nonattainment NSR, and contingency measures), and requires sanctions and FIP's if the SIP is not developed and implemented in a timely manner.

While these part D requirements may well be useful in effectively addressing the air quality problem, plan development may proceed more quickly in response to a SIP call in some cases because the SIP call does not entail the process and time needed to undertake a redesignation of an area (including the notification of the Governor required under section 107(d)(3)). The SIP submitted in response to a SIP call under section 110 must also provide for expeditious attainment of the NAAQS. A disadvantage of relying on SIP calls for attainment areas is that, unless an area is otherwise subject to section 173 permit requirements, no mandatory sanctions are applicable in the event the State fails to respond adequately to the SIP call. The discretionary air grant funding sanction under section 179 remains available for attainment areas, however. The requirement for EPA to promulgate a Federal plan if the State fails to submit an approvable SIP is wholly applicable for either option.

In addition to the advantages and disadvantages just described, decisions about which regulatory approach to use should consider factors specific to the affected area. Among the factors EPA will consider are the following:

(1) The magnitude of the violation.

(2) The persistence of violations.

(3) The exposure potential. (For example, is it near a population center or a school?)

(4) The State's regulatory process. (For example, is it lengthy; does the legislature only meet periodically? Would the timeline of one option fit better within the State's regulatory frame work?)

(5) Other sources in the area. (For example, can culpability be clearly determined? Would one process facilitate that determination of culpability over the other? Is new source growth anticipated?)

(6) The need for a more objective level of control.

(7) The type of information available for indicating a problem exists (monitoring, modeling, others).

(8) If there is uncertainty associated with modeling and/or past history of failing to attain the standard, does the action taken provide for appropriate contingencies that can be implemented if the area fails to provide a SIP or to attain and maintain the standards?

(9) Is there a need for long-range planning for the area and does the approach taken facilitate this planning effort? IV. Requirements Associated With Retention of Existing NAAQS and Implementation of a Section 303 Program

In attempting to address health concerns with population exposure to high concentrations of SO₂ for short periods of time, one of the alternatives that EPA considered in the part 50/53 notice is to reaffirm the existing SO_2 NAAQS and at the same time to promulgate a trigger level for implementation of a program under section 303 of the Act. The basic rationale and legal authority for that program are discussed in that document. What follows in more detail is the proposed implementation program, including the proposed regulatory text. The EPA believes that a targeted implementation strategy, as already discussed, could be used to find sources that would be subject to further emissions or operational control under a section 303 program. The EPA believes that a program to protect the public from exposure to high concentrations of SO₂ for short periods of time may be successfully implemented under section 303. The type of program EPA is proposing to implement would require States to submit contingency plans to EPA that would require certain actions on behalf of the State and source once an established ambient SO₂ concentration ("trigger level") is violated. The State would be required to take certain actions to determine the source of the emissions and to protect against future violations of the trigger level.

As described in the part 50/53 notice concerning the regulatory alternative of the section 303 program, EPA believes that sections 303, 110(a)(2)(G), and 301 provide adequate legal authority to establish this program and to promulgate regulations to implement it. As with the existing section 303 program, EPA's proposed regulations require States to adopt contingency plans under section 110(a)(2)(G) to carry out the program. The EPA is proposing to require that each State submit such plans to EPA within 18 months of the promulgation of final regulations establishing a section 303 program. The EPA believes that section 110(a)(2)(G)authorizes EPA to require these submissions and that 18 months is an adequate period of time to develop and submit the programs to EPA for approval.

Once the section 303 trigger level has been violated, EPA proposes that the following actions occur. First, within 30 days of a violation of the trigger level, the State would carry out a compliance

inspection of the culpable source. The EPA recommends that the State not wait for a violation but conduct a compliance inspection after the first exceedance. If the source is out of compliance with its existing emission limits, then the State would take the necessary steps to bring the source into compliance within 30 days of the compliance inspection. If, however, the State determines that bringing the source into compliance with its existing emission limits would not be likely to prevent further exceedances of the trigger level, or the State determines the source to be in compliance with applicable emission limits, then further action would be needed. In such circumstances, the next step would be for the State and source to examine the cause of the emissions. Once that is determined, enforceable actions would need to be developed to address the cause of the pollution. These actions must eventually be made federally enforceable by adopting them as source-specific SIP revisions. The EPA proposes to require that actions be taken within 60 days of the compliance inspection and provide for implementation of any new control measures as expeditiously as practicable. The EPA expects that the control measures that may need to be implemented to prevent recurrences of 5-minute SO₂ peaks may include better maintenance of control equipment, better capture of fugitive emissions, raising the stack height, or other innovative control measures.

The EPA believes that the actions required of States and sources would provide adequate protection against the recurrence of high, 5-minute SO_2 peaks once such emissions are identified as a problem for particular sources. The EPA also believes that the time periods for taking action that it is proposing are reasonable periods, as they provide sufficient time for the required actions to take place, while assuring that any necessary corrective actions will be taken and implemented as expeditiously as practicable.

The EPA would also retain the ability to take whatever actions it believed appropriate directly under section 303. Thus, EPA could take direct action under section 303 prior to the adoption of State contingency plans if needed, or take action after their adoption if circumstances warranted such Federal action. Moreover, once the section 303 contingency plans have been adopted and incorporated into SIP's, EPA may directly enforce their provisions pursuant to section 113 of the Act.

However, it is EPA's position that the States are primarily responsible for carrying out actions under this section