

of paragraph (a)(2) of this section is stayed.

(r)(1) Notwithstanding any provisions of paragraph (p) of this section, subparts A through I of part 96 of this chapter, and any State's SIP to the contrary, the Administrator will not carry out any of the functions set forth for the Administrator in subparts A through I of part 96 of this chapter, or in any emissions trading program in a State's SIP approved under paragraph (p) of this section, with regard to any ozone season that occurs after September 30, 2008.

(2) Except as provided in § 51.123(bb), a State whose SIP is approved as meeting the requirements of this section and that includes an emissions trading program approved under paragraph (p) of this section must revise the SIP to adopt control measures that satisfy the same portion of the State's NO_x emission reduction requirements under this section as the State projected such emissions trading program would satisfy.

(s) Stay of Finding of Significant Contribution with respect to the 1-hour standard. Notwithstanding any other provisions of this subpart, the effectiveness of paragraph (a)(1) of this section is stayed as it relates to the State of Georgia, only as of September 30, 2005.

[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; 69 FR 21642, Apr. 21, 2004; 70 FR 25317, May 12, 2005; 70 FR 51597, Aug. 31, 2005]

§ 51.122 Emissions reporting requirements for SIP revisions relating to budgets for NO_x emissions.

(a) For its transport SIP revision under § 51.121, each State must submit to EPA NO_x emissions data as described in this section.

(b) Each revision must provide for periodic reporting by the State of NO_x 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_x emissions data as follows:

(i) The State must report to EPA emissions data from all NO_x 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).

(ii) If sources report NO_x emissions data to EPA annually pursuant to a trading program approved under § 51.121(p) 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_x emissions data from all sources within the State.

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

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- (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 inventories must include the following data elements:
 - (i) The data required in paragraphs (c)(1) and (c)(2) of this section.
 - (ii) X coordinate (longitude).
 - (iii) Y coordinate (latitude).
 - (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 non-point 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 inventories must contain, at a minimum, all the data re-

quired 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 and triennial inventory purposes, the following data must be reported:

- (i) Inventory year.
- (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) Data collection is to begin during the ozone season one year prior to the State's NO_x SIP Call compliance date.

(2) Reports are to be submitted according to paragraph (b) of this section and the schedule in Table 1. After 2008, triennial reports are to be submitted every third year and annual reports are to be submitted each year that a triennial report is not required.

TABLE 1—SCHEDULE FOR SUBMITTING REPORTS

Data collection year	Type of report required
2002	Triennial.
2003	Annual.
2004	Annual.
2005	Triennial.
2006	Annual.
2007	Annual.
2008	Triennial.

(3) 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_x 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 EPA. Several options are available for data reporting. States can obtain information on the current formats at the following Internet address: <http://www.epa.gov/ttn/chief>, by calling the EPA Info CHIEF help desk at (919) 541-1000 or by sending an e-mail to info.chief@epa.gov. Because electronic reporting technology continually changes, States are to contact the Emission Inventory Group (EIG) for the latest specific formats.

(2) 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), 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's 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_x 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_x per year. A non-mobile source which emits less NO_x per year than the point source threshold is a non-point source.

(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 pol-

lutants, 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 (longitude)*. An object's east-west geographical coordinate.

(42) *Y coordinate (latitude)*. An object's north-south geographical coordinate.

[70 FR 25317, May 12, 2005]

§ 51.123 Findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen pursuant to the Clean Air Interstate Rule.

(a)(1) Under section 110(a)(1) of the CAA, 42 U.S.C. 7410(a)(1), the Administrator determines that each State identified in paragraph (c)(1) and (2) of this section must submit a SIP revision to comply with the requirements of section 110(a)(2)(D)(i)(I) of the CAA, 42 U.S.C. 7410(a)(2)(D)(i)(I), through the adoption of adequate provisions prohibiting sources and other activities from emitting NO_x in amounts that will contribute significantly to nonattainment in, or interfere with maintenance by, one or more other States with respect to the fine particles (PM_{2.5}) NAAQS.

(2)(a) Under section 110(a)(1) of the CAA, 42 U.S.C. 7410(a)(1), the Administrator determines that each State identified in paragraph (c)(1) and (3) of this section must submit a SIP revision to comply with the requirements of section 110(a)(2)(D)(i)(I) of the CAA, 42 U.S.C. 7410(a)(2)(D)(i)(I), through the adoption of adequate provisions prohibiting sources and other activities from emitting NO_x in amounts that will contribute significantly to nonattainment

in, or interfere with maintenance by, one or more other States with respect to the 8-hour ozone NAAQS.

(b) For each State identified in paragraph (c) of this section, the SIP revision required under paragraph (a) of this section will contain adequate provisions, for purposes of complying with section 110(a)(2)(D)(i)(I) of the CAA, 42 U.S.C. 7410(a)(2)(D)(i)(I), only if the SIP revision contains control measures that assure compliance with the applicable requirements of this section.

(c) In addition to being subject to the requirements in paragraphs (b) and (d) of this section:

(1) Alabama, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia shall be subject to the requirements contained in paragraphs (e) through (cc) of this section;

(2) Georgia, Minnesota, and Texas shall be subject to the requirements in paragraphs (e) through (o) and (cc) of this section; and

(3) Arkansas, Connecticut, and Massachusetts shall be subject to the requirements contained in paragraphs (q) through (cc) of this section.

(d)(1) The State's SIP revision under paragraph (a) of this section must be submitted to EPA by no later than September 11, 2006.

(2) The requirements of appendix V to this part shall apply to the SIP revision under paragraph (a) of this section.

(3) The State shall deliver 5 copies of the SIP revision under paragraph (a) of this section to the appropriate Regional Office, with a letter giving notice of such action.

(e) The State's SIP revision shall contain control measures and demonstrate that they will result in compliance with the State's Annual EGU NO_x Budget, if applicable, and achieve the State's Annual Non-EGU NO_x Reduction Requirement, if applicable, for the appropriate periods. The amounts of the State's Annual EGU NO_x Budget and Annual Non-EGU NO_x Reduction