| **Section 110(a) Element** | **Summary of Element** | **Guidance Narrative** |  |
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| **§110(a)(2)(D)** | **Interstate Transport** | This non-binding guidance provides recommendations for air agencies’ development of, and the EPA’s review of, infrastructure SIPs for the 2008 ozone primary and secondary NAAQS, the 2010 primary NO2 NAAQS, the 2010 primary SO2 NAAQS, as well as infrastructure SIPs for new or revised NAAQS promulgate in the future. |  |
| **§110(a)(2)(D)(i)(I)**  **Interstate transport as it relates to significant contribution to nonattainment and interference with maintenance** | *contain adequate provisions*  *(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will*  *(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or* | The EPA expects to issue guidance in the future with respect to section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport affecting attainment and maintenance of the NAAQS and is not addressed in this guidance.  110(a)(2)(D)(i)(I)…addresses emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in another state.   * Prong 1 = significant contributions to nonattainment) * Prong 2 = interference with maintenance   *Neither prong 1 nor prong 2 are addressed in this guidance.* |  |
| **§110(a)(2)(D)(i)(II)**  **Interstate transport as it relates to PSD and visibility** | *(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility,* | Element D(i)(II) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality, or from interfering with measures required of any other state to protect visibility (referring to visibility in Class 1 areas).   * Prong 3 = interference with PSD * Prong 4 = Interference with visibility protections   Prong 3  One way to meet the “interference with PSD” sub-element specifically with respect to those in-state sources that are subject to PSD permitting is through an air agency’s confirmation in its infrastructure SIP submission that new major sources and major modifications are subject to a comprehensive EPA-approved PSD program in the SIP that applies to all regulated NSR pollutants and that satisfies the requirements of the EPA’s PSD implementation rule(s).  Prong 4  Under section 110(a)(2)(D)(i)(II), an infrastructure SIP submission cannot be approved with respect to prong 4 (visibility transport) until the EPA has issued final approval of SIP provisions that the EPA has found to adequately address any contribution of that state’s sources to impact on visibility program requirements in other states. The EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility cause by the pollutant (including precursors) to which the new or revised NAAQS applies. Significant impacts from Lead (Pb) emissions from stationary sources are located at distances from Class I areas such that visibility impacts would be negligible. Although Pb can be a component of coarse and fine particles, Pb generally comprises a small fraction of coarse and fine particles. Furthermore, when evaluating the extent that Pb could impact visibility, Pb-related visibility impacts were found to be insignificant (e.g., less than 0.10%). Although (EPA) anticipate that PB emissions will contribute only negligibly to visibility impairment at Class I areas… agency’s submission of an infrastructure SIP for a new or revised Pb NAAQS should include an explanation in support of the air agency’s conclusion (an, if appropriate, should include control measures in its submission to limit impacts in other states). | **RE: PRONG 4**: If you would like to reference your original reasonably attributable visibility impairment (RAVI) SIP, in addition to your Regional Haze SIP for section 110(a)(2)(D)(i)(II), you may.  EPA approved Oregon’s Visibility Protection Plan for Class I Areas on 4/10/1986 at 51 FR 12323.  EPA approved Oregon’s Regional Haze SIP in two actions: July 5, 2011 (76 FR 38997) and August 22, 2012 (77 FR 50611).  Our previous guidance for infrastructure related to the 2006 PM2.5 NAAQS has a section about RAVI that provides some background – see attached.  I’ve excerpted some text below:  “EPA promulgated regulations in 1980 to address RAVI in Class I areas that is caused by the emissions of air pollutants from one source, or a small number of sources. See 45 FR 80084 (12/2/1980) and current 40 CFR 51.300-51.307.  A state must take specified steps to address RAVI after a Federal Land Manager at any time certifies that RAVI exists at a specific Class I area (40 CFR 51.302(c)(1)).  Under the 1980 regulations, 35 states and the U.S. Virgin Islands were required to submit SIPs to address RAVI.” … “In 1999, EPA issued regulations requirement states to address regional haze impacting visibility in Class I areas. See 64 FR 35714 (July 1, 1999) and current 40 CFR 51.308 – 51.309.”    (KH Wed 5/29/2013 4:34 PM) |
| **§110(a)(2)(D)(ii)**  **Interstate and international pollution** | *(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);* | Under section 126(a) of the CAA each SIP must contain provisions requiring a new ore modified source to notify neighboring air agencies of potential impacts from the source. Air agencies with PSD programs that have been approved into their SIPs should already have a regulatory provision in place, consistent with 40 CFR 51.166(q)(2)(ix), which requires a source to notify air agencies whose lands may be affected by emissions from that source. States that have a notification requirement in their SIP that satisfies the requirements ca rely on that requirement to satisfy Element D(ii) with respect to CAA section 16(a)….  Where appropriate, the EPA recommends that an infrastructure SIP submission concerning section 126(c) include a statement to the following effect: ***“No source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to any air pollutant.”***  Section 115 of the CAA authorizes the Administrator to require a state to revise its SIP under certain conditions to alleviate international transport into another country. Where appropriate, the EPA recommends that infrastructure SIP submission requirements concerning section 115 include a statement to the following effect: ***“There are no final findings under section 115 of the CAA against the state with respect to any air pollutant.”*** | Hi Carrie Ann – This is one of these things where you would definitely know if you were the subject of a 126 or 115 petition or finding.  There is no place to look to verify these statements.  But I can tell you that it’s my understanding there is only one active 126 petition at this time – New Jersey has petitioned related to a source in Pennsylvania.  In addition, at this time, there are no pending actions related to CAA section 115.  So you may choose to make the statements below in your cross-walk, or you can leave them out.  Our analysis would discuss the fact that Oregon is not subject to an active finding under sections 126 and 115.  Luckily, this is not an issue to worry about for Oregon. (KH Wed 5/29/2013 3:46 PM) |
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