

40 C.F.R. § 57.102

Eligibility.

(a) A primary copper, lead, zinc, molybdenum, or other nonferrous smelter is eligible for an NSO if it meets the following conditions:

- (1) The smelter was in existence and operating on August 7, 1977;
- (2) The smelter is subject to an approved or promulgated sulfur dioxide (SO₂) State Implementation Plan (SIP) emission limitation which is adequate to ensure that National Ambient Air Quality Standards (NAAQS) for SO₂ are achieved without the use of any unauthorized dispersion techniques; and
- (3) The Administrator determines, based on a showing by the smelter owner, that no means of emission limitation applicable to the smelter which would enable it to comply with its SIP stack emission limitation for SO₂ has been adequately demonstrated to be reasonably available (taking into account the cost of compliance, nonair quality health and environmental impact, and energy considerations) in accordance with § 57.201(d)(1).

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