

## 40 C.F.R. § 71.2

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### Definitions.

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The following definitions apply to part 71. Except as specifically provided in this section, terms used in this part retain the meaning accorded them under the applicable requirements of the Act.

*Act* means the Clean Air Act, as amended, 42 U.S.C. 7401*et seq.*

*Affected source* shall have the meaning given to it in 40 CFR 72.2.

*Affected States* are:

- (1) All States and areas within Indian country subject to a part 70 or part 71 program whose air quality may be affected and that are contiguous to the State or the area within Indian country in which the permit, permit modification, or permit renewal is being proposed; or that are within 50 miles of the permitted source. A Tribe shall be treated in the same manner as a State under this paragraph (1) only if EPA has determined that the Tribe is an eligible Tribe.
- (2) The State or area within Indian country subject to a part 70 or part 71 program in which a part 71 permit, permit modification, or permit renewal is being proposed. A Tribe shall be treated in the same manner as a State under this paragraph (2) only if EPA has determined that the Tribe is an eligible Tribe.
- (3) Those areas within the jurisdiction of the air pollution control agency for the area in which a part 71 permit, permit modification, or permit renewal is being proposed.

*Affected unit* shall have the meaning given to it in 40 CFR 72.2.

*Alternative operating scenario (AOS)* means a scenario authorized in a part 71 permit that involves a change at the part 71 source for a particular emissions unit, and that either results in the unit being subject to one or more applicable requirements which differ from those applicable to the emissions unit prior to implementation of the change or renders inapplicable one or more requirements previously applicable to the emissions unit prior to implementation of the change.

*Applicable requirement* means all of the following as they apply to emissions units in a part 71 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future compliance dates):

- (1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter;
  - (2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under title I, including parts C or D, of the Act;
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- (3) Any standard or other requirement under section 111 of the Act, including section 111(d);
- (4) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;
- (5) Any standard or other requirement of the acid rain program under title IV of the Act or 40 CFR parts 72 through 78;
- (6) Any requirements established pursuant to section 114(a)(3) or 504(b) of the Act;
- (7) Any standard or other requirement under section 126(a)(1) and (c) of the Act;
- (8) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;
- (9) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;
- (10) Any standard or other requirement for tank vessels, under section 183(f) of the Act;
- (11) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;
- (12) Any standard or other requirement of the regulations promulgated at 40 CFR part 82 to protect stratospheric ozone under title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a title V permit; and
- (13) Any national ambient air quality standard or increment or visibility requirement under part C of title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

*Approved replicable methodology (ARM)* means part 71 permit terms that:

- (1) Specify a protocol which is consistent with and implements an applicable requirement, or requirement of this part, such that the protocol is based on sound scientific and/or mathematical principles and provides reproducible results using the same inputs; and
- (2) Require the results of that protocol to be recorded and used for assuring compliance with such applicable requirement, any other applicable requirement implicated by implementation of the ARM, or requirement of this part, including where an ARM is used for determining applicability of a specific requirement to a particular change.

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