

SIP and State Plan Planning in Non-Ozone, Non-Violation Contexts

Non-Ozone and/or Non-Violation Contexts

- Other Criteria Pollutant SIPs
- Regional Haze Plans
- 111(d) State Plan for NSPS sources, e.g., incinerators, etc.
- 111(d) State Plan for CO₂
- Maintenance planning in attainment areas

Other Criteria Pollutants

Prepared by Robert Bielawa, NYSDEC

Presented by Leah Weiss

Basic Framework

- EPA establishes a new national ambient air quality standard (NAAQS) or revises an existing NAAQS
- EPA must designate areas as meeting (“attainment”) or not meeting (“nonattainment”) the NAAQS.
- States must develop general plan to attain and/or maintain the NAAQS
 - Demonstrates that the state has the basic air quality management program components in place to implement a new or revised NAAQS
 - Identifies the emissions control requirements on which the state will rely to attain and/or maintain the NAAQS

SIP Requirements

- **All states** are required to submit SIPs with general infrastructure elements showing the state has the capacity to attain, maintain, and enforce a new or revised NAAQS
- CAA section 110: “State implementation plans for national primary and secondary ambient air quality standards”
 - (a) Adoption of plan by State; submission to Administrator; content of plan; revision; new sources, indirect source review program or intermittent control systems
- Section 172 requires states with nonattainment areas to adopt additional regulatory programs designed to achieve and maintain attainment of the relevant NAAQS

CAA Plan Requirements

- The **general plan requirements** for each nonattainment area are specified in **subpart 1** of the Clean Air Act Part D. The additional provisions for each respective NAAQS are specified in subpart 2 to subpart 5.
 - Subpart 2: Additional Provisions for **ozone** nonattainment areas
 - Subpart 3: Additional Provisions for **carbon monoxide** nonattainment areas
 - Subpart 4: Additional Provisions for **particulate matter** nonattainment
 - Subpart 5: Additional provisions for designated nonattainment for **sulfur oxides, nitrogen dioxide, and lead**

CAA Nonattainment Area SIP Process*

Years 3.5–5.5 (depending on pollutant):
Attainment SIP

Year 5:
EPA revises NAAQS
if supported by new
health science

Year 7:
Attainment
date
(extensions
allowed)

Plan, adopt,
implement & enforce
SIP rules

Year 3:
“Infrastructure and
Transport” SIP

Year 2:
EPA finalizes
designations

Year 1:
Governor
proposes
designations

START
Year 0:
EPA finalizes
the NAAQS

* Litigation often delays the process

SIP Deadlines

- SIP submittal deadlines are based on the area's **designation** date
- SIPs for areas designated as nonattainment for SO₂, NO₂, PM₁₀, and lead are generally due no later than 18 months from the date of designation
- SIPs for PM_{2.5}, and CO nonattainment areas are generally due within 36 months from the date of designation

Attainment Deadlines

Per section 172 (Part D, Subpart 1)

- As expeditiously as practicable
- NO later than 5 years after designation for primary NAAQS (extensions to 10 years allowed considering severity of problem and availability and feasibility of controls)
- As expeditiously as practicable for secondary NAAQS

Lead (2008) Area Requirements

- Attainment Demonstration
- Contingency Measures
- Emissions Inventory
- Nonattainment New Source Review (NSR)
- Reasonably Available Control Measures (RACT/Reasonably Available Control Technology (RACT)
- Reasonable Further Progress (RFP)

PM_{2.5} Area Requirements

- Attainment Demonstration
- Best Available Control Measures (BACM)
- Contingency Measures
- Emissions Inventory
- Most Stringent Measure
- Nonattainment NSR
- RACM/RACT (Subpart 1)
- RACM/RACT (Subpart 4)
- RFP

SO₂ (2010) Area Requirements

- Attainment Demonstration
- Contingency Measures
- Emissions Inventory
- Nonattainment NSR
- RACM/RACT
- RFP

Resources

- <https://www.epa.gov/air-quality-implementation-plans/sip-status-reports#designated-areas> is a link to checklists for SIP requirements and status of infrastructure and attainment SIPs
- <https://www.epa.gov/criteria-air-pollutants>
 - Carbon Monoxide (76 FR 54294; August 31, 2011 ... Retains 1971 primary standard)
 - Lead (73 FR 66964; November 12, 2008)
 - Nitrogen Dioxide (Primary) (75 FR 6474; February 9, 2010, 2012)
 - Ozone (80 FR 65292; October 26, 2015)
 - Particulate Matter (2012) (78 FR 3086; January 15, 2013)
 - Sulfur Dioxide (Primary) (75 FR 35520; June 22, 2010)

**Any questions or
comments?**