

**2008 Pb NAAQS (73 Fed. Reg. 66964)**

**110(a)(2)(A) through (M) Requirements in the Current District of Columbia State Implementation Plan**

**Revised May 2013**

A state implementation plan (SIP) is a plan for each state that identifies how that state will attain and/or maintain the primary and secondary national ambient air quality standards (NAAQS). The 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 by the state with EPA approval as necessary. The federally enforceable SIP for the District of Columbia is compiled in 40 C.F.R. Part 52, Subpart J.

Many of the miscellaneous requirements of Section 110(a)(2)(A) to (M) of the Clean Air Act (CAA) relevant to the 2008 Pb NAAQS are already contained in the District of Columbia's current SIP or SIP revisions which have been submitted to EPA. The following table summarizes where these fulfilled requirements of Section 110(a)(2)(A) to (M) are addressed in the District of Columbia's current SIP or SIP revisions, and may include elements which have not been addressed in previous SIP revisions.

<b>Section 110(a) Element</b>	<b>Summary of Element</b>	<b>Provisions in the Current District of Columbia SIP</b>
§110(a)(2)(A) – Emission limits and other control measures	“Each such plan shall [...] 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.”	Enforceable emissions limits, control measures, fees, and compliance methods related to Pb are found in the provisions of Title 20 of the District of Columbia Municipal Regulations (20 DCMR) Chapters 2 (General and Nonattainment Area Permits), 3 (Operating Permits and Acid Rain Programs), and 6 (Particulates), portions of which are in the District of Columbia's approved SIP and listed in 40 C.F.R. § 52.470(c).  Control measures that are part of the Title V program are not a part of the District's SIP. 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).

Section 110(a) Element	Summary of Element	Provisions in the Current District of Columbia SIP
§110(a)(2)(B) – Ambient air quality monitoring/ data system	<p>“Each such plan shall [...] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to</p> <p>(i) monitor, compile, and analyze data on ambient air quality, and</p> <p>(ii) upon request, make such data available to the Administrator.”</p>	<p>The District of Columbia decommissioned its Federal Reference Method (FRM) or federal equivalent method (FEM) Pb air quality monitoring network in December 2001 because ambient levels were consistently very low compared to the 1978 Pb NAAQS. Air quality monitoring for Pb to determine compliance with the new 2008 NAAQS commenced by January 1, 2012, using FRM or FEM monitors, in accordance with EPA’s December 14, 2010, revisions to the Pb ambient air monitoring network requirements.</p> <p>The District Department of the Environment (DDOE) operates and maintains air quality monitoring stations and equipment in the District of Columbia and sends collected air samples to an EPA-approved lab for analysis. DDOE performs quality assurance checks, and submits the data to EPA's Air Quality System (AQS), in accordance with data reporting and ambient air data certification requirements.</p> <p>DDOE submits an Annual Network Plan to EPA Region III that describes how the District of Columbia has complied with monitoring requirements. It serves as prior notification of any proposed changes to the monitoring sites or measurement methods. The Annual Network Plan provides descriptions of any proposed changes to the District of Columbia’s ambient air network, the reason for each change, and any other information relevant to the change.</p>
§110(a)(2)(C) – Programs for enforcement, PSD, and NSR	<p>“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.”</p>	<p>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).</p> <p>The District of Columbia relies on a Federal Implementation</p>

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		<p>Plan (FIP) containing the federal Prevention of Significant Deterioration (PSD) program requirements of 40 C.F.R. § 52.21, as approved in the District’s SIP at 40 C.F.R. § 52.499 for criteria pollutants in attainment areas such as Pb. Together, the PSD FIP and the District’s SIP-approved minor New Source Review (NSR) program at 20 DCMR Chapter 2 provide for permitting of major (PSD) and new and modified minor (NSR) stationary sources of Pb.</p> <p><i>To the extent that it refers to permit programs known as “nonattainment new source review” under part D, section 110(a)(2)(C) is outside the scope of this infrastructure SIP.</i></p>
§110(a)(2)(D)(i) – Interstate transport provisions	<p>“Each such plan shall [...] contain adequate provisions</p> <p>(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</p> <p>(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</p> <p>(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.”</p>	<p>(i)(I) According to EPA’s guidance on infrastructure SIP elements for the 2008 Pb NAAQS (October 14, 2011), “EPA’s experience with initial Pb designations suggests that sources that emit less than 0.5 tons per year (tpy) or that are located more than two miles from a state border generally appear unlikely to contribute significantly to nonattainment in another state.” There are no Pb sources located within the District or in close proximity to its borders (<i>e.g.</i>, within 2 miles) that have an emissions threshold of 0.5 tons per year or greater (see Attachment 1), so no District source will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the Pb NAAQS.</p> <p>(i)(II) As mentioned in the response to Part C, new major sources and major modifications in the District of Columbia are subject to federal PSD requirements of 40 C.F.R. § 52.21, as approved in the District’s SIP at 40 C.F.R. § 52.499 for criteria pollutants such as Pb. This permitting provision in the SIP does not interfere with measures required in any other state SIP to prevent significant deterioration of air quality.</p> <p>According to EPA’s guidance on infrastructure SIP elements</p>

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		<p>for the 2008 Pb NAAQS (October 14, 2011) with respect to the visibility requirement, “significant impacts from lead emissions from stationary sources are expected to be limited to short distances from the source... Furthermore, when EPA evaluated the extent that lead could impact visibility, lead-related visibility impacts were found to be insignificant (e.g., less than 0.10%). <i>See</i> Analysis by Mark Schmidt, OAQPS, “Ambient Pb’s Contribution to Class I Area Visibility Impairment,” June 17, 2011.” The District of Columbia does not contain a Class I area or any lead sources located over 50 miles from the closest Class I area (see Attachment 1). Thus, no interference with measures required of any other state to protect visibility is anticipated.</p> <p>The District’s Regional Haze SIP to address visibility impairment in Class I areas was approved by EPA on February 2, 2012 (77 Fed. Reg. 5191).</p>
§110(a)(2)(D)(ii) – Interstate and International transport provisions	<p>“Each such plan shall [...] contain adequate provisions</p> <p>(ii) insuring compliance with the applicable requirements of sections 115 and 126 (relating to interstate and international pollution abatement).”</p>	<p>As approved in the District’s SIP in 40 C.F.R. § 52.499, the District relies on the federal PSD program requirements of 40 C.F.R. § 52.21 to meet the requirements of CAA § 126(a).</p> <p>The District of Columbia is not aware of being the subject of any petitions or pending actions related to interstate or international transport of emissions from its sources, so has no continuing obligations under Clean Air Act § 115 (international transport) or §§ 126(b) or (c) (interstate transport) that involve Pb emissions at this time.</p>
§110(a)(2)(E) – Adequate personnel, funding, and authority	<p>“Each such plan shall [...] provide</p> <p>(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</p>	<p>(i) DDOE believes that the District of Columbia will continue to have adequate funding and personnel to carry out the SIP with respect to Pb requirements. The primary sources of funding for the implementation of the Pb requirement are the Clean Air Act Section 105 federal grant funds and the District of Columbia’s local match, and fees collected under the Title V</p>

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	<p>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);</p> <p>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</p> <p>(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.”</p>	<p>program.</p> <p>DDOE does not anticipate the need for additional resources to carry out the plan for the Pb standard beyond those which have been utilized to date to meet other current programmatic demands.</p> <p>The District of Columbia assures EPA that it has adequate statutory authority under the District of Columbia Air Pollution Control Act of 1984 (D.C. Official Code §§ 8-101 <i>et seq.</i> (2008 Repl.)) and the District Department of the Environment Establishment Act of 2005 (D.C. Official Code §§ 8-151.01 <i>et seq.</i> (2008 Repl.)) to carry out its SIP obligations with respect to the 2008 Pb standards and to revise the SIP as necessary. DDOE is not prohibited by any District of Columbia law from carrying out any part of the implementation plan.</p> <p>Organizations that typically participate in developing the District of Columbia’s SIPs and that carry out some SIP planning requirements are represented by 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 (see Attachment 2) and includes representatives of local governments and agencies; and the Interstate Air Quality Council. In accordance with 40 C.F.R. § 51.240, each SIP identifies the responsibilities of participating organizations and refers to related agreements among the organizations.</p> <p>(ii) The District of Columbia does not have a board which approves permits or enforcement orders. The District’s conflict of interest provisions at 40 C.F.R. § 52.470(e) (also called the “CAA Section 128 SIP”) require a high level of ethical conduct for all employees and public officials of the District</p>

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		<p>government, in accordance with the requirements of the Clean Air Act § 128. Updates to the District’s CAA 128 provisions are currently proposed to EPA as a SIP revision.</p> <p>(iii) 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.</p>
§110(a)(2)(F) – Stationary source monitoring and reporting	<p>“Each such plan shall [...] require, as may be prescribed by the Administrator</p> <p>(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,</p> <p>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources,</p> <p>(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.”</p>	<p>(i)-(ii) The requirements for source monitoring, recordkeeping, and reporting are in 20 DCMR Chapter 5 (Source Monitoring and Testing), Sections 500 (Records and Reports), 501 (Monitoring Devices), and 502 (Sampling, Tests and Measurements), portions of which are in the District of Columbia’s approved SIP and listed in 40 C.F.R. § 52.470(c).</p> <p>The requirements that provide for monitoring the status of sources’ compliance with the NAAQS are in 20 DCMR Chapter 2 (General and Non-Attainment Area Permits) and Chapter 3 (Operating Permits and Acid Rain Programs), portions of which are in the District of Columbia’s approved SIP and listed in 40 C.F.R. § 52.470(c).</p> <p>DDOE also submits annual point source emissions inventory data to EPA through the Emissions Inventory System, in accordance with 40 C.F.R. § Part 51 Subpart A, the Air Emissions Reporting Requirements.</p> <p>(iii) Air quality inspectors analyze emissions data and correlate such data with any applicable emission limitations or standards. 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 <i>et seq.</i> (2008 Repl.)).</p>

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§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.”	<p>Section 6 of the District of Columbia Air Pollution Control Act of 1984 (D.C. Official Code §§ 8-101 <i>et seq.</i> (2008 Repl.)) and the District Department of the Environment Establishment Act of 2005 (D.C. Official Code §§ 8-151.01 <i>et seq.</i> (2008 Repl.)), provide the statutory authority for 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 Pb emissions which present an imminent and substantial endangerment to public health, welfare or the environment, or to take other action as may be necessary. Section 401 is in the District of Columbia’s approved SIP and listed at 40 C.F.R. § 52.470(c).</p> <p>The District of Columbia has a general Emergency Episode Plan from 1976, which includes procedures for reducing emissions from the source at issue (if necessary, by curtailing operations) and informing the public, as needed. It would be burdensome to adopt a more specific contingency plan at this time because historically, ambient monitoring data has shown that Pb levels are very low, and there are no Pb sources of concern in the surrounding area. (See Attachment 1 for details.)</p>
§110(a)(2)(H) – Future SIP revisions	<p>“Each such plan shall [...] provide for revision of such plan</p> <p>(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</p> <p>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information</p>	<p>(i)-(ii) The District of Columbia has adequate authority under the District of Columbia Air Pollution Control Act of 1984 (D.C. Official Code §§ 8-101 <i>et seq.</i> (2008 Repl.)) and the District Department of the Environment Establishment Act of 2005 (D.C. Official Code §§ 8-151.01 <i>et seq.</i> (2008 Repl.)), to revise the SIP.</p> <p>The District of Columbia will review and revise its SIP from time to time as may be necessary to take account of revisions to the primary or secondary NAAQS or the availability of</p>

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	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).”	improved or more expeditious methods of attaining a standard, and whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the NAAQS.
§110(a)(2)(I) – Nonattainment area plan or plan revision Under Part D	“Each such plan shall [...] in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D or this subchapter (relating to nonattainment areas).”	<i>Nonattainment area plans required under part D are required on a different schedule from the section 110 infrastructure elements and will be reviewed and acted upon through a separate process.</i>
§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).”	<p>The District of Columbia provides a process of consultation with general purpose local governments, designated organizations of elected officials of local governments, and federal land managers under sections 5(a)(3) and 5(b)(5) of the District of Columbia Air Pollution Control Act of 1984 (D.C. Official Code §§ 8-101 <i>et seq.</i> (2008 Repl.)) and the District Department of the Environment Establishment Act of 2005 (D.C. Official Code §§ 8-151.01 <i>et seq.</i> (2008 Repl.)).</p> <p>Through 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, and its partners (see Attachment 2), the public is regularly notified of and educated about NAAQS exceedances.</p> <p>As discussed under provisions for §§ 110(a)(2)(C) and 110(a)(2)(D)(i), the District of Columbia relies on the federal PSD program requirements of 40 C.F.R. § 52.21, as adopted in the District’s SIP at 40 C.F.R. § 52.499..</p> <p>Visibility obligations under this infrastructure element are not applicable.</p>

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§110(a)(2)(K) – Air quality modeling/data	<p>“Each such plan shall [...] provide for</p> <p>(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</p> <p>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator.”</p>	<p>(i) Mayoral authority to perform air quality modeling is established under sections 5(a)((1) and 5(b)(3) of the District of Columbia Air Pollution Control Act of 1984 (D.C. Official Code § 8-101.05(a)(1) and (b)(3) (2008 Repl.)). Section 105 of the District Department of the Environment Establishment Act of 2005 (D.C. Official Code § 8-151.05 (2008 Repl.)) and Mayor’s Order 2006-61 (<i>Delegation and Transfer of Authority Pursuant to D.C. Law 16-51, the District Department of the Environment Establishment Act of 2005</i> (53 D.C. Reg. 5694, July 14, 2006)) then delegates authority from the Mayor to DDOE. In addition, the federal PSD program regulations, as adopted in the District’s SIP at 40 C.F.R. § 52.499, require permit applicants to conduct air quality impacts modeling analyses for purposes of regulating the construction and modification of stationary sources.</p> <p>Currently, no lead source in the District of Columbia requires the use of source-oriented dispersion modeling. In the future, should modeling for lead become necessary, the District of Columbia can and will develop the technical capability to conduct modeling in order to assess the effect on ambient air quality of relevant pollutant emissions.</p> <p>(ii) 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 Issuance, Renewal, Reopenings, and Revisions).</p>
§110(a)(2)(L) – Permitting fees	<p>“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:</p>	<p>(i)-(ii) Permit fees are collected according the Title V permit program under 20 DCMR Chapter 3 (Operating Permits and Acid Rain Programs), Section 305 (Permit Fees).</p>

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	<p>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</p> <p>(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.”</p>	<p>Permitting fees related to the Title V program are not a part of the District’s SIP. However, 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).</p>
§110(a)(2)(M) – Consultation/ participation by affected local entities	<p>“Each such plan shall [...] provide for consultation and participation by local political subdivisions affected by the plan.”</p>	<p>Organizations that typically participate in developing the District of Columbia’s SIPs and that carry out some SIP planning requirements are represented by 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 (see Attachment 2) and includes representatives of local governments and agencies; and the Interstate Air Quality Council. In accordance with 40 C.F.R. § 51.240, each SIP identifies the responsibilities of participating organizations and refers to related agreements among the organizations.</p> <p>All SIP revisions have gone through public notice and hearing, 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) (2008 Repl.)), and in accordance with EPA requirements at 40 C.F.R. § 51.102, which allow for comment by the public, including local political subdivisions affected by the SIP.</p>