

Table of Contents

CHAPTER 1. TITLE I: INTRODUCTION, NATIONAL AMBIENT AIR QUALITY STANDARDS, AND STATE IMPLEMENTATION PLANS

- § 1:1 Introduction
- § 1:2 National ambient air quality standards—Introduction
- § 1:3 Setting NAAQS
- § 1:4 Revising NAAQS
- § 1:5 Designation of air quality control regions
- § 1:6 —Exceptional events
- § 1:7 Ozone NAAQS—Introduction
- § 1:8 —1997 standards
- § 1:9 ——*The American Trucking* decision
- § 1:10 —2008 standards
- § 1:11 —2015 standards
- § 1:12 —Recent review of standards
- § 1:13 Particulate matter NAAQS—Introduction
- § 1:14 —1997 standards
- § 1:15 ——*The American Trucking* decision
- § 1:16 —2006 standards
- § 1:17 —2012 standards
- § 1:18 —Recent review of standards
- § 1:19 Sulfur dioxide NAAQS—Introduction
- § 1:20 —2010 primary standard and joint sulfur dioxide and nitrogen dioxide secondary standard
- § 1:21 —Recent review of standards
- § 1:22 Nitrogen dioxide NAAQS—Introduction
- § 1:23 —2010 primary standard and joint sulfur dioxide and nitrogen oxides secondary standard
- § 1:24 —Recent review of standards
- § 1:25 Carbon monoxide NAAQS—Introduction
- § 1:26 —2011 finding
- § 1:27 Lead NAAQS—Introduction
- § 1:28 —2010 standards
- § 1:29 —2016 review of standards
- § 1:30 —Recent review of standards
- § 1:31 Air quality index
- § 1:32 State implementation plans—Introduction
- § 1:33 —Required elements for SIPs
- § 1:34 —SIP review and approval process
- § 1:35 —Startup, shutdown, and malfunction
- § 1:36 —Redesignation to attainment; maintenance plans; clean data determinations
- § 1:37 —Tribal implementation plans
- § 1:38 —Sanctions: Construction bans, offsets, grants, highway funds, and federal implementation plans

CHAPTER 2. TITLE I: GENERAL REQUIREMENTS FOR NONATTAINMENT AREAS, POLLUTANT-SPECIFIC NONATTAINMENT AREA PROVISIONS, AND FEDERAL OZONE CONTROL MEASURES

- § 2:1 Nonattainment areas—Introduction
- § 2:2 Nonattainment SIP general requirements
- § 2:3 —Reasonably available control measures, reasonably available control technology, and control techniques guidelines
- § 2:4 —Reasonable further progress
- § 2:5 —Inventories of air pollutant emissions and emission factors
- § 2:6 —Projection of growth in emissions
- § 2:7 —New source review permitting
- § 2:8 —Emission limits, control measures, techniques, schedules, timetables, and economic incentives
- § 2:9 —Contingency measures
- § 2:10 —Anti-backsliding
- § 2:11 —Consultation with local officials
- § 2:12 —Conformity and other planning obligations
- § 2:13 ——Transportation conformity
- § 2:14 ——General conformity
- § 2:15 Additional nonattainment SIP requirements for specific area classifications
- § 2:16 Ozone nonattainment area requirements
- § 2:17 —Ozone nonattainment classifications and deadlines under one-hour standard
 - § 2:18 —Bump-up or redesignation to attainment
 - § 2:19 —Marginal ozone area SIP requirements
 - § 2:20 ——Basic inspection and maintenance of motor vehicles
 - § 2:21 ——Pre-Act RACT
 - § 2:22 ——New source offsets
 - § 2:23 ——Emission inventory and reports
 - § 2:24 —Moderate ozone area SIP requirements
 - § 2:25 ——Vehicle inspection and maintenance
 - § 2:26 ——Enhanced RACT
 - § 2:27 ——New source offsets
 - § 2:28 ——Gas station vapor recovery (Stage II)
 - § 2:29 ——Fifteen percent VOC reduction: Reasonable further progress
 - § 2:30 —Serious ozone area SIP requirements
 - § 2:31 ——Enhanced ambient air quality monitoring
 - § 2:32 ——New source thresholds, offsets, and emission standards
 - § 2:33 ——Enhanced vehicle inspection and maintenance
 - § 2:34 ——Clean fuel fleet program
 - § 2:35 ——Three percent reasonable further progress
 - § 2:36 ——Transportation control measures
 - § 2:37 ——Contingency measures
 - § 2:38 —Severe ozone area SIP requirements
 - § 2:39 ——New source thresholds and offsets
 - § 2:40 ——TCMs to offset growth
 - § 2:41 ——Employee trip reduction
 - § 2:42 ——Emission fees
 - § 2:43 ——Reformulated gasoline
 - § 2:44 —Extreme ozone area SIP requirements

TABLE OF CONTENTS

- § 2:45 ——New source thresholds and offsets
- § 2:46 ——Exceptions to RFP are inapplicable
- § 2:47 ——Clean boiler fuels
- § 2:48 ——New technologies and contingency measures
- § 2:49 ——Transportation control measures
- § 2:50 ——NO_x exemptions
- § 2:51 ——Failure to attain standard or demonstrate reasonable further progress
- § 2:52 ——Economic incentive program
- § 2:53 ——1997 eight-hour ozone standard
- § 2:54 ——Area classifications and deadlines
- § 2:55 ——Area designations
- § 2:56 ——Implementation
- § 2:57 ——2008 eight-hour ozone standard—Area classifications and deadlines
- § 2:58 ——Area designations
- § 2:59 ——Implementation
- § 2:60 ——2015 eight-hour ozone standard—Area classifications, deadlines, and implementation
- § 2:61 ——Area designations
- § 2:62 Carbon monoxide nonattainment area requirements—Introduction
- § 2:63 ——Moderate CO area SIP requirements
- § 2:64 ——Inventory
- § 2:65 ——VMT, contingency measures, and attainment demonstrations
- § 2:66 ——Vehicle inspection and maintenance
- § 2:67 ——Serious CO area SIP requirements
- § 2:68 ——Oxygenated fuels
- § 2:69 ——New source review threshold
- § 2:70 ——Transportation control measures
- § 2:71 ——Consequences of failure to attain CO NAAQS deadlines
- § 2:72 Particulate matter nonattainment area requirements—Introduction
- § 2:73 ——PM₁₀ area designations and deadlines
- § 2:74 ——Moderate PM₁₀ area SIP requirements
- § 2:75 ——Serious PM₁₀ area SIP requirements
- § 2:76 ——Consequences of failure to attain PM₁₀ deadlines
- § 2:77 ——Particulate matter precursors
- § 2:78 ——CTGs for urban dust, wood burning, and agricultural burning
- § 2:79 ——Fine particulate matter standards—Introduction
- § 2:80 ——1997 fine particulate matter standards—Area designations
- § 2:81 ——Implementation
- § 2:82 ——2006 fine particulate matter standards—Area designations
- § 2:83 ——Implementation
- § 2:84 ——2012 fine particulate matter standards—Area designations
- § 2:85 ——Implementation
- § 2:86 ——2024 fine particulate matter standards—Area designations and implementation
- § 2:87 Nonattainment areas for other pollutants
- § 2:88 ——Sulfur dioxide
- § 2:89 ——Nitrogen dioxide
- § 2:90 ——Lead
- § 2:91 Federal ozone control measures
- § 2:92 ——CTGs for VOC sources
- § 2:93 ——Consumer product reformulation
- § 2:94 ——Tank vessel standards

CHAPTER 3. TITLE I: POLLUTANT TRANSPORT, INCLUDING INTERSTATE AND INTERNATIONAL POLLUTION CONTROL MEASURES AND REGIONAL HAZE

- § 3:1 Interstate air pollution—Introduction
- § 3:2 SIP coordination
- § 3:3 Transport region requirements
- § 3:4 —Ozone Transport Commission programs
- § 3:5 Interstate pollution interference and the “overwhelming transport policy”
- § 3:6 SIP calls and § 126 petitions generally
- § 3:7 The NO_x budget trading program and § 126 petitions
- § 3:8 —NO_x trading schemes
- § 3:9 Clean Air Interstate Rule
- § 3:10 Cross-State Air Pollution Rule
- § 3:11 CAA's good neighbor provision and achievement of NAAQS compliance
- § 3:12 Recent § 126 petitions
- § 3:13 International air pollution provisions under the Clean Air Act
- § 3:14 Other international air pollution control initiatives
- § 3:15 Outer-continental shelf pollution controls
- § 3:16 Visibility protection—Introduction
- § 3:17 —1980 plume blight regulations
- § 3:18 —Federal implementation plans for visibility protection
- § 3:19 —Role of federal land managers
- § 3:20 Regional haze and visibility transport commissions
- § 3:21 The 1999 regional haze rule—General provisions
- § 3:22 —Selection of best available retrofit technology
- § 3:23 —Other implementation issues, including reasonable progress goals
- § 3:24 —Grand Canyon region provisions
- § 3:25 —Timeframe for implementation
- § 3:26 —Second planning period

CHAPTER 4. TITLE I: REQUIREMENTS FOR NEW AND MODIFIED SOURCES, INCLUDING NEW SOURCE PERFORMANCE STANDARDS, NONATTAINMENT NEW SOURCE REVIEW, AND PREVENTION OF SIGNIFICANT DETERIORATION

- § 4:1 New and modified sources—Introduction
- § 4:2 New source performance standards
- § 4:3 —Regulation of greenhouse gas emissions—Introduction
- § 4:4 ——Clean Power Plan, Affordable Clean Energy rule, and NSPS for power plants
- § 4:5 ——Oil and natural gas production and distribution
- § 4:6 ——Other methane emission sources
- § 4:7 New source review programs generally
- § 4:8 New source review in nonattainment areas—Introduction
- § 4:9 —Applicability
- § 4:10 —Offsets
- § 4:11 —Lowest achievable emission rate
- § 4:12 —Compliance by other sources, adequate SIP implementation, and alternative site analysis

TABLE OF CONTENTS

- § 4:13 Prevention of significant deterioration—Introduction
- § 4:14 —Applicability
- § 4:15 —Air quality analysis, increment consumption, and other impact analyses
- § 4:16 —Best available control technology
- § 4:17 Obtaining a nonattainment NSR/PSD permit
- § 4:18 2002 NSR revisions
- § 4:19 —State and tribal implementation
- § 4:20 NSR issues
- § 4:21 —Calculating emission increases from modifications
- § 4:22 —Routine maintenance, repair, and replacement exclusion
- § 4:23 —Reactivation of shutdown units
- § 4:24 —Regulation of greenhouse gases under the PSD program
- § 4:25 —Other initiatives
- § 4:26 New sources of hazardous air pollutants
- § 4:27 Minor NSR

CHAPTER 5. TITLE II: MOBILE SOURCES AND FUELS

- § 5:1 Introduction
- § 5:2 Title II mobile source regulatory framework
- § 5:3 Light-duty automobiles and trucks—Introduction
- § 5:4 —Tier 1 standards: Light-duty vehicles and light-duty trucks up to 6,000 pounds
- § 5:5 —Tier 1 standards: Light-duty vehicles and light-duty trucks over 6,000 pounds
- § 5:6 —Tier 2 motor vehicle emission study
- § 5:7 —Tier 2 motor vehicle emission standards
- § 5:8 —Tier 2 gasoline sulfur standards
- § 5:9 —Tier 3 and later motor vehicle emission standards
- § 5:10 —Tier 3 gasoline sulfur standards
- § 5:11 Averaging, banking, and trading
- § 5:12 Carbon monoxide emissions at cold temperatures
- § 5:13 Evaporative emission standards
- § 5:14 Control of vehicle refueling emissions
- § 5:15 Emission control diagnostic systems
- § 5:16 Motor vehicle testing and certification
- § 5:17 —In-use durability requirements
- § 5:18 Vehicle warranties and recalls
- § 5:19 Anti-tampering
- § 5:20 —Aftermarket conversions
- § 5:21 Preemption of state mobile source and fuel regulations
- § 5:22 —Low emission and zero emission vehicle requirements; national low emission vehicle program
- § 5:23 Highway motorcycles
- § 5:24 Heavy-duty engines—Introduction
- § 5:25 —Overview of heavy-duty engine emission standards
- § 5:26 —1997 standard—Combined NMHC and NO_x
- § 5:27 —Phase I emission standards for 2004 and later model year highway heavy-duty vehicles and engines
- § 5:28 —Phase II emission standards for 2007 and later model year highway heavy-duty vehicles and engines
- § 5:29 ——Heavy-duty diesel engine standards
- § 5:30 ——Heavy-duty gasoline engine standards and evaporative controls

- § 5:31 ——Diesel fuel sulfur content
- § 5:32 —Tier 3 emission standards for certain 2017 and later model year highway heavy-duty vehicles and engines and gasoline sulfur limits
- § 5:33 —Recent emission standards
- § 5:34 —Engine/vehicle testing and certification
- § 5:35 —Engine rebuilding and tampering
- § 5:36 Mobile source air toxics
- § 5:37 Greenhouse gas emissions from motor vehicles—Introduction
- § 5:38 —California GHG standards
- § 5:39 —EPA’s CAA endangerment finding
- § 5:40 —Corporate average fuel economy standards and GHG emission standards
- § 5:41 —Impact of regulating motor vehicle GHG emissions on stationary sources
- § 5:42 —Other mobile source GHG initiatives
- § 5:43 Nonroad engines and vehicles—Introduction
- § 5:44 —Preemption
- § 5:45 —Nonroad diesel engines
- § 5:46 —Nonroad spark ignition engines
- § 5:47 —Land-based recreational engines
- § 5:48 —Locomotives
- § 5:49 —Recreational and commercial marine engines
- § 5:50 Urban bus standards
- § 5:51 Aircraft emission standards
- § 5:52 Clean fuel vehicles program—Introduction
- § 5:53 —Clean fuel fleet program
- § 5:54 —California pilot program
- § 5:55 Fuel standards and requirements—Introduction
- § 5:56 —Fuel volatility
- § 5:57 —Reformulated gasoline
- § 5:58 ——General requirements
- § 5:59 ——Opt-in and opt-out
- § 5:60 ——Trading credits and anti-dumping
- § 5:61 —Oxygenated gasoline
- § 5:62 —Detergent additives and lead phase-down
- § 5:63 —Renewable fuel standards—Introduction
- § 5:64 ——Establishment of annual standards
- § 5:65 ——Small refinery exemption
- § 5:66 ——Reports and studies
- § 5:67 ——Compliance
- § 5:68 ——Relationship to state laws
- § 5:69 ——Limits on ethanol content of gasoline
- § 5:70 —Boutique fuels
- § 5:71 —Registration and testing of fuels and fuel additives
- § 5:72 EPA highway vehicle emission factor models
- § 5:73 Vehicle idling and other emission reduction initiatives

CHAPTER 6. TITLE III: HAZARDOUS AIR POLLUTANTS

- § 6:1 Introduction
- § 6:2 List of hazardous air pollutants
- § 6:3 List of source categories—Major and area source definitions
- § 6:4 —Required source categories
- § 6:5 Maximum achievable control technology standards

TABLE OF CONTENTS

- § 6:6 —General provisions, including startup, shutdown, and malfunction requirements
- § 6:7 —Promulgation schedule
- § 6:8 Specific MACT standards—Introduction
- § 6:9 —Synthetic organic chemical manufacturing industry
- § 6:10 —Cement kilns
- § 6:11 —Wood furniture manufacturing operations
- § 6:12 —Secondary aluminum production
- § 6:13 —Chromium electroplating and anodizing
- § 6:14 —Industrial, commercial, and institutional boilers and process heaters
- § 6:15 —Asbestos removal
- § 6:16 —Adopted and proposed standards, including periodic technology review
- § 6:17 Residual risk standards
- § 6:18 Equivalent emission limitation by permit—MACT hammer
- § 6:19 New and modified sources of hazardous air pollutants—Restrictions on construction, reconstruction, or modification
- § 6:20 —Application of PSD requirements
- § 6:21 Area source program
- § 6:22 Schedule for compliance with emission standards
- § 6:23 —Voluntary early reduction
- § 6:24 State programs
- § 6:25 Incinerator and landfill regulations
- § 6:26 —Incinerators generally
- § 6:27 —Municipal solid waste incinerators
- § 6:28 —Medical waste incinerators
- § 6:29 —Commercial and industrial solid waste incinerators
- § 6:30 —Other solid waste incinerators, including sewage sludge incinerators
- § 6:31 —Landfills
- § 6:32 Atmospheric deposition
- § 6:33 Specific studies
- § 6:34 Electric utility steam generating unit studies and standards
- § 6:35 Coke oven production technology study and standards
- § 6:36 Publicly owned treatment works studies and standards
- § 6:37 Hydrogen sulfide—Oil and gas extraction
- § 6:38 Hydrofluoric acid hazards and uses
- § 6:39 Risk assessment methodologies
- § 6:40 Reports to Congress
- § 6:41 Mickey Leland Urban Air Toxics Research Center
- § 6:42 Savings provision
- § 6:43 Prevention of accidental releases—Purpose and general duty
- § 6:44 —List of substances
- § 6:45 —Regulation of flammable substances
- § 6:46 —Accident prevention programs
- § 6:47 —Access to offsite consequence data
- § 6:48 Government action to prevent or respond to accidental releases
- § 6:49 Chemical Safety Board
- § 6:50 Risk Assessment and Management Commission
- § 6:51 Chemical process safety management
- § 6:52 Toxic release inventory reporting

CHAPTER 7. TITLE IV: ACID DEPOSITION CONTROL

- § 7:1 Introduction

- § 7:2 Congressional findings and purpose
- § 7:3 Sulfur dioxide allowance program for existing and new units
- § 7:4 Phase I sulfur dioxide requirements
 - Emission limitations: substitution and assignment
 - Phase I extensions, early reductions
- § 7:7 Phase II sulfur dioxide requirements
- § 7:8 Contingency guaranty, auctions, and reserves
- § 7:9 Allowance transfer and tracking system
- § 7:10 Permits and compliance plans
- § 7:11 Excess emissions penalty
- § 7:12 Monitoring, reporting, and recordkeeping requirements
- § 7:13 Restrictions on emission trading
- § 7:14 Clean coal technology regulatory incentives
- § 7:15 Repowering technologies
- § 7:16 Small diesel refineries
- § 7:17 Incentives for renewable energy and energy conservation
- § 7:18 Election for additional sources (opt-ins)
- § 7:19 Nitrogen oxide emission reduction program
- § 7:20 New Source Performance Standards for power plant NO_x emissions
- § 7:21 Other power plant-related initiatives, including the Clean Air Interstate Rule and Cross-State Air Pollution Rule
- § 7:22 National Acid Precipitation Assessment Program
- § 7:23 Western states acid deposition research
- § 7:24 Miscellaneous reports
- § 7:25 State acid rain programs

CHAPTER 8. TITLE V: OPERATING PERMITS

- § 8:1 Introduction
- § 8:2 State and tribal permit programs—Minimum permit program elements
 - Submission and approval
 - Role of tribal governments
 - Partial permit programs and interim approval
 - Administration and enforcement
- § 8:7 Permit applications—Sources affected
- § 8:8 Permit application elements
 - Compliance plan and schedule
 - Certification of application
 - Completeness determinations, application approval, and public availability
- § 8:12 Permit fees
- § 8:13 Permit conditions
- § 8:14 Emission monitoring requirements—Authority to require source emission monitoring
 - Compliance assurance monitoring rule
 - Data representativeness
 - Verification of operational status
 - Quality assurance and control
 - Frequency of monitoring
 - Data availability
 - CAM permit application requirements and quality improvement plans
 - Reporting and recordkeeping

TABLE OF CONTENTS

- § 8:23 —CAM implementation
- § 8:24 Periodic monitoring
- § 8:25 Credible evidence rule
- § 8:26 Recordkeeping and reporting
- § 8:27 Designated representative and annual compliance certification
- § 8:28 Single, general, and temporary permits
- § 8:29 Permit shield
- § 8:30 Permit review and approval—Introduction
- § 8:31 —Issuance of draft permit, including public review
- § 8:32 —Affected state review
- § 8:33 —Proposed permit, objection by EPA, petition by interested party, and final permit issuance
- § 8:34 —Relationship between Title V objection and citizen suit/enforcement provisions
- § 8:35 —Relationship between NSR and Title V permitting
- § 8:36 —Post-permit review
- § 8:37 —Environmental Appeals Board
- § 8:38 Permit modification, renewal, and revocation—Introduction
- § 8:39 —Administrative permit amendments
- § 8:40 —Significant permit modifications
- § 8:41 —Minor permit modifications
- § 8:42 —Off-permit changes
- § 8:43 —Part 70 permit modification controversy
- § 8:44 —State permit modification programs
- § 8:45 —Permit renewals
- § 8:46 —Termination, modification, revocation, and reissuance “for cause”
- § 8:47 Permits for new and modified sources—Title V, PSD, NSR, NSPS, and NESHAP
- § 8:48 Operational flexibility—Introduction
- § 8:49 —Alternative operating scenarios and emission trading
- § 8:50 —Other operational flexibility alternatives, including approved replicable methodologies
- § 8:51 Title V program review and reform
- § 8:52 Small business stationary source technical and environmental compliance assistance program—Eligibility
- § 8:53 —Small Business Assistance Program requirements
- § 8:54 —Different requirements for small business sources

CHAPTER 9. TITLE VI: STRATOSPHERIC OZONE PROTECTION

- § 9:1 Introduction
- § 9:2 Ozone-depleting substances
- § 9:3 Phaseout of Class I and Class II substances—Introduction
- § 9:4 —Phaseout of Class I substances
- § 9:5 ——Exceptions to Class I phaseout
- § 9:6 —Phaseout of Class II substances
- § 9:7 ——Exceptions to Class II phaseout
- § 9:8 —Exchange authority and allowance system
- § 9:9 —Monitoring and reporting requirements
- § 9:10 Relationship between ozone-depleting substances and greenhouse gases, including phasedown of hydrofluorocarbons under AIM Act

- § 9:11 National recycling and emission reduction program—Introduction
- § 9:12 —Air conditioning and refrigeration equipment repair and disposal (other than motor vehicles) and AIM Act emission reduction and reclamation program
- § 9:13 —Servicing of motor vehicle air conditioners
- § 9:14 Nonessential product ban
- § 9:15 Labeling
- § 9:16 Significant new alternatives policy (SNAP) program and AIM Act petition process for hydrofluorocarbons
- § 9:17 Federal procurement policy
- § 9:18 CAA relationship to the Montreal Protocol
- § 9:19 Authority of EPA to regulate additional substances
- § 9:20 International cooperation

CHAPTER 10. GLOBAL CLIMATE CHANGE

- § 10:1 Protection of global climate—Introduction
- § 10:2 International climate change initiatives—Introduction
- § 10:3 —Kyoto Protocol
- § 10:4 ——Pre-ratification developments
- § 10:5 ——Negotiations regarding successor agreement
- § 10:6 —Paris Agreement
- § 10:7 —European Union implementation
- § 10:8 —Other measures
- § 10:9 —Role of the United States
- § 10:10 Clean Air Act provisions directed toward climate change
- § 10:11 —Pre-1990 study provisions
- § 10:12 —Information and assessment requirements of the 1990 CAA Amendments
- § 10:13 —Global warming potential; non-CO₂ greenhouse gases, excluding methane
- § 10:14 —Methane
- § 10:15 Clean Air Act provisions indirectly addressing climate change
- § 10:16 Carbon capture and storage
- § 10:17 Initiatives to address climate change under the Clean Air Act
- § 10:18 —Mobile sources
- § 10:19 —Stationary sources
- § 10:20 State greenhouse gas reduction initiatives
- § 10:21 —California
- § 10:22 ——Early reduction measures and GHG emission cap-and-trade program
- § 10:23 ——Mandatory GHG reporting
- § 10:24 ——Emission performance standards for utilities
- § 10:25 ——Mobile source and fuel initiatives
- § 10:26 ——Sustainable community strategies
- § 10:27 ——Environmental review
- § 10:28 ——Other legislative and regulatory developments
- § 10:29 —Other states
- § 10:30 Regional greenhouse gas reduction initiatives
- § 10:31 Greenhouse gas reporting; emission reduction registries
- § 10:32 Corporate disclosure of climate change impacts
- § 10:33 Review of climate change impacts under the National Environmental Policy Act and related statutes—Introduction
- § 10:34 —Judicial developments under NEPA

TABLE OF CONTENTS

- § 10:35 —Recent regulatory developments and guidance
- § 10:36 —Endangered Species Act
- § 10:37 Climate change legislation
- § 10:38 Climate change litigation—Introduction
- § 10:39 —CAA authority to regulate GHG emissions
- § 10:40 —Constitutional and related actions to compel climate change action
- § 10:41 —Public/private nuisance, consumer fraud, and other statutory and common law theories

CHAPTER 11. TITLE VII: ENFORCEMENT, RULEMAKING, AND JUDICIAL REVIEW

- § 11:1 Introduction
- § 11:2 Federal enforcement generally—Notices of violation (NOV)
- § 11:3 —New source review
- § 11:4 Administrative enforcement—Administrative compliance orders
- § 11:5 —Emergency compliance orders
- § 11:6 —Administrative assessment of penalties
- § 11:7 —Hearing procedures and Environmental Appeals Board
- § 11:8 —Field citation program
- § 11:9 —Judicial review of administrative penalty orders and field citations
- § 11:10 —Enforcement of administrative penalty orders
- § 11:11 —Economic benefit fines
- § 11:12 Civil enforcement
- § 11:13 Criminal enforcement
 - Violations of key CAA provisions and meaning of “knowing” violation
 - § 11:15 —Reporting, recordkeeping, monitoring, and fee payment violations
 - § 11:16 —Negligent or knowing releases of pollutants
 - § 11:17 —Conventional crimes
 - § 11:18 —False or misleading statements
 - § 11:19 —Mail and wire fraud
 - § 11:20 —Obstruction of justice/administrative proceedings
 - § 11:21 —Destruction, alteration, or falsification of records in federal investigations and bankruptcy
 - § 11:22 —Conspiracy and Racketeer Influenced and Corrupt Organizations Act
 - § 11:23 —Federal procurement blacklist/contractor debarment
 - § 11:24 Liability of corporate officers and employees
 - § 11:25 Mobile source enforcement
 - § 11:26 Evidence supporting enforcement actions—The credible evidence rule
 - § 11:27 Audit policy and audit privileges/immunity; compliance assistance; Next Generation compliance; federal enforcement and compliance priorities
 - § 11:28 Penalty assessment criteria—Introduction
 - § 11:29 —EPA’s CAA civil penalty policy
 - § 11:30 —Determining length of violation
 - § 11:31 —Supplemental environmental projects
 - § 11:32 Monitoring, compliance certification, recordkeeping, reporting, and inspection requirements and administrative subpoenas
 - § 11:33 —Enhanced monitoring/compliance certification
 - § 11:34 —Inspections
 - § 11:35 —Administrative enforcement subpoenas
 - § 11:36 Relationship between federal and state enforcement of the CAA
 - § 11:37 —EPA’s high priority violation policy

- § 11:38 —EPA “overfiling”
- § 11:39 Statute of limitations—Introduction
- § 11:40 —Civil penalties in NSR actions
- § 11:41 —Injunctive relief in NSR actions, including concurrent remedies doctrine
- § 11:42 —Discovery rule and equitable tolling
- § 11:43 —EPA failure to perform nondiscretionary duty
- § 11:44 Public participation in CAA enforcement
- § 11:45 Citizen suits—Introduction
- § 11:46 —Diligent prosecution and intervention
- § 11:47 —Emission standards or limitations generally
- § 11:48 —Title V permits and permit-related SIP requirements
- § 11:49 —NSR permits
- § 11:50 —Failure to carry out nondiscretionary duties or compelling agency action unreasonably delayed
- § 11:51 —Procedural requirements
- § 11:52 Bounties
- § 11:53 Relationship between CAA citizen suit provision and common law nuisance and other claims
- § 11:54 Administrative proceedings, judicial review, and rulemaking procedures—
Subpoenas, confidentiality, and witnesses
- § 11:55 —Rulemaking dockets and notice
- § 11:56 —Substance of objections to EPA actions; petitions for reconsideration
- § 11:57 —Judicial review of EPA actions
- § 11:58 —Venue
- § 11:59 —Final agency action
- § 11:60 —Deadline for challenging final agency action
- § 11:61 —Standard for reviewing substantive challenges to CAA rules/actions
- § 11:62 —Standard for reviewing procedural challenges to CAA rules/actions
- § 11:63 Attorneys’ fees and costs
- § 11:64 Public participation in settlements

CHAPTER 12. TITLES VIII TO XI: STATE GRANTS, MISCELLANEOUS STUDIES AND RESEARCH, UNITED STATES-MEXICO RELATIONS, AND OTHER MISCELLANEOUS PROVISIONS

- § 12:1 Introduction
- § 12:2 State grant provisions
- § 12:3 Emission factors
- § 12:4 Cost/benefit analyses
- § 12:5 Business, economic and employment concerns
- § 12:6 New studies and programs authorized by Title VIII
- § 12:7 Basic monitoring research program
- § 12:8 Research regarding health effects
- § 12:9 Research concerning ecosystems and the accidental release of chemicals
- § 12:10 EPA pollution prevention research and National Institute of Environmental Health Sciences research
- § 12:11 Studies on alternative fuels and control technologies
- § 12:12 United States-Mexico air quality initiatives
- § 12:13 Disadvantaged business concerns

TABLE OF CONTENTS

§ 12:14 Clean air employment transition assistance

APPENDICES

APPENDIX A. Wooley's Websites

APPENDIX B. Glossary

APPENDIX C. Acronyms and Measurement Units

APPENDIX D. List of New Source Performance Standards (NSPS) and Emission Guidelines, 40 C.F.R. Part 60

APPENDIX E. Title III: Hazardous Air Pollutants

APPENDIX F. Summary of Clean Air Act-Related Code of Federal Regulations (C.F.R.) Sections

Table of Laws and Rules

Table of Cases

Index