

Final Notice: Findings of Failure to Submit a Complete Section 110(a) Infrastructure State Implementation Plan for the 2006 Fine Particulate Matter (PM_{2.5}) NAAQS

FACT SHEET

ACTION

- On August 31, 2011, the U.S. Environmental Protection Agency (EPA) officially notified certain states, the District of Columbia, and the Commonwealth of Puerto Rico that they have failed to submit complete State Implementation Plans (SIPs) that include the infrastructure elements necessary to ensure implementation of the 2006 24-hour PM_{2.5} NAAQS.
- The infrastructure elements for which findings are being made are listed in the table below. These elements are the building blocks of state air quality management programs.
- Today’s action is a finding for each of these areas for having failed to make a complete submission for all or some of the specific requirements.
- In September 2006, the EPA revised the 24-hour PM_{2.5} primary and secondary NAAQS from 65 micrograms per cubic meter (µg/m³) to 35µg/m³. States were required to submit infrastructure SIPs by September 21, 2009.
- These findings establish a 24-month deadline for the EPA to either approve a SIP or finalize a FIP that addresses the outstanding SIP elements for each of these areas.
- The table below shows the District of Columbia, the Commonwealth of Puerto Rico, and the 6 states that failed to submit complete infrastructure SIPs, and the specific infrastructure elements associated with each area.

Table of Findings of Failure to Submit a Complete Infrastructure SIP for 2006 PM_{2.5} NAAQS¹

Elements	Requirements	R2	R3	R7	R8	R9		R10	
		PR	DC	IA	MT	HI	AZ	WA	AK
§110(a)(2)(A)	Emission limits and other control measures	✓		✓		✓		✓	✓
§110(a)(2)(B)	Ambient air quality monitoring/data system	✓		✓		✓		✓	✓
§110(a)(2)(C) ²	Program for enforcement of control measures	✓		✓		✓		✓	✓
§110(a)(2)(D) (i)(II) (PSD prong)	Interstate transport provisions	✓	✓	✓	✓	✓		✓	
§110(a)(2)(E)	Adequate resources	✓		✓		✓		✓	✓
§110(a)(2)(F)	Stationary source	✓		✓		✓		✓	✓

	monitoring system								
§110(a)(2)(G)	Emergency episodes	✓		✓		✓	✓	✓	✓
§110(a)(2)(H)	Future SIP revisions	✓		✓		✓		✓	✓
§110(a)(2)(I)	[Nonattainment SIPs are separate from I-SIPs]								
§110(a)(2)(J)	Consultation with government officials, public notification, PSD and visibility protection	✓		✓		✓		✓	✓
§110(a)(2)(K)	Air quality modeling/data	✓		✓		✓		✓	✓
§110(a)(2)(L)	Permitting fees	✓		✓		✓		✓	✓
§110(a)(2)(M)	Consultation/participation by affected local entities	✓		✓		✓		✓	✓

Notes:

¹ Checkmark indicates that the state has failed to satisfy the requirement(s) for the listed infrastructure element.

² This does not include portions of section 110(a)(2)(C) pertaining to nonattainment area requirements.

BACKGROUND

- On 1/12/11, Sierra Club and WildEarth Guardians (plaintiffs) filed a complaint pertaining to infrastructure SIPs for the 2006 24-hour PM_{2.5} NAAQS against states for which the EPA: (1) has failed to take final action on within 1 year after the SIP submission was deemed complete (claim one); and (2) has a mandatory duty to make findings of failure to submit with respect to one or more infrastructure SIP elements for alleged states that had not made submissions (claim two).
- On 7/6/11, the plaintiffs filed an amended complaint. In the amended complaint the plaintiffs: (1) name 20 states that the EPA has failed to take final action on within 1 year after the SIP submission was deemed complete (claim one); and (2) name 14 states and areas that had not made infrastructure submissions to address various elements for sections 110(a)(2)(A) thru (M) for the 2006 24-hour PM_{2.5} NAAQS (claim two).
- Because 6 states submitted complete infrastructure SIPs before August 31, 2011, the total number of areas receiving a finding of failure will be reduced to 8 from the 14 named areas in the complaint. The states that submitted complete infrastructure SIPs are Illinois, Michigan, Idaho, Nebraska, Wyoming, and Oregon.
- In order to resolve claim 2 in the amended complaint, for states and areas that have failed to submit infrastructure SIPs, the EPA is taking this action.

FOR MORE INFORMATION

- To download this action from the EPA's website, go to Recent Actions at <http://www.epa.gov/ttn/oarpg/ramain.html>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located at the EPA Headquarters, room number 3334 in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2011-0747.
- For further information about this action, contact Mr. David Sanders of EPA's Office of Air Quality Planning and Standards, at (919) 541-3356 or by e-mail at [sanderson.dave@epa.gov](mailto:sanders.dave@epa.gov) .