

Appendix II

Historical Summary of New Jersey's PM_{2.5} State Implementation Plans

A summary of New Jersey's PM_{2.5} Status, SIPs, NJDEP letters to USEPA, USEPA approvals and USEPA determinations of attainment include the following:

- Annual 15 µg/m³ NAAQS promulgation on July 18, 1997
- NJ counties designated nonattainment for annual standard on January 5, 2005
- Daily 35 µg/m³ NAAQS promulgation on October 16, 2006
- Transport SIP Letter to USEPA dated December 22, 2006
- NJ counties designated nonattainment for daily standard on November 13, 2009
- PM_{2.5} Infrastructure SIP for annual 15 µg/m³ standard dated February 25, 2008
- PM_{2.5} Attainment Demonstration submitted March 26, 2009
- PM_{2.5} Infrastructure Certification for daily 35 µg/m³ standard dated January 15, 2010
- Final USEPA Determination of Attainment of the 1997 Fine Particle Standard for the NNJ-NY-CT nonattainment area for the 1997 annual PM_{2.5} NAAQS dated November 15, 2010
- NJDEP request to the USEPA for a determination that the NNJ-NY-CT PM_{2.5} nonattainment area had attained the 35 µg/m³ daily PM_{2.5} NAAQS and that the SNJ-Phila. nonattainment area had attained both the 35 µg/m³ daily and the 15 µg/m³ annual PM_{2.5} NAAQS dated October 5, 2011
- Final USEPA Determination of Attainment of the 1997 Fine Particle Standard for the SNJ-Phila. nonattainment area for the 1997 annual PM_{2.5} NAAQS dated May 16, 2012
- Proposed USEPA Determinations of Attainment of the 2006 Fine Particle Standard for the 35 µg/m³ daily PM_{2.5} NAAQS dated August 30, 2012 and October 2, 2012
- Annual 12 µg/m³ NAAQS promulgation on December 14, 2012

A more detailed summary of the history of New Jersey's PM_{2.5} SIP revisions is discussed below:

PM_{2.5} Infrastructure SIP for Annual 15 µg/m³ NAAQS

Section 110(a)(2) of the Clean Air Act (CAA) contains general requirements for nonattainment plans and lists the required elements that a state needs to demonstrate its authority to develop, implement, and enforce an air quality management program that provides for attainment and maintenance of the NAAQS. These elements include, but are not limited to, air quality monitoring, data analysis, and reporting; enforcement; resources; consultation; emergency procedures; and reductions in transported air pollution.

On December 22, 2006 New Jersey submitted a letter to the United States Environmental Protection Agency (USEPA) addressing the Transport portion of the CAA at Section 110(a)(2)D. On February 25, 2008, New Jersey submitted an Infrastructure State Implementation Plan (SIP) revision to the USEPA addressing the remaining requirements under Section 110(a)(1) and (2) of the CAA for the 1997 PM_{2.5} Annual 15 µg/m³ National Ambient Air Quality Standard (NAAQS).

On October 22, 2008¹, the USEPA published a "finding of failure to submit specific elements" for this SIP, based on the status of New Jersey's Prevention of Significant Deterioration (PSD) rules and New Jersey's Emergency Action Plan status. The finding also concluded that the

¹ 73 FR 62902

PSD program is addressed by a Federal Implementation Plan (FIP). New Jersey addressed the Emergency Action Plan in its January 15, 2010 Infrastructure Certification for the daily 35 $\mu\text{g}/\text{m}^3$ NAAQS (discussed below).

PM_{2.5} Attainment Demonstration SIP for Annual 15 $\mu\text{g}/\text{m}^3$ NAAQS

On March 26, 2009, New Jersey submitted a PM_{2.5} Attainment Demonstration SIP to the USEPA. The purpose of this SIP was to demonstrate how the State's two shared multi-state nonattainment areas would come into attainment with the 1997 health-based annual PM_{2.5} NAAQS by their attainment date of April 5, 2010. The SIP also addressed CAA requirements for reasonably available control measures (RACM), reasonable further progress (RFP) and reasonably available control technology (RACT) demonstrations. New Jersey provided technical supplements to the attainment plan on December 17, 2009 and June 29, 2010 that provided additional information regarding the emission inventories, control measures, and contingency measures in the State's attainment plan. The USEPA has not taken action on approval of the attainment demonstration as of December 1, 2012.

PM_{2.5} Infrastructure Certification for Daily 35 $\mu\text{g}/\text{m}^3$ NAAQS

On January 15, 2010, New Jersey submitted an infrastructure certification to the USEPA addressing the requirements under Section 110(a)(1) and (2) of the CAA for the daily 35 $\mu\text{g}/\text{m}^3$ NAAQS. On January 26, 2011², the USEPA issued a proposed disapproval of the transport section of this certification at Section 110(a)(2)D, pending promulgation of USEPA's CSAPR rule. The USEPA has not taken action on the remaining elements of the certification as of the date of this SIP.

USEPA Determination of Attainment of the 1997 Annual 15 $\mu\text{g}/\text{m}^3$ PM_{2.5} NAAQS for New Jersey's Northern Nonattainment Area

On August 2, 2010³, the USEPA proposed to issue a determination that the entire Northern New Jersey-New York-Connecticut PM_{2.5} nonattainment area met the 1997 annual PM_{2.5} NAAQS. The USEPA finalized this decision on November 15, 2010⁴. This determination was based upon quality assured, quality controlled and certified ambient air monitoring data that showed the area had monitored attainment of the 1997 PM_{2.5} NAAQS for the 2007–2009 monitoring period.

This final action, in accordance with 40 CFR 51.1004(c), suspended the requirements for this area to submit an attainment demonstration, associated RACM, RFP, contingency measures, and other planning SIPs related to attainment of the 1997 PM_{2.5} NAAQS for so long as the area continues to attain the 1997 PM_{2.5} NAAQS.

2011 Clean Data Determination Request

On October 5, 2011, New Jersey submitted a letter requesting that the USEPA determine that the Northern New Jersey-New York-Connecticut PM_{2.5} nonattainment area had attained the 2006 daily 35 $\mu\text{g}/\text{m}^3$ PM_{2.5} NAAQS and that the Southern New Jersey-Philadelphia

² 76 FR 4579

³ 75 FR 45076

⁴ 75 FR 69589

Nonattainment area had attained both the daily $35 \mu\text{g}/\text{m}^3$ and annual $15 \mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ NAAQS. If approved by the USEPA, this determination will suspend the requirements for these areas to submit an attainment demonstration, associated RACM, RFP, contingency measures, and other planning SIPs related to attainment of the $\text{PM}_{2.5}$ NAAQS for so long as the areas continue to attain the $\text{PM}_{2.5}$ NAAQS.

USEPA Determination of Attainment of the 1997 Annual $15 \mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ NAAQS for New Jersey's Southern Nonattainment Area

On January 23, 2012, the USEPA proposed to determine the air quality in the Southern New Jersey- Philadelphia-Wilmington fine particle ($\text{PM}_{2.5}$) nonattainment area is meeting the annual $15 \mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ NAAQS. The USEPA finalized this decision on May 16, 2012.⁵ This determination was based upon quality assured, quality controlled and certified ambient air monitoring data that showed the area had monitored attainment of the 1997 $\text{PM}_{2.5}$ NAAQS for the 2007–2009 and 2008-2010 monitoring periods.

This final action, in accordance with 40 CFR 51.1004(c), suspended the requirements for this area to submit an attainment demonstration, associated RACM, RFP, contingency measures, and other planning SIPs related to attainment of the 1997 $\text{PM}_{2.5}$ NAAQS for so long as the area continues to attain the 1997 $\text{PM}_{2.5}$ NAAQS.

USEPA Determination of Attainment of the 2006 Daily $35 \mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ NAAQS

The USEPA proposed clean data determinations for the NNJ-NY-CT and SNJ-Phila. nonattainment areas on August 30, 2012⁶ and October 2, 2012,⁷ respectively.

⁵ 77 FR 28782

⁶ 77 FR 52626 (August 30, 2012)

⁷ 77 FR 60089 (October 2, 2012)