

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

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 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 under the 8-hr standard (2005).	<i>Under 1 hr std:</i> PSD applies until the 1-hr standard is revoked. <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	<i>Under 1 hr std:</i> 1-hour conformity applies until 1 year after the effective date of the area's designation under the 8-hr standard (4/15/2009, or earlier if the area misses an EAC milestone). <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 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.

¹ Traditional NSR is nonattainment NSR under 40 CFR part 51, either § 51.165 or appendix S.

² PSD applies even if the attainment designation under the 8-hr standard is not yet effective.

³ Generally, nonattainment NSR requirements would supersede most PSD requirements. However, note that in specific instances PSD may mandate additional analyses, such as preconstruction monitoring or analysis of impacts on Class I areas.