"Infrastructure" State Implementation Plan
to Meet the Implementation, Maintenance and Enforcement Requirements of the Clean Air Act Sections 110(a)(2)(A) through (M) for the 2008 8-Hour Ozone NAAQS

March 2014

Submitted to the U.S. Environmental Protection Agency
as a Revision to the District of Columbia's
State Implementation Plan at 40 C.F.R Part 52, Subpart J

DISTRICT DEPARTMENT OF THE ENVIRONMENT

green forward

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ACRONYMS

AFS	Air Facility System
AQS	Air Quality System
CAA	Federal Clean Air Act
C.F.R.	Code of Federal Regulations
DCMR	District of Columbia Municipal Regulations
DDOE	District Department of the Environment
EPA	U.S. Environmental Protection Agency
FIP	Federal Implementation Plan
FOIA	District of Columbia Freedom of Information Act
GHGs	Greenhouse gases
MWAQC	Metropolitan Washington Air Quality Committee
MWCOG	Metropolitan Washington Council of Governments
NAAQS	National Ambient Air Quality Standards
NSR	New Source Review
PSD	Prevention of Significant Deterioration
SIP	State Implementation Plan

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1.0 Introduction

The District of Columbia's (District's) state implementation plan (SIP) is a complex, living document containing regulations, source-specific requirements, non-regulatory items such as plans and inventories and, in some cases, additional requirements promulgated by the U.S. Environmental Protection Agency (EPA). The initial SIPs for states were approved by EPA on May 31, 1972. SIPs can be revised with EPA approval as necessary. The federally enforceable SIP for the District is codified in 40 Code of Federal Regulations (C.F.R.) Part 52, Subpart J.

This SIP revision demonstrates the authority of the District to implement, maintain, and enforce the requirements of the 2008 8-hour ozone national ambient air quality standards (NAAQS). It is being submitted to EPA for approval to comply with sections 110(a)(1) and 110(a)(2) of the Clean Air Act (CAA), which direct each state to develop and submit a plan that provides for the implementation, maintenance, and enforcement of each NAAQS. This type of SIP submission is referred to as an "infrastructure SIP." Each state is required to submit an infrastructure SIP within three years after promulgation of a new or revised primary or secondary NAAQS to assure that the state's federally enforceable SIP meets all applicable requirements for the new or revised NAAQS.

This SIP revision also includes a contingency plan, in case of an air pollution emergency, for pollutants for which the District is classified as a Priority I area at 40 C.F.R. § 52.471, including ground-level ozone, to meet the requirements of 40 C.F.R. Part 51, Subpart H for all pollutants.

1.1 The District's Infrastructure SIP for the 2008 Ozone NAAQS

Section 110(a)(1) of the CAA generally directs states to submit infrastructure SIPs after reasonable notice and public hearing.

Section 110(a)(2) specifies the substantive elements and authorities that these submissions need to address, as applicable, for EPA's approval.

The District's Infrastructure SIP for the 2008 ozone NAAQS explains how the existing EPA-approved SIP or newly submitted SIP provisions satisfy the following requirements of Clean Air Act § 110(a)(2):

- Subpart A – Air Emissions Reporting Requirements
- Subpart B – Ambient Air Quality Monitoring and Data System
- Subpart C – Programs for Enforcement of Control Measures (except regarding nonattainment new source review)
- Subpart D(i)(I) – Interstate Transport Provisions
- Subpart D(i)(II) – Interstate and International Transport Provisions
- Subpart E – Adequate Personnel, Funding, and Legal Authority
- Subpart F – Procedural Requirements
- Subpart G – Control Strategy
- Subpart H – Prevention of Air Pollution Emergency Episodes
- Subpart J – Ambient Air Quality Surveillance
- Subpart K – Source Surveillance

- Subpart L – Legal Authority
- Subpart M – Intergovernmental Consultation

Two elements of 110(a)(2) are considered by EPA to be outside the scope of infrastructure SIP actions:

(1) Section 110(a)(2)(C) to the extent that it refers to permit programs (known as "nonattainment new source review") under part D of the CAA; and

(2) Section 110(a)(2)(I) in its entirety, which addresses SIP revisions for nonattainment areas.

Both of these elements are considered by EPA to pertain to nonattainment SIPs or attainment plans, which are on separate schedules under the CAA.

Even though EPA infrastructure SIP guidance[1] does not address Section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport affecting attainment and maintenance of the NAAQS, the District's SIPs submission also addresses the transport element.

[1] Memorandum from Stephen D. Page to Regional Air Directors, "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)" (September 13, 2013).

2.0 Compliance with Clean Air Act § 110(a)(2)

Each of the following infrastructure SIP sections identifies a specific element of CAA § 110(a)(2), the CAA requirements pertaining to that element, where the District's program is implemented to comply with that requirement, and where the District's requirement is codified into the District's federally enforceable SIP.

2.1 CLEAN AIR ACT § 110(a)(2)(A) – Emission Limits and Other Control Measures

"Each plan shall […] (A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Chapter."

The District's Provisions

For purposes of the 2008 ozone NAAQS, the District relies on existing EPA-approved SIP provisions that include enforceable limits and other measures, means, or techniques to control emissions of ground-level ozone by controlling its precursors, volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

Explanation: Attachment A includes a list of the District's existing EPA-approved SIP control measures for ground-level ozone. Emissions limitations and other control measures needed to attain the 2008 ozone NAAQS are due on a different schedule from the Section 110 infrastructure elements and will be reviewed and acted upon with regard to approvability for the specific purposes of an attainment plan under CAA Title I Part D through a separate process at a later time.

According to EPA's guidance on this infrastructure SIP submission, EPA does not interpret Section 110(a)(2) to require air agencies and EPA to address potentially deficient pre-existing SIP provisions in the context of acting on an infrastructure SIP submission, particularly regarding:

(1) Previously approved emissions limitations that may treat startup, shutdown, and malfunction (SSM) events inconsistently with the CAA as interpreted by EPA's longstanding guidance on excess emissions and more recently by multiple courts; and

(2) Previously approved SIP provisions for "director's variance" or "director's discretion" that purport to allow revisions to or exemptions from SIP emission limitations with limited public process or without requiring further approval by the EPA.

There are alternative tools in the CAA to address existing SIP deficiencies. No "new" provisions involving SSM, director's variance, or director's discretion are being submitted with this SIP revision.

Where the District's Provisions are Codified by EPA

All measures in Attachment A are codified by EPA into the District's SIP at 40 C.F.R. § 52.470(c) on the dates specified in Attachment A.

2.2 CLEAN AIR ACT § 110(a)(2)(B) – Ambient Air Quality Monitoring and Data System

"Each such plan shall […] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to:

(i) Monitor, compile, and analyze data on ambient air quality, and

(ii) Upon request, make such data available to the Administrator."

The District's Provisions

The District provides for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality.

Explanation: The District has the authority to conduct ambient air quality monitoring under the District of Columbia Air Pollution Control Act of 1984 (APCA) (D.C. Official Code § 8-101.05(a)(1) (2013 Repl.)), which allows for a comprehensive air pollution control program including "research, investigations, experiments, training demonstrations, surveys, and studies, relating to the causes, effects, extent, prevention, and control of air pollution in the District of Columbia." The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)). The District's most relevant existing EPA-approved SIP provisions regarding public reporting of air pollution levels, which are determined based on the results of air quality monitoring activities, are found in 20 DCMR § 400 (Ambient Monitoring and Emergency Procedures).

DDOE monitors air quality for NAAQS pollutants at appropriate locations, in accordance with the EPA's ambient air quality monitoring network requirements at EPA's Ambient Monitoring Technology Information Center (AMTIC) website; 40 C.F.R. Part 53 ("Ambient Air Monitoring Reference and Equivalent Methods"); 40 C.F.R. Part 58 ("Ambient Air Quality Surveillance"), and 40 C.F.R. § 51.190.

Monitoring activities are described in detail in the District's ambient air monitoring network plans (Network Plans), which are submitted to EPA Region 3 annually. The 2013 Network Plan (approved by EPA on December 10, 2013) confirms that the District's air monitoring program continues to meet federally established monitoring and data assessment criteria.

DDOE submits data to EPA's Air Quality System (AQS) in a timely manner.

Explanation: DDOE operates and maintains air quality monitoring stations and equipment in the District and sends collected air samples to an EPA-approved lab for analysis. DDOE performs quality assurance checks and submits the data to EPA's AQS, in accordance with data reporting and ambient air data certification requirements at 40 C.F.R. Part 58, such as § 58.16 on "data submittal and archiving requirements" related to the monitoring network.

DDOE provides information to EPA Region 3 regarding air quality monitoring activities, including a description of how the air agency has complied with monitoring requirements and an explanation of any proposed changes to the network.

Explanation: The District submits a Network Plan every year and a periodic network assessment every five years, consistent with EPA's ambient air monitoring regulations under 40 C.F.R. Part 58, Subpart B, specifically § 58.10.

Each Network Plan also serves as prior notification to EPA of any proposed changes to the monitoring sites or measurement methods. It provides descriptions of any proposed changes to the District's ambient air monitoring network, the reason for each change (such as whether a change is in response to changes in monitoring requirements related to a new or revised NAAQS), and any other information relevant to the change.

DDOE obtains EPA's approval of any planned changes to monitoring sites or to the network.

Explanation: EPA Region 3 Administrator sends a letter annually to the District indicating whether the Network Plan and any proposed changed to the network meet all applicable monitoring requirements.

As necessary, the District will make any changes to the network to meet monitoring requirements related to the 2008 ozone NAAQS and indicate these changes in a subsequent Network Plan to EPA, consistent with applicable requirements in 40 C.F.R. § 58.14 on "system modification."

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

- 20 DCMR Chapter 4, Sections 400 and 499: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)

2.3 CLEAN AIR ACT § 110(a)(2)(C) – Programs for Enforcement of Control Measures

"Each plan shall […] include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."

The District's Provisions

The District has provisions that provide for enforcement of the emission limits and control measures identified in Section 2.1 of this document.

Explanation: Enforcement – Elements of the District's enforcement program that are in the SIP, including monitoring, recordkeeping, and reporting requirements, are found in parts of 20 DCMR Chapters 1 and 5 (*e.g.*, Section 500 includes requirements for records and reports, and § 501 includes requirements for monitoring devices). The provisions provide for enforcement of the emission limits and control measures identified in this document under Element A (Section 2.1, Attachment A).

The District has provisions approved in the SIP that implement a minor source preconstruction program (for new minor sources and minor modifications to existing major sources) for all NAAQS pollutants.

Explanation: Minor New Source Review (NSR) – Title 20 DCMR Chapter 2 contains preconstruction permit requirements for new minor sources, modifications of minor sources, and minor modifications at major stationary sources for all pollutants regulated under the CAA regardless of the District's nonattainment status, as addressed at 40 C.F.R. §§ 51.160 through 51.164.

There is a comprehensive Prevention of Significant (PSD) permit program under CAA Title I Part C for all major sources of a regulated pollutant under the Clean Air Act for which the District is designated attainment or unclassifiable.

Explanation: Major Source PSD – The District relies on a Federal Implementation Plan (FIP) containing the Federal PSD permitting requirements in 40 C.F.R. § 52.21. The Federal PSD program governs preconstruction review and permitting of any new or modified major stationary source of air pollutants regulated under the CAA (including precursors) in areas designated as attainment or unclassifiable, as required at 40 C.F.R. §§ 51.166 (general provisions for PSD programs approved in SIPs) and 51.307 (specific provisions pertaining to new source review (NSR) for potential impacts on air quality related values in Class I areas).

The FIP is administered by EPA. DDOE has not been delegated the authority to implement the PSD FIP program and will continue to rely on EPA's PSD FIP to have major source permits issued pursuant to the FIP.[2]

According to EPA's infrastructure SIP guidance (see footnote 1), EPA interprets the portion of CAA Section 110(a)(2)(C) that pertains to a permit program known as "nonattainment NSR" within nonattainment areas to be outside the scope of this infrastructure SIP.

Where the District's Provisions are Codified by EPA

- 20 DCMR Chapter 1, Sections 100 and 199: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 4/29/2013 (78 Fed. Reg. 24992)
- 20 DCMR Chapter 1, Sections 101, 102, 104, 105, 106, 107: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)

- 20 DCMR Chapter 5, Sections 500.1 to 500.3, 501, and 502.1 through 502.15: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)
- 20 DCMR Chapter 5, Sections 500.4 and 500.5: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 1/26/1995 (60 Fed. Reg. 5134)
- 20 DCMR Chapter 5, Sections 500.6, 502.17, and 599: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 10/27/1999 (64 Fed. Reg. 57777)
- 20 DCMR Chapter 5, Sections 500.7: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 5/26/1995 (60 Fed. Reg. 27944)
- 20 DCMR Chapter 5, Section 502.18: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 5/9/2001 (66 Fed. Reg. 23614)

- 20 DCMR Chapter 2, Sections 200, 201, 202, 206, 299: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 7/31/1997 (62 Fed. Reg. 40937)
- 20 DCMR Chapter 2, Section 204: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 12/28/2004 (49 Fed. Reg. 77647)

Federal PSD program requirements of 40 C.F.R. § 52.21: Referenced in the District's SIP at 40 C.F.R. § 52.499, approved at 68 Fed. Reg. 74488, December 24, 2003

[2] According to EPA's infrastructure SIP guidance (see footnote 1), EPA cannot fully approve the infrastructure SIP submission with respect to Element C; however, EPA anticipates that there will be no adverse consequences to DDOE or to sources from this lack of full approval of the infrastructure SIP.

2.4 CLEAN AIR ACT § 110(a)(2)(D)(i) – Interstate Transport Provisions

"Each such plan shall […] 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

(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."

The District's Provisions

Section 110(a)(2)(D)(i)(I) addresses any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in another state. These requirements are sometimes referenced as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance). See Attachment B for a discussion on transport.

Element D(i)(II) requires SIPs to include provisions prohibiting any source 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 in Class I areas. Interference with PSD is sometimes referred to as prong 3, and interference with visibility protection is prong 4.

Prong 3 – The District prohibits interference with any other air agency's SIP provisions designed to prevent significant deterioration of air quality.

Explanation: New major sources and major modifications at minor and major sources in the District, when the area is designated attainment or unclassifiable for a NAAQS, are subject to a PSD FIP, which contains the comprehensive Federal PSD permitting program in 40 C.F.R. § 52.21. The Federal PSD Program, which applies to all regulated NSR pollutants, is implemented by EPA to meet the PSD requirements under Element C. The PSD FIP fully considers source impacts on air quality in other states.

Sources within the District that are not subject to the PSD program for one or more of the pollutants subject to regulation under the CAA due to a nonattainment status may also have the potential to interfere with PSD in an attainment or unclassifiable area of another state. These sources are

covered under the District's nonattainment NSR program, which has been approved by EPA into the District's SIP and therefore may be considered adequate for purposes of meeting the requirement of prong 3 for sources and pollutants subject to this program.

Prong 4 – The District has adequately addressed any contribution of District sources to impacts on visibility program requirements in other states.

Explanation: The District's Regional Haze Program to address visibility impairment in Class I areas was approved by EPA into the District SIP on February 2, 2012 (77 Fed. Reg. 5191). It fully meets the requirements of 40 C.F.R. §§ 51.308 and 51.309, which require that a state participating in a regional planning process (such as the Mid-Atlantic/Northeast Visibility Union, or MANE-VU) include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process.

Visibility issues related to ozone and its precursors have been addressed in the District's SIP-approved Regional Haze Program.

Where the District's Provisions are Codified by EPA

- Federal PSD program requirements of 40 C.F.R. § 52.21: Referenced in the District's SIP at 40 C.F.R. § 52.499, approved at 68 Fed. Reg. 74488, December 24, 2003

- Regional Haze SIP: At § 52.470(e), approved into the District's SIP on 2/2/2012 (77 Fed. Reg. 5191)

2.5 CLEAN AIR ACT § 110(a)(2)(D)(ii) – Interstate and International Transport Provisions

"Each such plan shall […] contain adequate provisions:

(ii) Insuring compliance with the applicable requirements of sections 115 and 126(b) that involve [NAAQS pollutant] emissions (relating to interstate and international pollution abatement)."

Interstate Pollution Abatement:

Section 126(a): Each applicable implementation plan shall –

(1) Require each major proposed new (or modified) source –

(A) Subject to part C (relating to significant deterioration of air quality), or

(B) Which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification), to provide written notice to all nearby States the air pollution levels of which may be affected by such source at least sixty days prior to the date on which commencement of construction is to be permitted by the State providing notice, and

(2) Identify all major existing stationary sources which may have the impact described in paragraph (1) with respect to new or modified sources and provide notice to all nearby States of the identity of such sources not later than three months after the date of enactment of the Clean Air Act Amendments of 1977.

Section 126.

(b) Any State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of section 110(A)(2)(D)(ii)[3] *or this section. Within 60 days after receipt of any petition under this subsection and after public hearing, the Administrator shall make such a finding or deny the petition.*

(c) Notwithstanding any permit which may have been granted by the State in which the source is located (or intends to locate), it shall be a violation of [this section and] the applicable implementation plan in such State –

(1) For any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) to be constructed or to operate in violation of [this section and] the prohibition of section 110(a)(2)(D)(ii) or this section, or

(2) For any major existing source to operate more than three months after such finding has been made with respect to it.

[3] According to EPA guidance, the cross-reference is a scrivener's error. Congress intended to refer to section 110(a)(2)(D)(i). See *Appalachian Power Co. v. EPA, 249 F.3d-1032, 1040-44 (D.C. Cir. 2001).*

> *The Administrator may permit the continued operation of a source referred to in paragraph (2) beyond the expiration of such three-month period if such source complies with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance with the requirements contained in section 110(a)(2)(D)(ii) as expeditiously as practicable, but in no case later than three years after the date of such finding. Nothing in the preceding sentence shall be construed to preclude any such source from being eligible for an enforcement order under section 113(d) after the expiration of such period during which the Administrator has permitted continuous operation.*

International Pollution Abatement:

Sec. 115.

(a) *Whenever the Administrator, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.*

(b) *The notice of the Administrator shall be deemed to be a finding under section 110(a)(2)(H)(ii) which requires a plan revision with respect to so much of the applicable implementation plan as is inadequate to prevent or eliminate the endangerment referred to in subsection (a). Any foreign country so affected by such emission of pollutant or pollutants shall be invited to appear at any public hearing associated with any revision of the appropriate portion of the applicable implementation plan.*

The District's Provisions

§ 126(a) – The District relies on a Federal Implementation Plan (FIP) containing the Federal PSD permitting requirements of 40 C.F.R. § 52.21 for all regulated pollutants for which the District is meeting the NAAQS or considered unclassifiable. Federal PSD rules fully address the notification issue of § 126(a)(1) through the requirements of 40 C.F.R. § 52.21(q) and 40 C.F.R. § 124.10(c)(vii).

According to EPA's infrastructure SIP guidance, the requirements stated in CAA Section 126(a)(2) were a one-time obligation on states that does not apply to EPA's review of infrastructure SIP submissions.

§ 126(b) and (c) – No source or sources within the District have ever been the subject of an active finding under Section 126 of the CAA, and no substantive SIP requirements have been imposed by the EPA Administrator for the 2008 ozone NAAQS.

§ 115 – There have never been final findings under Section 115 of the CAA against the District with respect to the 2008 NAAQS.

Where the District's Provisions are Codified by EPA

- Federal PSD program requirements of 40 C.F.R. § 52.21: Referenced in the District's SIP at 40 C.F.R. § 52.499, approved at 68 Fed. Reg. 74488, December 24, 2003

2.6 CLEAN AIR ACT § 110(a)(2)(E) – Adequate Personnel, Funding, and Legal Authority

"Each such plan shall […] provide

(i) Necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);

(ii) Requirements that the state comply with the requirements respecting state boards under section 128, and

(iii) Necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision."

The District's Provisions

DDOE has adequate personnel and funding to implement the 2008 ozone NAAQS.

Explanation: Since the District is a single jurisdiction, DDOE is able to implement and enforce SIP provisions without the service of other organizations.

The following organizations typically participate in planning and developing SIP provisions for the District, in accordance with 40 C.F.R. Part 51, Subpart M ("Intergovernmental Consultation"), and require resources from DDOE to do so:

- The Metropolitan Washington Air Quality Committee (MWAQC), an organization that has been certified by the Governors of Maryland and Virginia and the Mayor of the District of Columbia under Section 174 of the CAA and includes representatives of local governments and agencies. MWACQ members are elected officials of the Metropolitan Washington Council of Governments (MWCOG) member jurisdictions plus members from Charles (Maryland), Calvert (Maryland), and Stafford (Virginia) counties; the air and transportation directors of the District, Maryland, and Virginia; members of the Maryland and Virginia General Assemblies; and the chair of the Transportation Planning Board (TPB). MWAQC coordinates air quality planning activities among MWCOG, other external committees, and the TPB; resolves policy differences; and adopts air quality plans for transmittal to the District, Maryland and Virginia.

- The Interstate Air Quality Council (IAQC) is a cabinet-level collaboration between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia, comprised of the secretaries of the environment and transportation. IAQC resolves difficult issues if needed to ensure the mutual goals of improved air quality and efficient transportation are met.

A copy of the agreement between MWAQC and DDOE was submitted with the 2008 Lead NAAQS Infrastructure SIP, which was approved by EPA on October 22, 2013 (78 Fed. Reg. 62455). In accordance with 40 C.F.R. § 51.240 ("general plan requirements"), each NAAQS-specific SIP revision identifies the responsibilities of any participating organizations and refers to official agreements among the organizations.

As required in 40 C.F.R. Part 51, Subpart O ("Miscellaneous Plan Content Requirements"), the following funding resources are available to DDOE (and MWAQC, as appropriate) to help carry out the SIP obligations: Title V permit fees (20 DCMR § 305), CAA Section 105 federal grant funds, CAA Section 103 federal grant funds, and the District's local match. Funding from the District Department of Transportation (DDOT) is used to fund Transportation Related Air Pollution Program (TRAPP) efforts. DDOT receives federal allocations from the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) to fund TRAPP. Funding from fees for motor vehicle inspections is collected by the District of Columbia Department of Motor Vehicles to implement the vehicle inspection and maintenance program.

These funding resources are available as of the date of this infrastructure SIP submission and are expected during the five years following the submission. DDOE does not anticipate any serious challenges to the continued acquisition of these funds. DDOE anticipates both adequate personnel and funding to meet any changes in resources for implementation of the 2008 ozone NAAQS.

As the responsible organization, DDOE assures EPA that it has adequate statutory authority to carry out its SIP obligations with respect to the 2008 ozone NAAQS.

Explanation: As required in Subpart L of 40 C.F.R. Part 51 ("legal authority"), particularly §§ 51.230 and 51.231, and Subpart O, the District has the authority to carry out its SIP obligations for the 2008 ozone NAAQS under the APCA (D.C. Official Code § 8-101.05(b)(5) (2013 Repl.)), which allows for "any…action which may be necessary to carry out the mayoral duties" related to implementation of a comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07

(2013 Repl.)). DDOE is not prohibited by any District of Columbia law from revising the SIP as necessary or carrying out any part of the implementation plan.

The District has SIP-approved provisions that comply with the requirements of CAA Section 128 pertaining to boards, bodies, and personnel involved in approving permits or enforcement orders. The District also has substantive provisions that require the disclosure of potential conflicts of interest.

Explanation: The District does not have a "board or body" to approve permits or enforcement orders, as required under paragraph (a)(1) of CAA Section 128. The requirements of § 128(a)(2) have been met by the District's SIP-approved conflict of interest provisions in §§ 1-1161.01, 1-1162.23, 1162.24, and 1162.25 of the D.C. Official Code (also called the "CAA section 128 requirements in relation to State Boards"), which require a high level of ethical conduct for all employees and public officials of the District government and the disclosure of potential conflicts of interest.

As a single jurisdiction, the District of Columbia does not rely on local or regional entities for carrying out any SIP obligations, so it maintains responsibility for ensuring adequate implementation of plan provisions with respect the 2008 ozone NAAQS or any NAAQS.

Where the District's Provisions are Codified by EPA

- 2008 Lead NAAQS Infrastructure SIP: At § 52.470(e), approved into the District's SIP on 10/22/2013 (78 Fed. Reg. 62455)

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

- D.C. Official Code §§ 1-1161.01, 1-1162.23, 1162.24, and 1162.25: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 10/22/2013 (78 Fed. Reg. 62455).

2.7 CLEAN AIR ACT § 110(a)(2)(F) – Stationary Source Monitoring and Reporting

"Each such plan shall […] require, as may be prescribed by the Administrator

(i) The installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,

(ii) Periodic reports on the nature and amounts of emissions and emissions-related data from such sources,

(iii) Correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection."

The District's Provisions

DDOE's air quality program has provisions for source monitoring, including periodic testing and inspection of stationary sources, to provide for the identification of allowable test methods. The air quality program does not contain any provisions that prevent the use of credible evidence of noncompliance.

Explanation: As required by 40 C.F.R § 51.212 ("Testing, inspection, enforcement, and compliance"), DDOE's program for source monitoring, including testing and inspection, is described in the SIP-approved provisions of 20 DCMR Chapter 1 (General Rules), Chapter 2 (General and Non-Attainment Area Permits), Chapter 3 (Operating Permits and Acid Rain Programs) § 307 ("Enforcement for Severe Ozone Nonattainment Areas"), and Chapter 5 ("Source Monitoring and Testing") § 502 ("Sampling, Tests and Measurements").

The District has the authority to conduct stationary source monitoring under the APCA (D.C. Official Code §§ 8-101.05(a)(1)(2013 Repl.)), which allows for a comprehensive air pollution control program including "research, investigations, experiments, training demonstrations, surveys, and studies, relating to the causes, effects, extent, prevention, and control of air pollution in the District of Columbia." The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)).

Allowable test methods, as referenced in the District's SIP, include but are not limited to those listed in Attachment C.

DDOE also requires periodic reporting of emissions and emissions-related data by stationary sources to DDOE.

Explanation: As required by Title 40 C.F.R. § 51.211 ("Emissions reports and recordkeeping"); Title 40 C.F.R. §§ 51.321 to 51.323 ("Source emissions and state action reporting"); and Title 40 C.F.R. Part 51, Subpart A ("Air Emissions Reporting Requirements"), emissions-related data from sources is submitted to DDOE on an annual basis in compliance with the District's permitting requirements at 20 DCMR Chapter 2 (General and Non-Attainment Area Permits).

Emissions reports from DDOE to EPA do not go through the EPA Regional Office, since that requirement has been superseded in practice by electronic reporting procedures of 40 C.F.R. § 51.45(b). DDOE submits emissions inventory data to EPA's Emissions Inventory System as currently required. The District will meet changes in reporting and inventory requirements associated with the 2008 ozone NAAQS.

The District has the authority to require periodic reporting under the APCA (D.C. Official Code § 8-101.05(a)(2) (2013 Repl.)), which allows the Mayor to "collect…information pertaining to…the activities carried out" in support of the District's comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)).

DDOE's requirements also provide for: (1) correlation by DDOE of emissions reports by sources with applicable emission limitations and standards, as required under 40 C.F.R. § 51.116 ("Data availability"); and (2) the public availability of emission reports by sources.

Explanation: The District has the authority to review emissions reports submitted by stationary sources under the APCA (D.C. Official Code § 8-101.05(a)(1) and (b)(3) (2013 Repl.)), which allow for, "research, investigations…" as well as "any other action" that may be necessary to carry out the air pollution control program. DDOE air quality inspectors correlate the emissions data with any applicable emissions limitations or standards. Data in the reports reflect the test method(s) and averaging period(s) specified in the applicable emissions limitations and standards, as required in a stationary source's specific permits.

All emissions reports are available for public inspection through the District's normal administrative procedures, such as under the District of Columbia's Freedom of Information Act (FOIA) (D.C. Official Code § 2-531 *et seq.* (2013 Repl.)).

Where the District's Provisions are Codified by EPA

- 20 DCMR Chapter 1, Sections 100 and 199: At 40 C.F.R. § 52.470(c), approved on 4/29/2013 (78 Fed. Reg. 24992)
- 20 DCMR Chapter 1, Sections 101, 102, 104, 105, 106, 107: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)

- 20 DCMR Chapter 2, Sections 200, 201, 202, 206, 299: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 7/31/1997 (62 Fed. Reg. 40937)
- 20 DCMR Chapter 2, Section 204: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 12/28/2004 (49 Fed. Reg. 77647)

- 20 DCMR § 307: At 40 C.F.R. §52.470(c), approved into the District's SIP on 12/28/2004 (69 Fed. Reg. 77639)

- 20 DCMR Chapter 5 Sections 502.1 through 502.15: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)
- 20 DCMR Chapter 5, Section 502.17: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 10/27/1999 (64 Fed. Reg. 57777)
- 20 DCMR Chapter 5, Section 502.18: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 5/9/2001 (66 Fed. Reg. 23614)

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

- See Attachment C for the reference per test method

2.8 CLEAN AIR ACT § 110(a)(2)(G) – Emergency Episodes

"Each such plan shall […] provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority."

The District's Provisions

The District has authority comparable to that of the EPA Administrator under Section 303 of the CAA to seek a court order to restrain any source from causing or contributing to emissions that present "an imminent and substantial endangerment to public health or welfare, or the environment."

Explanation: The District has the authority to implement SIP-approved provisions under the APCA (D.C. Official Code § 8-101.05(b)(5) (2013 Repl.)), which allows for "any…action which may be necessary to carry out the mayoral duties" related to implementation of a comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)).

SIP-approved provisions to restrain sources as necessary are in 20 DCMR Chapter 4 (Ambient Monitoring, Emergency Procedures, Chemical Accident Prevention and Conformity), Section 401 (Emergency Procedures). Section 401 provides the Mayor with authority to restrain any source from causing or contributing to emissions that present an imminent and substantial endangerment to public health, welfare, or the environment or to take other action as may be necessary.

The District will meet the applicable requirements of 40 C.F.R. Part 51, Subpart H (40 C.F.R. §§ 51.150 through 51.153, "prevention of air pollution emergency episodes") for the 2008 ozone NAAQS once EPA approves as a SIP revision the District's Emergency Episode Plan, which is included as part of this infrastructure SIP submission.

Explanation: EPA requires an emergency episode plan for Priority I areas. The District (as part of the "National Capital Interstate") is classified as a Priority I area for ozone (40 C.F.R. § 52.471). See Attachment D for the District's Emergency Episode Plan, which applies to ozone and other pollutants. The District requests that EPA approve the Emergency Episode Plan into the SIP to satisfy the requirements of 40 C.F.R. Part 51 Subpart H for all pollutants.

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

- 20 DCMR § 401: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1985 (60 Fed. Reg. 44431)

- Air Quality Emergency Episode Plan for the District of Columbia: Submitted with this SIP revisions for approval by EPA into the District's SIP

2.9 CLEAN AIR ACT § 110(a)(2)(H) – Future SIP Revisions

"Each such plan shall […] provide for revision of such plan:

(i) From time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) Except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this chapter (CAA)."

The District's Provisions

DDOE has the authority to revise its CAA Section 110 SIP from time to time as may be necessary to (1) take into account revisions of primary or secondary NAAQS or the availability of improved or more expeditious methods of attaining such standards; and (2) in the event that the EPA Administrator finds it to be substantially inadequate.

Explanation: The District has the authority to revise the SIP as necessary under the APCA (D.C. Official Code § 8-101.05(b)(5) (2013 Repl.)), which allows for "any…action which may be necessary to carry out the mayoral duties" related to implementation of a comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)). SIP revisions are submitted to EPA for approval.

Actions will be taken as required under 40 C.F.R. Part 51, Subpart F ("Procedural Requirements"), specifically, 40 C.F.R. § 51.104 ("Revisions").

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

2.10 CLEAN AIR ACT § 110(a)(2)(I) – Plan Revisions for Nonattainment Areas

"Each such plan shall […]

> *(I) in the case of plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas)."*

The District's Provisions

According to EPA's infrastructure SIP guidance and its interpretation of the CAA, Element I does not need to be addressed in the context of an infrastructure SIP. The specific SIP submissions for designated nonattainment areas, as required under CAA Title I Part D, are subject to a different time schedule than those for Section 110 infrastructure elements and will be reviewed and acted upon through a separate process.

2.11 CLEAN AIR ACT § 110(a)(2)(J) – Consultation with Government Officials, Public Notification; PSD and Visibility Protection

"Each such plan shall […] meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection)."

The District's Provisions

Consultation with identified officials on certain actions – Consistent with CAA Section 121, the District has established processes for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and federal land managers (as appropriate).

Explanation: The District has the authority to consult with general purpose local governments, designated organizations of elected officials of local governments, and federal land managers (FLMs) under the APCA (D.C. Official Code §§ 8-101.05(a)(3) and (b)(5) (2013 Repl.)), which allow the Mayor to "advise, cooperate, and enter into agreements with the governments or agencies of any state or political subdivision adjacent to the District of Columbia and any interstate or other regional agency representing these states or political subdivisions…"; and which allow for "any…action which may be necessary to carry out the mayoral duties" related to implementation of a comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)). In most cases, the process takes place through MWAQC according to a set of bylaws that are reviewed and adopted annually. More about MWAQC can be found under Element E.

Through MWAQC, there are interagency and public consultation provisions specifically associated with the transportation conformity process, as included in 20 DCMR Chapter 15, specifically §§ 1506 and 1507.

Consultation with FLMs occurs through a separate process, as specified in the District's Regional Haze SIP, which was approved by EPA on February 2, 2012 (77 Fed. Reg. 5191).

Public notification – DDOE regularly notifies the public of instances or areas in which the new or revised primary NAAQS are exceeded; advises the public of the health hazards associated with such exceedances; and enhances public awareness of measures that can prevent such

exceedances and of ways in which the public can participate in regulatory and other efforts to improve air quality.

Explanation: To meet the requirements of 40 C.F.R. § 51.285 ("Public notification") as stated in Section 127 of the CAA, Title 20 DCMR Chapter 4 (Ambient Monitoring, Emergency Procedures, Chemical Accident Prevention and Conformity) Section 400 (Air Pollution Reporting Index) requires District cooperation with MWCOG to ensure that air pollution levels are uniformly reported to the public throughout the region. EPA's color-coded and numerical Air Quality Index (AQI) is used to communicate how clean or polluted the air is and what associated health effects may be of concern on a daily basis. The general public is regularly notified of and educated about NAAQS exceedances.

The public is also educated on behalf of the District by Clean Air Partners, a nonprofit partnership chartered by the MWCOG and the Baltimore Metropolitan Council that works with businesses, organizations, and individuals throughout the region to raise awareness and reduce air pollution through voluntary actions. Clean Air Partners provides air quality forecasts and related information through AirAlerts to a network of participants, and distribute air quality curriculum to schools.

Prevention of significant deterioration – Please refer to the response to Element C.

Visibility protection – *According to EPA's infrastructure guidance and its interpretation of the CAA, the requirements of this part of Element J do not need to be addressed in an infrastructure SIP revision. The visibility requirements of CAA Title I, Part C, are implemented in 40 C.F.R. Part 41, Subpart P. When there is a new or revised NAAQS, the requirements of Part C do not change, so there are no newly applicable visibility protection obligations under Element J.*[4]

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision
- 20 DCMR §§ 1506 and 1507: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 5/28/2010 (75 Fed. Reg. 29894)

- Regional Haze SIP: At § 52.470(e), approved into the District's SIP on 2/2/2012 (77 Fed. Reg. 5191)

[4] The District does not contain any federal Class I areas, so is not subject to RAVI (reasonably attributable visibility impairment) requirements. The District does participate in regional haze planning. The protection of visibility in federal Class I areas is addressed in the District's Regional Haze SIP, which was approved by EPA on February 2, 2012 (77 Fed. Reg. 5191), and codified in the District's SIP at § 52.470(e).

- 20 DCMR § 400: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 8/28/1995 (60 Fed. Reg. 44431)

2.12 CLEAN AIR ACT § 110(a)(2)(K) – Air Quality Modeling and Data

"Each such plan shall […] provide for

(i) The performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) The submission, upon request, of data related to such air quality modeling to the Administrator."

The District's Provisions

DDOE has the authority to: (1) conduct air quality modeling to predict the effect on ambient air quality of any emissions of any air pollutant for which a NAAQS has been promulgated; and (2) provide such modeling data to the EPA Administrator upon request.

Explanation: The District has the authority to perform air quality modeling under the APCA (D.C. Official Code §§ 8-101.05(a)(1) and (b)(3) (2013 Repl.)), which allow the Mayor to "conduct research…" and "secure necessary scientific, technical, administrative, and operations services…by contract, or otherwise." The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)).

Upon request, the District of Columbia can and will submit relevant current and future data relating to air quality modeling to the Administrator as part of the permitting and NAAQS implementation processes, as outlined in 20 DCMR Chapter 3 (Operating Permits and Acid Rain Programs) Section 303 (Permit Issuances, Renewal, Reopenings, and Revisions).

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision
- 20 DCMR § 303: Not in SIP

2.13 CLEAN AIR ACT § 110(a)(2)(L) – Permitting Fees

"Each such plan shall […] require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover:

(i) The reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) If the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (title) V of this chapter."

The District's Provisions

DDOE has regulations providing for collection of permitting fees under the District's EPA-approved Title V permit program to meet 40 C.F.R. § 70.9 ("Fee determination and certification") and 40 C.F.R. Part 70, Appendix A ("Approval Status of State and Local Operating Permits Programs").

Explanation: EPA approved the District's Title V program on August 7, 1996 (60 Fed. Reg. 40101) and amendments to the program on April 16, 2003 (68 Fed. Reg. 18548). Title V permit fees are collected under 20 DCMR Chapter 3 (Operating Permits and Acid Rain Programs), Sections 305 (Permit Fees) and 307 (Enforcement for Severe Ozone Nonattainment Areas). Permitting fees related to the Title V program are not a part of the District's SIP. These fees are used to fund programs such as permitting of new and existing sources of air pollution and the compliance and enforcement of sources of air pollution.

Where the District's Provisions are Codified by EPA

- 20 DCMR § 305: Not in SIP
- 20 DCMR § 307: At 40 C.F.R. §52.470(c), approved into the District's SIP on 12/28/2004 (69 Fed. Reg. 77639)

- District's Title V permit program: Not in the SIP; see Appendix A of 40 C.F.R. Part 70; 8/7/1996 (60 Fed. Reg. 40101) and 4/16/2003 (68 Fed. Reg. 18548)

2.14 CLEAN AIR ACT § 110(a)(2)(M) – Consultation and Participation by Affected Local Entities

"Each such plan shall […] provide for consultation and participation by local political subdivisions affected by the plan."

The District's Provisions

DDOE policies and procedures allow and promote consultations with affected local political subdivisions.

Explanation: The District has the authority to consult with local entities under the APCA (D.C. Official Code §§ 8-101.05(a)(3) and (b)(5) (2013 Repl.)), which allow the Mayor to "advise, cooperate, and enter into agreements with the governments or agencies of any state or political subdivision adjacent to the District of Columbia and any interstate or other regional agency representing these states or political subdivisions…"; and which allow for "any…action which may be necessary to carry out the mayoral duties" related to implementation of a comprehensive air pollution control program. The District's authority under the APCA is then delegated to DDOE under the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07 (2013 Repl.)). As discussed under Element J, the process for consultation usually takes place through MWAQC according to a set of bylaws that are reviewed and adopted annually.

Through MWAQC, there are interagency and public consultation provisions specifically associated with the transportation conformity process, as included in 20 DCMR Chapter 15, specifically §§ 1506 and 1507.

In addition, prior to the adoption and submission of a SIP revision, each SIP revision goes through a public notice and hearing process, as specified by Section 6 of the D.C. Administrative Procedure Act (D.C. Official Code, § 2-505) and the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.07(3) (2013 Repl.)). Leaders of political subdivisions have the opportunity to participate in that public process.

Where the District's Provisions are Codified by EPA

- D.C. Official Code § 8-101.05 (2013 Repl.) and D.C. Official Code § 8-151.07 (2013 Repl.): Submitted as a copy with this SIP revision

- 20 DCMR §§ 1506 and 1507: At 40 C.F.R. § 52.470(c), approved into the District's SIP on 5/28/2010 (75 Fed. Reg. 29894)

3.0 Conclusion

This Infrastructure SIP submission demonstrates the authority of the District government to implement the 2008 8-hour ozone NAAQS. It identifies each CAA element being met and how each element is met.

This SIP revision also includes a contingency plan, in case of an air pollution emergency, to meet the requirements of 40 C.F.R. Part 51, Subpart H for all pollutants.