist of two items. First, if the area is subject to the NO_x SIP call, then the transitional SIP will include the SIP that States submit by September 1999 in response to the NO_x SIP call. Second, the State will need to submit an attainment SIP by May 2000. (A complete list of transitional area SIP elements is in section 3.a.)

When EPA reviews and approves transitional area SIPs, EPA anticipates that it will establish a date of December 31, 2003 as the attainment date for almost all of these areas. In

⁶To accommodate transitional areas, EPA currently plans (1) to propose modifications to the transportation conformity rule requirements in December 1998 and to finalize those modifications in June 1999 and (2) to propose modifications to the new source review rule requirements in October 1998 and to finalize those requirements by May 1999.

⁷In the proposed NO_x SIP call, EPA proposed that these SIPs will be due in September 1999.

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addition, EPA anticipates that a small number of areas may need an alternative date of no later than December 31, 2005. For transitional areas that are projected to attain through the SIP call, the 2003 attainment date will be tied to the NOx SIP call time frames. Under the proposed NOx SIP call, States would have to implement NOx controls by September 2002 and fully achieve the State NOx budgets by 2007. In this guidance, EPA assumes a tentative NOx control implementation date of May 2003, pending the final decision in the final NOx SIP call.⁸ Based on this date and other available information, EPA, therefore, believes that most of these areas that would be eligible for the transitional classification can achieve sufficient emissions reductions to produce one ozone season's clean air quality by the end of 2003.

For areas relying partially on the SIP call for attainment, the attainment date of 2003 will be tied partially to the NOx SIP call in a manner similar to transitional areas that attain through the NOx SIP call. For areas outside the SIP call region that have to submit an attainment SIP, the attainment date is tied to the timing of the SIP call emissions reductions as called for by the President's Directive. The Directive indicates that these areas "must demonstrate attainment of the 8-hour standard and provide for the implementation of the necessary emissions reductions on the same time schedule" as the regional NOx SIP call.

In summary, by July 18, 2000, for all transitional areas, EPA will simultaneously finalize the nonattainment designation and the determination of whether or not to assign the transitional classification. By December 31, 2000, for transitional areas that are expected to attain through the NOx SIP call, EPA anticipates then completing the rulemaking on the NOx SIP call SIP (and attainment documentation) and on the assignment of an attainment date. By December 31, 2000, for areas that rely partially on the SIP call for attainment, EPA anticipates completing the rulemaking action on three items: the NOx SIP call SIP, the SIP containing additional measures to demonstrate attainment and the assignment of an attainment date. By December 31, 2000, for areas that are outside the SIP call region, EPA anticipates completing the rulemaking action on two items: the attainment SIP, including the measures needed to demonstrate attainment, and the assignment of an attainment date. If EPA ultimately does not approve the transitional SIP for any transitional area, then EPA will withdraw the transitional classification and reclassify the area to traditional or international transport.

⁸In the proposed SIP call, EPA proposed September 2002 as the date by which NOx controls would have to be implemented to meet the proposed NOx budgets. The EPA also took comments on a range of control measure implementation dates from September 2002 to September 2004 (see 62 FR 60328-9, November 7, 1997). In the final rule, EPA will select the dates States will have to follow. As stated, for purposes of this draft guidance, EPA assumes a date of May 2003. The final guidance will reflect the dates established by the final SIP call.

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b. Traditional Areas

Areas that have had the 1-hour standard revoked, but do not attain the 8-hour standard, and either do not qualify for or elect not to pursue the transitional classification, will generally be classified as traditional. Areas that violate the 8-hour NAAQS where the 1-hour NAAQS has not been revoked will also generally be classified as traditional nonattainment for the 8-hour standard. Of these areas, those that are designated nonattainment for the 1-hour standard will have to continue to implement their nonattainment area requirements for that standard.

By July 18, 2000, EPA plans to finalize the nonattainment designation, SIP submission due date and classification for traditional areas. The EPA plans to establish a date that is 3 years from designations, but no later than July 18, 2003, as the submission due date for traditional area SIPs. The EPA anticipates that the attainment dates for traditional areas will be different, depending on whether the area only violates the 8-hour ozone standard or the 1-hour standard as well. When EPA conducts rulemaking to approve traditional area SIPs within 18 months of submission,⁹ EPA anticipates that it will establish no later than December 31, 2005 as the attainment date for traditional areas that have had the 1-hour standard revoked but which do not attain the 8-hour standard. Under section 172(a)(2) of the Act, for these areas, EPA has the ability to extend the attainment date to up to 10 years from the nonattainment designation date, considering certain factors (see Attachment C). The EPA will make guidance available later in 1998 that addresses how to treat these and other areas at attainment dates on issues such as attainment date extensions (see placeholder below).

For areas that violate the 8-hour NAAQS, as well as the 1-hour ozone standard, EPA anticipates that it will establish an 8-hour standard attainment date no later than 3 years after the area's 1-hour standard attainment date. This date cannot be later than 10 years following designations (i.e., July 18, 2000). For such areas classified severe-15 for the 1-hour standard, this translates into a December 31, 2008 attainment date for the 8-hour standard. For such areas classified severe-17 for the 1-hour standard, this translates into an attainment date of no later than July 18, 2010 for the 8-hour standard. (The 8-hour standard attainment date for the one area classified extreme for the 1-hour standard is discussed below.) Finally, for such areas that have 1-hour NAAQS attainment dates on or before 2001, EPA anticipates assigning an 8-hour attainment date of December 31, 2005. The EPA anticipates that this approach will apply to the San Francisco Bay Area, CA, which EPA has redesignated from attainment to nonattainment for the 1-hour ozone NAAQS (63 FR 37258, July 10, 1998). The area has been assigned a 1-hour NAAQS attainment date of November 15, 2000.

⁹Under the Act, the SIP review process can take a maximum of 18 months: 6 months for completeness review and 12 months for review to determine if the SIP is adequate to attain and maintain the standard. Thus, EPA anticipates that SIPs will be approved for traditional areas no later than January 18, 2005 -- 18 months after July 18, 2003, the latest due date for submissions.

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The rationale for setting an attainment date no later than 2005 for the traditional areas that violate only the 8-hour standard is that 2005 should allow sufficient time for areas to implement control measures after the SIP is due in 2003 and for those emissions reductions to enable areas to produce one ozone season's clean air in 2005. The EPA believes 2 years from SIP submittal to the attainment date is sufficient because these areas have solved air quality problems associated with the 1-hour NAAQS and, therefore, only need time to attain the 8-hour NAAQS.

However, for traditional areas that violate both standards, additional time is needed since EPA expects that those areas generally will not have to attain the 1-hour NAAQS until 2005 at the earliest, which is consistent with the implementation time frames presented in the President's Directive. The dates, therefore, allow areas additional time after the 1-hour NAAQS attainment dates have passed to implement any additional control measures that are needed for attainment of the 8-hour standard. One area for which this approach will not work is the South Coast Air Basin, CA, which is an extreme area. The approach will not work because the area has a 1-hour NAAQS attainment date of November 15, 2010. Under the Act's maximum period of 10 years, EPA, when it approves the SIP, can only provide this area with a projected attainment date of July 18, 2010.

c. International Transport Areas

The Act includes a provision--section 179B--that applies to areas impacted by emissions emanating from outside the United States (U.S.). This provision has been used to allow areas designated under the 1-hour ozone standard to show that their SIPs would be adequate to attain the NAAQS "but for" emissions emanating from outside the U.S. The EPA will continue to use this approach to address areas violating the 8-hour ozone NAAQS that are impacted by international emissions. The difference is that under the 8-hour NAAQS, for areas that meet the statutory criteria, EPA plans to assign a formal international transport classification. The classification will be available for areas that violate the 8-hour standard whether or not they also violate the 1-hour standard.

By July 18, 2000, EPA plans to finalize the nonattainment designation, SIP submission due date and assignment of the international transport classification for candidate areas. The EPA plans to establish a date that is 3 years from designation, but no later than July 18, 2003, as the due date for international transport area SIPs. If EPA takes rulemaking action to disapprove the SIP, which will occur within 18 months of submission, EPA will withdraw the international transport classification and reclassify the area to traditional. For areas classified as international transport that violate only the 8-hour NAAQS, EPA anticipates that it will establish attainment dates similar to those EPA anticipates establishing for traditional areas. The rationale for establishing those dates is also the same. For areas that violate both the 8-hour and 1-hour NAAQS, however, EPA anticipates that it will establish a date no later than December 31, 2005 versus 3 years from the 1-hour NAAQS attainment date. This is because EPA has assigned 1-hour NAAQS attainment dates of 1999 or earlier to these areas. Three years from 1999--2002--

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would be too early an attainment date for any 8-hour international area since the SIPs for these areas will not be due until July 18, 2003. The year 2005 for these areas should allow sufficient time for them to implement control measures after the SIP is submitted in 2003, and for those emissions reductions to produce one ozone season's clean air ("but for" the contribution of international emissions) in the attainment year of 2005.

2. RACM/RACT Policy

Subpart 1 of part D includes general requirements for all designated nonattainment areas, including those designated under new and revised NAAQS. However, the pre-existing 1-hour ozone standard is governed by subpart 2 of part D, including its detailed control measure provisions. Since 1990, EPA has issued significant guidance on subpart 2, including its control measure provisions for ozone nonattainment area SIPs. Under subpart 2, for purposes of applying RACT to sources that emit volatile organic compounds (VOC), an ozone precursor, EPA has interpreted RACT requirements to apply independently of what emissions reductions are needed to attain the standard. The revised 8-hour ozone standard, though, is governed by subpart 1, which contains the provisions that must be in nonattainment plans for areas designated nonattainment for the 8-hour standard (see Attachment C). Unlike subpart 2, which contains detailed requirements regarding the adoption of RACT, subpart 1 contains only a general provision which requires that SIPs for nonattainment areas provide for RACM, including RACT. The EPA believes that it has the authority under subpart 1 to apply an interpretation for RACM/RACT for ozone nonattainment areas for the 8-hour NAAQS that is similar to the Agency's policy for pollutants other than ozone. For the 8-hour ozone NAAQS, if the area is able to demonstrate attainment of the standard as expeditiously as practicable with emission control measures in the SIP, then RACM/RACT will be met and additional measures would not be required as being reasonably available. However, if an 8-hour nonattainment area contains sources subject to a RACT requirement that has been approved into a 1-hour ozone NAAQS SIP, the area cannot remove the RACT requirement without demonstrating under section 110(l) that the revision will not interfere with attainment, RFP or any other applicable requirement of the Act.¹⁰ (Clarification on the application of this policy to transitional and international transport areas is provided below in sections 3 and 5, respectively.)

¹⁰In addition, if the RACT requirement was approved into the SIP prior to November 15, 1990, and it applies in an 8-hour nonattainment area, then, to remove the requirement, the State must provide for equivalent or greater emissions reductions (see section 193).

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3. SIP Requirements for Transitional Areas

a. Qualifications for the Transitional Classification

(1) Meeting the 1-hour Ozone Standard and Having that Standard Revoked

One of the criteria for receiving the transitional classification is that EPA must have revoked the 1-hour ozone standard based on EPA's determination that the area has air quality meeting the 1-hour standard. On June 5, 1998 (63 FR 31014), EPA revoked the 1-hour ozone standard for most areas. On July 22, 1998, EPA also revoked the 1-hour ozone standard for 6 additional areas (63 FR 39432). The EPA will annually revoke the standard on an area-by-area basis for areas that EPA determines have air quality meeting the 1-hour standard. Some areas may not meet this test until the end of 1999 (using 3 years of data from 1997-1999). These areas, therefore, will not know until then if they qualify for the transitional classification. Nevertheless, EPA encourages States that are currently close to meeting the 1-hour standard to consider doing the preparatory work to develop a submittal to obtain the transitional classification if they are able to meet the 1-hour standard by the end of 1999.

(2) SIP Elements for Areas That Have Had the 1-hour Standard Revoked, That Do Not Attain the 8-hour Standard and That are Projected to Attain the 8-hour Standard Through the Regional NOx Strategy

For these areas, States will need to submit 5 SIP elements:

- SIP required under the NOx SIP call (proposed to be due by September 1999).

This SIP must include documentation identifying the NOx SIP call modeling and emissions inventory as the attainment demonstration for the area. To ensure the public has an opportunity to comment on this documentation, when the SIP call notice is subjected to notice and public hearing at the State level, the documentation should accompany it.

- RACM/RACT (to be addressed by the NOx SIP call, which is proposed to be due by September 1999).
- RFP (to be addressed by the NOx SIP call, which is proposed to be due by September 1999).
- Contingency measures (due by May 2000).
- NSR (see forthcoming rulemaking).
- Transportation conformity:
 - Emissions budget (due by May 2000).
 - SIP in response to transportation conformity rule (anticipated to be due by mid-2000).

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(3) SIP Elements for Areas That Have Had the 1-hour Standard Revoked, That Do Not Attain the 8-hour Standard, and for Which the Regional NO_x Strategy Is Not Sufficient for Attainment of the 8-hour Standard or Does Not Apply

For these areas, States will need to submit 6 SIP elements:

- SIP required under the NO_x SIP call, if the area is subject to the NO_x SIP call (proposed to be due by September 1999) and/or attainment demonstration SIP with control measures (due by May 2000).

A SIP is required that demonstrates attainment and includes adopted measures sufficient for attainment when combined with any regional NO_x control measures. The measures must be implemented on the same schedule as the NO_x SIP call measures (tentatively May 2003). When the State prepares its transitional attainment SIP, EPA will not have yet designated areas nonattainment. The EPA will work closely with States as they prepare these SIPs to ensure that the ultimate nonattainment area will be consistent with the geographic area covered by the controls needed for the attainment demonstration.

- RACM/RACT (due by May 2000).
- RFP (due by May 2000).
- Contingency measures (due by May 2000).
- NSR (see forthcoming rulemaking).
- Transportation conformity:
 - Emissions budget (due by May 2000).
 - SIP in response to transportation conformity rule (anticipated to be due by mid-2000).

(4) Other Issues

If an area would achieve the 1-hour standard by 2000 but for emissions from another State, will the area be eligible for the transitional classification? What other demonstrations would be needed for eligibility?

No. To qualify for the transitional classification, the Presidential Directive calls for areas--regardless of other circumstances--to attain the 1-hour ozone standard by 2000. Areas that do not have air quality meeting the 1-hour standard will still be subject to the requirements of subpart 2 of title I, part D, of the Act, including the regular nonattainment new source review and conformity requirements. Therefore, all the benefits for the transitional classification would not be available to such areas. Areas that have air quality meeting the 1-hour standard where EPA revokes that standard, however, will no longer be subject to subpart 2, but only to subpart 1 under the 8-hour NAAQS. Subpart 1 offers much more flexibility for nonattainment area plans than subpart 2.

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Can a State that does not submit a control measure SIP in response to the NO_x SIP call but submits an attainment demonstration and SIP by 2000 that does not rely on the NO_x regional strategy still be eligible for the transitional area classification?

No. The Presidential Directive states that such areas in States covered by the NO_x SIP call would not be eligible for the transitional classification; the State in which the area is located must adopt the measures needed under the NO_x regional strategy. The NO_x strategy is meant to benefit many States in the eastern portion of the country. Therefore, States that do not provide for the reductions needed to help downwind areas will not be eligible for the transitional classification and its associated benefits.

What will be the monitoring requirements for transitional areas?

The ozone ambient air quality monitoring requirements will be the same for transitional ozone nonattainment areas as for other (non-transitional) ozone nonattainment areas. The monitoring requirements for 8-hour ozone nonattainment areas are addressed in an EPA guideline on ozone monitoring site selection.

What will be the boundaries of a transitional area?

In the past, for the 1-hour ozone standard, the Metropolitan Statistical Area (MSA) or the Consolidated Metropolitan Statistical Area (CMSA) was the presumptive nonattainment area boundary for serious, severe and extreme areas in order to address sources contributing to violations in the nonattainment area. This requirement is in subpart 2 of the part D nonattainment area requirements. However, implementation of the 8-hour ozone standard is governed by subpart 1 of part D, which does not specify how boundaries should be drawn. Due to the regional nature of ozone, EPA will need to develop guidance on whether boundaries should be larger or smaller than the MSA/CMSA. For example, if an area violating the standard is expected to attain the standard through implementation of regional NO_x measures, it may not be reasonable or necessary to include surrounding suburban counties in the nonattainment area if those counties' contribution to nonattainment can be shown to be insignificant in light of the controls to be installed in upwind areas.

b. Emissions Inventory, Modeling and Attainment Demonstration

Section 172(c)(1) of the Act requires all nonattainment areas to submit a plan for the implementation of reductions in emissions from existing sources which provides for attainment of the NAAQS. Section 172(c)(3) requires nonattainment plans to include an emissions inventory. Section 172(c)(6) requires the plans to contain emission limits and other measures necessary to provide for attainment of the NAAQS. Development of the plan entails the preparation of emissions inventories and use of a photochemical dispersion model, or equivalent analysis, to

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identify reductions in precursor emissions which contribute to the formation and transport of ozone. For many Eastern U.S. areas, the technical support work for the OTAG process included the preparation of emissions inventories and use of a photochemical dispersion model to identify reductions in precursor emissions which contribute to the formation and transport of ozone; therefore, areas will be able to rely on these analyses in their SIPs.

(1) Areas Projected to Attain Through the NO_x SIP Call

Areas that EPA projects will attain the 8-hour standard through the adoption of the NO_x SIP call measures are not required to perform additional modeling. This includes areas that are in the OTAG domain, but that are not part of the SIP call, provided the State is implementing the control measures assumed in the model (e.g., the State elements of nationally-applicable control measures such as the low-emission vehicle program). This does not preclude States from electing to do additional modeling. The EPA will make available a list of the areas that are projected to attain the 8-hour standard based on EPA's modeling of the NO_x emissions reductions after the final NO_x SIP call is published. These areas will not be required to adopt additional measures beyond those required in response to the NO_x SIP call.

It should be noted that EPA's modeling of the NO_x SIP call was performed using projections to the year 2007. As stated above, EPA anticipates assigning an attainment date of December 31, 2003 to transitional areas. The EPA intends to provide an analysis that will show which potential transitional areas are projected to reach attainment levels of emissions by 2003 based on the modeling for 2007. The analysis will also show which areas are not projected to achieve attainment emission levels by 2003.

When the NO_x SIP call is finalized, EPA will make the NO_x SIP call emissions inventories and modeling results available on the EPA Regional Modeling Center Section of the Support Center for Regulatory Air Models (SCRAM), Internet web address (<http://www.epa.gov/ttn/scram/regmodcenter/t28.htm>). States may incorporate this information into the 8-hour ozone attainment demonstration by reference to this location.

(2) Areas where Additional Measures Are Needed for Attainment

(i) Areas in the OTAG Modeling Domain

Because EPA modeling and emissions inventories exist for these areas (i.e., for the NO_x SIP call), no additional modeling is required for the attainment demonstration. States may use a demonstration that includes the existing modeling results, data analysis, monitoring data, and other factors. The EPA will develop and make available information that States may use to determine the level of additional emissions reductions needed. Several techniques will be described using the model's predicted change in ozone in response to VOC and NO_x controls,

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and air quality and emissions trends data. This information, however, does not preclude States from electing to do additional modeling if States desire to do so.

(ii) Areas Outside the OTAG Modeling Domain

[placeholder section]

c. RACM/RACT

For areas that are projected to attain the 8-hour ozone NAAQS based on the SIP call, RACM/RACT will be met if the area submits a SIP that EPA approves as providing for attainment. For these areas, the SIP providing for attainment will be the SIP that States submit in response to the SIP call. If the State complies with the NO_x SIP call, then EPA would not require other measures as being reasonably available.

For areas that benefit from the SIP call (but need additional local measures) or which are outside the SIP call region, RACM/RACT will be met if the area submits a SIP that EPA approves as providing for attainment. For these areas, the SIP providing for attainment will consist of the SIP elements discussed above in section 3.a. If the area is able to demonstrate attainment of the standard through the SIP, then RACM/RACT will be met and additional measures would not be required as being reasonably available.

d. Reasonable Further Progress

This section provides guidance on implementing the Act's provisions for reasonable further progress in transitional areas. Nonattainment SIPs must provide for RFP, which is defined as annual incremental reductions in emissions of the relevant pollutant or such reductions as may reasonably be required by EPA to ensure attainment of the NAAQS by the attainment date.

(1) Areas Projected to Attain Through the NO_x SIP Call

The RFP requirement for these areas can be based on the planning, reporting and emissions reductions requirements for the NO_x SIP call. States will be able to rely on reductions achieved to meet the regional NO_x SIP call to bring emissions down to levels needed for attainment of the 8-hour ozone NAAQS by the area's attainment date.

(2) Areas in States That Receive the NO_x SIP Call Where Additional Measures Are Needed for Attainment

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As mentioned above, these areas need to submit a SIP in response to the NO_x SIP call and a SIP containing control measures needed for attainment, which are implemented in the same time frames as specified in the NO_x SIP call. For the SIP due in response to the NO_x SIP call, RFP will be met through the emission reductions achieved by the NO_x SIP call and the additional control measures. For the attainment SIP, because of the short time period between plan submission (May 2000) and the anticipated transitional area control measure compliance date (as specified in the NO_x SIP call), there is insufficient time to develop intermediate emissions estimates which could serve to test whether RFP has been met. Therefore, the principal test of whether RFP is being made and the control strategy is yielding air quality benefits will be whether the area attains as a result of the emissions reductions in the SIP.

(3) Areas in States That Do Not Receive the NO_x SIP Call

Areas in States not covered by the NO_x SIP call are subject to the same planning, rule adoption and implementation schedule as areas that rely totally or partially on the NO_x SIP call. As discussed above, the transitional area SIP for these areas must include control measures demonstrated sufficient to achieve attainment of the standard. States will have to implement all of those controls in the time frames prescribed in the NO_x SIP call. The RFP for these areas will be the emission reductions achieved by the control measures needed for attainment. The principal test of whether RFP is being made and the control strategy is yielding air quality benefits will be whether the area attains as a result of the emissions reductions in the SIP.

e. Contingency Measures

Section 172(c)(9) requires nonattainment area plans to include contingency measures to apply when areas fail to make RFP or to attain. The Act requirement for these contingency measures is different from the requirement for contingency measures in maintenance plans for areas that attain the NAAQS (section 175A(d)).

In general, EPA will rely on existing policies for requirements concerning the form and content of contingency measures (see the 1992 General Preamble, 57 FR 13498 at 13510 and subsequent policy memoranda¹¹).

¹¹See memorandum of August 23, 1993 from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, to Regional Air Division Directors re: "Guidance on Issues Related to 15 Percent Rate-of-Progress Plans" and memorandum of November 8, 1993 from D. Kent Berry, Acting Director, Air Quality Management Division, to Regional Air Division Directors re: "Clarification of Issues Regarding the Contingency Measures that are due November 15, 1993 for Moderate and Above Ozone Nonattainment Areas."

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(1) Areas That Have Had the 1-hour Standard Revoked, That Do Not Attain the 8-hour Standard and That are Projected to Attain the 8-hour Standard Through the Regional NOx Strategy

For these areas, the Presidential Directive states: “Based on the OTAG analyses, areas in the OTAG region that can reach attainment through implementation of the regional transport strategy would not be required to adopt and implement additional local measures.” These areas will benefit to varying degrees from the regional strategy; for almost all of these areas, EPA’s regional scale modeling predicts they will attain by a “margin of safety” such that additional pre-adopted control requirements that can be subsequently implemented as contingency measures would not be necessary. Therefore, EPA believes that additional, pre-adopted control requirements that can be subsequently implemented as contingency measures are not necessary. The SIP should, however, contain an enforceable commitment to analyze the causes of any failure to attain and, depending on the results of the analysis, to adopt additional measures as expeditiously as practicable to achieve attainment without waiting for EPA to call for a SIP revision. This commitment would be triggered by failure to attain.

(2) Areas That Have Had the 1-hour Standard Revoked, That Do Not Attain the 8-hour Standard, and for Which the Regional NOx Strategy Is Not Sufficient for Attainment of the 8-hour Standard or Does Not Apply

These areas will have to adopt additional measures in order to demonstrate attainment. The EPA believes that contingency measures for these areas should provide for additional emissions reductions of the ozone precursor (NOx or VOC) that are providing most of the additional emissions reductions beyond the NOx SIP call that are needed for attainment. Those reductions should come from the same general geographical area as most of the additional reductions that are needed for attainment. For these areas, contingency measures will have to be implemented only if the transitional area fails to attain the standard by its attainment date.

f. New Source Review

The EPA plans to propose revisions to its NSR rules that would apply to areas that are classified as transitional. These revisions would allow States to meet the statutory NSR requirements with only minor revisions to their existing programs. The EPA has also begun to reexamine the NSR requirements applicable to existing nonattainment areas in order to address issues of fairness among existing and new nonattainment areas.

g. Conformity

(1) Transportation Conformity

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In 1998, EPA plans to propose revised rules for conformity that will apply to transitional areas. These revisions will allow States to meet the conformity requirements with only minor revisions to their existing programs. Although those transitional areas that will be newly designated as nonattainment will have to develop a conformity program, the program is expected to be more flexible and less burdensome than programs in areas that are currently nonattainment for the 1-hour ozone standard.

The transitional conformity rule will contain the details of the conformity process and analysis for transitional areas. The EPA intends to create a vehicle miles traveled (VMT) screening test that would eliminate the need for detailed emissions analysis for many areas (specifically, those areas whose VMT projections are consistent with the SIP and indicate that motor vehicle emissions will not increase over the long term). In addition, EPA intends to propose flexibility to assist areas in demonstrating conformity over the entire 20-year timeframe of the transportation plan.

In order to implement the transitional area conformity rule, the transitional area SIP will have to contain certain information, as follows. Because the Act's conformity provisions of section 176(c) require transportation plans and programs to be consistent with the SIP's "estimates of emissions from motor vehicles and necessary emissions reductions," it is critical for State and local agencies to be able to identify these emissions estimates (i.e., "budgets"). For transportation conformity purposes, transitional area SIPs must explicitly identify the NO_x and VOC motor vehicle emissions budgets and VMT projections from the SIP's attainment inventory. These emissions budgets and VMT projections must be identified in the transitional area SIP, and State and local transportation agencies must be consulted on these emissions budgets and VMT projections before the transitional area SIP is submitted to EPA.

For transitional areas that are not relying on the NO_x SIP call, the motor vehicle emissions budgets would be the SIP's post-control NO_x and VOC emissions inventories for on-road mobile sources for the SIP's attainment year.

For transitional areas relying on EPA's NO_x SIP call modeling, the motor vehicle emissions budgets would be the SIP's post-control NO_x and VOC emissions inventories for on-road mobile sources for the modeled year 2007.¹² The EPA will identify from the modeling effort

¹²The original projected emissions inventory for the modeling done under OTAG was for 2007 (the latest statutory attainment date of the 1-hour NAAQS nonattainment areas in the modeling domain). In EPA's modeling of the NO_x SIP call emissions reductions, EPA has continued to use projections to 2007. As noted in the discussion of section 3.b. on transitional area attainment demonstrations, the modeling for 2007 can serve as the basis of the attainment demonstration for areas projected to attain through the NO_x SIP call for a transitional area's attainment date (anticipated to be December 31, 2003).

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county-by-county motor vehicle emissions and VMT projections for the post-control situation. The EPA will then make this information available electronically for States to use in developing their transitional area SIPs and for purposes of identifying their transportation conformity budgets. The projected emissions estimates in the NO_x SIP call modeling account for growth of the various source sectors, including the on-road mobile sector. The post-control emissions inventory also reflects the controls that EPA assumed in its modeling for the NO_x SIP call.

It should be noted that emissions used in the modeling input vary by hour depending on temperature and are, therefore, applicable to specific days in the 4 episodes being modeled. The EPA will, therefore, make available a “seasonal” mobile emissions inventory that assumes the same controls that were assumed in development of the modeling inventory used in the modeling of the final NO_x SIP call statewide NO_x budgets. This will include VMT and will be available on a county basis. This inventory would be appropriate to use for the transportation conformity budgets. As provided in the existing transportation conformity rule, areas could choose to sum the information from individual counties in order to establish budgets that cover the entire nonattainment area, or they could establish subregional budgets on a multicounty or other basis.

The inventories used in the NO_x SIP call modeling are developed from sector-specific data and sub-State area information. The original inventories were developed under the 37-State Ozone Transport Assessment Group (OTAG) process and were widely reviewed as part of that process. The EPA anticipates in the final modeling of the NO_x SIP call budgets that the emissions inventory will reflect revisions from the OTAG inventory to incorporate actual 1995 VMT (consistent with EPA's trends inventory¹³) and comments received on the proposed rulemaking.

Transitional areas that rely on EPA's NO_x SIP call modeling as their attainment demonstration may modify the motor vehicle emissions budgets and VMT projections identified by EPA for inclusion in the SIP. However, the SIP would then need to demonstrate that the VMT and motor vehicle emissions budgets identified for conformity purposes would still result in attainment and the statewide NO_x budget would still be met.¹⁴

States should be advised that if their control strategy to comply with the NO_x SIP call is different than that assumed by EPA in its NO_x SIP call modeling, then they need to modify the motor vehicle emissions budget that EPA provides to them. The budgets that EPA will be providing electronically based on the NO_x SIP call modeling (as described above) assume a

¹³See “National Air Pollutant Emission Trends Database,” EPA/454/R-97-011, December 1997.

¹⁴Requirements for demonstrating that the statewide NO_x emissions budgets is met will appear in the final NO_x SIP call.

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certain set of control strategies and allocation of emissions reductions among source categories. If the State chooses a different set of control strategies, then its motor vehicle emissions inventory for the modeled year will be different than the inventory EPA assumed. To avoid problems with demonstrating conformity in the future, the State needs to ensure that the motor vehicle emissions budget identified for conformity purposes is the level of motor vehicle emissions that the State predicts will actually occur given its control measures.

Similarly, for areas that need other controls in addition to the NO_x SIP call to attain, the emissions reductions contained in the transitional area SIP will go beyond those addressed in EPA's NO_x SIP call modeling. Therefore, these areas will not be relying totally (or at all) on the budgets and VMT projections identified by EPA. Instead, these areas will need to identify the motor vehicle emissions budgets and VMT projections that reflect the additional controls needed to demonstrate attainment in the transitional area SIP.

Areas may choose to adjust the geographic coverage of the motor vehicle emissions budget identified by EPA. For example, if the metropolitan planning organization (MPO) boundary extends somewhat beyond the anticipated nonattainment area boundaries, the area may decide, after consultation with the State and local transportation agencies, that it is more convenient to establish a motor vehicle emissions budget for conformity purposes that applies to the entire MPO area. If the transitional area specifies this intent in its SIP, future transportation conformity analyses would need to include motor vehicle emissions from the entire MPO area. Because the Act requires conformity in nonattainment areas, it will not be possible for areas to decrease the coverage of the motor vehicle emissions budget to an area smaller than the nonattainment area.

(2) General Conformity

The EPA is in the beginning stages of revising its rule on general conformity for all areas. As part of this effort, EPA will evaluate whether any special provisions are appropriate for transitional areas. It is premature at this time, however, to speculate how the revised rule would impact Federal projects (other than those covered by the transportation conformity rule) in transitional areas.

4. SIP Requirements for Traditional Areas

a. Qualifications for the Traditional Classification

No special qualifications are required for an area to be classified traditional. If an area elects not to pursue the transitional classification (or does not qualify for that classification) and is not an international transport area, then EPA will classify the area traditional. Areas that violate only the 8-hour NAAQS and areas that violate both the 1- and 8-hour NAAQS can be classified traditional. In addition to the SIP requirements discussed in this section, areas that violate both

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the 1- and 8-hour NAAQS still need to comply with the subpart 2 requirements associated with the 1-hour NAAQS, as explained in EPA guidance.¹⁵

b. Emissions Inventory, Modeling and Attainment Demonstration

[placeholder section]

c. RACM/RACT

The RACM/RACT requirement applies to traditional areas, as described above in section 2. The application of the policy to traditional areas does not raise any specific issues.

d. Reasonable Further Progress

Guidance on RFP for areas that violate only the 8-hour NAAQS is to be provided. For areas that violate both NAAQS, until the attainment date for the 1-hour standard, RFP for the 8-hour standard can be met by meeting the RFP requirements required under subpart 2 for the 1-hour standard. This is consistent with the President's Directive, which indicates that the progress requirements for meeting the 1-hour standard generally will be sufficient for RFP for the 8-hour standard up until the 1-hour standard attainment date. Guidance on RFP for these areas after the final attainment date for 1-hour standard will be provided in the final version of this guidance to be issued by December 1998.

e. Contingency Measures

[placeholder section]

f. NSR

Traditional areas will need to implement the regular NSR program, as specified at 40 CFR 51.160 - 51.165(a). The EPA has proposed to reform the existing NSR program (see 61 FR 38250, July 23, 1996) and EPA expects to finalize this action in May 1999.

g. Conformity

¹⁵See memorandum "Guidance for Implementing the 1-Hour Ozone and Pre-Existing NAAQS," from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, to the Regional Administrators, December 29, 1997.

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As explained in Attachment C, section 176(c) provides the framework for ensuring that Federal actions conform to air quality plans under section 110 of the Act. Traditional areas will be required to implement the regular conformity program contained in EPA's conformity rules for general and transportation conformity, pursuant to section 176(c). The EPA has issued rules for general and transportation conformity for States to implement those programs. The general conformity rule was issued November 30, 1993 (58 FR 63214) and the transportation conformity rule was issued November 24, 1993 (58 FR 62188) and amended August 15, 1997 (62 FR 43780).

5. SIP Requirements for International Transport Areas

a. Qualifications for the International Transport Classification

As explained above in section 1.c., certain areas impacted by international emissions can be classified as international transport. Areas that violate only the 8-hour NAAQS and areas that violate both the 1- and 8-hour NAAQS can be classified international transport. In addition to the SIP requirements discussed in this section, areas that violate both the 1- and 8-hour NAAQS still need to comply with the subpart 2 requirements associated with the 1-hour NAAQS, as explained in EPA guidance.¹⁶

b. Emissions Inventory, Modeling and Attainment Demonstration

[placeholder section]

c. RACM/RACT

For international areas, the RACM/RACT requirement of subpart 1 will be met if the area adequately demonstrates attainment "but for" the international emissions impacting the area. If the area is able to demonstrate attainment of the standard in this manner through a SIP, then RACM/RACT will be met and additional measures would not be required as being reasonably available.

d. Reasonable Further Progress

[placeholder section]

¹⁶See memorandum "Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS," from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, to the Regional Administrators, December 29, 1997.

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e. Contingency Measures

[placeholder section]

f. NSR

International transport areas will need to implement the regular NSR program, as specified at 40 CFR 51.160 - 51.165(a). The EPA has proposed to reform the existing NSR program (see 61 FR 38250, July 23, 1996) and EPA expects to finalize this action in May 1999.

g. Conformity

As explained in Attachment C, section 176(c) provides the framework for ensuring that Federal actions conform to air quality plans under section 110 of the Act. International transport areas will be required to implement the regular conformity program contained in EPA's conformity rules for general and transportation conformity, pursuant to section 176(c). The EPA has issued rules for general and transportation conformity for States to implement those programs. The general conformity rule was issued November 30, 1993 (58 FR 63214) and the transportation conformity rule was issued November 24, 1993 (58 FR 62188) and amended August 15, 1997 (62 FR 43780).

6. Ozone Transport Region

[placeholder section]

REVISED PM NAAQS

1. Classification Scheme
 - a. PM₁₀ NAAQS
 - (1) Moderate Areas
 - (2) Serious Areas
 - b. PM_{2.5} NAAQS
2. RACM/RACT Policy
 - a. PM₁₀ NAAQS
 - b. PM_{2.5} NAAQS
3. SIP Requirements for PM₁₀ areas

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- a. Moderate Areas
 - (1) Qualifications for the Moderate Classification
 - (2) Emissions Inventory, Modeling and Attainment Demonstration
 - (3) RACM/RACT
 - (4) Reasonable Further Progress
 - (5) Contingency Measures
 - (6) NSR
 - (7)Conformity
 - b. Serious Areas
 - (1) Qualifications for the Serious Classification
 - (2) Emissions Inventory, Modeling and Attainment Demonstration
 - (3) RACM/RACT
 - (4) Reasonable Further Progress
 - (5) Contingency Measures
 - (6) NSR
 - (7)Conformity
4. SIP Requirements for PM_{2.5} Areas
- a. Qualifications for the Serious Classification
[placeholder section]
 - b. Emissions Inventory, Modeling and Attainment Demonstration
[placeholder section]
 - c. RACM/RACT
 - d. Reasonable Further Progress
[placeholder section]
 - e. Contingency Measures
[placeholder section]
 - f. NSR
 - g. Conformity [placeholder section]

This portion of the guidance discusses issues related to both the PM₁₀ and the PM_{2.5} NAAQS. As indicated in the Presidential Directive, by July 2002, the Agency will determine, based on data available from its review, whether to revise or maintain the PM_{2.5} standards. This determination will occur before areas are designated nonattainment under the PM_{2.5} standards, and before new controls related to the PM_{2.5} standards are imposed. Any guidance provided in this document related to the PM_{2.5} standards is preliminary thinking intended to inform States of what provisions of the Act will govern PM_{2.5} implementation (i.e., subpart 1 of part D of title I) and of what principles EPA believes will guide PM_{2.5} SIP development. The guidance is not intended to suggest in any way that control measures will be required prior to the time frames laid out in the Directive.

1. Classification Scheme

a. PM₁₀ NAAQS

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For the revised PM₁₀ standard, section 188 of the Act identifies two classifications, moderate and serious, for areas which do not meet the revised PM₁₀ NAAQS and which are designated as nonattainment for that NAAQS.

(1) Moderate Areas

Once an area is designated nonattainment for PM₁₀, section 188 outlines the process for classification of the area and establishes the area's attainment date. The EPA expects to designate areas for PM₁₀ by July 18, 2000. In accordance with section 188(a) of the Act, all areas designated as nonattainment for PM₁₀ are classified as moderate. Pursuant to section 189(a)(1), States will be required to submit to EPA moderate area SIPs no later than 18 months after designation of the areas as nonattainment (no later than January 18, 2002) that contain an NSR permit program, an attainment demonstration and RACM/RACT. (For a complete list of all the required SIP elements, see section 3.a. below.)

Moderate areas must attain as expeditiously as practicable, but in no case later than the end of the sixth calendar year after designation, pursuant to section 188(c)(1). Therefore, the attainment date for initial nonattainment areas for the revised PM₁₀ NAAQS will be as expeditiously as practicable but no later than December 31, 2006. If an area meets the requirements of section 188(d), it may apply and receive up to two 1-year extensions of the attainment date for the area. The two requirements that a State must meet, pursuant to section 188(d), in order to be granted an extension of the attainment date are:

- the State must demonstrate that it is complying with all requirements that pertain to the area in the applicable SIP (the applicable SIP is the federally-approved particulate matter SIP for the nonattainment area), and
- in accordance with EPA guidance, the area must have no more than a minimal number of exceedances of the standard in the area in the year preceding the extension year.

In order to meet this requirement for the revised PM₁₀ NAAQS, EPA has determined that a State must show that the 99th percentile PM₁₀ concentration in the area is less than 155ug/m³. In order for a State to be granted a second 1-year extension of the attainment date, the State must demonstrate that it is implementing all requirements that pertain to the applicable SIP, and it must show that the average of the 99th percentile PM₁₀ concentration, from the attainment year and the extension year, is less than 155ug/m³. If the area does not meet the requirements for an extension under section 188(d), it must be reclassified as serious for failure to attain by the attainment date.

(2) Serious Areas

Section 188(b) provides for serious PM₁₀ nonattainment areas. Under that section, a moderate PM₁₀ area can subsequently be reclassified as serious before the applicable attainment date if EPA makes a determination that the area cannot practicably attain the PM₁₀ standard

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before its attainment date. As indicated in the moderate area discussion above, moderate areas can also be reclassified if, following the passage of the attainment date, EPA determines that the area has failed to attain and does not qualify for an attainment date extension pursuant to section 188(d) of the Act. Pursuant to section 189(b), serious areas reclassified for failure to practicably attain must submit a SIPs containing best available control measures/best available control technology (BACM/BACT) within 18 months of reclassification and a SIP containing an attainment demonstration within 4 years of reclassification. (For a complete list of all the required SIP elements, see section 3.b. below.)

For PM₁₀ areas reclassified as serious, the attainment date shall be as expeditiously as practicable, but no later than the end of the tenth calendar year after the date that the area was designated as nonattainment. In this case, for areas which are designated by July 18, 2000, if EPA makes a determination that an area cannot practicably attain before the December 31, 2006 attainment date, or if the area fails to attain by that date, the area will be required to attain on or before December 31, 2010. A State may apply for a 5-year attainment date extension for an area which fails to attain the NAAQS by the serious area attainment date if the area meets the requirements for extensions provided for in section 188(e) and in EPA guidance.

b. PM_{2.5} NAAQS

As discussed in the President's Directive, PM_{2.5} air quality monitoring data and other technical information need to be gathered before attainment and nonattainment designations can be made for the PM_{2.5} NAAQS. Before this information is available, determining what nonattainment area classifications will be needed is also premature. However, if the PM_{2.5} NAAQS program is regional in nature like ozone, then, similar to ozone, EPA believes that classifications need to be kept to a minimum, and that a classification scheme similar to that being established for ozone could be appropriate for PM_{2.5} nonattainment areas. As air quality and other information become available, EPA will evaluate it and issue guidance accordingly on PM_{2.5} classifications before designations are made so that States know what classification options EPA plans to establish when the Agency designates and classifies areas for the PM_{2.5} NAAQS.

2. RACM/RACT Policy

a. PM₁₀ NAAQS

The EPA's RACM/RACT policy for the revised PM₁₀ NAAQS is the same policy that applied to the pre-existing PM₁₀ NAAQS. The policy and related guidance are provide in the "1992 General Preamble" (57 FR 13498) and in supplemental information (57 FR 18070, April 28, 1992). Generally, EPA recommends that available control measures (including control technology) be applied to those existing sources in the nonattainment area that are reasonable to control in light of the attainment needs of the area and the feasibility of such controls.

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b. PM_{2.5} NAAQS

Similar to the ozone NAAQS, subpart 1 will govern implementation of the PM_{2.5} NAAQS in PM_{2.5} nonattainment areas. Therefore, it is reasonable to expect that the RACM/RACT approach for the PM_{2.5} NAAQS will be similar to the general approach for the ozone 8-hour NAAQS and the PM₁₀ NAAQS. Under the approach, RACM/RACT is based on measures that are needed for attainment and not on specific source control measures mandated under the Act. It is also possible that some areas may be nonattainment for both the PM₁₀ and the PM_{2.5} NAAQS, such that the RACM/RACT approach may be the same. Once additional information becomes available, including PM_{2.5} monitoring data, EPA will provide further guidance. As mentioned above, in any event, consistent with the Presidential Directive, EPA will not be requiring control measures until after the PM_{2.5} standards are reviewed and EPA makes PM_{2.5} nonattainment area designations.

3. SIP Requirements for PM₁₀ Areas

Section 188 is located in subpart 4 of the Act, which governs the specific nonattainment requirements for the implementation of the pre-existing and revised PM₁₀ standards. The EPA provided guidance concerning SIP requirements for developing moderate areas under the pre-existing PM₁₀ NAAQS in the “1992 General Preamble.” On August 16, 1994, EPA issued an addendum to the “1992 General Preamble” to address requirements for serious areas under the pre-existing PM₁₀ NAAQS (59 FR 41998). The guidance in both of these documents also applies to moderate and serious areas designated nonattainment under the revised PM₁₀ standards.

a. Moderate Areas

(1) Qualifications for the Moderate Classification

As indicated above, all areas designated nonattainment by July 18, 2000 for the revised PM₁₀ NAAQS are initially classified as moderate.

(2) Emissions Inventory, Modeling and Attainment Demonstration

In accordance with section 189(a)(1), States will be required to submit to EPA moderate area SIPs that contain attainment demonstrations no later than 18 months after designation of the areas as nonattainment (no later than January 18, 2002). The demonstration (including air quality modeling consistent with EPA modeling guidelines and policies) must provide for attainment by

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the applicable attainment date for the area; or alternatively, a demonstration that attainment by the applicable attainment date is impracticable.¹⁷

(3) RACM/RACT

In accordance with section 189(a)(1), States will be required to submit to EPA moderate area SIPs, no later than 18 months after designation of the areas as nonattainment (no later than January 18, 2002), that must include provisions to assure that RACM/RACT for PM₁₀ are implemented no later than 4 years after the applicable designation date for the area. Areas designated by July 18, 2000 will be required to implement control measures in the SIPs by July 18, 2004. As indicated above, EPA's RACM/RACT policy for the revised PM₁₀ NAAQS is the same policy that applied to the pre-existing PM₁₀ NAAQS (see the "1992 General Preamble" (57 FR 13498)).

(4) Reasonable Further Progress

In accordance with section 189(c), the PM₁₀ nonattainment area SIPs must also contain quantitative emissions reductions milestones which must be achieved every 3 years and which demonstrate RFP, as defined in section 171 of the Act, until the area is redesignated to attainment. The EPA believes that it is reasonable to key the submittal of the milestones with the date for submission of the SIP containing the control measures because these measures will give rise to the primary emissions reductions leading to attainment. Therefore, in this case, the submittal of the milestones will be keyed to the attainment SIP for the area which will be due by January 18, 2002. The next milestone for the area will, therefore, be due on or before January 18, 2005. In addition, within 90 days of the milestone due date, States must submit a demonstration that all measures in the plan have been implemented and that the milestone has been met. The EPA must then determine within 90 days whether or not the State's demonstration is adequate. If a State fails to submit a milestone within the required period or if EPA determines that an area has not met any applicable milestone, then, within 9 months after the failure or determination, the State must submit a plan revision that assures the State will achieve the next milestone (or attain the PM₁₀ NAAQS, if there is no next milestone) by the applicable date.

¹⁷Under section 179B, SIPs for moderate nonattainment areas under the pre-existing PM₁₀ NAAQS that are affected by emissions from outside the U.S. can submit a modified demonstration under certain circumstances. Specifically, EPA must approve SIPs for such areas provided (1) the plan meets all applicable Act requirements (including, for example, RACM/RACT), other than a requirement that such a plan or revision demonstrates attainment of the PM₁₀ NAAQS by the attainment date, and (2) the SIP demonstrates that the area would attain by that date, but for the emissions emanating from outside the U.S. (See 1992 General Preamble, 57 FR 13498 at 13545). This approach also applies to areas under both the revised PM₁₀ NAAQS and the PM_{2.5} NAAQS.

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(5) Contingency Measures

Under the Act, once a determination has been made that an area must be reclassified as serious, either due to its impracticability to attain or for failure to attain by the applicable attainment date, contingency measures are then required to be implemented for the area under section 172(c)(9). The SIP containing contingency measures is due with the attainment demonstration SIP by January 18, 2002. Pursuant to section 172(b), EPA will establish this schedule when it takes action to designate PM₁₀ areas by July 18, 2000.

(6) NSR

In accordance with section 189(a)(1), moderate area SIPs must contain NSR permit programs. These SIPs are due no later than 18 months after designation of the areas as nonattainment (no later than January 18, 2002). The programs must meet the requirements of section 172(c)(5) of the Act, which requires new source permits to meet the requirements of section 173 of the Act concerning construction and operation of new and modified major stationary sources in nonattainment areas. In addition, under section 189, States must address the specific PM₁₀ NSR requirements for new or modified major stationary sources that emit PM₁₀. Areas classified moderate for the revised PM₁₀ NAAQS are subject to the same program that moderate areas had to meet under the pre-existing PM₁₀ NAAQS.

The EPA provided guidance for implementing new statutory NSR requirements of the 1990 Amendments in a September 3, 1991 memorandum, titled "New Source Review (NSR) Program Supplemental Transitional Guidance on Applicability of New Part D NSR Permit Requirements." This guidance and the "1992 General Preamble" are still relevant and should be consulted. The regulations for the regular NSR program can be found at 40 CFR 51.160 - 51.165(a). The EPA has proposed to reform the existing NSR program (see 61 FR 38250, July 23, 1996) and EPA expects to finalize this action in May 1999. That proposal includes provisions for implementing the NSR program in moderate and serious PM₁₀ nonattainment areas.

(7) Conformity

Moderate area SIPs must also provide for general and transportation conformity as they relate to each relevant nonattainment area in a State, pursuant to section 176(c) of the Act. As explained in Attachment C, section 176(c) provides the framework for ensuring that Federal actions conform to air quality plans under section 110 of the Act. Conformity applies to nonattainment and maintenance areas. The EPA has issued rules for general and transportation conformity for States to implement those programs (see 40 CFR 51.390-51.464). The general conformity rule was issued November 30, 1993 (58 FR 63214). The transportation conformity rule was issued November 24, 1993 (58 FR 62188) and amended August 15, 1997 (62 FR 43780). Under these rules, conformity SIPs are due 12 months after an area is designated nonattainment. However, if an area had previously been designated nonattainment under the

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pre-existing PM₁₀ NAAQS and had already submitted an approvable conformity SIP, then the area would not need to submit another SIP revision.

The EPA's policy concerning the applicability of conformity to areas under the pre-existing PM₁₀ standards after EPA revokes those standards should be viewed in terms of two types of areas: areas that attained the pre-existing PM₁₀ standards as of September 16, 1997 and areas that did not.

For areas that attained the pre-existing PM₁₀ standards as of September 16, 1997, as explained in EPA's interim implementation guidance,¹⁸ EPA will revoke the preexisting standards for areas that meet two criteria: (1) the State adopts and has all control measures which apply in the nonattainment area submitted to EPA and EPA approves those measures to make them federally enforceable, and (2) the State certifies that its section 110 SIP is adequate to implement the revised PM₁₀ standards and the new PM_{2.5} standards. For such areas that have EPA approved maintenance plans in place at revocation (because they were previously redesignated from nonattainment to attainment), transportation and general conformity will continue to apply because EPA-approved maintenance plans remain effective after the preexisting standards are revoked. However, transportation and general conformity will not apply after revocation in those nonattainment areas that attained the pre-existing PM₁₀ standards as of September 16, 1997, but that were not previously redesignated to attainment and, therefore, do not have EPA-approved maintenance plans. Since these areas will no longer be designated as nonattainment, and nothing in the PM NAAQS rulemaking action (July 18, 1997, 62 FR 38652) provides a basis for retaining conformity requirements for PM, conformity will no longer apply in these areas.

Areas that did not attain the preexisting PM₁₀ standards prior to September 16, 1997, and that, therefore, do not have EPA approved maintenance plans, will have to meet the requirements of the rule that EPA will promulgate pursuant to section 172(e). Under that rule, EPA intends to address the conformity requirement for these areas.

(2) Serious Areas

(1) Qualifications for the Serious Classification

As discussed above, moderate areas that show that they cannot practicably attain, or that actually fail to attain, by the applicable attainment date are reclassified to serious.

(2) Emissions Inventory, Modeling and Attainment Demonstration

¹⁸See memorandum "Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS," from Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, to the Regional Administrators, December 29, 1997.

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States are required to submit a SIP containing an attainment demonstration which includes modeling that shows that the area will be able to attain the NAAQS by the serious area attainment date. For areas which are reclassified as serious because they show that they cannot practicably attain the NAAQS by the moderate area attainment date, the attainment demonstration SIP is due no later than 4 years after the date of reclassification as serious. For areas which are reclassified as serious due to failure to attain the NAAQS by the moderate area attainment date, the State must submit a SIP within 18 months which contains the attainment demonstration. The attainment demonstration for serious area SIPs should utilize EPA modeling guidelines and policies.

(3) BACM/BACT

States are required to submit a SIP which provides for the implementation of BACM/BACT. The BACM/BACT are to be determined for serious nonattainment areas based upon a maximum degree of emissions reductions. The selection of BACM/BACT control measures should be determined on a case by case basis taking into account environmental benefit and energy costs, as well as other costs of implementation. For areas subsequently reclassified as serious due to impracticability of being able to attain the standard by the attainment date, the BACM/BACT SIP is due 18 months from the date of reclassification. For areas which are reclassified as serious due to failure to attain the NAAQS by the moderate area attainment date, the BACM/BACT SIP is also due 18 months from the date of reclassification. On August 16, 1994, EPA issued an addendum to the "1992 General Preamble" to address requirements for serious areas under the pre-existing PM₁₀ NAAQS (59 FR 41998). The guidance described EPA's BACM/BACT policy for the pre-existing PM₁₀ NAAQS, which is the same policy that applies to the revised PM₁₀ NAAQS.

(4) Reasonable Further Progress

In accordance with section 189(c), the PM₁₀ serious nonattainment area SIPs must also contain quantitative emissions reduction milestones which must be achieved every 3 years and which demonstrate RFP, as defined in section 171 of the Act, until the area is redesignated to attainment. The EPA believes that it is reasonable to key the submittal of the milestones to the date for submission of the serious area SIP containing BACM/BACT, which is due 18 months after reclassification. The EPA believes this is reasonable because the BACM/BACT measures will give rise to the primary emissions reductions leading to attainment. Therefore, in this case, the submittal of the first milestones report will be due 3 years after the submittal date for the serious area BACM/BACT SIP. In addition, within 90 days of the milestone due date, States must submit a demonstration that all measures in the plan have been implemented and that the milestone has been met. The EPA must then determine whether or not the State's demonstration is adequate within 90 days. If a State fails to submit a milestone within the required period, or if EPA determines that an area has not met any applicable milestone, then, within 9 months after the failure or determination, the State must submit a plan revision that assures the State will achieve

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the next milestone (or attain the PM₁₀ NAAQS, if there is no next milestone) by the applicable date.

(5) Contingency Measures

As stated above, under the Act, once a determination has been made that an area must be reclassified as serious, either due to its impracticability to attain or for failure to attain by the applicable attainment date, contingency measures are then required to be implemented for the area under section 172(c)(9). The SIP containing contingency measures is due with the attainment demonstration SIP. Pursuant to section 172(b), EPA will establish this schedule when it takes action to reclassify PM₁₀ areas to serious.

(6) NSR

The PM₁₀ serious area SIPs must provide for an NSR program, as described above for moderate areas. The one additional requirement for serious areas is that the major source threshold is lowered from 100 tons per year to 70 tons per year.

(7) Conformity

The PM₁₀ serious area SIPs must also provide for a conformity program. Under the Agency's conformity rules, conformity SIPs are due 12 months after an area is designated nonattainment. However, if an area had previously been designated nonattainment under the pre-existing PM₁₀ NAAQS and had already submitted an approvable conformity SIP, then the area would not need to submit another SIP revision.

4. SIP Requirements for PM_{2.5} Areas

a. Qualifications for Classifications

[placeholder section]

b. Emissions Inventory, Modeling and Attainment Demonstration

[placeholder section]

c. RACM/RACT

The discussion above in section 2.a above explains EPA's current views on the RACM/RACT requirement for PM_{2.5} areas.

d. Reasonable Further Progress

[placeholder section]

e. Contingency Measures

[placeholder section]

f. NSR

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On October 23, 1997, EPA issued a guidance memorandum¹⁹ on interim implementation of NSR requirements for PM_{2.5}. The memorandum addresses the interim use of PM₁₀ as a surrogate for PM_{2.5} in meeting NSR requirements under the Act, including the permit programs for prevention of significant deterioration (PSD) of air quality. The EPA will provide additional guidance on the NSR requirement for PM_{2.5} areas in future guidance and rulemakings.

g. Conformity

[placeholder section]

REVISED OZONE and PM NAAQS

1. Nonattainment Area Boundaries

[placeholder section]

2. Emergency Episode Procedures

[placeholder section]

3. Emissions Inventory Projections

[placeholder section]

4. Operating Permit Framework

[placeholder section]

5. How to Address Areas at Attainment Dates

[placeholder section]

6. Economic Incentive Programs

[placeholder section]

PM_{2.5} NAAQS and REGIONAL HAZE PROGRAM

1. Inter-program Coordination

[placeholder section]

2. Update on Regional Modeling

[placeholder section]

¹⁹See memorandum from John S. Seitz, Director, Office of Air Quality Planning & Standards to Addressees, "Interim Implementation of New Source Review Requirements for PM_{2.5}," October 23, 1997.

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Attachment A: Classification Scheme for Nonattainment Areas for the 8-hour Ozone NAAQS

Table 1: Summary of Requirements by Classification

Three formal classifications:	Transitional		Traditional	International Transport
Type of Area Eligible:	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard and that project attainment of the 8-hour standard through the regional NOx strategy	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard, and for which the regional NOx strategy is not sufficient for attainment of the 8-hour standard or does not apply	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard (and do not qualify for or want transitional) <u>and</u> areas that violate both the 1- and 8-hour standards	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard <u>and</u> areas that violate both the 1- and 8-hour standards
Designation By:	July 18, 2000	July 18, 2000	July 18, 2000	July 18, 2000
Classification By:	July 18, 2000 (1)	July 18, 2000 (1)	July 18, 2000	July 18, 2000 (1)
SIP Due By:	September 1999 (2) - SIP call SIP, including attainment demonstration (i.e., documentation referencing EPA modeling and emissions inventory)	September 1999 (2) - SIP call SIP, where applicable, and May 2000 - attainment SIP	July 18, 2003 (3)	July 18, 2003 (3)
Attainment By: (4)	December 31, 2003 (5)	December 31, 2003 (5)	December 31, 2005 for areas that violate only the 8-hour standard and December 31, 2008 or July 18, 2010 for areas that violate both standards (6)	December 31, 2005
Attainment Demonstration:	EPA modeling and emissions inventory for the SIP call budget, unless State elects to perform other modeling	<u>In the OTAG domain:</u> no additional modeling required; may use other demonstration techniques EPA will provide; State may elect to do additional modeling <u>Outside the OTAG domain:</u> to be determined	To be determined	Demonstrate attainment “but for” international emissions (details to be determined)
Emissions Inventory:	Rely on emissions inventories from NOx SIP call modeling	Rely on emissions inventories from SIP call modeling, as appropriate, plus other existing inventories	To be determined	To be determined

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Three formal classifications:	Transitional		Traditional	International Transport
Type of Area Eligible:	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard and that project attainment of the 8-hour standard through the regional NOx strategy	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard, and for which the regional NOx strategy is not sufficient for attainment of the 8-hour standard or does not apply	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard (and do not qualify for or want transitional) <u>and</u> areas that violate both the 1- and 8-hour standards	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard <u>and</u> areas that violate both the 1- and 8-hour standards
Control Measures:	RACM/RACT will be met if the area submits a SIP that EPA approves as providing for attainment. The SIP providing for attainment will be NOx SIP call SIP, including attainment demonstration (i.e., documentation referencing EPA modeling and emissions inventory).	RACM/RACT will be met if the area submits a SIP that EPA approves as providing for attainment. The SIP providing for attainment will consist of: <ul style="list-style-type: none"> • If applicable, the SIP States submit in response to the NOx SIP call, and • A SIP with additional measures needed for attainment 	RACM/RACT will be met if the area submits a SIP that demonstrates attainment of the standard. Additional measures would then not be required as being “reasonably available.”	RACM/RACT will be met if the area submits a SIP that demonstrates attainment “but for” the international emissions impacting the area. Additional measures would then not be required as being “reasonably available.”
RFP:	NOx SIP call emissions reductions on schedule.	Where applicable, NOx SIP call emissions reductions on schedule. For attainment SIPs, area must attain as a result of emissions reductions in SIP.	<u>For areas that violate only the 8-hour NAAQS:</u> to be determined. <u>For areas that violate both NAAQS:</u> until the attainment date for the 1-hour standard, RFP required under subpart 2 for the 1-hour standard should be sufficient to meet RFP for the 8-hour standard; RFP after final attainment date for 1-hour standard is to be determined.	To be determined
Contingency Measures for RFP Failure or Failure to Attain:	Commitment to analyze the cause of the failure and to adopt necessary measures	Provide contingency measures that reduce emissions of the ozone precursor providing most additional emissions reductions	To be determined	To be determined

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Three formal classifications:	Transitional		Traditional	International Transport
Type of Area Eligible:	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard and that project attainment of the 8-hour standard through the regional NOx strategy	Areas that have had the 1-hour standard revoked, that do not attain the 8-hour standard, and for which the regional NOx strategy is not sufficient for attainment of the 8-hour standard or does not apply	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard (and do not qualify for or want transitional) <u>and</u> areas that violate both the 1- and 8-hour standards	Both areas that have had the 1-hour standard revoked but do not attain the 8-hour ozone standard <u>and</u> areas that violate both the 1- and 8-hour standards
NSR:	Forthcoming rulemakings will cover	Forthcoming rulemakings will cover	Program under EPA regulations as amended	Program under EPA regulations as amended
Conformity:	Need on-road mobile emissions budget that reflects SIP attainment inventory; forthcoming rulemaking will cover	Need on-road mobile emissions budget that reflects SIP attainment inventory; forthcoming rulemaking will cover	Program under EPA regulations as amended	Program under EPA regulations as amended

- (1) The transitional and international transport classifications will be assigned by July 18, 2000 before EPA completes rulemaking action on the SIPs. If EPA disapproves a transitional area SIP, EPA will withdraw the classification.
- (2) The September 1999 due date for the SIP call SIP is based on the proposed SIP call. The final SIP call will establish the final due date for submittal of the SIP.
- (3) The EPA is required to establish the SIP submittal date through rulemaking. The EPA plans to take rulemaking action on the SIP submittal date at the time it designates areas and to establish no later than July 18, 2003 as the date.
- (4) Attainment is as expeditiously as practicable, as required by the Act. The EPA anticipates that the attainment date for areas within each classification will be no later than the date indicated. The EPA will formally establish these dates when EPA takes rulemaking action on the specific SIPs submitted by the States. The formal assignment of attainment dates will be based on EPA's review of the facts and circumstances specific to each nonattainment area and the SIP for the area. The definition of attainment date is the same for all three classifications of ozone area. The attainment date is defined, for planning purposes, as the date by which areas must demonstrate they have achieved sufficient emissions reductions through control measure implementation to enable the area to demonstrate at least one ozone season's clean air quality in the attainment year.
- (5) Alternatively, EPA anticipates that a small number of areas may need an attainment date of no later than December 31, 2005.
- (6) Severe-15 areas have a November 15, 2005 attainment date for the 1-hour standard; 3 years later results in an 8-hour standard attainment date of December 31, 2008. Severe-17 areas have a November 15, 2007 attainment date for the 1-hour standard; 3 years later results in an 8-hour standard attainment date of July 18, 2010, since the 8-hour attainment date cannot be extended beyond 10 years from the July 18, 2000 designation date.

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Table 2: Overall Timeline by Ozone Classification

Action:	Activity
Transitional Areas	
By September 1999	<ul style="list-style-type: none"> • States submit SIP in response to the NOx SIP call. The SIP serves as the required SIP for transitional areas that attain through the SIP call and serves as part of the SIP for transitional areas that benefit partially from the SIP call. • For transitional areas that attain through the SIP call, States submit attainment demonstration documentation referencing EPA modeling and emissions inventory.
By May 2000	<p>For transitional areas that benefit partially or not at all from the SIP call:</p> <ul style="list-style-type: none"> • States submit attainment demonstration SIP with any control measures needed to demonstrate attainment
By July 18, 2000	<p>For all transitional areas, EPA finalizes:</p> <ul style="list-style-type: none"> • Determination on transitional classification • Nonattainment designation (1)
By December 2000	<p>For transitional areas that attain through the NOx SIP call, EPA finalizes:</p> <ul style="list-style-type: none"> • Rulemaking on the NOx SIP call SIP (and attainment demonstration documentation) • Assignment of an attainment date <p>For areas that rely partially on the SIP call for attainment, EPA finalizes:</p> <ul style="list-style-type: none"> • Rulemaking on the NOx SIP call SIP • Rulemaking on attainment SIP, including any control measures needed to demonstrate attainment • Assignment of an attainment date <p>For areas outside the SIP call region, EPA finalizes:</p> <ul style="list-style-type: none"> • Rulemaking on attainment SIP, including any control measures needed to demonstrate attainment • Assignment of an attainment date
By December 31, 2003 (2)	Transitional area attainment date

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Action:	Activity
Traditional Areas	
By July 18, 2000	Finalize designation (1), classification and SIP due date (3)
By July 18, 2003 (3)	Nonattainment area SIP due for traditional areas
By January 18, 2005 (4)	EPA completes rulemaking action on traditional area SIPs, including assigning attainment dates
By December 31, 2005 (2)	Traditional area attainment date for areas that violate only the 8-hour NAAQS
By December 31, 2008 or by July 18, 2010 (2)	Traditional area attainment date for areas that violate both ozone standards
International Transport Areas	
By July 18, 2000	Finalize designation (1), classification and SIP due date
By July 18, 2003 (3)	Nonattainment area SIP due for international transport areas
By January 18, 2005 (4)	EPA completes rulemaking action on international transport SIPs, including assigning attainment dates
December 31, 2005 (2)	International transport area attainment date for areas that violate only the 8-hour NAAQS and for areas that violate both ozone standards

- (1) This footnote denotes an activity that has a statutory deadline. Designations must be completed no later than 3 years from promulgation of revised NAAQS, in this case by July 18, 2000.
- (2) This footnote denotes an activity that has a deadline under the Act. Nonattainment areas must attain as expeditiously as practicable but by no later than 5 years from the date of designation. This attainment date can be extended for up to an additional 5 years. For transitional areas, in addition to the date indicated, alternatively, EPA anticipates that a small number of areas may need an attainment date of no later than December 31, 2005. For traditional areas that violate both NAAQS, the attainment dates were derived as follows. Severe-15 areas have a November 15, 2005 attainment date for the 1-hour standard; 3 years later results in an 8-hour standard attainment date of December 31, 2008. Severe-17 areas have a November 15, 2007 attainment date for the 1-hour standard; 3 years later results in an 8-hour standard attainment date of July 18, 2010, since the 8-hour attainment date cannot be extended beyond 10 years from the July 18, 2000 designation date.
- (3) This footnote denotes an activity that has a specific deadline under the Act. Nonattainment SIPs are due by a date established by EPA (at the time of designation) which can be no later than 3 years from the date of designation. As provided in the table, EPA will establish this date by July 2000.
- (4) This footnote denotes an activity that has a specific statutory deadline. The EPA must complete rulemaking action on SIPs no later than 18 months from when the SIP is submitted: 6 months for completeness and 12 months for review to determine if the SIP meets the statutory requirements. For example, if a SIP is submitted by July 18, 2003, then EPA would have no later than January 18, 2005, the date indicated in the table, to complete action on it.

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Attachment B: Classification Scheme for the PM₁₀ NAAQS

	Moderate	Serious
Type of Area Eligible:	All areas designated nonattainment for the PM ₁₀ NAAQS are initially classified moderate	Moderate areas will be reclassified to serious if EPA determines they cannot practicably attain or they fail to attain
Designation by:	July 18, 2000	Moderate area designation date
Classification by:	July 18, 2000	Depends on timing of reclassification
SIP Due by:	January 18, 2002	<u>Due dates from reclassification:</u> If State demonstrates area cannot practicably attain: BACM SIP - 18 mos., attainment demonstration - 4 yrs. If area fails to attain: both SIPs - 18 mos.
Attainment by: (1)	December 31, 2006	End of 10th calendar year from date of nonattainment designation (December 31, 2010); extensions up to 5 years provided plan for area meets all section 188(e) requirements
Attainment Demonstration:	Local modeling consistent with EPA modeling guidelines and policies	Local modeling consistent with EPA modeling guidelines and policies
Emissions Inventory:	Rely on existing inventory guidance	Rely on existing inventory guidance
Control Requirements:	RACM/RACT implemented by July 18, 2004 and based on an analysis of the attainment needs of the area	BACM/BACT implemented 4 years from reclassification; selection of BACM/BACT control measures determined on a case-by-case basis taking into account environmental benefit and energy costs, as well as other costs of implementation.

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	Moderate	Serious
RFP:	Quantitative emissions reduction milestones to be achieved every 3 years until the area is redesignated to attainment. Within 90 days of the milestone due date, the State must submit a demonstration that all measures in the plan have been implemented and that the milestone has been met. The EPA must determine whether or not the State's demonstration is adequate within 90 days.	Quantitative emissions reduction milestones to be achieved every 3 years until the area is redesignated to attainment. Within 90 days of the milestone due date, the State must submit a demonstration that all measures in the plan have been implemented and that the milestone has been met. The EPA must determine whether or not the State's demonstration is adequate within 90 days.
Failure to Make RFP (milestone):	If a State fails to submit a milestone within the required period or if EPA determines that an area has not met any applicable milestone, then, within 9 months after the failure or determination, the State must submit a plan revision that assures the State will achieve the next milestone (or attain the PM ₁₀ NAAQS, if there is no next milestone) by the applicable date.	If a State fails to submit a milestone within the required period or if EPA determines that an area has not met any applicable milestone, then, within 9 months after the failure or determination, the State must submit a plan revision that assures the State will achieve the next milestone (or attain the PM ₁₀ NAAQS, if there is no next milestone) by the applicable date.
Contingency Measures for Failure to Attain:	Once a determination has been made that an area must be reclassified as serious due to its impracticability to attain or for failure to attain by the applicable attainment date, contingency measures are then required to be implemented for the area.	Once a determination has been made that an area must be reclassified as serious due to its impracticability to attain or for failure to attain by the applicable attainment date, contingency measures are then required to be implemented for the area.
Conformity/NSR:	Program under EPA regulations as amended	Program under EPA regulations as amended

- (1) Attainment is as expeditious as practicable but by no later than the date indicated.

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Attachment C: Clean Air Act (Act) Legal Authority

1. Introduction
2. Designations for the Ozone and PM NAAQS
3. Subpart 1 Requirements for the 8-hour Ozone and PM_{2.5} NAAQS
 - a. Classifications
 - b. Attainment Dates
 - c. Nonattainment Area SIP Due Dates
 - d. Nonattainment Area SIP Requirements
4. PM₁₀ Subpart 4 Requirements

1. Introduction

This attachment provides the statutory background for designations (and redesignations) for the ozone and PM NAAQS and subpart 1 requirements that apply to the 8-hour ozone and PM_{2.5} NAAQS. This attachment also mentions the subpart 4 requirements that apply to the revised PM₁₀ NAAQS.

2. Designations for the Ozone and PM NAAQS

Section 107(d)(1) provides for the designation of areas upon promulgation of new or revised NAAQS.¹ The Act provides for three designations: nonattainment, attainment and unclassifiable. Nonattainment is defined as “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard” for a criteria pollutant. An attainment area is an area (other than a nonattainment area) that meets the national primary or secondary ambient air quality standard for a pollutant, and an unclassifiable area is one for which the attainment status cannot be determined based on the available information.

Section 107(d)(1) also spells out the timing of the designations process. Section 107(d)(1) provides for EPA to require Governors to submit recommended designations for areas within the State within 1 year of promulgation of new or revised NAAQS. However, EPA may not establish a date that is earlier than 120 days after promulgation of the NAAQS. The EPA is required to designate areas no later than 2 years after promulgation of the NAAQS; however, EPA may take an additional year (i.e., up to 3 years after promulgation of the NAAQS) if there is

¹Other provisions in subsection (d) also provide for designations, but do not apply to the initial designations for a new or revised NAAQS. Paragraph (d)(3) applies for purposes of redesignating areas that have already been designated with respect to a NAAQS. Paragraph (d)(4) applied only to the initial designations for the NAAQS that were applicable at the time Congress enacted the 1990 Amendments.

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“insufficient information to promulgate the designation.” In addition, section 107(d)(2)(B) provides that EPA is not required to conduct notice-and-comment rulemaking when making initial designations following promulgation of a new or revised NAAQS.

The time frames laid out in section 107(d)(1) were recently modified by the Transportation Equity Act for the 21st Century (TEA-21), which was signed into law on June 9, 1998. The TEA-21 affects the section 107(d)(1) time frames specifically for the July 1997 8-hour ozone NAAQS and the July 1997 PM_{2.5} NAAQS. The timeframe for designations under the revised PM₁₀ NAAQS is not affected by TEA-21. Section 6103(a) of the TEA-21 requires that the Governors submit recommended designations within 2 years of promulgation of the July 1997 ozone NAAQS (i.e., by July 1999). Section 6103(b) of the TEA-21 then requires EPA to promulgate final designations for the July 1997 revised ozone NAAQS no later than 1 year after the Governors recommended designations are required to be submitted (i.e., by July 2000).

Concerning the designation process for the PM_{2.5} NAAQS, under section 6102(c)(1) of the TEA -21, States will be required to submit designations referred to in section 107(d)(1) of the Act for each area concerning PM_{2.5} within 1 year after receipt of 3 years of quality assured air quality data from Federal reference method monitors or equivalent monitors. Under section 6102(d) of the TEA-21, EPA must then promulgate designations referred to in section 107(d)(1) of the Act for PM_{2.5} by the earlier of 1 year after the date States are required to make their submittal or December 31, 2005.

The EPA has provided guidance on the designations process for the revised ozone and PM NAAQS.²

3. Subpart 1 Requirements for the 8-hour Ozone and PM_{2.5} NAAQS

Implementation of the revised 8-hour ozone NAAQS and the PM_{2.5} NAAQS is governed by the more general provisions of part D, subpart 1, rather than the more specific provisions of subpart 2, which have applied and still apply to the pre-existing 1-hour ozone standard. These subpart 1 provisions are described here: classifications, attainment dates, nonattainment SIP due dates and nonattainment SIP requirements.

a. Classifications

Section 172(a)(1) contains authority for EPA to establish classifications on or after the date EPA designates areas nonattainment for the revised 8-hour ozone NAAQS. (This is distinct

²See memorandum “Re-issue of the Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS),” Sally L. Shaver, Director, Air Quality Strategies and Standards Division, June 16, 1998.

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from the classification scheme in subpart 2 that applies to the 1-hour NAAQS.) The EPA may classify areas for the purpose of applying an attainment date and for other purposes. In determining the appropriate classification for a nonattainment area, EPA may consider such factors as the severity of nonattainment in the area and the availability and feasibility of the pollution control measures that EPA believes may be necessary to provide for attainment in the area. The EPA must publish a notice in the Federal Register announcing each classification and provide an opportunity for at least 30 days for written comment.³

b. Attainment Dates

Section 172(a)(2) provides the attainment dates for nonattainment areas. The attainment date for an area designated nonattainment must be the date by which attainment can be achieved as expeditiously as practicable, but by no later than 5 years from the date the area was designated nonattainment. The EPA may extend the attainment date to the extent appropriate for up to 10 years from the date of the nonattainment designation, “considering the severity of nonattainment and the availability and feasibility of pollution control measures.” In addition, EPA may extend the attainment date for 1 additional year if (1) the State has complied with all requirements and commitments, and (2) in accordance with guidance published by EPA, the area has no more than a minimal number of exceedances of the NAAQS in the year preceding the extension year. No more than 2 1-year extensions may be issued.

Under section 179(c) of the Act, EPA can also issue a notice of failure to attain if an area fails to attain by its established attainment date. As expeditiously as practicable after the attainment date passes, but by not later than 6 months after such date, EPA must determine, based on an area's air quality as of the attainment date, whether the area attained the standard by that date. Upon making this determination, EPA must publish a notice in the Federal Register containing the determination and identifying each area that EPA has determined has failed to attain. The EPA may revise or supplement the determination at any time based on more complete information or analysis concerning the area's air quality as of the attainment date. Under section 179(d) of the Act, within 1 year after EPA publishes the failure to attain notice, each State containing a nonattainment area must submit a SIP revision to EPA. The SIP revision must meet the requirements of sections 110 and 172 and include additional measures as EPA may reasonably prescribe. This would include all measures that can be feasibly implemented in the area in light of technological achievability, costs, and any non-air quality and other air quality-related health and

³However, formal notice-and-comment rulemaking pursuant to the Administrative Procedure Act is not required. The classifications are also not subject to judicial review until EPA takes final action under section 110(k) or 110(l) concerning action on plan submissions or section 179 concerning sanctions with respect to any plan submissions required by virtue of such classification.

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environmental impacts. The attainment date applicable to the SIP revision must be the same as provided in the provisions of section 172(a)(2), except that the 5- and 10-year time periods in section 172(a)(2) would run from the date of the notice under section 179(c)(2). Effectively, this means that the area starts afresh and must attain as expeditiously as practicable but no later than 5 years from the date of the failure to attain notice. The EPA could extend the attainment date to up to 10 years from the date of the failure to attain, provided the statutory criteria were satisfied.

c. Nonattainment Area SIP Due Dates

Section 172(b) requires EPA to establish the schedule for the submission of nonattainment plans at the time EPA designates an area nonattainment. The schedule must include a date or dates extending no later than 3 years from the date of the nonattainment designation.

d. Nonattainment Area SIP Requirements

Designation of an area as nonattainment triggers the planning requirements of subpart 1 of part D of title I of the Act. For the most part, these requirements are set forth in section 172(c). However, section 173 further elaborates the NSR requirements and section 176 states that Federally-supported projects cannot be undertaken if they do not conform to the approved SIP. In addition, certain requirements applicable to mobile sources under title II may also apply.

Section	Requirement
172(c)(1)	RACM/RACT: Nonattainment SIPs must provide for implementation of all RACM as expeditiously as practicable (including RACT) and for attainment of the NAAQS.
172(c)(2) and 171(1)	RFP: Nonattainment SIPs must provide for RFP. RFP is defined as annual incremental reductions in emissions of the relevant pollutant as are required by part D or may reasonably be required by EPA to ensure attainment of the NAAQS by the attainment date.
172(c)(3)	Emissions inventory: Nonattainment plans must include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area, including periodic revisions EPA determines necessary to assure part D requirements are met.
172(c)(4)	Identification and quantification of emissions from new and modified sources: This requirement is applicable only within economic development zones identified in accordance with section 173(a)(1)(B).
172(c)(5)	New source review: Nonattainment plans must require permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area, in accordance with section 173.

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Section	Requirement
172(c)(6)	Enforceable emission limitations, and such other measures: Nonattainment plans must include enforceable emission limitations, and such other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of the NAAQS by the attainment date.
172(c)(7)	Section 110(a)(2) requirements: Nonattainment plan provisions must meet the applicable provisions of section 110(a)(2).
172(c)(8)	Allowance of equivalent techniques (e.g., for emissions inventories, modeling, attainment demonstration): Upon application by any State, EPA may allow the use of equivalent modeling, emissions inventory, and planning procedures, unless EPA determines that the proposed techniques are, in the aggregate, less effective than the methods specified by EPA.
172(c)(9)	Contingency measures: Nonattainment plans must provide for specific measures to be implemented if an area fails to make reasonable further progress, or to attain the NAAQS by the attainment date. These measures must be included in the plan revision as contingency measures to take effect in any such case without further action by the State or EPA.
176(c)(1)	Conformity - transportation and general: In general, no department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan after it has been approved or promulgated under section 110. Conformity is specifically defined in section 176(c)(1)(A) and (B) as meaning conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of the standards; and that such activities will not cause or contribute to any new violations of any standard in any area; increase the frequency or severity of any existing violation of the standard in any area; or delay the timely attainment of any standard or any required interim emissions reductions or other milestones in any area.

4. PM₁₀ Subpart 4 Requirements

Subpart 4 of part D contains the requirements that applied to the pre-existing PM₁₀ NAAQS and that also apply to the revised PM₁₀ NAAQS. Guidance on these requirements, including statutory background, can be found in the "1992 General Preamble" (moderate areas) and 1994 addendum to the General Preamble (serious areas).