| **Section 110(a) Element** | **Summary of Element** | **Guidance Narrative[[1]](#footnote-1)** |  | |
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| **§110(a)(2)(D)** | **Interstate Transport** | “The physical properties of Pb prevent Pb emissions from experiencing the same travel or formation phenomena as PM2.5 or ozone. More specifically, there is a sharp decrease in Pb concentrations, at least in the coarse fraction, as the distance from a Pb source increases. Accordingly, while it may be possible for a source in a state to emit Pb in a location and in quantities that may contribute significantly to nonattainment in, or interfere with maintenance by, any other state, EPA anticipates that this would be a rare situation, e.g., where large sources are in close proximity to state boundaries.” |  |
| **§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* | *“*EPA believes that requirements of subsection (2)(D)(i)(I) (prongs 1 and 2) could be satisfied through a state’s assessment as to whether or not emissions from Pb sources located in close proximity to their state borders have emissions that impact the neighboring state such that they contribute significantly to nonattainment or interfere with maintenance in that state.7 The states’ conclusions could be supported by the technical information or data used to support the initial area designations for Pb. Therefore, to address prongs 1 and 2 of section 110(a)(2)(D)(i)(I) the state’s submission should include an explanation in support of the state’s conclusion and, if applicable, should address the impact in their submittal.” |  |
| **§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,* | “Under section 110(a)(2)(D)(i)(II), the PSD sub-element (prong 3) may be met by the state’s confirmation in an infrastructure SIP submission that new major sources and major modifications in the state are subject to PSD and (if the state contains a nonattainment area for the relevant pollutant) NNSR programs that implement the 2008 Pb NAAQS.8” *“*With regard to the requirement of prong 4, *i.e.*, visibility under subsection (2)(D)(i)(II), significant impacts from Pb emissions from stationary sources are expected to be limited to short distances from the source and most, if not all Pb 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%) .9 Although we anticipate that Pb emissions will contribute only negligibly to visibility impairment at Class I areas, the state’s submission should include an explanation in support of the state’s conclusion (and, if applicable, should address the impact in their submittal). Where a state’s regional haze SIP has been approved as meeting all current obligations, a state may point to its approved plan to demonstrate that it meets the requirements of prong 4.” |  |
| **§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);* | “Section 126(a) of the CAA directs each SIP to include provisions requiring a new or modified source to notify neighboring states of potential impacts from the source. States with SIP-approved PSD programs should have a regulatory provision in place, consistent with 40 CFR 51.166(q)(2)(iv), that requires such notification of other state and local agencies. States relying on the federal program requirements of 40 CFR 52.21(q), which provide for notification of affected state and local air agencies, to satisfy this requirement have programs that are technically deficient and not approvable. Although these programs are deficient and these states have not “submitted” anything to EPA, EPA would not be required to take further action with respect to this element because the federal rules represent a FIP that fully addresses the notification issue. In addition, mandatory sanctions would not apply because the deficiencies are neither with regard to a required submittal under part D nor in response to an SIP call under CAA Section 110(k)(5). As described in this infrastructure SIP guidance for element (C), such states remain obligated to adopt and submit a PSD program for EPA approval that applies to all regulated 9 Memorandum from Mark Schmidt, OAQPS, “Ambient Pb’s Contribution to Class 1 Area Visibility Impairment,” June 17, 2011. Attachment 10 NSR pollutants, including GHG. Until a state provides such a program, its infrastructure SIP would not be approvable with respect to section 110(a)(2)(D)(ii). Sections 126(b) and 126(c) of the CAA affect a state only if the Administrator has been petitioned to make a finding of violation that is related to either interstate transport or international transport of emissions from sources in the state. Thus, unless a state has been the subject of such a petition, the state has no continuing obligation under sections 126(b) or 126(c). Section 115 of the CAA authorizes the Administrator to require a state to revise its SIP under certain conditions to alleviate international transport. Because there are no pending actions pursuant to Section 115 of the CAA, EPA has no expectation that the state would need to submit anything in regards to Section 115 at this time.” |  |
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1. Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS) [↑](#footnote-ref-1)