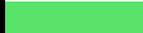
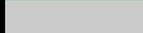


**SIP-Approved States That Have the 100/250 TPY Figures in Their Statutes and Regulations**

The Tailoring Rule poses a potential problem for SIP-Approved States (there are 38 SIP-Approved states, and the other 13 states + D.C. are partially or fully EPA delegated). Many of these states have enshrined Title V and PSD language into their own statutes and regulations (including the 100/250 tpy permit trigger for major sources of all regulated air pollutants), so with the rule in effect, the states will need to amend their statutes and regulations to avoid legal problems. This analysis found 10 total instances of state statutes containing the 100/250 tpy numbers and 34 total instances of regulations containing the 100/250 tpy numbers, out of the 38 SIP-Approved States. 36 total SIP-Approved states have the numbers in either their statutes, regs, or both. The beige and blue highlighting indicate the presence of the numbers in statutes and regulations, respectively, and the comment fields contain example locations of the numbers from the states' statutory or regulatory codes (a particular code may contain the numbers more than once, but only the most prominent example was cited for each). Note: the LexisNexis 50 State Survey for Air Quality was used as a template for this document.

<b>LEGEND</b>	
	EPA Delegated States + DC <b>(8 total)</b>
	Partially Delegated States <b>(5 total)</b>
no color	SIP Approved states <b>(38 total)</b>
	100 or 250 tpy numbers found in statute <b>(10 total)</b>
	100 or 250 tpy numbers found in regulations <b>(34 total)</b>

<b>STATE</b>	<b>Section Cite</b>	<b>Comment</b>
<b>AL</b>	<b>Statutes:</b> <a href="#">Code of Ala. §§ 22-28-1 through 22-29-23</a>	No mention of numbers
	<b>Regulations:</b> <a href="#">Ala. Admin. Code r. 335-3-1-.01 through 335-3-21-.07</a>	Ala. Admin. Code r. 335-3-14-.04(2)(a): 100/250 tpy definition for major sources of NSR pollutants
<b>AK</b>	<b>Statutes:</b> <a href="#">Alaska Stat. §§ 46.14.010 through 46.14.990</a>	no numbers
	<b>Regulations:</b> <a href="#">18 Alaska Admin. Code 50.005 through 18 Alaska Admin. Code 50.990</a>	50 AAC 50.306: major stationary source PSD definitions adopted from fed regs (40 CFR 52.21)- Alaska reg doesn't state numbers, just refers to fed regs
<b>AZ</b>	<b>Statutes:</b> <a href="#">A.R.S. §§ 49-401 through 49-593</a>	
	<b>Regulations:</b> <a href="#">A.A.C. §§ R18-2-101 through R18-2-1709</a>	

AR	<b>Statutes:</b> <a href="#">A.C.A. §§ 8-4-301 through 8-4-316</a> no numbers
	<b>Regulations:</b> <a href="#">014 01 CARR 018 through 014 01 CARR 031</a> 014 01 CARR 026 ch. 2: major stationary source def: 100 tpy of any regulated air pollutant
CA	<b>Statutes:</b> <a href="#">Cal Health &amp; Saf Code §§ 39000 through 44563</a>
	<b>Regulations:</b> <a href="#">17 CCR 60000 through 17 CCR 95007</a>
CO	<b>Statutes:</b> <a href="#">C.R.S. 25-7-101 through 25-7-1309</a> 25-7-114(3)(b) major source... "Directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant"
	<b>Regulations:</b> <a href="#">5 CCR 1001-1 through 5 CCR 1001-23</a> 5 CCR 1001-5(D)II.A.24.b "a source causing or contributing to a violation of a national ambient air quality standard for any pollutant regulated under Section 110 of the Federal Act shall be considered a major stationary source when it has the potential to emit one hundred tons per year or more of that pollutant."
CT	<b>Statutes:</b> <a href="#">Conn. Gen. Stat. §§ 22a-170 through 22a-202</a> no numbers
	<b>Regulations:</b> <a href="#">Regs., Conn. State Agencies §§ 22a-174-1 through 22a-174-200</a> Sec. 22a-174-33(a)(10)(F). Title V sources (i) one hundred (100) tons or more per year of any regulated air pollutant,
DE	<b>Statutes:</b> <a href="#">7 Del. C. § 6095 through 7 Del. C. § 6099</a> 7 Del. C. § 6095 Applicability (3) 100tpy source
	<b>Regulations:</b> <a href="#">CDR 7-1000-1101 through 7-1000-1353</a> CDR 7-1000-1130 Title V major source 100 tpy
DC	<b>Statutes:</b> <a href="#">D.C. Code §§ 8-101.01 through 8-101.06</a>
	<b>Regulations:</b> <a href="#">CDCR 10-403</a> <a href="#">CDCR 16-3637</a>

FL	<b>Statutes:</b> <a href="#">Fla. Stat. §§ 403.011 through 403.42</a> no numbers; Fla. Stat. §403.031(19) "Regulated air pollutant" means any pollutant regulated under the federal Clean Air Act.
	<b>Regulations:</b> <a href="#">62-1.003 through 62-297.620, F.A.C.</a> FAC 62-210.200(185)(c) major facility- e/pte 100 tpy any other air pollutant subj. to reg under Fla.Stat. §403; 62-213.300 Title V Air General Permits (2)(a)(1)(c)(i) any regulated pollutant under Fla Stat §403 e/pte 100 tpy
GA	<b>Statutes:</b> <a href="#">O.C.G.A. §§ 12-9-1 through 12-9-70</a> no numbers
	<b>Regulations:</b> <a href="#">Ga. Comp. R. &amp; Regs. r. 391-3-1-.01 through 391-3-1-.14</a> No mention of numbers
GU	<b>Statutes:</b> <a href="#">10 GCA § 49101 through 10 GCA § 49119</a> 10 GCA §49103 Definitions (l) major source (1)(2) 100 tpy of any air pollutant est. by Administrator
	<b>Regulations:</b> <a href="#">22 GAR § 1101 through 22 GAR Div I, Ch 1, Appendix A</a> 22 GAR §1101(oo) major source 100/250 tpy
HI	<b>Statutes:</b> <a href="#">HRS §§ 342B-1 through 342C-5</a>
	<b>Regulations:</b> <a href="#">WCHR 11-59</a> <a href="#">WCHR 11-60.1</a>
ID	<b>Statutes:</b> <a href="#">Idaho Code §§ 39-6701 through 39-6717</a> no numbers
	<b>Regulations:</b> <a href="#">IDAPA 58.01.01.000 through 58.01.01.863</a> IDAPA 58.01.01.008(10) Major Facility (c) The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant.
IL	<b>Statutes:</b> <a href="#">415 ILCS 5/8 through 415 ILCS 5/10</a>
	<b>Regulations:</b> <a href="#">35 Ill. Adm. Code 201.101 through 35 Ill. Adm. Code 245</a> <a href="#">Appx. B</a>

IN	<b>Statutes:</b> <a href="#">Burns Ind. Code Ann. §§ 13-17-1-1 through 13-17-14-12</a>	Clean Air Act Permit Compliance Program only applies to sources with potential to emit less than 100 tpy of any regulated pollutant §13-17-7-3
	<b>Regulations:</b> <a href="#">326 IAC 1-1-1 through 326 IAC 26-1-8</a>	326 IAC 2-2-1 PSD Definitions (gg) "Major stationary source" means the following:(1) Any of the following stationary sources of air pollutants that are located or proposed to be located in an attainment or unclassifiable area as designated in 326 IAC 1-4 and that emit or have the potential to emit one hundred (100) tons per year or more of any regulated NSR pollutant:
IA	<b>Statutes:</b> <a href="#">Iowa Code §§ 455B.131 through 455B.153</a>	Iowa Code § 455B.131 Definitions 8. "Major stationary source" means a stationary air contaminant source which directly emits, or has the potential to emit, one hundred tons or more of an air pollutant per year including a major source of fugitive emissions of a pollutant as determined by rule by the department or the administrator of the United States environmental protection agency.
	<b>Regulations:</b> <a href="#">567 IAC 20.1(455B,17A) through 567 IAC 34.308(455B)</a>	567 IAC 33.3(1) Definitions "major stationary source" (1) (a) Any one of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant
KS	<b>Statutes:</b> <a href="#">K.S.A. §§ 65-3001 through 65-3028</a>	no numbers
	<b>Regulations:</b> <a href="#">K.A.R. §§ 28-19-8 through 28-19-801</a>	KAR §28-19-200 Ambient Air Quality Standards definitions(kk) major source (3) Major source shall include a major stationary source of air pollutants, as defined in 42 U.S.C. § 7602 of the federal clean air act, that directly emits or has the potential-to-emit 100 tons per year or more of any air pollutant,

KY	<b>Statutes:</b> <a href="#">KRS §§ 77.005 through 77.990</a> no numbers
	<b>Regulations:</b> <a href="#">401 KAR 50:010 through 401 KAR 100:030</a> Among other sections in the code, major stationary source definition in Ch. 51 has: "A stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of a regulated NSR pollutant"
LA	<b>Statutes:</b> <a href="#">La. R.S. 30:2051 through 30:2066</a> no numbers
	<b>Regulations:</b> <a href="#">LAC 33:III.101 through 33:III.5913</a> PSD definition for major stationary source: "any of the stationary sources of air pollutants listed in Table A of this definition that emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under this Section" LAC 33:III.509
ME	<b>Statutes:</b> <a href="#">38 M.R.S. § 353-A</a> no numbers
	<b>Regulations:</b> <a href="#">CMR 06-096-100 through 06-096-158</a> Major source definition includes "Any major stationary source of air pollutants or any group of stationary sources as defined in Section 302 of the CAA that directly emits or has the potential to emit 100 tpy or more of any single regulated pollutant" CMR 06-096-100
MD	<b>Statutes:</b> <a href="#">Md. ENVIRONMENT Code Ann. §§ 2-101 through 2-1108</a> no numbers
	<b>Regulations:</b> <a href="#">COMAR 26.11.01 through 26.11.35.07</a> "PSD source" definition includes 100 tpy COMAR 26.11.01.01
MA	<b>Statutes:</b> <a href="#">ALM GL ch. 111, § 142A through ch. 111, § 142O</a>
	<b>Regulations:</b> <a href="#">310 CMR 7.00 through 310 CMR 8.31</a>
MI	<b>Statutes:</b> <a href="#">MCLS §§ 324.5501 through 324.6539</a> <a href="#">MCLS §§ 324.14301 through 324.14810</a>
	<b>Regulations:</b> <a href="#">MICH. ADMIN. CODE R 336.1201 through 336.1128</a>

MN	<b>Statutes:</b> <a href="#">Minn. Stat. §§ 116.36 through 116.39</a> <a href="#">Minn. Stat. §§ 116.70 through 116.735</a> <a href="#">Minn. Stat. §§ 116.84 through 116.85</a>
	<b>Regulations:</b> <a href="#">Minn. R. 7009.0010 through 7009.9000</a> <a href="#">Minn. R. 7027.0500 through 7027.1150</a>
MS	<b>Statutes:</b> <a href="#">Miss. Code Ann. § 49-17-1 through 49-17-775</a> no numbers
	<b>Regulations:</b> <a href="#">CMSR 08-034-001 through 08-034-010</a> Major stationary source definition- 100 tpy <a href="#">CMSR 08-034-006</a>
MO	<b>Statutes:</b> <a href="#">§§ 643.010 through 643.620 R.S.Mo.</a> Class A source definition has 100 tpy <a href="#">§643.020</a>
	<b>Regulations:</b> <a href="#">10 CSR 10-1.010 through 10 CSR 10-6.410</a> no sign of the numbers upon review
MT	<b>Statutes:</b> <a href="#">Mont. Code Anno., §§ 75-2-101 through 75-2-519</a> no numbers
	<b>Regulations:</b> <a href="#">MONT. ADMIN. R. 17.8.101 through 17.8.1713</a> Major Stationary source definition includes "any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the FCAA" Mont. Admin. R. 17.8.801
NE	<b>Statutes:</b> <a href="#">R.R.S. Neb. §§ 81-1505 through 81-1505.06</a> Permit fees \$3000 for facilities that have potential to emit 100 tpy or more of any air pollutant <a href="#">RRS Neb 81-1505.06</a>
	<b>Regulations:</b> <a href="#">Nebraska Admin. Code Title 129, Appx. II through Title 129, Ch. 43</a> Major stationary source definition : "Except as otherwise expressly provided herein, a major stationary source of air pollutants is one that directly emits or has the potential to emit, 100 tpy or more of any air pollutant " Nebraska Admin. Code Title 129, Ch. 2
NV	<b>Statutes:</b> <a href="#">Nev. Rev. Stat. Ann. §§ 445B.100 through 445B.845</a>
	<b>Regulations:</b> <a href="#">NAC 445B.001 through 445B.3497</a>

NH	<b>Statutes:</b> <a href="#">RSA 125-C:1 through 125-O:18</a> no numbers
	<b>Regulations:</b> <a href="#">N.H. Admin. Rules, Env-A 100 through Env-A 3800 App.</a> Major source definition includes "a major stationary source of air pollutants as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant" Env-A 101.113
NJ	<b>Statutes:</b> <a href="#">N.J. Stat. §§ 26:2C-1 through 26:2C-57</a>
	<b>Regulations:</b> <a href="#">N.J.A.C. 7:27-1.1 through 7:27A-3.12</a>
NM	<b>Statutes:</b> <a href="#">N.M. Stat. Ann. §§ 74-2-1 through 74-2-17</a> 60 days notice req for construction or modification of a source w/ potential to emit 100 tpy, NM Stat Ann 74-2-7
	<b>Regulations:</b> <a href="#">20.2.1.1 through 20.2.99.154 NMAC</a> Major source definition includes "A major stationary source of air pollutants that directly emits or has the potential to emit, 100 or more tons per year of any air pollutant" 20.2.70.7 NMAC
NY	<b>Statutes:</b> <a href="#">NY CLS ECL §§ 19-0101 through 19-1105</a>
	<b>Regulations:</b> <a href="#">6 NYCRR § 200.1 through 6 NYCRR § 317.3</a>
NC	<b>Statutes:</b> <a href="#">N.C. Gen. Stat. §§ 143-215.105 through 143-215.114C</a> Title V fees- sources emitting 100 - 500 tpy pay \$2500, §143-215.106A
	<b>Regulations:</b> <a href="#">15A N.C.A.C. 2D.0101 through 15A N.C.A.C. 2D.2621</a> no sign of the numbers upon review
ND	<b>Statutes:</b> <a href="#">N.D. Cent. Code, §§ 23-25-01 through 23-25-11</a> no numbers
	<b>Regulations:</b> <a href="#">N.D. Admin. Code 33-15-01-01 through 33-15-25-04</a> Major source definition includes "A major stationary source of air contaminants, that directly emits or has the potential to emit, one hundred tons 90.68 metric tons per year or more of any air contaminant" 33-15-14-06

OH	<b>Statutes:</b> <a href="#">ORC Ann. 3704.01 through 3706.30</a> no numbers
	<b>Regulations:</b> <a href="#">OAC Ann. 3745-15-01 through 3745-24-04 Appx. A</a> Major stationary source definition includes: "Any of the following stationary sources of air pollutants that emits, or has the potential to emit, one hundred tons per year or more of any regulated NSR pollutant" OAC 3745-31-01
OK	<b>Statutes:</b> <a href="#">27A Okl. St. § 2-5-101 through 27A Okl. St. § 2-5-117</a> no numbers
	<b>Regulations:</b> <a href="#">O.A.C. §§ 252:100-1-1 through 252:100, Appx. Q</a> "Major source" means any new or modified stationary source which directly emits or has the capability at maximum design capacity and, if appropriately permitted, authority to emit 100 tons per year or more of a given pollutant. OAC § 252:100-1-3
OR	<b>Statutes:</b> <a href="#">ORS §§ 468A.005 through 468A.992</a> no numbers
	<b>Regulations:</b> <a href="#">Or. Admin. R. 340-200-0010 through 340-268-0030</a> "Federal Major Source means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed." Or. Admin. R. 340-200-0020
PA	<b>Statutes:</b> <a href="#">35 P.S. § 4001 through 35 P.S. § 4106</a>
	<b>Regulations:</b> <a href="#">25 Pa. Code § 121.1 through 25 Pa. Code § 145.223</a>
RI	<b>Statutes:</b> <a href="#">R.I. Gen. Laws §§ 23-23-1 through 23-23.6-11</a> no numbers
	<b>Regulations:</b> <a href="#">CRIR 12-031-001 through 12-035-005</a> no sign of the numbers upon review
SC	<b>Statutes:</b> <a href="#">S.C. Code Ann. §§ 48-1-130 through 48-3-160</a> no numbers
	<b>Regulations:</b> <a href="#">S.C. Code Regs. 61-62.5, Std. 1 through 61-62.99</a> "Major Plant - Except as otherwise provided, this term refers to any plant which directly emits, or has the potential to emit, one hundred tons per year or more of any regulated air pollutant." S.C. Code Regs. 61-62.1

SD	<b>Statutes:</b> <a href="#">S.D. Codified Laws §§ 34A-1-1 through 34A-1-62</a> no numbers
	<b>Regulations:</b> <a href="#">ARSD 74:36:01:01 through 74:37:01:09</a> Major source definition includes "A major source of air pollutants, as defined in § 302 of the Clean Air Act, that directly emits or has the potential to emit 100 tpy or more of any air pollutant" ARSD 74:36:01:08
TN	<b>Statutes:</b> <a href="#">Tenn. Code Ann. §§ 68-201-101 through 68-201-202</a> no numbers
	<b>Regulations:</b> <a href="#">Tenn. Comp. R. &amp; Regs. R. 1200-3-1-.01 through 1200-3-37-.01</a> Major Stationary source definition includes "any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of a regulated NSR pollutant" §1200-03-09-.01
TX	<b>Statutes:</b> <a href="#">Tex. Health &amp; Safety Code §§ 382.001 through 390.006</a> no numbers
	<b>Regulations:</b> <a href="#">30 TAC § 101.1 through 30 TAC § 118.6</a> "Major facility--Any facility that emits or has the potential to emit 100 tons per year or more of the plant-wide applicability limit (PAL) pollutant in an attainment area..."; Major Stationary Source definition refers you to the CFR for limit #s rather than including the 100 tpy as other states do, §116.12
UT	<b>Statutes:</b> <a href="#">Utah Code Ann. §§ 19-2-101 through 19-2-127</a> no numbers (100 tpy trigger for assessing fees on new facilities is included in Board discretionary duties but Board is not mandated to act, §19-2-104)
	<b>Regulations:</b> <a href="#">U.A.C. R307-101-1 through R307-840-3</a> Major source definition includes "a major stationary source of air pollutants as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant" §R307-415-3
VT	<b>Statutes:</b> <a href="#">10 V.S.A. § 551 through 10 V.S.A. § 579</a> no numbers
	<b>Regulations:</b> <a href="#">CVR 12-031-001</a> "Major Stationary Source means any stationary source or modification whose allowable emissions of any air contaminant, are equal to or greater than <b>50</b> tons per year." CVR 12-031-001

VA	<b>Statutes:</b> <a href="#">Va. Code Ann. §§ 10.1-1300 through 10.1-1328</a> no numbers
	<b>Regulations:</b> <a href="#">9 VAC 5-10-10 through 9 VAC 5-510 Title Forms</a> Major source definition includes "For air pollutants other than hazardous air pollutants, any stationary source that directly emits or has the potential to emit 100 tons per year or more of any air pollutant " 9 VAC 5-80-60
WA	<b>Statutes:</b> <a href="#">Rev. Code Wash. (ARCW) § 43.21B.260</a> <a href="#">Rev. Code Wash. (ARCW) §§ 70.94.011 through 70.94.996</a>
	<b>Regulations:</b> <a href="#">WAC §§ 173-400-010 through 173-400-560</a>
WV	<b>Statutes:</b> <a href="#">W. Va. Code §§ 22-5-1 through 22-5-19</a> no numbers
	<b>Regulations:</b> <a href="#">W. Va. CSR §§ 45-1-1 through 45-41-90</a> Major Stationary source definition includes "any of the following stationary sources of air pollutants which emits, or has the potential to emit, one hundred (100) tons per year or more of any regulated pollutant" §45-14-2
WI	<b>Statutes:</b> <a href="#">Wis. Stat. §§ 285.01 through 285.87</a> no numbers
	<b>Regulations:</b> <a href="#">Wis. Adm. Code NR 400.01 through NR 633 Appx. I</a> Major stationary source definition includes "Any of the following stationary sources of air contaminants which emits, or has the potential to emit, 100 tons per year or more of any air contaminant subject to regulation under the Act" §405.02
WY	<b>Statutes:</b> <a href="#">Wyo. Stat. §§ 35-11-201 through 35-11-214</a> Sources Subject to Operating Permit Program "Has the potential to emit one hundred (100) tons or more per year of any pollutant regulated under the Clean Air Act <b>and</b> is a major stationary source as defined in section 302 of the Clean Air Act", §35-11-203 - the "and" may render this moot because of the Tailoring Rule
	<b>Regulations:</b> <a href="#">WCWR 020-020-001 through 020-020-014</a> Major source definition includes "A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant" WCWR 020-020-006