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trading program for SIPs), incorporate such part by reference into its regulations, or adopts regulations that differ substantively from such part only as set forth in paragraph (p)(2) of this section, then that portion of the State's SIP revision is automatically approved as satisfying the same portion of the State's NO<sub>x</sub> emission reduction obligations as the State projects such regulations will satisfy, provided that:

(i) The State has the legal authority to take such action and to implement its responsibilities under such regulations, and

(ii) The SIP revision accurately reflects the NO<sub>x</sub> emissions reductions to be expected from the State's implementation of such regulations.

(2) If a State adopts an emissions trading program that differs substantively from 40 CFR part 96 in only the following respects, then such portion of the State's SIP revision is approved as set forth in paragraph (p)(1) of this section:

(i) The State may expand the applicability provisions of the trading program to include units (as defined in 40 CFR 96.2) that are smaller than the size criteria thresholds set forth in 40 CFR 96.4(a);

(ii) The State may decline to adopt the exemption provisions set forth in 40 CFR 96.4(b);

(iii) The State may decline to adopt the opt-in provisions set forth in subpart I of 40 CFR part 96;

(iv) The State may decline to adopt the allocation provisions set forth in subpart E of 40 CFR part 96 and may instead adopt any methodology for allocating NO<sub>x</sub> allowances to individual sources, provided that:

(A) The State's methodology does not allow the State to allocate NO<sub>x</sub> allowances in excess of the total amount of NO<sub>x</sub> emissions which the State has assigned to its trading program; and

(B) The State's methodology conforms with the timing requirements for submission of allocations to the Administrator set forth in 40 CFR 96.41; and

(v) The State may decline to adopt the early reduction credit provisions set forth in 40 CFR 96.55(c) and may instead adopt any methodology for

issuing credit from the State's compliance supplement pool that complies with paragraph (e)(3) of this section.

(3) If a State adopts an emissions trading program that differs substantively from 40 CFR part 96 other than as set forth in paragraph (p)(2) of this section, then such portion of the State's SIP revision is not automatically approved as set forth in paragraph (p)(1) of this section but will be reviewed by the Administrator for approvability in accordance with the other provisions of this section.

(q) *Stay of Findings of Significant Contribution with respect to the 8-hour standard.* Notwithstanding any other provisions of this subpart, the effectiveness of paragraph (a)(2) of this section is stayed.

[63 FR 57491, Oct. 27, 1998, as amended at 63 FR 71225, Dec. 24, 1998; 64 FR 26305, May 14, 1999; 65 FR 11230, Mar. 2, 2000; 65 FR 56251, Sept. 18, 2000]

### **§ 51.122 Emissions reporting requirements for SIP revisions relating to budgets for NO<sub>x</sub> emissions.**

(a) For its transport SIP revision under § 51.121 of this part, each State must submit to EPA NO<sub>x</sub> emissions data as described in this section.

(b) Each revision must provide for periodic reporting by the State of NO<sub>x</sub> emissions data to demonstrate whether the State's emissions are consistent with the projections contained in its approved SIP submission.

(1) *Annual reporting.* Each revision must provide for annual reporting of NO<sub>x</sub> emissions data as follows:

(i) The State must report to EPA emissions data from all NO<sub>x</sub> sources within the State for which the State specified control measures in its SIP submission under § 51.121(g) of this part. This would include all sources for which the State has adopted measures that differ from the measures incorporated into the baseline inventory for the year 2007 that the State developed in accordance with § 51.121(g) of this part.

(ii) If sources report NO<sub>x</sub> emissions data to EPA annually pursuant to a trading program approved under § 51.121(p) of this part or pursuant to the monitoring and reporting requirements of subpart H of 40 CFR part 75,

then the State need not provide annual reporting to EPA for such sources.

(2) *Triennial reporting.* Each plan must provide for triennial (i.e., every third year) reporting of NO<sub>x</sub> emissions data from all sources within the State.

(3) *Year 2007 reporting.* Each plan must provide for reporting of year 2007 NO<sub>x</sub> emissions data from all sources within the State.

(4) The data availability requirements in §51.116 of this part must be followed for all data submitted to meet the requirements of paragraphs (b)(1), (2) and (3) of this section.

(c) The data reported in paragraph (b) of this section for stationary point sources must meet the following minimum criteria:

(1) For annual data reporting purposes the data must include the following minimum elements:

- (i) Inventory year.
- (ii) State Federal Information Placement System code.
- (iii) County Federal Information Placement System code.
- (iv) Federal ID code (plant).
- (v) Federal ID code (point).
- (vi) Federal ID code (process).
- (vii) Federal ID code (stack).
- (viii) Site name.
- (ix) Physical address.
- (x) SCC.
- (xi) Pollutant code.
- (xii) Ozone season emissions.
- (xiii) Area designation.

(2) In addition, the annual data must include the following minimum elements as applicable to the emissions estimation methodology.

- (i) Fuel heat content (annual).
- (ii) Fuel heat content (seasonal).
- (iii) Source of fuel heat content data.
- (iv) Activity throughput (annual).
- (v) Activity throughput (seasonal).
- (vi) Source of activity/throughput data.
- (vii) Spring throughput (%).
- (viii) Summer throughput (%).
- (ix) Fall throughput (%).
- (x) Work weekday emissions.
- (xi) Emission factor.
- (xii) Source of emission factor.
- (xiii) Hour/day in operation.
- (xiv) Operations Start time (hour).
- (xv) Day/week in operation.
- (xvi) Week/year in operation.

(3) The triennial and 2007 inventories must include the following data elements:

- (i) The data required in paragraphs (c)(1) and (c)(2) of this section.
- (ii) X coordinate (latitude).
- (iii) Y coordinate (longitude).
- (iv) Stack height.
- (v) Stack diameter.
- (vi) Exit gas temperature.
- (vii) Exit gas velocity.
- (viii) Exit gas flow rate.
- (ix) SIC.
- (x) Boiler/process throughput design capacity.
- (xi) Maximum design rate.
- (xii) Maximum capacity.
- (xiii) Primary control efficiency.
- (xiv) Secondary control efficiency.
- (xv) Control device type.

(d) The data reported in paragraph (b) of this section for area sources must include the following minimum elements:

- (1) For annual inventories it must include:
  - (i) Inventory year.
  - (ii) State FIPS code.
  - (iii) County FIPS code.
  - (iv) SCC.
  - (v) Emission factor.
  - (vi) Source of emission factor.
  - (vii) Activity/throughput level (annual).
  - (viii) Activity throughput level (seasonal).
  - (ix) Source of activity/throughput data.

- (x) Spring throughput (%).
- (xi) Summer throughput (%).
- (xii) Fall throughput (%).
- (xiii) Control efficiency (%).
- (xiv) Pollutant code.
- (xv) Ozone season emissions.
- (xvi) Source of emissions data.
- (xvii) Hour/day in operation.
- (xviii) Day/week in operation.
- (xix) Week/year in operations.

(2) The triennial and 2007 inventories must contain, at a minimum, all the data required in paragraph (d)(1) of this section.

(e) The data reported in paragraph (b) of this section for mobile sources must meet the following minimum criteria:

(1) For the annual, triennial, and 2007 inventory purposes, the following data must be reported:

- (i) Inventory year.

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- (ii) State FIPS code.
- (iii) County FIPS code.
- (iv) SCC.
- (v) Emission factor.
- (vi) Source of emission factor.
- (vii) Activity (this must be reported for both highway and nonroad activity. Submit nonroad activity in the form of hours of activity at standard load (either full load or average load) for each engine type, application, and horsepower range. Submit highway activity in the form of vehicle miles traveled (VMT) by vehicle class on each roadway type. Report both highway and nonroad activity for a typical ozone season weekday day, if the State uses EPA's default weekday/weekend activity ratio. If the State uses a different weekday/weekend activity ratio, submit separate activity level information for weekday days and weekend days).
- (viii) Source of activity data.
- (ix) Pollutant code.
- (x) Summer work weekday emissions.
- (xi) Ozone season emissions.
- (xii) Source of emissions data.
- (2) [Reserved]
- (f) *Approval of ozone season calculation by EPA.* Each State must submit for EPA approval an example of the calculation procedure used to calculate ozone season emissions along with sufficient information for EPA to verify the calculated value of ozone season emissions.
- (g) *Reporting schedules.* (1) Annual reports are to begin with data for emissions occurring in the year 2003.
- (2) Triennial reports are to begin with data for emissions occurring in the year 2002.
- (3) Year 2007 data are to be submitted for emissions occurring in the year 2007.
- (4) States must submit data for a required year no later than 12 months after the end of the calendar year for which the data are collected.
- (h) *Data reporting procedures.* When submitting a formal NO<sub>x</sub> budget emissions report and associated data, States shall notify the appropriate EPA Regional Office.
- (1) States are required to report emissions data in an electronic format to one of the locations listed in this paragraph (h). Several options are available for data reporting.

(2) An agency may choose to continue reporting to the EPA Aerometric Information Retrieval System (AIRS) system using the AIRS facility subsystem (AFS) format for point sources. (This option will continue for point sources for some period of time after AIRS is reengineered (before 2002), at which time this choice may be discontinued or modified.)

(3) An agency may convert its emissions data into the Emission Inventory Improvement Program/Electronic Data Interchange (EIIP/EDI) format. This file can then be made available to any requestor, either using E-mail, floppy disk, or value added network (VAN), or can be placed on a file transfer protocol (FTP) site.

(4) An agency may submit its emissions data in a proprietary format based on the EIIP data model.

(5) For options in paragraphs (h)(3) and (4) of this section, the terms submitting and reporting data are defined as either providing the data in the EIIP/EDI format or the EIIP based data model proprietary format to EPA, Office of Air Quality Planning and Standards, Emission Factors and Inventory Group, directly or notifying this group that the data are available in the specified format and at a specific electronic location (e.g., FTP site).

(6) For annual reporting (not for triennial reports), a State may have sources submit the data directly to EPA to the extent the sources are subject to a trading program that qualifies for approval under §51.121(q) of this part, and the State has agreed to accept data in this format. The EPA will make both the raw data submitted in this format and summary data available to any State that chooses this option.

(i) *Definitions.* As used in this section, the following words and terms shall have the meanings set forth below:

(1) *Annual emissions.* Actual emissions for a plant, point, or process, either measured or calculated.

(2) *Ash content.* Inert residual portion of a fuel.

(3) *Area designation.* The designation of the area in which the reporting source is located with regard to the

ozone NAAQS. This would include attainment or nonattainment designations. For nonattainment designations, the classification of the nonattainment area must be specified, i.e., transitional, marginal, moderate, serious, severe, or extreme.

(4) *Boiler design capacity.* A measure of the size of a boiler, based on the reported maximum continuous steam flow. Capacity is calculated in units of MMBtu/hr.

(5) *Control device type.* The name of the type of control device (e.g., wet scrubber, flaring, or process change).

(6) *Control efficiency.* The emissions reduction efficiency of a primary control device, which shows the amount of reductions of a particular pollutant from a process' emissions due to controls or material change. Control efficiency is usually expressed as a percentage or in tenths.

(7) *Day/week in operations.* Days per week that the emitting process operates.

(8) *Emission factor.* Ratio relating emissions of a specific pollutant to an activity or material throughput level.

(9) *Exit gas flow rate.* Numeric value of stack gas flow rate.

(10) *Exit gas temperature.* Numeric value of an exit gas stream temperature.

(11) *Exit gas velocity.* Numeric value of an exit gas stream velocity.

(12) *Fall throughput (%).* Portion of throughput for the 3 fall months (September, October, November). This represents the expression of annual activity information on the basis of four seasons, typically spring, summer, fall, and winter. It can be represented either as a percentage of the annual activity (e.g., production in summer is 40 percent of the year's production), or in terms of the units of the activity (e.g., out of 600 units produced, spring = 150 units, summer = 250 units, fall = 150 units, and winter = 50 units).

(13) *Federal ID code (plant).* Unique codes for a plant or facility, containing one or more pollutant-emitting sources.

(14) *Federal ID code (point).* Unique codes for the point of generation of emissions, typically a physical piece of equipment.

(15) *Federal ID code (stack number).* Unique codes for the point where emissions from one or more processes are released into the atmosphere.

(16) *Federal Information Placement System (FIPS).* The system of unique numeric codes developed by the government to identify States, counties, towns, and townships for the entire United States, Puerto Rico, and Guam.

(17) *Heat content.* The thermal heat energy content of a solid, liquid, or gaseous fuel. Fuel heat content is typically expressed in units of Btu/lb of fuel, Btu/gal of fuel, joules/kg of fuel, etc.

(18) *Hr/day in operations.* Hours per day that the emitting process operates.

(19) *Maximum design rate.* Maximum fuel use rate based on the equipment's or process' physical size or operational capabilities.

(20) *Maximum nameplate capacity.* A measure of the size of a generator which is put on the unit's nameplate by the manufacturer. The data element is reported in megawatts (MW) or kilowatts (KW).

(21) *Mobile source.* A motor vehicle, nonroad engine or nonroad vehicle, where:

(i) *Motor vehicle* means any self-propelled vehicle designed for transporting persons or property on a street or highway;

(ii) *Nonroad engine* means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 111 or section 202 of the CAA;

(iii) *Nonroad vehicle* means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.

(22) *Ozone season.* The period May 1 through September 30 of a year.

(23) *Physical address.* Street address of facility.

(24) *Point source.* A non-mobile source which emits 100 tons of NO<sub>x</sub> or more per year unless the State designates as a point source a non-mobile source emitting at a specified level lower than 100 tons of NO<sub>x</sub> per year. A non-mobile source which emits less NO<sub>x</sub> per year than the point source threshold is an area source.

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(25) *Pollutant code*. A unique code for each reported pollutant that has been assigned in the EIIP Data Model. Character names are used for criteria pollutants, while Chemical Abstracts Service (CAS) numbers are used for all other pollutants. Some States may be using storage and retrieval of aerometric data (SAROAD) codes for pollutants, but these should be able to be mapped to the EIIP Data Model pollutant codes.

(26) *Process rate/throughput*. A measurable factor or parameter that is directly or indirectly related to the emissions of an air pollution source. Depending on the type of source category, activity information may refer to the amount of fuel combusted, the amount of a raw material processed, the amount of a product that is manufactured, the amount of a material that is handled or processed, population, employment, number of units, or miles traveled. Activity information is typically the value that is multiplied against an emission factor to generate an emissions estimate.

(27) *SCC. Source category code*. A process-level code that describes the equipment or operation emitting pollutants.

(28) *Secondary control efficiency (%)*. The emissions reductions efficiency of a secondary control device, which shows the amount of reductions of a particular pollutant from a process' emissions due to controls or material change. Control efficiency is usually expressed as a percentage or in tenths.

(29) *SIC*. Standard Industrial Classification code. U.S. Department of Commerce's categorization of businesses by their products or services.

(30) *Site name*. The name of the facility.

(31) *Spring throughput (%)*. Portion of throughput or activity for the 3 spring months (March, April, May). See the definition of Fall Throughput.

(32) *Stack diameter*. Stack physical diameter.

(33) *Stack height*. Stack physical height above the surrounding terrain.

(34) *Start date (inventory year)*. The calendar year that the emissions estimates were calculated for and are applicable to.

(35) *Start time (hour)*. Start time (if available) that was applicable and used for calculations of emissions estimates.

(36) *Summer throughput (%)*. Portion of throughput or activity for the 3 summer months (June, July, August). See the definition of Fall Throughput.

(37) *Summer work weekday emissions*. Average day's emissions for a typical day.

(38) *VMT by Roadway Class*. This is an expression of vehicle activity that is used with emission factors. The emission factors are usually expressed in terms of grams per mile of travel. Since VMT does not directly correlate to emissions that occur while the vehicle is not moving, these non-moving emissions are incorporated into EPA's MOBILE model emission factors.

(39) *Week/year in operation*. Weeks per year that the emitting process operates.

(40) *Work Weekday*. Any day of the week except Saturday or Sunday.

(41) *X coordinate (latitude)*. East-west geographic coordinate of an object.

(42) *Y coordinate (longitude)*. North-south geographic coordinate of an object.

[63 FR 57496, Oct. 27, 1998]

### Subpart H—Prevention of Air Pollution Emergency Episodes

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

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

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

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

(1) Sulfur dioxide—100  $\mu\text{g}/\text{m}^3$  (0.04 ppm) annual arithmetic mean; 455  $\mu\text{g}/\text{m}^3$  (0.17 ppm) 24-hour maximum.

(2) Particulate matter—95  $\mu\text{g}/\text{m}^3$  annual geometric mean; 325  $\mu\text{g}/\text{m}^3$  24-hour maximum.