

Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards:

40 CFR 52.40(d) Requests for Extension of Compliance

Revised October 16, 2023

Note: Each owner or operator of an affected unit is responsible for complying with all applicable requirements in 40 CFR 52.40-52.46 and should not rely on the information on this webpage as a substitute for those requirements. In the event of any discrepancy between the contents of this webpage and EPA’s regulations, the regulations govern.

Introduction

This document is provided as an informational tool for affected units in the following industries: Pipeline Transportation of Natural Gas, Cement and Concrete Product Manufacturing, Iron and Steel Mills and Ferroalloy Manufacturing, Glass and Glass Product Manufacturing, Metal Ore Mining, Basic Chemical Manufacturing, Petroleum and Coal Products Manufacturing, Pulp, Paper, and Paperboard Mills, and Municipal Waste Combustors subject to the Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards (40 CFR 52.40 - 52.46). The applicability criteria in the Good Neighbor Plan for affected units in each of these industry sectors are summarized in the table below.

Industry	NAICS Code	Emissions Unit Type	Applicability Criteria
Pipeline Transportation of Natural Gas	4862	Natural gas-fired Reciprocating Internal Combustion Engines	Nameplate rating of ≥1000 braking horsepower (bhp) and is not an emergency engine
Cement and Concrete Product Manufacturing	3273	Kilns	Directly emits or has the potential to emit 100 tpy or more of NO _x on or after August 4, 2023
Iron and Steel Mills and Ferroalloy Manufacturing	3311	Reheat Furnaces	Directly emits or has the potential to emit 100 tpy or more of NO _x on or after August 4, 2023, and does not have low-NO _x burners installed
Glass and Glass Product Manufacturing	3272	Furnaces	Directly emits or has the potential to emit 100 tons per year (tpy) or more of NO _x on or after August 4, 2023
Iron and Steel Mills and Ferroalloy Manufacturing Metal Ore Mining	3311 2122 3251 3241	Boilers	Design capacity of ≥100 mmBtu/hr that receives 90% or more of its heat input from coal, residual oil, distillate oil,

Basic Chemical Manufacturing Petroleum and Coal Products Manufacturing Pulp, Paper, and Paperboard Mills	3221		natural gas, or combinations of these fuels in the previous ozone season; and is not a low-use boiler under 40 CFR 52.45(b)(2)
Solid Waste Combustors and Incinerators	562213	Combustors or Incinerators	Design capacity ≥ 250 tons of waste/day

40 CFR 52.40(d) states:

(1) The owner or operator of an existing affected unit under § 52.41, § 52.42, § 52.43, § 52.44, § 52.45, or § 52.46 that cannot comply with the applicable requirements in those sections by May 1, 2026, due to circumstances entirely beyond the owner or operator’s control, may request an initial compliance extension to a date certain no later than May 1, 2027. The extension request must contain a demonstration of necessity consistent with the requirements of 40 CFR 52.40(d)(3).

(2) If, after the EPA has granted a request for an initial compliance extension, the source remains unable to comply with the applicable requirements in § 52.41, § 52.42, § 52.43, § 52.44, § 52.45, or § 52.46 by the extended compliance date due to circumstances entirely beyond the owner or operator’s control, the owner or operator may apply for a second compliance extension to a date certain no later than May 1, 2029. The extension request must contain an updated demonstration of necessity consistent with the requirements of 40 CFR 52.40(d)(3).

Procedures and Criteria

Under 40 CFR 52.40(d)(3), each request for a compliance extension shall demonstrate that the owner or operator has taken all steps possible to install the controls necessary for compliance with the applicable requirements in § 52.41, § 52.42, § 52.43, § 52.44, § 52.45, or § 52.46 by the applicable compliance date and shall¹:

- i. Identify each affected unit for which the owner or operator is seeking the compliance extension;
- ii. Identify and describe the controls to be installed at each affected unit to comply with the applicable requirements in § 52.41, § 52.42, § 52.43, § 52.44, § 52.45, or § 52.46;
- iii. Identify the circumstances entirely beyond the owner or operator’s control that necessitate additional time to install the identified controls;
- iv. Identify the date(s) by which on-site construction, installation of control equipment, and/or process changes will be initiated;
- v. Identify the owner or operator’s proposed compliance date.

¹ The numbering in this section corresponds with the numbering in 40 CFR 52.40(d)(3).

- A request for an initial compliance extension under paragraph (d)(1) of this section must specify a proposed compliance date no later than May 1, 2027, and state whether the owner or operator anticipates a need to request a second compliance extension.
- A request for a second compliance extension under paragraph (d)(2) of this section must specify a proposed compliance date no later than May 1, 2029, and identify additional actions taken by the owner or operator to ensure that the affected unit(s) will be in compliance with the applicable requirements in this section by that proposed compliance date;
- vi. Include all information obtained from control technology vendors demonstrating that the identified controls cannot be installed by the applicable compliance date;
- vii. Include any and all contract(s) entered into for the installation of the identified controls or an explanation as to why no contract is necessary or obtainable; and
- viii. Include any permit(s) obtained for the installation of the identified controls or, where a required permit has not yet been issued, a copy of the permit application submitted to the permitting authority and a statement from the permitting authority identifying its anticipated timeframe for issuance of such permit(s).

Submission Method and Deadline

Compliance Extension Requests shall be submitted via the Compliance and Emissions Data Reporting Interface (CEDRI) through EPA's [Central Data Exchange](#) or analogous electronic submission system provided by the EPA. The request shall be submitted no later than 180 days prior to the applicable compliance date, and in PDF format.

Until an extension has been granted by the Administrator under this section, the owner or operator of an affected unit shall comply with all applicable requirements of this section and shall remain subject to the May 1, 2026 compliance date or the initial extended compliance date, as applicable. A denial will be effective as of the date of denial.

CEDRI is a web-based application for the electronic reporting of various reports required in 40 CFR Parts 52, 60, 62 and 63. Instructions for registering with and submitting requests to CEDRI can be found in the [CEDRI CDX User Guide](#).

EPA Action on Submitted Requests

Under 40 CFR 52.40(d)(7)-(11), EPA will act on each request for an extension of compliance in accordance with the following procedures:

1. Completeness determination: The Administrator will provide written notification to the owner or operator of an affected unit who has requested a compliance extension under 40 CFR 52.40(d)(7) whether the submitted request is complete, that is, whether the request contains sufficient information to make a determination, within 60 calendar days after receipt of the original request and within 60 calendar days after receipt of any supplementary information.

2. Notification of approval or intent to deny a request: The Administrator will provide written notification, which shall be publicly available, to the owner or operator of a decision to grant or intention to deny a request for compliance extension within 60 days after providing notification that the submitted request is complete.
 - a. Before denying any request for an extension of compliance, the Administrator will provide written notification to the owner or operator in writing of the Administrator's intention to issue the denial, together with:
 - i. Notice of the information and findings on which the intended denial is based; and
 - ii. Notice of opportunity for the owner or operator to present via the CEDRI or analogous submission system provided by the EPA, within 15 calendar days after he/she is notified of the intended denial, additional information, or arguments to the Administrator before further action on the request.
3. Final decision: The Administrator's final decision to deny any request for an extension will be provided in writing and made publicly available, and will set forth the specific grounds on which the denial is based. The final decision will be made within 60 calendar days after presentation of additional information or argument (if the request is complete), or within 60 calendar days after the deadline for the submission of additional information or argument under 40 CFR 52.40(d)(9)(ii), if no such submission is made.

Under 40 CFR 52.40(d)(6), based on the information provided in any request made under 40 CFR 52.40(d) or other information, the Administrator may grant an extension of time to comply with applicable requirements in § 52.41, § 52.42, § 52.43, § 52.44, § 52.45, or § 52.46 consistent with the provisions of 40 CFR 52.40(d)(1) or (2). The decision to grant an extension will be provided in writing and made publicly available, and will:

- Identify each affected unit covered by the extension;
- Specify the termination date of the extension; and
- Specify any additional conditions that the Administrator deems necessary to ensure timely installation of the necessary controls (e.g., the date(s) by which on-site construction, installation of control equipment, and/or process changes will be initiated).

Until an extension has been granted by the Administrator under this section, the owner or operator of an affected unit shall comply with all applicable requirements of § 52.40(d) and shall remain subject to the May 1, 2026, compliance date or the initial extended compliance date, as applicable. A denial will be effective as of the date of denial.

Summary of Important Dates

- Deadline for submitting Initial Compliance Extension Request: November 3, 2025
- Initial Compliance Date: May 1, 2026
- Initial Compliance Extension Deadline: No later than May 1, 2027
- Deadline for submitting Second Compliance Extension Request: November 2, 2026
- Second Compliance Extension Deadline: No later than May 1, 2029

Incorporation of Compliance Extension Conditions into Title V Permits

Under 40 CFR 52.40(d)(5), the owner or operator of an affected unit who has requested a compliance extension under 40 CFR 52.40(d)(5) and is required to have a title V permit shall apply to have the relevant title V permit revised to incorporate the conditions of the extension of compliance. The conditions of a compliance extension granted under 40 CFR 52.40(d)(5) will be incorporated into the affected unit's title V permit according to the provisions of an EPA-approved state operating permit program or the Federal title V regulations in 40 CFR part 71, whichever apply.

If you are having difficulty accessing this information, please contact:

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