

## Section 110 Requirements

Section 110(a)(2) of the Act lists general elements to be included in each SIP after adoption by the State and reasonable notice and public hearing. The elements include, but are not limited to, provisions for establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor ambient air quality; implementation of a permit program as required in Parts C (prevention of significant deterioration (PSD)) and D (New Source Review (NSR)) of the Act; criteria for stationary source emission control measures, monitoring, and reporting; provisions for modeling; and provisions for public and local agency participation. For purposes of redesignation, EPA reviewed the Manitowoc and Door county SIPs and determined that the individual SIPs are consistent with the requirements of section 110 of the Act.

## Part D Requirements

Before EPA may redesignate Manitowoc and Door Counties to attainment, the SIPs must have fulfilled the applicable requirements of Part D. Under Part D, an area's classification determines the requirements to which it is subject. Subpart 1 of Part D sets forth the basic nonattainment requirements applicable to all nonattainment areas. Subpart 2 of Part D establishes additional requirements for ozone nonattainment areas classified under table 1 of section 181(a). As described in the General Preamble, specific requirements of subpart 2 may override subpart 1's general provisions (57 FR 13501 (April 16, 1992)). On November 6, 1991 (56 FR 56694), Manitowoc and Door Counties were designated as nonattainment and classified as moderate and rural transport (marginal), respectively. Therefore, to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of Part D—specifically sections 172 and 176, as well as the applicable requirements of subpart 2 of Part D.

## Subpart 1 of Part D

Section 172(c) sets forth general requirements applicable to all nonattainment areas. Under 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but no later than 3 years from the date of the nonattainment designation. As discussed below, Wisconsin has satisfied the section 172(c) requirements.

(1) Section 172(c)(1) requires nonattainment areas to provide for the

implementation of all reasonably available control measures (RACM) as expeditiously as practicable. EPA approved Wisconsin's RACM demonstration on November 13, 2001 (66 FR 56931).

(2) Section 172(c)(2) requires an area to submit a SIP providing for reasonable further progress (RFP). This requirement was superseded by the 15 percent RFP plan required under section 182(b)(1). EPA approved Wisconsin's RFP SIP on March 22, 1996 (61 FR 11735).

(3) Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. The requirement was superseded by the inventory requirement in section 182(a)(1). The WDNR submitted such an inventory on November 15, 1992. It was approved on June 15, 1994 (59 FR 30702).

(4) Section 172(c)(4) requires the quantification of emissions that will be allowed from the construction of major new or modified stationary sources. 172(c)(5) requires permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. Section 182(a)(4) requires all major new sources or modifications in a marginal nonattainment area to achieve offsetting reductions of volatile organic compounds (VOC) at a ratio of at least 1.1 to 1.0. Section 182(b)(5) requires all major new sources or modifications in a moderate nonattainment area to achieve offsetting reductions of VOCs at a ratio of at least 1.15 to 1.0. The WDNR submitted nonattainment area NSR rules on November 15, 1992. EPA approved Wisconsin's rules on January 18, 1995, (60 FR 3538). The State PSD program will become effective in Manitowoc and Door Counties upon redesignation to attainment. EPA delegated the PSD program to WDNR on November 4, 1987.

(5) Section 172(c)(9) requires the state to provide for the implementation of contingency measures if the area fails to make reasonable further progress or attain the NAAQS. EPA approved the State's contingency measures on March 22, 1996 (61 FR 11735).

Section 176(c) of the Act requires States to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other

Federally supported or funded projects ("general conformity"). Section 176 further provides that state conformity revisions must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. EPA approved Wisconsin's general and transportation conformity SIPs on July 29, 1996 (61 FR 39329) and August 27, 1996 (61 FR 43970), respectively. The on-highway motor vehicle budgets for Door County are 0.74 tons of VOC/day and 1.17 tons of NO<sub>x</sub>/day, based on the area's 2013 level of emissions. The on-highway motor vehicle budgets for Manitowoc County are 1.89 tons of VOC/day and 3.59 tons of NO<sub>x</sub>/day, based on the area's 2013 level of emissions. Door and Manitowoc Counties must use the motor vehicle emissions budgets from the maintenance plan in any conformity determination that is effective on or after the effective date of the maintenance plan approval.

## Subpart 2 of Part D

Door County is a rural transport (marginal) ozone nonattainment area and is subject to the section 182(a) requirements. Manitowoc County is a moderate ozone nonattainment area and is subject to the section 182(a), 182(b), and 182(f) requirements. The following discussion describes each of these requirements, as well as Door and Manitowoc Counties' approval status for each item.

(1) The emission inventory required by section 182(a)(1) was approved on June 15, 1994 (59 FR 30702).

(2) The RACT corrections required by section 182(a)(2)(A) were approved on August 15, 1994 (59 FR 41709) and April 27, 1995 (60 FR 20643).

(3) The section 182(a)(2)(B) motor vehicle inspection and maintenance (I/M) requirement is not applicable to Manitowoc or Door Counties since the areas were not required to implement I/M prior to the enactment of the 1990 Amendments.

(4) The NSR rules required by section 182(a)(C), the offset ratio of 1.1 to 1 required by section 182(a)(4) for Door County, and the offset ratio of 1.15 to 1 required by section 182(b)(5) for Manitowoc County were approved on January 18, 1995 (60 FR 3538).

(5) The emission statement SIP required by section 182(a)(3)(B) was approved on December 6, 1993 (58 FR 64155).

(6) The 15 percent RFP plan required under section 182(b)(1) was approved on March 22, 1996 (61 FR 11735).

(7) The attainment demonstration required by section 182(b)(1) was