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Category: 45 – Criteria for Plan Revisions for Nonattainment Areas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

Office of
Air, Noise and Radiation

February 7, 1979

Mr. John T. Smither
Director, Division of Air Pollution
Kentucky Department for Natural
Resources and Environmental Protection
Capital Plaza Tower
Frankfort, Kentucky 40601

Dear John:

This letter represents confirmation of your discussion with Dick Rhoads concerning one aspect of the EPA criteria for approval of State Implementation Plans for ozone.

We require that, among other things,¹ the SIP's demonstrate attainment in all major urban areas (population greater than 200,000); and that, at a minimum, reasonably available control technology be applied to major existing sources (sources with greater than 100 ton-per-year potential emissions) in all other designated nonattainment areas.

We do not require that controls be applied at this time in areas designated as unclassifiable. If a major new source desires to locate in such an unclassifiable area, it would normally be required to conduct an ambient monitoring program prior to applying for a permit.² If the data from that program show nonattainment, the area must be designated as nonattainment and the source must then comply with all provisions of the Federal Offset Policy since there would be no approved SIP for that area.³

However, some States believe that it is environmentally and economically

¹ See the EPA Administrator's February 24, 1978, memorandum, "Criteria for Approval of 1979 SIP Revisions," for additional requirements. The memorandum is in the Federal Register at 43 FR 21673.

² See EPA's regulations for the prevention of significant deterioration. The monitoring requirement is in the third column at 43 FR 26407.

³ See EPA's Emission Offset Interpretative Ruling. The applicability requirement is in the third column at 44 FR 3215.

desirable to apply reasonably available controls to all major sources state wide. In such States, if a new source desires to locate in an unclassifiable area, there would normally be no need to conduct a pre-permit ambient monitoring program, and the requirements of the Federal Offset Policy would not apply because the requirements would have been replaced by the requirements of the approved SIP.⁴ EPA does not consider a State offset program in nonurban, nonattainment areas to be a criterion for approval of the 1979 SIP submissions,⁵ although new sources in such areas must comply with the lowest achievable emission rate.

In summary, if a State has an approvable SIP for ozone, and if that SIP requires reasonably available controls on all major sources throughout the State, new sources desiring to locate in nonurban areas would not be required to obtain offsets.

Sincerely yours,

David G. Hawkins
Assistant Administrator
for Air, Noise and Radiation

cc: Thomas Devine, Reg. IV

⁴ See the EPA Administrator's February 24, 1978, memorandum. This policy is stated in the final paragraph at 43 FR 21677.

⁵ See the EPA Administrator's February 24, 1978, memorandum. This policy is stated in the third column at 43 FR 21676.