

# Findings of Failure to Submit State Implementation Plan Submissions for the 2012 Fine Particulate Matter National Ambient Air Quality Standards (NAAQS)

## FACT SHEET

### ACTION

- On March 26, 2018, the U.S. Environmental Protection Agency (EPA) found that three states failed to meet the deadline for submitting a state implementation plan (SIP) revision for the annual 2012 Fine Particulate Matter (PM<sub>2.5</sub>) NAAQS.
  - These revisions are necessary to satisfy certain Clean Air Act (CAA) and EPA requirements for implementing the PM<sub>2.5</sub> NAAQS.
  - Specifically, this action applies to SIP revisions required for certain areas designated nonattainment and classified as Moderate on April 15, 2015, for the annual 2012 PM<sub>2.5</sub> NAAQS. The affected states and nonattainment areas are as follows:

State	2012 PM <sub>2.5</sub> NAAQS Moderate Nonattainment Area
California	Imperial County
Idaho	West Silver Valley
Pennsylvania	Allegheny County
	Delaware County
	Lebanon County

- Today's findings of failure to submit (FFS) formally notifies these states that they failed to make timely required SIP submissions to the EPA.
- These findings start 18- and 24-month periods during which states either must submit complete SIP revisions or become subject to mandatory sanctions.
  - These findings also establish a 24-month deadline by which EPA must either approve a SIP or finalize a federal implementation plan that addresses the necessary revisions.
- The EPA is committed to continue working with the states listed in today's findings to expedite the development and submission of their SIP revisions. The EPA will review and act on their submittals in accordance with the requirements of the CAA and EPA's regulations.

### BACKGROUND

- On December 14, 2012, the EPA issued a revised annual PM<sub>2.5</sub> NAAQS of 12.0 µg/m<sup>3</sup>. (Note, this action was published in the Federal register on January 15, 2013, and became effective on March 18, 2013.) Effective April 15, 2015, the EPA designated 14 areas as

“nonattainment” and classified them as Moderate for the 2012 PM<sub>2.5</sub> NAAQS. As prescribed by CAA section 188(a), areas designated as nonattainment for a PM<sub>2.5</sub> NAAQS are initially classified as a Moderate PM<sub>2.5</sub> nonattainment area.

- Under the CAA, states with areas designated nonattainment for a PM<sub>2.5</sub> NAAQS are required to submit for EPA approval revisions to their SIPs to ensure that they comply with all applicable statutory and regulatory requirements.
- On August 24, 2016, the EPA finalized the PM<sub>2.5</sub> SIP Requirements Rule (81 FR 58009). This rule established the due date for Moderate area PM<sub>2.5</sub> SIP submissions as no later than 18 months from the effective date of area designations (October 15, 2016).
- If a state has not submitted, within 18 months of the effective date of today’s findings, the required SIP elements for a nonattainment area, a 2:1 emissions offset sanction will apply in the area. An offset sanction requires owners of new or modified major stationary sources of a pollutant for which the area is designated as nonattainment to obtain greater emission offsets than would otherwise be required in order to receive a permit for their source. If the state has not made a complete SIP submission within 6 months after the offset sanction is imposed, a highway funding sanction will apply in the affected nonattainment area. The highway funding sanction is a prohibition on the use of federal funds for transportation projects within a nonattainment area, with certain exceptions.
- Additionally, the CAA requires that the EPA promulgate a federal implementation plan (FIP) no later than 2 years after the effective date of today’s finding if the affected state has not submitted, and the EPA has not approved, the required SIP submittal.

### **FOR MORE INFORMATION**

- To download this action from the EPA’s website, go to <https://www.epa.gov/pm-pollution/implementation-national-ambient-air-quality-standards-naaqs-fine-particulate-matter>. The official version of this rule will be published in the *Federal Register*.
- Today’s final action and other associated information are 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. (Docket ID No. EPA-HQ-OAR-2018-0135).
- The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the William Jefferson Clinton West Building, located at 1301 Constitution Avenue, NW, Washington, D.C. 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.

- For further information about this final action, contact Mr. Patrick Lessard of EPA's Office of Air Quality Planning and Standards, at (919) 541-5383; or by email at [lessard.patrick@epa.gov](mailto:lessard.patrick@epa.gov).