

CLEAN AIR ACT
(as amended in 1990)
ANALYSIS OF POTENTIAL SANCTIONS
FOR DEFICIENCIES IN
STATE IMPLEMENTATION PLANS

TITLE I – AIR POLLUTION PREVENTION AND CONTROL

Part A – Air Quality and Emission Limitations

Section 110. IMPLEMENTATION PLANS

110(m) Sanctions - The Administrator may apply any of the sanctions listed in section 179(b) at any time (or at any time after the Administrator makes a finding, disapproval, or determination under paragraphs (1) through (4), respectively, of section 179(a) in relation to any plan or plan item (as that term is defined by the Administrator) required under this Act, with respect to any portion of the State the Administrator determines reasonable and appropriate, for the purpose of ensuring that the requirements of this Act relating to such plan or plan item are met. The Administrator shall, by rule, establish criteria for exercising his authority under the previous sentence with respect to any deficiency referred to in section 179(a) to ensure that, during the 24-month period following the finding, disapproval, or determination referred to in section 179(a), such sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency.

TITLE I – AIR POLLUTION PREVENTION AND CONTROL

Part D - Plan Requirements for Nonattainment Areas

Subpart 1 - Nonattainment Areas in General

Section 179. SANCTIONS AND CONSEQUENCES OF FAILURE TO ATTAIN.

179(a) State Failure.- For any implementation plan or plan revision required under this part (or required in response to a finding of substantial inadequacy as described in section 110(k)(5)), if the Administrator-

179(a)(3)

(A) determines that a State has failed to make any submission as may be required under this Act, other than one described under paragraph (1) or (2), including an adequate maintenance plan, or has failed to make any submission, as may be required under this Act, other than one described under paragraph (1) or (2), that satisfies the minimum criteria established in relation to such submission under section 110(k)(1)(A), or

(B) disapproves in whole or in part a submission described under subparagraph (A), or

179(a)(4) finds that any requirement of an approved plan (or approved part of a plan) is not being implemented, unless such deficiency has been corrected within 18 months after the finding, disapproval, or determination referred to in paragraphs (1), (2), (3), and (4), one of the sanctions referred to in subsection (b) shall apply, as selected by the Administrator, until the Administrator determines that the State has come into compliance, except that if the Administrator finds a lack of good faith, sanctions under both paragraph (1) and paragraph (2) of subsection (b) shall apply until the Administrator determines that the State has come into compliance. If the Administrator has selected one of such sanctions and the deficiency has not been corrected within 6 months thereafter, sanctions under both paragraph (1) and paragraph (2) of subsection (b) shall apply until the Administrator determines that the State has come

into compliance. In addition to any other sanction applicable as provided in this section, the Administrator may withhold all or part of the grants for support of air pollution planning and control programs that the Administrator may award under section 105.

179(b) Sanctions.- The sanctions available to the Administrator as provided in subsection (a) are as follows:

(1) Highway sanctions.-

(A) The Administrator may impose a prohibition, applicable to a nonattainment area, on the approval by the Secretary of Transportation of any projects or the awarding by the Secretary of any grants, under title 23, United States Code, other than projects or grants for safety where the Secretary determines, based on accident or other appropriate data submitted by the State, that the principal purpose of the project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, selection by the Administrator of this sanction.

179(b) (2) Offsets.- In applying the emissions offset requirements of section 173 to new or modified sources or emissions units for which a permit is required under part D, the ratio of emission reductions to increased emissions shall be at least 2 to 1.