

## **Attachment – Federal Clean Air Act (FCAA), §110(a)(2)(A) through (M)**

Each State Implementation Plan must:

- (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 the FCAA;
- (B) provide for establishment and operation of 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 EPA;
- (C) include a program to provide for enforcement of measures described in §110(a)(2)(A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in parts (C) and (D);
- (D) contain adequate provisions – (i) prohibiting any source or other type of emissions activity 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) to prevent significant deterioration of air quality or to protect visibility, (ii) insuring compliance with the applicable requirements of §126 and §115 (interstate and international pollution abatement);
- (E) provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state 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 §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;
- (F) require, as may be prescribed by the EPA – (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, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to the FCAA, which reports shall be available at reasonable times for public inspection;
- (G) provide for authority comparable to that in §303 and adequate contingency plans to implement such authority;
- (H) provide for revision of such plan – (i) from time to time as 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, (ii) except as provided in (3)(C), whenever the EPA finds on the basis of information available to the EPA that the plan is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional FCAA requirements;
- (I) in the case of a 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);
- (J) meet the applicable requirements of §121 (relating to consultation), §127 (relating to public notification), and part (C) (relating to prevention of significant deterioration of air quality and visibility protection);

- (K) provide for (i) the performance of air quality modeling as the EPA may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the EPA has established a NAAQS, and (ii) the submission, upon request, of data related to such air quality modeling to the EPA;
- (L) require the owner of a major stationary source to pay to the permitting authority, as a condition of any permit required under the FCAA, a fee sufficient to cover – (i) reasonable costs of reviewing and acting upon any application of such a permit, and (ii) if the owner or operator receives a permit for such a source, the reasonable costs of implementing and enforcing the terms and conditions of the 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 EPA's approval of a fee program under Title V; and
- (M) provide for consultation and participation by local political subdivisions affected by the plan.