

## § 51.917

### § 51.917 What is the effective date of designation for the Las Vegas, NV, 8-hour ozone nonattainment area?

The Las Vegas, NV, 8-hour ozone nonattainment area (designated on September 17, 2004 (69 FR 55956)) shall be treated as having an effective date of designation of June 15, 2004, for purposes of calculating SIP submission deadlines, attainment dates, or any other deadline under this subpart.

[70 FR 71702, Nov. 29, 2005]

### § 51.918 Can any SIP planning requirements be suspended in 8-hour ozone nonattainment areas that have air quality data that meets the NAAQS?

Upon a determination by EPA that an area designated nonattainment for the 8-hour ozone NAAQS has attained the standard, the requirements for such area to submit attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the 8-hour ozone NAAQS shall be suspended until such time as: the area is redesignated to attainment, at which time the requirements no longer apply; or EPA determines that the area has violated the 8-hour ozone NAAQS.

[70 FR 71702, Nov. 29, 2005]

## Subpart Y—Mitigation Requirements

### § 51.930 Mitigation of Exceptional Events.

(a) A State requesting to exclude air quality data due to exceptional events must take appropriate and reasonable actions to protect public health from exceedances or violations of the national ambient air quality standards. At a minimum, the State must:

(1) Provide for prompt public notification whenever air quality concentrations exceed or are expected to exceed an applicable ambient air quality standard;

(2) Provide for public education concerning actions that individuals may take to reduce exposures to unhealthy levels of air quality during and following an exceptional event; and

## 40 CFR Ch. I (7–1–08 Edition)

(3) Provide for the implementation of appropriate measures to protect public health from exceedances or violations of ambient air quality standards caused by exceptional events.

(b) [Reserved]

[72 FR 13581, Mar. 22, 2007]

## Subpart Z—Provisions for Implementation of PM<sub>2.5</sub> National Ambient Air Quality Standards

SOURCE: 72 FR 20664, April 25, 2007, unless otherwise noted.

### § 51.1000 Definitions.

The following definitions apply for purposes of this subpart. Any term not defined herein shall have the meaning as defined in 40 CFR 51.100.

*Act* means the Clean Air Act as codified at 42 U.S.C. 7401–7671q. (2003).

*Attainment date* means the date by which an area, under an approved State implementation plan, is required to attain the PM<sub>2.5</sub> NAAQS (based on the average of three consecutive years of ambient air quality data).

*Baseline year inventory* for the RFP plan is the emissions inventory for the year also used as the base year for the attainment demonstration.

*Benchmark RFP plan* means the reasonable further progress plan that requires generally linear emission reductions in pollutants from the baseline emissions year through the milestone inventory year.

*Date of designation* means the effective date of the PM<sub>2.5</sub> area designation as promulgated by the Administrator.

*Direct PM<sub>2.5</sub> emissions* means solid particles emitted directly from an air emissions source or activity, or gaseous emissions or liquid droplets from an air emissions source or activity which condense to form particulate matter at ambient temperatures. Direct PM<sub>2.5</sub> emissions include elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other inorganic particles (including but not limited to crustal material, metals, and sea salt).

*Existing control measure* means any Federally enforceable national, State, or local control measure that has been

## Environmental Protection Agency

## §51.1002

approved in the SIP and that results in reductions in emissions of PM<sub>2.5</sub> or PM<sub>2.5</sub> precursors in a nonattainment area.

*Full implementation inventory* is the projected RFP emission inventory for the year preceding the attainment date, representing a level of emissions that demonstrates attainment.

*Milestone year inventory* is the projected RFP emission inventory for the applicable RFP milestone year (*i.e.* 2009 and, where applicable, 2012).

*PM<sub>2.5</sub> NAAQS* means the particulate matter national ambient air quality standards (annual and 24-hour) codified at 40 CFR 50.7.

*PM<sub>2.5</sub> design value* for a nonattainment area is the highest of the three-year average concentrations calculated for the monitors in the area, in accordance with 40 CFR part 50, appendix N.

*PM<sub>2.5</sub> attainment plan precursor* means SO<sub>2</sub> and those other PM<sub>2.5</sub> precursors emitted by sources in the State which the State must evaluate for emission reduction measures to be included in its PM<sub>2.5</sub> nonattainment area or maintenance area plan.

*PM<sub>2.5</sub> precursor* means those air pollutants other than PM<sub>2.5</sub> direct emissions that contribute to the formation of PM<sub>2.5</sub>. PM<sub>2.5</sub> precursors include SO<sub>2</sub>, NO<sub>x</sub>, volatile organic compounds, and ammonia.

*Reasonable further progress (RFP)* means the incremental emissions reductions toward attainment required under sections 172(c)(2) and 171(1).

*Subpart 1* means the general attainment plan requirements found in subpart 1 of part D of title I of the Act.

### §51.1001 Applicability of part 51.

The provisions in subparts A through X of this part apply to areas for purposes of the PM<sub>2.5</sub> NAAQS to the extent they are not inconsistent with the provisions of this subpart.

### §51.1002 Submittal of State implementation plan.

(a) For any area designated by EPA as nonattainment for the PM<sub>2.5</sub> NAAQS, the State must submit a State implementation plan satisfying the requirements of section 172 of the Act and this subpart to EPA by the date prescribed by EPA which will be no

later than 3 years from the date of designation.

(b) The State must submit a plan consistent with the requirements of section 110(a)(2) of the Act unless the State already has fulfilled this obligation for the purposes of implementing the PM<sub>2.5</sub> NAAQS.

(c) *Pollutants contributing to fine particle concentrations.* The State implementation plan must identify and evaluate sources of PM<sub>2.5</sub> direct emissions and PM<sub>2.5</sub> attainment plan precursors in accordance with §§51.1009 and 51.1010. After January 1, 2011, for purposes of establishing emissions limits under 51.1009 and 51.1010, States must establish such limits taking into consideration the condensable fraction of direct PM<sub>2.5</sub> emissions. Prior to this date, States are not prohibited from establishing source emission limits that include the condensable fraction of direct PM<sub>2.5</sub>.

(1) The State must address sulfur dioxide as a PM<sub>2.5</sub> attainment plan precursor and evaluate sources of SO<sub>2</sub> emissions in the State for control measures.

(2) The State must address NO<sub>x</sub> as a PM<sub>2.5</sub> attainment plan precursor and evaluate sources of NO<sub>x</sub> emissions in the State for control measures, unless the State and EPA provide an appropriate technical demonstration for a specific area showing that NO<sub>x</sub> emissions from sources in the State do not significantly contribute to PM<sub>2.5</sub> concentrations in the nonattainment area.

(3) The State is not required to address VOC as a PM<sub>2.5</sub> attainment plan precursor and evaluate sources of VOC emissions in the State for control measures, unless:

(i) the State provides an appropriate technical demonstration for a specific area showing that VOC emissions from sources in the State significantly contribute to PM<sub>2.5</sub> concentrations in the nonattainment area, and such demonstration is approved by EPA; or

(ii) The EPA provides such a technical demonstration.

(4) The State is not required to address ammonia as a PM<sub>2.5</sub> attainment plan precursor and evaluate sources of ammonia emissions from sources in the State for control measures, unless: