

APPENDIX E.—APPLICATION OF CONFORMITY, NEW SOURCE REVIEW AND PREVENTION OF SIGNIFICANT DETERIORATION UNDER VARIOUS TRANSITION CASES

If an area's 1-hr situation is:	And its 8-hr situation is:	How would conformity apply?	How would traditional ¹ NSR/PSD apply?
Designated Attainment (never been non-attainment).	Designated Attainment	<i>Under 1 hr std:</i> Conformity does not apply <i>Under 8 hr std:</i> Conformity does not apply	<i>Under 1 hr std:</i> PSD continues to apply until the 1-hr standard is revoked. <i>Under 8 hr std:</i> PSD applies (Note: PSD applies as long as area is attainment for the 8-hr std.)
	Designated Nonattainment.	<i>Under 1 hr std:</i> Conformity does not apply <i>Under 8 hr std:</i> Conformity applies 1 year after the effective date of designation (2005).	<i>Under 1 hr std:</i> PSD applies until the 1-hr standard is revoked (but nonattainment NSR requirements for 8-hr std. would tend to override). <i>Under 8-hr std:</i> (1) NSR under 40 CFR appendix S applies before SIP (containing §51.165(a) NSR program) is approved by EPA. (2) Nonattainment NSR under §51.165 applies after SIP approval
	Early Action Compact (EAC).	<i>Under 1 hr std:</i> Conformity does not apply <i>Under 8 hr std:</i> Assuming all milestones are met, conformity would not apply through 2007. If the area is violating in 2007, its nonattainment designation would become effective 4/15/2008, and conformity would apply 1 year later (4/15/2009). If area not violating in 2007, the area would be designated attainment, and no conformity would apply.	<i>Under 1 hr std:</i> PSD continues to apply to EAC areas until the 1-hr standard is revoked. <i>Under 8 hr std:</i> Assuming all milestones are met, PSD would apply through 2007. ² If the area is violating in 2007, it would become subject to nonattainment NSR. If area is not violating in 2007, the area would be designated attainment, and PSD continues to apply
Designated Nonattainment.	Designated Attainment	<i>Under 1 hr std:</i> Conformity applies until 1 year after the effective date of the area's designation under the 8-hr standard (2005). <i>Under 8 hr std:</i> Conformity does not apply	<i>Under 1 hr std:</i> Nonattainment NSR applies until it is no longer an "applicable requirement" (see proposal on anti-backsliding). <i>Under 8 hr std:</i> PSD applies. ³
	Designated Nonattainment.	<i>Under 1 hr std:</i> Conformity applies until 1 year after the effective date of the area's designation under the 8-hr standard (2005). <i>Under 8 hr std:</i> Conformity would apply 1 year after the effective date of the area's designation (2005).	<i>Under 1 hr std:</i> Nonattainment NSR continues to apply until it is no longer an "applicable requirement" (see proposal on anti-backsliding). <i>Under 8 hr std:</i> (1) Nonattainment NSR under appendix S applies until the nonattainment NSR SIP (containing §51.165(a) NSR program) is approved by EPA; (2) Nonattainment NSR applies under §51.165 after SIP approval.
Designated attainment with Maintenance Plan.	(EAC: Not eligible) Designated Attainment	<i>Under 1 hr std:</i> Conformity applies until 1 year after the effective date of the area's designation under the 8-hr standard (2005). <i>Under 8 hr std:</i> Conformity does not apply	<i>Under 1 hr std:</i> PSD applies until 1-hr std. is revoked. <i>Under 8 hr std:</i> PSD applies.