

Appendix A

Comparison of Subpart 1 & 2 Requirements

This is only an outline of the general requirements of subparts 1 and 2 and should not be relied on for regulatory purposes.

Element	Subpart 1	Subpart 2	
		Classification	Requirement
Attainment Dates: For all areas, attainment should occur as expeditiously as practicable, but no later than specified timeframe.	Up to 5 years after nonattainment designation; may extend up to 10 years based on specified considerations.	Marginal	3 years from CAA Amendments enactment.
		Moderate	6 years from CAA Amendments enactment.
		Serious	9 years from CAA Amendments enactment.
		Severe-15	15 years from CAA Amendments enactment.
		Severe-17	17 years from CAA Amendments enactment.
		Extreme	20 years from CAA Amendments enactment.
RFP	"Annual incremental emissions reductions".	Marginal	None.
		Moderate	15% VOC reduction from baseline within 6 years of enactment.
		Serious	Moderate req't plus 9% VOC/NO _x reductions for years 7-9 after CAA Amendments enactment.
		Severe-15	Serious req't plus 9% VOC/NO _x for years 9-15 after CAA Amendments enactment.
		Severe-17	Serious req't plus 9% VOC/NO _x for years 9-17 after CAA Amendments enactment.
		Extreme	Severe req't plus 9% VOC/NO _x for years 9-20 after CAA enactment.
Milestone Compliance Determination.	Not required as such; contingency measures supposed to be implemented upon failure to meet RFP.	Marginal/moderate	No further requirement.
		Serious & above	Requires milestone compliance demonstration to be made following milestone; failing area must elect one of the following: 1. bump-up. 2. implement contingency measures. 3. economic incentive.
Attainment demonstration submission.	EPA sets date which can be no later than 3 years after designation.	Marginal	None.
		Moderate	Due 3 years after CAA Amendments enactment.
		Serious	Due 4 years from CAA Amendments enactment.
		Severe	Due 4 years from CAA Amendments enactment.
		Extreme	Due 4 years from CAA Amendments enactment.
NSR and RACT major source applicability.	100 TPY	Marginal	100 TPY
		Moderate	100 TPY
		Serious	50 TPY
		Severe	25 TPY
		Extreme	10 TPY
NSR offsets	>1 to 1	Marginal	1.1 to 1
		Moderate	1.15 to 1
		Serious	1.2 to 1
		Severe	1.3 to 1
		Extreme	1.5 to 1

Element	Subpart 1	Subpart 2	
		Classification	Requirement
NSR permits	Permits required	All	Construction permits for new or modified major stationary sources pre-1990 permit program corrections.
Bump-up to higher classification	NA	All except severe & extreme	Required to bump-up to higher classification if area doesn't meet attainment date.
NO _x control for RACT	No specificity	Moderate & above; all areas in OTC.	Requirements under this subpart for major stationary VOC sources (NSR & RACT) also apply to all major NO _x sources, unless EPA approves NO _x waiver.
NO _x control for NSR	No specificity	Marginal & above.	Comprehensive emissions inventory within 2 years of enactment; update every 3 years (until area attains). Provision for submission to State of annual emissions statements from VOC and NO _x stationary sources.
Emission inventory	Required in nonattainment area; no express requirement for updates or emission statements.	All	
RACM/RACT	General requirement for RACM including RACT.	Marginal & above	Pre-1990 RACT fix-up.
I/M	Nothing specified	Moderate & above	RACT for all CTG sources and all other major sources.
		Marginal	Pre-1990 corrections to previously required I&M programs immediately upon CAA Amendments enactment.
		Moderate	Basic I&M.
		Serious & above	Enhanced I&M within 2 years of CAA Amendments enactment.
Conformity (transportation and general).	Required	All	No additional specificity.
Stage II vapor recovery (VOC)	Not specified	Moderate & above	Stage II for gas stations within 2 years.
Consequences of failure to attain ...	EPA to specify additional requirements; up to 10 more years to attain.	Marginal, moderate and serious ..	Bump-up for failure to attain.
		Severe and extreme	Fee system; continued ROP; possible stricter NSR major source cut-offs.
Maintenance	Requirement for maintenance plans for areas redesignated from nonattainment to attainment.	All	No additional specificity.
Contingency measures	Required for failure to make RFP or attainment.	All	Required for failure to meet ROP milestones or attain.
Enhanced (ambient) monitoring (PAMS).	Not specified	Marginal and moderate	Not specified.
		Serious & above	Ambient ozone precursor monitoring (VOC and NO _x).
VMT demonstration and transportation control measures (TCMs) if needed.	Not specified	Marginal and moderate	Not specified.
		Serious & above	Demonstration of whether current aggregate vehicle mileage, emissions, congestion levels are consistent with attainment demo.
Clean fuels program	Not specified	Marginal and moderate	Not specified.
		Serious & above	Certain percentage of fleet vehicles for 1998 and higher to be clean vehicles and use alternative fuels (if needed).

Element	Subpart 1	Subpart 2	
		Classification	Requirement
Reformulated Gasoline required under section 211(k)(10)(D), which requires the use of reformulated gasoline in 9 covered areas, and areas that are bumped-up to Severe under section 181(d)).	Not specified	Marginal, moderate & serious	Not specified.
TCMs to offset growth in VMT emissions.	Not specified	Severe & above	Prohibition of sale of gas that has not been reformulated to be less polluting.
Clean Fuels for Boilers	Not specified	Marginal, moderate & serious	Not specified.
TCMs during heavy traffic hours	Not specified	Severe & above	Enforceable transportation control strategies and TCMs to offset any emissions growth due to VMT growth.
New Technologies	Not specified	Marginal, moderate, serious & severe.	Not specified.
		Extreme areas	Use of clean fuels or advanced technology for certain boilers that emit more than 25 TPY of NO _x .
			Option to have TCMs during periods of heavy traffic that reduce use of high polluting or heavy-duty vehicles.
			Not specified.
			New or future technologies for emissions reductions.

APPENDIX B.—“APPLICABLE REQUIREMENTS” UNDER SUBPART 2

Element	Classification	Requirement
RFP	Moderate	15% VOC reduction from baseline within 6 years of enactment.
	Serious	Moderate req't plus 9% VOC/NO _x reductions for years 7–9 after CAA Amendments enactment.
	Severe-15	Serious req't plus 9% VOC/NO _x for years 9–15 after CAA Amendments enactment.
	Severe-17	Serious req't plus 9% VOC/NO _x for years 9–17 after CAA Amendments enactment.
	Extreme	Severe req't plus 9% VOC/NO _x for years 9–20 after CAA Amendments enactment.
Milestone Compliance Determination	Serious & above	Requires milestone compliance demonstration to be made following milestone; failing area must elect one of the following: 1. bump-up. 2. implement contingency measures. 3. economic incentive.
NSR and RACT major source applicability	Marginal	100 TPY
	Moderate	100 TPY
	Serious	50 TPY
	Severe	25 TPY
	Extreme	10 TPY
NSR offsets	Marginal	1.1 to 1
	Moderate	1.15 to 1
	Serious	1.2 to 1
	Severe	1.3 to 1
	Extreme	1.5 to 1
NSR permits	All	Construction permits for new or modified major stationary sources pre-1990 permit program corrections.
NO _x control for RACT	Moderate & above; all areas in OTC	Requirements under this subpart for major stationary VOC sources (NSR & RACT) also apply to all major NO _x sources, unless EPA approves NO _x waiver.

APPENDIX B.—“APPLICABLE REQUIREMENTS” UNDER SUBPART 2—Continued

Element	Classification	Requirement
NO _x control for NSR	Marginal & above	Pre-1990 RACT fix-up. RACT for all CTG sources and all other major sources.
RACM/RACT	Marginal & above	
	Moderate & above	
I/M	Marginal	Pre-1990 corrections to previously required I&M programs immediately upon CAA Amendments enactment.
	Moderate	Basic I&M.
	Serious & above	Enhanced I&M within 2 years of CAA Amendments enactment.
Stage II vapor recovery (VOC)	Moderate & above	Stage II for gas stations within 2 years.
Maintenance	All	No additional specificity.
Enhanced (ambient) monitoring (PAMS)	Serious & above	Ambient ozone precursor monitoring (VOC and NO _x).
VTM demonstration and transportation control measures (TCMs) if needed.	Serious & above	Demonstration of whether current aggregate vehicle mileage, emissions, congestion levels are consistent with attainment demo.
Clean fuels program	Serious & above	Certain percentage of fleet vehicles for 1998 and higher to be clean vehicles and use alternative fuels (if needed).
Reformulated Gasoline*	Severe & above	Prohibition of sale of gas that has not been reformulated to be less polluting.
TCMs to offset growth in VMT emissions	Marginal, moderate & serious	Not specified.
	Severe & above	Enforceable transportation control strategies and TCMs to offset any emissions growth due to VMT growth
Clean Fuels for Boilers	Extreme areas	Use of clean fuels or advanced technology for certain boilers that emit more than 25 TPY of NO _x .
TCMs during heavy traffic hours	Extreme areas	Option to have TCMs during periods of heavy traffic that reduce use of high polluting or heavy-duty vehicles.
New Technologies	Extreme areas	New or future technologies for emission reductions.

* Required under section 211(k)(10)(D), which requires the use of reformulated gasoline in 9 covered areas, and areas that are bumped-up to Severe under section 181(d).

APPENDIX C.—COMPARISON OF TRANSITIONAL NSR AND EARLY ACTION COMPACT PROGRAMS

Program elements	Transitional new source review (NSR)	8-hour Early action compact
Eligibility*	—Meet 1-hr standard	—Must have monitoring data meeting 1-hr standard. —Must be designated attainment for 1-hr standard.
	—Must be 8-hr nonattainment	
	—Must be covered under Subpart 1**	
Initiation Date	Submit attainment demonstration by designations date (4/15/04).	Signed compact by 12/31/02.
Other Dates	—All measures must be implemented by 12/31/05	—Submit progress reports every 6 months beginning 6/03. —Describe planned measures by 6/16/03. —Submit local plan to State by 3/31/04. —Submit SIP to State by 12/31/04. —Implement all measures by 12/31/05. —Submit progress report to certify continued implementation & air quality improvements. —Area must attain 8-hr standard by 12/31/07. —Deferred effective date of nonattainment designation. —Implies no NSR or conformity. —Implementation of measures earlier than required by CAA (early reductions in emissions). —Nonattainment designation becomes effective soon after failure to meet milestone. —Nonattainment requirements must be met (NSR, conformity, RACT, etc) if missed milestone.
	—Projected attainment of 8-hr standard by April 2007 ..	
Benefits	—BACT instead of LAER (cite NSR workshop manual)	
	—No required emission offsets	
Consequences	If 2007 attainment date is missed, State must submit by April 2007 a Part D NSR plan, which meets requirements under sec. 51.165 (i.e., traditional nonattainment NSR).	

* Areas not eligible for Early Action Compact may still be eligible for transitional NSR.

** Areas in the Ozone Transport Region are not eligible for transitional NSR because they are not covered under Subpart 1 for purposes of NSR applicability.

APPENDIX D.—GLOSSARY OF TERMS AND ACRONYMS

ACT Alternative control techniques