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Title 40—Protection of Environment

(This book contains part 52, §§ 52.1019 to 52.2019)

Part

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CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

EDITORIAL NOTE: Nomenclature changes to chapter I appear at 65 FR 47324, 47325, Aug. 2, 2000, 66 FR 34375, 34376, June 28, 2001, and 69 FR 18803, Apr. 9, 2004.

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52.1934 Prevention of air pollution emergency episodes.
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52.1973 Approval of plans.
52.1974–52.1976 [Reserved]
52.1977 Content of approved State submitted implementation plan.
52.1978–52.1981 [Reserved]
52.1982 Control strategy: Ozone.
52.1983–52.1986 [Reserved]
52.1987 Significant deterioration of air quality.
52.1988 Air contaminant discharge permits.
52.1989 Interstate Transport for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS.
52.1990 Interstate Transport for the 2006 24-hour $PM_{2.5}$ NAAQS.
52.1991 Section 110(a)(2) infrastructure requirements.
52.1992–52.2019 [Reserved]

Subpart U—Maine

§ 52.1019 [Reserved]

§ 52.1020 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Maine under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to September 1, 2008, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c) and (d) of this section with EPA approval dates after September 1, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of September 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, Boston, MA 02109–3912; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA-APPROVED MAINE REGULATIONS

State citation	Title/Subject	State effective date	EPA Approval Date EPA approval date and citation [1]	Explanations
Chapter 1	Regulations for the Processing of Applications.	05/20/1985	03/23/1993, 58 FR 15422	Portions of Chapter 1. EPA did not approve the following sections of Chapter One: Section 1(A) through 1(Q), and 1(U) through 1(EE); Section 2; Section 4 (C) and (D); last sentence of Section 5(B); last sentence of Section 6(B); Section 6(D); Section 7(B)(1), (B)(2), and (B)(4) through (B)(11); Section 8(A), and 8(E) through 8(L); Sections 9, 10 and 11; Section 13; and Sections 15 and 16.
Chapter 100	Definitions	12/01/2005	11/21/2007, 72 FR 65462	
Chapter 101	Visible Emissions	10/10/1979	02/17/1982, 47 FR 6829	
Chapter 102	Open Burning	03/17/2005	02/21/2008, 73 FR 9459	
Chapter 103	Fuel Burning Equipment Particular Emission Standard.	01/24/1983	02/26/1985, 50 FR 7770	
Chapter 104	Incinerator Particulate Emission Standard.	01/31/1972	05/31/1972, 37 FR 10842	
Chapter 105	General Process Source Particulate Emission Standard.	01/31/1972	05/31/1972, 37 FR 10842	
Chapter 106	Low Sulfur Fuel Regulations	02/08/1978	01/08/1982, 47 FR 947	
Chapter 107	Sulfur Dioxide Emission Standards for Sulfate Pulp Mills.	01/31/1972	05/31/1972, 37 FR 10842	
Chapter 109	Emergency Episode Regulation.	08/14/1991	01/12/1995, 60 FR 2885	
Chapter 110	Ambient Air Quality Standards	07/24/1996	03/22/2004, 69 FR 13227	
Chapter 111	Petroleum Liquid Storage Vapor Control.	09/27/1989	02/03/1992, 57 FR 3946	
Chapter 112	Gasoline Bulk Terminals	07/19/1995	10/15/1996, 61 FR 53636	
Chapter 113	Growth Offset Regulation	06/22/1994	02/14/1996, 61 FR 5690	
Chapter 114	Classification of Air Quality Control Regions.	04/27/1994	08/30/1995, 60 FR 45056	Revision to Remove Presque Isle as nonattainment for PM_{10}.
Chapter 115	Emission License Regulation	06/22/1994	02/14/1996, 61 FR 5690	
Chapter 116	Prohibited Dispersion Techniques.	10/25/1989	03/23/1993, 58 FR 15422	
Chapter 117	Source Surveillance	08/09/1988	03/21/1989, 54 FR 11524	
Chapter 118	Gasoline Dispensing Facilities	07/19/1995	10/15/1996, 61 FR 53636	
Chapter 119	Motor Vehicle Fuel Volatility Limit.	06/01/2000	03/06/2002, 67 FR 10099	Controls fuel volatility in the state. 7.8 psi RVP fuel required in 7 southern counties.
Chapter 120	Gasoline Tank Trucks	06/22/1994	06/29/1995, 60 FR 33730	
Chapter 123	Control of Volatile Organic Compounds from Paper, Film, and Foil Coating Operations.	05/18/2010	05/22/2012, 77 FR 30216.	
Chapter 126	Capture Efficiency Test Procedures.	05/22/1991	03/22/1993, 58 FR 15281	

EPA-APPROVED MAINE REGULATIONS—Continued

State citation	Title/Subject	State effective date	EPA Approval Date EPA approval date and citation [1]	Explanations
Chapter 126 Appendix A	Capture Efficiency Test Procedures.	05/22/1991	03/22/1993, 58 FR 15281	Appendix.
Chapter 127 and Appendix A	New Motor Vehicle Emission Standards.	12/31/2000	04/28/2005, 70 FR 21959	Including Appendix A. Low emission vehicle program, with no ZEV requirements. Program achieves 90% of full LEV benefits. Chapter 127 Basis Statement included in the nonregulatory material.
Chapter 129	Surface Coating Facilities	04/16/2011	05/22/2012, 77 FR 30216.	
Chapter 129 Appendix A	Surface Coating Facilities	01/06/1993	06/17/1994, 59 FR 31154	Appendix.
Chapter 130	Solvent Cleaners	06/17/2004	05/26/2005, 70 FR 30367	
Chapter 131	Cutback Asphalt and Emulsified Asphalt.	09/15/2009	05/22/2012, 77 FR 30216.	
Chapter 132	Graphic Arts: Rotogravure and Flexography.	01/06/1993	06/17/1994, 59 FR 31154	
Chapter 132 Appendix A	Graphic Arts: Rotogravure and Flexography.	01/06/1993	06/17/1994, 59 FR 31154	Appendix.
Chapter 133	Gasoline Bulk Plants	06/22/1994	06/29/1995, 60 FR 33730	
Chapter 134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	02/08/1995	04/18/2000, 65 FR 20749	Regulations fully approved for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostock, Franklin, Oxford, and Piscataquis. Regulation granted a limited approval for Washington, Somerset, and Penobscot Counties.
Chapter 137	Emission Statements	07/06/2004	11/21/2007, 72 FR 65462	Revised to incorporate changes required by EPA's consolidated emissions reporting rule. The entire rule is approved with the exception of HAP and greenhouse gas reporting requirements which were not included in the State's SIP revision request.
Chapter 138	Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides.	08/03/1994	09/09/2002, 67 FR 57148	Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties.
Chapter 139	Transportation Conformity	09/19/2007	02/08/2008, 73 FR 7465	
Chapter 141	Conformity of General Federal Actions.	04/19/2007	02/20/2008, 73 FR 9203	
Chapter 145	NO_X Control Program	06/21/2001	03/10/2005, 70 FR 11879	
Chapter 148	Emissions from Smaller-Scale Electric Generating Resources.	07/15/2004	05/26/2005, 70 FR 30373	
Chapter 150	Control of Emissions from Outdoor Wood Boilers.	4/11/2010	4/24/2012, 77 FR 24385	
Chapter 151	Architectural and Industrial Maintenance (AIM) Coatings.	10/06/2005	03/17/2006, 71 FR 13767	
Chapter 152	Control of Volatile Organic Compounds from Consumer Products.	12/15/2007	05/22/2012, 77 FR 30216.	
Chapter 153	Mobile Equipment Repair and Refinishing.	02/05/2004	05/26/2005, 70 FR 30367	

EPA-APPROVED MAINE REGULATIONS—Continued

State citation	Title/Subject	State effective date	EPA Approval Date EPA approval date and citation [1]	Explanations
Chapter 155	Portable Fuel Container Spillage Control.	07/14/2004	02/07/2005, 70 FR 6352	With the exception of the word ''or'' in Subsection 7C which Maine did not submit as part of the SIP revision.
Chapter 161	Graphic Arts—Offset Lithography and Letterpress Printing.	04/06/2010	05/22/2012, 77 FR 30216.	
Vehicle I/M	Vehicle Inspection and Maintenance.	07/09/1998	01/10/2001, 66 FR 1871	''Maine Motor Vehicle Inspection Manual,'' revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g.
Vehicle I/M	Vehicle Inspection and Maintenance.	07/09/1998	01/10/2001, 66 FR 1871	Maine Motor Vehicle Inspection and Maintenance authorizing legislation effective July 9, 1998 and entitled L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act.''
38 MRSA § 603–A sub § 2(A)	''An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas''.	9/12/2009	4/24/2012, 77 FR 24385	Only approving Sec. 1. 38 MRSA § 603–A, sub-§ 2, (2) Prohibitions.

[1] In order to determing the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date [2]	Explanations
Central Maine Power, W.F. Wyman Station, Cousins Island, Yarmouth, Maine.	Department Finding of Fact and Order Air Emission License.	01/01/1977	01/08/1982, 47 FR 947	
Lincoln Pulp and Paper Company, Kraft Pulp Mill, (Lincoln, Maine).	Air Emission License Renewal; and New License for No. 6 Boiler.	03/09/1983	05/01/1985, 50 FR 18483	
JJ Nissen Baking Company, Cumberland County, Portland Maine.	Air Emission License A–440–74–C–A.	02/27/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by Maine Department of Environmental Protection (ME DEP) on February 25, 1997.
Prime Tanning Company, York County, Berwick, Maine.	Air Emission License Amendment #5 A–376–72–E–A.	03/23/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on July 23, 1997.
Prime Tanning Company, York County, Berwick, Maine.	Air Emission License Amendment #6 A–376–72–F–M.	10/28/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on October 27, 1997.
Portsmouth Naval Shipyard, York County, Kittery, Maine.	Air Emission License Amendment #4 A–452–71–F–M.	07/25/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on July 25, 1997.
Dexter Shoe Company, Penobscot County, Dexter, Maine.	Air Emission License A–175–72–H–A/R.	12/05/1996	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 5, 1996.
Dexter Shoe Company, Penobscot County, Dexter, Maine.	Air Emission License Amendment #1 A–175–71–I–M.	10/22/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on October 20, 1997.
Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine.	Air Emission License Amendment #3 A–448–71–P–A.	06/16/1997	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on June 16, 1997.

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit number	State effective date	EPA approval date [2]	Explanations
Georgia Pacific Corporation, Washington County, Woodland, Maine.	Air Emission License Minor Revision/ Amendment #10 A–215–71–T–M.	01/05/1996	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on January 4, 1996.
Champion International Corporation, Hancock County, Bucksport, Maine.	Air Emission License Amendment #5 A–22–71–K–A.	01/19/1996	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on January 18, 1996.
International Paper Company, Franklin County, Jay, Maine.	Air Emission License Amendment #8 A–203–71–R–A.	10/04/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on October 4, 1995.
International Paper Company, Franklin County, Jay, Maine.	Air Emission License Amendment #9 A–203–71–S–M.	12/13/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 13, 1995.
James River Corporation, Penobscot County, Old Town, Maine.	Air Emission License Minor Revision/ Amendment #6 A–180–71–R–M.	12/11/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 8, 1995.
Lincoln Pulp and Paper Company, Penobscot County, Lincoln, Maine.	Air Emission License Amendment #8 A–177–71–J–M.	12/19/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 18, 1995.
S.D. Warren Paper Company, Cumberland County, Westbrook, Maine.	Air Emission License Minor Revision/ Amendment #14 A–29–71–Z–M.	12/19/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 18, 1995.
S.D. Warren Paper Company, Somerset County, Skowhegan, Maine.	Air Emission License Amendment #14 A–19–71–W–M.	10/04/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on October 4, 1995.
S.D. Warren Paper Company, Somerset County, Skowhegan, Maine.	Air Emission License Amendment #15 A–19–71–Y–M.	01/10/1996	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on January 9, 1996.
Boise Cascade Corporation, Oxford County, Rumford, Maine.	Air Emission License Amendment #11 A–214–71–X–A.	12/21/1995	04/18/2000, 65 FR 20749	VOC RACT Determination issued by ME DEP on December 20, 1995.
Bath Iron Works Corporation, Sagadahoc County, Bath, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #10 A–333–71–M–M.	04/11/2001	05/20/2002, 67 FR 35439	VOC RACT determination for Bath Iron Works.
United Technologies Pratt & Whitney, York County, North Berwick, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #6 A–453–71–N–M.	04/26/2001	05/20/2002, 67 FR 35439	VOC RACT determination for Pratt & Whitney.
United Technologies Pratt & Whitney, York County, North Berwick, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #7 A–453–71–O–M.	07/02/2001	05/20/2002, 67 FR 35439	VOC RACT determination for Pratt & Whitney.
Moosehead Manufacturing Company, Piscataquis County, Dover-Foxcroft, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–338–71–F–M.	05/10/2001	05/20/2002, 67 FR 35439	VOC RACT determination for Moosehead Manufacturing's Dover-Foxcroft plant.
Moosehead Manufacturing Company, Piscataquis County, Monson, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–339–71–F–M.	05/10/2001	05/20/2002, 67 FR 35439	VOC RACT determination for Moosehead Manufacturing's Monson plant.
Central Maine Power Company, W.F. Wyman Station, Cumberland County, Yarmouth, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #1 A–388–71–C–A.	05/18/1995	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–388–71–C–A, Amendment #1, condition (q) for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station.
Central Maine Power Company, W.F. Wyman Station, Cumberland County, Yarmouth, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #1 A–388–71–D–M.	02/16/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–388–71–D–M, amendment #1, conditions 19 and 23 for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station.
Tree Free Fiber Company, LLC, Kennebec County, Augusta, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #1 A–195–71–G–M.	06/12/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–195–71–G–M, Amendment #1, for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.).

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit number	State effective date	EPA approval date[2]	Explanations
Tree Free Fiber Company, LLC, Kennebec County, Augusta, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #1 A–195–71–D–A/R.	06/16/1995	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–195–71–D–A/R, section (II)(D), paragraphs (II)(F)(1) and (3), and conditions 12(A), 12(C), (13), (14) and (15) for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.).
Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine.	Departmental Finding of Fact and Order Air Emission License A–448–72–K–A/R.	08/23/1995	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–448–72–K–A/R, paragraphs (II)(D)(2), (II)(D)(3) and conditions (13)(f) and 14(k) for Pioneer Plastics Corporation.
Pioneer Plastics Corporation, Androscoggin County, Auburn, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–448–71–O–M.	03/10/1997	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–448–71–O–M, Amendment #2, condition (14)(k), for Pioneer Plastics Corporation.
Scott Paper Company, Kennebec County, Winslow, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–188–72–E–A.	11/15/1995	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–188–72–E–A, Amendment #2, conditions 8, paragraph 1, and 9, paragraphs 1, 2 and 4, for Scott Paper Company.
The Chinet Company, Kennebec County, Waterville, Maine.	Departmental Finding of Fact and Order Air Emission License A–416–72–B–A.	01/18/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–416–72–B–A, conditions (l) 1, 2, 3a, 3b, 3c, 3e, and (m) for The Chinet Company.
FMC Corporation-Food Ingredients Division, Knox County, Rockland, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #5 A–366–72–H–A.	02/07/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–366–72–H–A, Amendment #5, conditions 3, 4, 5, 7, 9, 11, 12, 15, 16, and 18 for FMC Corporation-Food Ingredients Division.
Dragon Products Company, Inc., Knox County, Thomaston, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #5 A–326–72–N–A.	06/05/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT.
Dragon Products Company, Inc., Knox County, Thomaston, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #7 A–326–71–P–M.	03/05/1997	09/09/2002, 67 FR 57148	Case-specific NO_X RACT.
S.D. Warren Paper Company, Cumberland County, Westbrook, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #13 A–29–71–Y–A.	06/12/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–29–71–Y–A, Amendment #13, conditions (k)2, (k)3, (q)8 and (p) for S.D. Warren Company.
Mid-Maine Waste Action Corporation, Androscoggin County, Auburn, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–378–72–E–A.	10/16/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT.
Portsmouth Naval Shipyard, York County, Kittery, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #2 A–452–71–D–A.	10/21/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–452–71–D–A, Amendment #2, conditions 3, 4, 5, 7, 9, 11, 16, 17, 18, 19, and 20 for Portsmouth Naval Shipyard.
Portsmouth Naval Shipyard, York County, Kittery, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #4 A–452–71–F–M.	07/25/1997	09/09/2002, 67 FR 57148	Case-specific NO_X RACT. Air emission license A–452–71–F–M, Amendment #4, condition 4 for Portsmouth Naval Shipyard.

EPA-APPROVED MAINE SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit number	State effective date	EPA approval date [2]	Explanations
Maine Energy Recovery Company, York County, Biddeford, Maine.	Departmental Finding of Fact and Order Air Emission License Amendment #4 A–46–71–L–A.	11/12/1996	09/09/2002, 67 FR 57148	Case-specific NO_X RACT.
Katahdin Paper Company	A–406–77–3–M	7/8/2009	4/24/2012, 77 FR 24385	Approving license conditions (16) A, B, G, and H.
Rumford Paper Company	A–214–77–9–M	1/8/2010	4/24/2012, 77 FR 24385	
Verso Bucksport, LLC	A–22–77–5–M	11/2/2010	4/24/2012, 77 FR 24385	
Woodland Pulp, LLC	A–214–77–2–M	11/2/2010	4/24/2012, 77 FR 24385	
FPL Energy Wyman, LLC & Wyman IV, LLC.	A–388–77–2–M	11/2/2010	4/24/2012, 77 FR 24385	
S. D. Warren Company	A–19–77–5–M	11/2/2010	4/24/2012, 77 FR 24385	
Verso Androscoggin, LLC	A–203–77–11–M	11/2/2010	4/24/2012, 77 FR 24385	
Red Shield Environmental, LLC.	A–180–77–1–A	11/29/2007	4/24/2012, 77 FR 24385	
McCain Foods USA, Inc., Tatermeal Facility.	Amendment #2 of Air Emission License A–459–72–B–R.	03/19/2003	05/22/2012, 77 FR 30216.	

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(e) *Nonregulatory.*

MAINE NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Impact of Projected Growth for Next 10 Years on Air Quality for Maine Standard Metropolitan Statistical Areas.	Maine's Standard Metropolitan Statistical Areas.	06/26/1974	04/29/1975, 40 FR 18726	
Incinerator Emission Standard—Regulation Implementation Plan Change, Findings of Fact and Order.	Maine	05/21/1975	04/10/1978, 43 FR 14964	Revision to incinerator particulate emission standard which would exempt wood waste cone burners from the plan until 1980.
Incinerator Emission Standard—Regulation and Implementation Plan Change, Findings of Fact and Order.	Maine	09/24/1975	04/10/1978, 43 FR 14964	Revision to incinerator particulate emission standard which would exempt municipal waste cone burners from the plan until 1980.
Air Quality Surveillance	Maine	03/10/1978	03/23/1979, 44 FR 17674	Revision to Chapter 5 of the SIP.
New Sources and Modifications.	Maine	03/10/1978	03/23/1979, 44 FR 17674	Revision to Chapter 6 of the SIP.
Review of New Sources and Modifications.	Maine	12/19/1979	01/30/1980, 45 FR 6784	Revision to Chapter 6 of the SIP.
Revisions to State Air Implementation Plan as Required by the Federal Clean Air Act.	Maine	03/28/1979	02/19/1980, 45 FR 10766	Includes Control Strategies for Particulates, Carbon Monoxide, and ozone.
Plan for Public Involvement in Federally Funded Air Pollution Control Activities.	Maine	05/28/1980	09/09/1980, 45 FR 59314	A plan to provide for public involvement in federally funded air pollution control activities.
Air Quality Surveillance	Maine	07/01/1980	01/22/1981, 46 FR 6941	Revision to Chapter 5 of the SIP.
Attain and Maintain the NAAQS for Lead.	Maine	11/05/1980	08/27/1981, 46 FR 43151	Control Strategy for Lead. Revision to Chapter 2.5.

MAINE NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Establishment of Air Quality Control Sub-Region.	Metropolitan Portland Air Quality Control Region.	10/30/1975	01/08/1982, 47 FR 947	Department Findings of Fact and Order—Sulfur Dioxide Control Strategy.
Sulfur Dioxide Control Strategy—Low Sulfur Fuel Regulation.	Portland-Peninsula Air Quality Control Region.	10/30/1975	01/08/1982, 47 FR 947	Department Findings of Fact and Order—Implementation Plan Revision.
Letter from the Maine DEP documenting the December 1990 survey conducted to satisfy the 5 percent demonstration requirement in order to justify the 3500 gallon capacity cut-off in Chapter 112.	Maine	06/03/1991	02/03/1992, 57 FR 3046.	
Withdrawal of Air Emission Licenses for: Pioneer Plastics; Eastern Fine Paper; and S.D. Warren, Westbrook.	Maine	10/03/1990	02/03/1992, 57 FR 3046	Department of Environmental Protection Letter dated December 5, 1989, withdrawing three source-specific licenses as of October 3, 1990.
Portions of Chapter 1 entitled ''Regulations for the Processing of Applications''.	Maine	02/08/1984	03/23/1993, 58 FR 15422.	
Review of New Sources and Modifications.	Maine	11/06/1989	03/23/1993, 58 FR 15422	Revision to Chapter 6 of the SIP.
Letter from the Maine DEP regarding implementation of BACT.	Maine	05/01/1989	03/23/1993, 58 FR 15422.	
Review of New Sources and Modifications.	Maine	11/02/1990	03/18/1994, 59 FR 12853	Revision to Chapter 6 of the SIP.
Joint Memorandum of Understanding (MOU) Among: City of Presque Isle; ME DOT and ME DEP.	City of Presque Isle, Maine	03/11/1991	01/12/1995, 60 FR 2885	Part B of the MOU which the Maine Department of Environmental Protection (ME DEP) entered into with the City of Presque Isle, and the Maine Department of Transportation (ME DOT).
Maine State Implementation Plan to Attain the NAAQS for Particulate Matter (PM10) Presque Isle Maine.	City of Presque Isle, Maine	08/14/1991	01/12/1995, 60 FR 2885	An attainment plan and demonstration which outlines Maine's control strategy for attainment of the PM10 NAAQS and implement RACM and RACT requirements for Presque Isle.
Memorandum of Understanding among: City of Presque Isle; ME DOT and ME DEP.	City of Presque Isle, Maine	05/25/1994	08/30/1995, 60 FR 45056	Revisions to Part B of the MOU which the ME DEP entered into (and effective) on May 25, 1994, with the City of Presque Isle, and the ME DOT.
Maintenance Demonstration and Contingency Plan for Presque Isle.	City of Presque Isle, Maine	04/27/1994	08/30/1995, 60 FR 45056	A maintenance demonstration and contingency plan which outline Main's control strategy maintenance of the PM10 NAAQS and contingency measures and provision for Presque Isle.
Letter from the Maine DEP dated July 7, 1994, submitting Small Business Technical Assistance Program.	Maine	07/07/1994	09/12/1995, 60 FR 47285	Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP.

MAINE NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Revisions to the SIP for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Maine Statewide	05/12/1994	09/12/1995, 60 FR 47285	Revisions to the SIP for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program Dated July 12, 1994 and effective on May 11, 1994.
Corrected page number 124 of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program SIP.	Maine	08/16/1994	09/12/1995, 60 FR 47285	Letter from ME DEP dated August 16, 1994 submitting a corrected page to the July 12, 1994 SIP revision.
Negative Declaration for Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline Categories.	Maine Statewide	11/15/1994	04/18/2000, 65 FR 20749	Letter from ME DEP dated November 15, 1994 stating a negative declaration for the Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline Categories.
Letter from the Maine Department of Environmental Protection regarding Control of Motor Vehicle Pollution (Inspection and Maintenance Program).	Greater Portland Metropolitan Statistical Area.	11/19/1998	01/10/2001, 66 FR 1875	Letter from the Maine Department of Environmental Protection dated November 19, 1998 submitting a revision to the Maine SIP.
State of Maine Implementation Plan for Inspection/Maintenance dated November 11, 1998.	Greater Portland Metropolitan Statistical Area.	11/11/1998	01/10/2001, 66 FR 1875	Maine Motor Vehicle Inspection and Maintenance Program.
Letter from the Maine DEP submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the SIP.	Southern Maine	05/29/2001	03/06/2002, 67 FR 10099	Letter from the Maine Department of Environmental Protection dated May 29, 2001 submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the State Implementation Plan.
Application for a Waiver of Federally-Preempted Gasoline Standards.	Southern Maine	05/25/2001	03/06/2002, 67 FR 10099	Additional technical support.
Letter from the Maine DEP dated July 1, 1997, submitting case-specific NO_X RACT determinations.	Maine	07/01/1997	09/09/2002, 67 FR 57148	Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP.
Letter from the Maine DEP dated October 9, 1997, submitting case-specific NO_X RACT determinations.	Maine	10/09/1997	09/09/2002, 67 FR 57148	Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP.
Letter from the Maine DEP dated August 14, 1998, submitting case-specific NO_X RACT determinations.	Maine	08/14/1998	09/09/2002, 67 FR 57148	Letter from the Maine Department of Environmental Protection submitting a revision to the Maine SIP.
Chapter 127 Basis Statement.	Maine	12/31/2000	04/28/2005, 70 FR 21959.	

MAINE NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Correspondence from Maine DEP indicating which portions of Chapter 137 should not be incorporated into the State's SIP.	Maine	06/06/2006	11/21/2007, 72 FR 65462	Correspondence from David W. Wright of the Maine DEP indicating which portions of Chapter 137 Emission Statements should not be incorporated into the State's SIP.
State of Maine MAPA 1 form for Chapter 139 Transportation Conformity.	Maine nonattainment areas, and attainment areas with a maintenance plan.	09/10/2007	02/08/2008, 73 FR 7465	Certification that the Attorney General approved the Rule as to form and legality.
Amendment to Chapter 141 Conformity of General Federal Actions.	Maine nonattainment areas, and attainment areas with a maintenance plan.	04/19/2007	02/20/2008, 73 FR 9203	Maine Department of Environmental Protection amended its incorporation-by-reference within Chapter 141.2 to reflect EPA's revision to the Federal General Conformity Rule for fine particulate matter promulgated on July 17, 2006 (71 FR 40420–40427); specifically 40 CFR 51.852 Definitions and 40 CFR 51.853 Applicability.
State of Maine MAPA 1 form for Chapter 102 Open Burning Regulation.	Maine	01/03/2003	02/21/2008, 73 FR 9459	Certification that the Attorney General approved the Rule as to form and legality.
Submittal to meet Clean Air Act Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard.	State of Maine	01/03/2008	07/08/2011,76 FR 40248	This action addresses the following Clean Air Act requirements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Maine Regional Haze SIP and its supplements.	Statewide	12/9/2010; supplements submitted 9/14/2011 11/9/2011	4/24/2012, 77 FR 24385	
Reasonably Available Control Technology Demonstration (RACT) for the 1997 8-hour Ozone National Ambient Air Quality Standard.	Statewide	Submitted 08/27/2009	05/22/2012, 77 FR 30216.	

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[73 FR 56973, Oct. 1, 2008, as amended at 76 FR 40257, July 8, 2011; 76 FR 49671, Aug. 11, 2011; 77 FR 24390, Apr. 24, 2012; 77 FR 30217, May 22, 2012]

§ 52.1021 Classification of regions.

The Maine plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Metropolitan Portland Intrastate	I	II	III	III	III
Androscoggin Valley Interstate	IA	IA	III	III	III
Down East Intrastate	IA	IA	III	III	III
Aroostook Intrastate	III	III	III	III	III
Northwest Maine Intrastate	III	III	III	III	III

[37 FR 10870, May 31, 1972, as amended at 45 FR 10774, Feb. 19, 1980]

§ 52.1022 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maine's plan, as identified in § 52.1020, for the attainment and maintenance of the national standards under section 110 of the Clean Air Act.

(b)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are ''subject to regulation'', as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not ''subject to regulation.''

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO_2e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.

(4) For purposes of this paragraph (b)—

(i) The term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO_2 equivalent emissions (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO_2e.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 06–096 1. of Chapter 100 of Maine's Bureau of Air Quality Control regulations) and a significant net emissions increase (as defined in 06–096, paragraphs 89 and 144 A of Chapter 100 of Maine's Bureau of Air Quality Control regulations) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO_2e instead of applying the value in 06–096, paragraphs 143 and 144 D of Chapter 100 of Maine's Bureau of Air Quality Control regulations.

[75 FR 82555, Dec. 30, 2010]

§ 52.1023 Control strategy: Ozone.

(a) *Determination.* EPA is determining that, as of July 21, 1995, the Lewiston-Auburn ozone nonattainment area has attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Lewiston-Auburn ozone nonattainment area, these determinations shall no longer apply.

(b) *Determination.* EPA is determining that, as of July 21, 1995, the Knox and Lincoln Counties ozone nonattainment area has attained the ozone standard and that the reasonable further

progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Knox and Lincoln Counties ozone nonattainment area, these determinations shall no longer apply.

(c) *Approval.* EPA is approving an exemption request submitted by the Maine Department of Environmental Protection on September 7, 1995, for the Northern Maine area from the NO_X requirements contained in Section 182(f) of the Clean Air Act. This approval exempts Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties from the requirements to implement controls beyond those approved in § 52.1020(c)(41) for major sources of nitrogen oxides (NO_X), nonattainment area new source review (NSR) for new sources and modifications that are major for NO_X, and the applicable NO_X-related requirements of the general and transportation conformity provisions.

(d) *Approval.* EPA is approving an exemption request from the NO_X requirements contained in Section 182(f) of the Clean Air Act for northern Maine. The exemption request was submitted by the Maine Department of Environmental Protection on March 24, 2005, and supplemented on April 19 and June 28, 2005. This approval exempts major sources of nitrogen oxides in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, Somerset, Washington, and portions of Hancock and Waldo Counties from the requirements to implement controls meeting reasonably available control technology under the Clean Air Act, and nonattainment area new source review (NSR) for new sources and modifications. In Waldo County, this area includes only the following towns: Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, Northport, Palermo, Prospect, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity, Waldo, and Winterport. In Hancock County, this area includes only the following towns and townships: Amherst, Aurora, Bucksport, Castine, Dedham, Eastbrook, Ellsworth, Franklin, Great Pond, Mariaville, Orland, Osborn, Otis, Penobscot, Verona, Waltham, Oqiton Township (T4 ND), T3 ND, T39 MD, T40 MD, T41 MD, T32 MD, T34 MD, T35 MD, T28 MD, T22 MD, T16 MD, T8 SD, T9 SD, T10 SD, and T7 SD.

(e) *Approval.* EPA is approving a revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 9 and 13, 2005. The revision is for purposes of satisfying the rate of progress requirements of section 182(b)(1) of the Clean Air Act for the Portland Maine one-hour ozone nonattainment area.

(f) *Approval.* EPA is approving a revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 9, 13, and 14, 2005. The revision is for purposes of satisfying the 5 percent increment of progress requirement of 40 CFR 51.905(a)(1)(ii)(B) for the Portland Maine eight-hour ozone nonattainment area. The revision establishes motor vehicle emissions budgets for 2007 of 20.115 tons per summer day (tpsd) of volatile organic compound (VOC) and 39.893 tpsd of nitrogen oxide (NO_X) to be used in transportation conformity in the Portland Maine 8-hour ozone nonattainment area.

(g) Approval. EPA is approving a redesignation request for the Portland, Maine 8-hour ozone nonattainment area. Maine submitted this request on August 3, 2006. The request contains the required Clean Air Act Section 175A maintenance plan. The plan establishes motor vehicle emissions budgets for 2016 of 16.659 tons per summer day (tpsd) of volatile organic compound and 32.837 tpsd of nitrogen oxide (NO_X) to be used in transportation conformity determinations in the Portland area.

(h) Approval. EPA is approving a redesignation request for the Hancock, Knox, Lincoln and Waldo Counties, Maine 8-hour ozone nonattainment area. Maine submitted this request on August 3, 2006. The request contains the required Clean Air Act Section 175A maintenance plan. The plan establishes motor vehicle emissions budgets

for 2016 of 3.763 tons per summer day (tpsd) of volatile organic compound and 6.245 tpsd of nitrogen oxide (NO_X) to be used in transportation conformity determinations in the Hancock, Knox, Lincoln and Waldo Counties area.

(i) Approval: EPA is approving the 110(a)(1) 8-hour ozone maintenance plans in the four areas of the state required to have a 110(a)(1) maintenance plan for the 8-hour ozone National Ambient Air Quality Standard. These areas are as follows: portions of York and Cumberland Counties; portions of Androscoggin County and all of Kennebec County; portions of Knox and Lincoln Counties; and portions of Hancock and Waldo Counties. These maintenance plans were submitted to EPA on August 3, 2006.

[60 FR 29766, June 6, 1995, as amended at 60 FR 66755, Dec. 26, 1995; 71 FR 5794, Feb. 3, 2006; 71 FR 14816, Mar. 24, 2006; 71 FR 71490, Dec. 11, 2006; 73 FR 5101, Jan. 29, 2008]

§ 52.1024 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained.

ATTAINMENT DATES ESTABLISHED BY CLEAN AIR ACT OF 1990

Air quality control region and nonattainment area	Pollutant					
	SO_2		PM–10	NO_2	CO	O_3
	Primary	Secondary				
AQCR 107:						
Androscoggin County	(a)	(b)	(a)	(a)	(a)	(g)
Kennebec County	(a)	(b)	(a)	(a)	(a)	(g)
Knox County	(a)	(b)	(a)	(a)	(a)	(g)
Lincoln County	(a)	(b)	(a)	(a)	(a)	(g)
Waldo County	(a)	(b)	(a)	(a)	(a)	(d)
Oxford Cnty. (Part) See 40 CFR 81.320	(a)	(b)	(a)	(a)	(a)	(e)
Franklin Cnty. (Part) See 40 CFR 81.320	(a)	(b)	(a)	(a)	(a)	(e)
Somerset Cnty. (Part) See 40 CFR 81.320	(a)	(b)	(a)	(a)	(a)	(e)
AQCR 108:						
Aroostook Cnty. (Part) See 40 CFR 81.320	(a)	(b)	(c)	(a)	(a)	(a)
Remainder of AQCR	(a)	(b)	(a)	(a)	(a)	(a)
AQCR 109:						
Hancock County	(a)	(b)	(a)	(a)	(a)	(d)
Millinocket	(e)	(e)	(a)	(a)	(a)	(a)
Remainder of AQCR	(a)	(b)	(a)	(a)	(a)	(a)
AQCR 110:						
York County	(a)	(b)	(a)	(a)	(a)	(g)
Cumberland County	(a)	(b)	(a)	(a)	(a)	(g)
Sagadahoc County	(a)	(b)	(a)	(a)	(a)	(g)
Oxford Cnty. (Part) See 40 CFR 81.320	(a)	(b)	(a)	(a)	(a)	(e)
AQCR 111	(a)	(b)	(a)	(a)	(a)	(a)

[a] Air quality levels presently below primary standards or area is unclassifiable.
[b] Air quality levels presently below secondary standards or area is unclassifiable.
[c] 12/31/94.
[d] 11/15/94 (one-year extension granted).
[e] 11/15/95.
[g] 11/15/96.

[60 FR 33352, June 28, 1995]

§ 52.1025 Control strategy: Particulate matter.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State unless otherwise noted. (See § 52.1023 for compliance schedule approvals and disapprovals pertaining to one or more of the sources below.)

Source	Location	Regulation involved	Date of adoption
All sources subject to Regulation 100.3.1(b) with a maximum heat input from three million up to but not including ten million Btu per hour.	Maine	100.3.1(b)	3/29/73

(b) The revision to the incinerator particulate emission standard submitted on August 26, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

(c) The revision to the incinerator particulate emission standard submitted on November 18, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

(d) The revision to the open burning regulation submitted on December 7, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

[38 FR 22474, Aug. 21, 1973, as amended at 43 FR 14964, Apr. 10, 1978; 43 FR 15424, Apr. 13, 1978; 47 FR 6830, Feb. 17, 1982]

§ 52.1026 Review of new sources and modifications.

The program to review operation and construction of new and modified major stationary sources in non-attainment areas is approved as meeting the requirements of part D as amended by the CAAA of 1990.

[45 FR 10775, Feb. 19, 1980, as amended at 61 FR 5694, Feb. 14, 1996]

§ 52.1027 Rules and regulations.

(a) *Part D—Conditional Approval.*

(b) *Non-Part D—No Action.* EPA is neither approving nor disapproving the following elements of the revisions identified in § 52.1020(C)(10):

(1) Intergovernmental consultation.

(2) Interstate pollution notification requirements.

(3) Public notification requirements.

(4) Conflict of Interest requirements.

(5) Permit fees.

[45 FR 10775, Feb. 19, 1980, as amended at 45 FR 59314, Sept. 9, 1980]

§ 52.1028 [Reserved]

§ 52.1029 Significant deterioration of air quality.

The program to review operation and construction of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C.

[45 FR 6786, Jan. 30, 1980]

§ 52.1030 Control strategy: Sulfur oxides.

(a) The revision to Regulation 100.6 (Chapter 106) ''Low Sulfur Fuel Regulation'' for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977, is approved with the exception of paragraph 100.6.5(b) which allows the Commissioner of the Department of Environmental Protection to grant variances to Regulation 100.6.

[47 FR 948, Jan. 8, 1982]

§ 52.1031 EPA-approved Maine regulations.

The following table identifies the State regulations which have been submitted to and approved by EPA as revisions to the Maine State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation consult the plan identified in § 52.1020. To the extent that this table conflicts with §§ 52.1020, 52.1020 governs.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
Chapter:						
1	Regulations for the Processing of Applications..	02/08/84	03/23/93	58 FR 15430	(c)(26)	Portions of chapter 1.
100	.....	5/7/79	1/3/80	45 FR 6784	(c)(10)	PSD Plan Only.
100	Definitions Regulations.	12/24/79 2/6/80	2/19/80	45 FR 10766	(c)(11)	
100	Definitions.	10/3/89	3/23/93	58 FR 15430	(c)(26)	All except for the definition of VOC in chapter 100(76). Note that this definition is approved in another paragraph below. In addition, Maine withdrew the definition of fuel burning equipment in chapter 100(29) from its SIP submittal. This definition is approved in another paragraph below.
	.....	.....	.....	.....	(c)(27)	Approval of definition of VOC in chapter 100(76) only.
100	Definitions Regulations.	11/26/91	6/21/93	58 FR 33768	(c)(31)	Revised ''volatile organic compound (VOC)'' and ''federally enforceable.'' Added ''particulate matter emissions'' and ''PM_{10} emissions.''
100	Definitions	7/10/90	3/18/94	59 FR 12855	(c)(29)	Changes to the following definitions: Actual emissions, baseline concentration and fuel burning equipment in Chapter 100(1), (9), and (29).
100	Definitions	1/6/93	6/17/94	59 FR 31157	(c)(33)	Revised to add definitions associated with VOC RACT rules.
100	Definitions	11/10/93	1/10/95	60 FR 2526	(c)(34)	Revised to add definitions associated with emission statement rules.
100	Definitions	6/22/94	6/29/95	60 FR 33734	36	Gasoline marketing definitions added
100	Definitions Regulation	6/22/94	2/14/96	61 FR 5694	(c)(37)	Addition of 1990 Part D NSR and other CAAA requirements.
100	Definitions	7/19/95	10/15/96	61 FR 53639	(c)(42)	Definition of ''VOC'' revised.
100	Definitions	12/1/2005	11/21/07	72 FR 65462	(c)(62)	Revised to add definitions associated with SIP submittals made between 7/19/95 and 12/1/05.
101	Visible Emissions	10/10/79	2/17/82	47 FR 6829	(c)(17)	
102	Open Burning	1/31/72	5/31/72	37 FR 10842	(b)	
102	Open Burning	3/17/05	2/21/08	73 FR 9459	(c)(61).	
103	Fuel Burning Equipment Particulate Emission Standard.	1/31/72	5/31/72	37 FR 10842	(b)	
		1/24/83	2/26/85	50 FR 7770	(c)(19)	
104	Incinerator Particulate Emission Standard.	1/31/72	5/31/72	37 FR 10842	(b)	
105	General Process Source Particulate Emission Standard.	1/31/72	5/31/72	37 FR 10842	(b)	
106	Low Sulfur Fuel	1/31/72	5/31/72	37 FR 10842	(b)	
		2/08/78	1/8/82	47 FR 947	(c)(15)	Revised limits for Portland Peninsula only.
107	Sulfur Dioxide Emission Standards for Sulfite Pulp Mills.	1/31/72	5/31/72	37 FR 10842	(b)	
109	Emergency Episode Regulation.	1/31/72	5/31/72	37 FR 10842	(b)	

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
109	Emergency Episode Regulation.	8/14/91	1/12/95	60 FR 2887	(c)(28)	Revisions which incorporate the PM10 alert, warning, and emergency levels.
110	Ambient Air Quality Standards.	5/7/79	1/30/80	45 FR 6784	(c)(10)	
110	Ambient Air Quality Standards.	10/25/89	3/23/93	58 FR 15430	(c)(26)	All of chapter 110 except for chapter 110(2) which is approved in another paragraph, below. Note that Maine did not submit its Chromium standard in chapter 110(12) for approval.
	.....	.....	.....	.....	(c)(27)	Chapter 110(2) only.
110	Ambient Air Quality Standards.	7/10/90	3/18/94	59 FR 12855	(c)(29)	Addition of NO_2 increments for class I and II areas in Chapter 110(10). Note that class III increment in Chapter 110(10)(C)(3) is not part of submittal.
110	Ambient Air Quality Standards.	7/24/96	3/22/04	69 FR 13231	(c)(52)	Adopts PSD increments based on PM10, in place of increments based on TSP.
111	Petroleum Liquid Storage Vapor Control.	5/7/79	2/19/80	45 FR 10766	(c)(11)	
		9/27/89	2/3/92	57 FR 3948	(c)(30).	
112	Petroleum Liquids Transfer Recovery.		2/19/80	45 FR 10766	(c)(11).	
		5/7/79	3/5/82	47 FR 9462	(c)(16)	Irving Oil, Searsport exempted.
		7/22/86	2/2/87	52 FR 3117	(c)(22)	Bulk Gasoline Terminal Test methods.
		5/22/91	2/3/92	57 FR 3948	(c)(30)	The exemption for Irving Oil Corporation in Searsport, Maine incorporated by reference at 40 CFR 52.1020(c)(16) is removed.
112	Petroleum liquids transfer recover.	6/22/94	6/29/95	60 FR 33734	36	Deleted exemption for tank trucks less than 3500 gallons.
112	Gasoline Bulk Terminals.	7/19/95	10/15/96	61 FR 53639	(c)(42)	Emission limit lowered from 80 mg/l to 35 mg/l.
113	Growth Offset Regulation.	5/7/79	2/19/80	45 FR 10766	(c)(11)	Part of New Source Review program.
		12/18/85	12/23/86	51 FR 45886	(c)(21)	Deletes Thomaston.
113	Growth Offset Regulation.	10/25/89	3/23/93	58 FR 15430	(c)(26)	
113	Growth Offset Regulation.	7/10/90	3/18/94	59 FR 12855	(c)(29)	Change to Chapter 113(II)(A) to include NO_2.
113	Growth Offset Regulation.	6/22/94	2/14/96	61 FR 5694	(c)(37)	Addition of 1990 Part D NSR requirements.
114	Classification of Air Quality Control Regions.	5/7/79	1/30/80	45 FR 6874	(c)(10).	
114	Designation of Air Quality Control Regions.	10/25/89	3/23/93	58 FR 15430	(c)(26)	All except for chapter 114(11) and (111) which are approved in another paragraph below.
	.....	.....	.....	.....	(c)(27)	Chapter 114(11)and (111) only.
114	Classification of Air Quality Control Regions.	4/27/94	Aug. 30, 1995	60 FR 45060	(c)(40)	Revision to remove Presque Isle as nonattainment for PM_{10}.
115	Emission License Regulation..	5/7/79	1/30/80	45 FR 6784	(c)(10)	PSD
	.....	12/24/79	2/19/80	45 FR 10766	(c)(11)	New Source Review.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
	.....	10/25/89	3/23/93	58 FR 15430	(c)(26)	Note Maine did not submit references to nonregulated pollutants for approval. Also note that this chapter was formerly chapter 108.
115	Emission License Regulation.	7/10/90	3/18/94	59 FR 12855	(c)(29)	Changes to Chapter 115(I)(B), (VII)(A), VII)(B)(3), and (VII)(D)(3) to remove Chapter 108 and to incorporate NO_2 increments requirements.
115	Emission License Regulation.	6/22/94	2/14/96	61 FR 5694	(c)(37)	Addition of 1990 Part D NSR and other CAAA requirements.
116	Prohibited Dispersion Techniques..	10/25/89	3/23/93	58 FR 15430	(c)(26).	
117	Source Surveillance	8/9/88	3/21/89	54 FR 11525	24.	
118	Gasoline Dispensing Facilities.	6/22/94	6/29/95	60 FR 33734	36	
	.....	7/19/95	10/15/96	61 FR 53639	(c)(43)	Stage II vapor recovery requirements added.
119	Motor Vehicle Fuel Volatility Limit.	6/1/00	3/6/02	67 FR 10100	(c)(49)	Controls fuel volatility in the State. 7.8 psi RVP fuel required in 7 southern counties.
120	Gasoline Tank Trucks.	6/22/94	6/29/95	60 FR 33734	35	
123	Paper Coater Regulation.	9/27/89	2/3/92	57 FR 3949	(c)(30)	The operating permits for S.D. Warren of Westbrook, Eastern Fine Paper of Brewer, and Pioneer Plastics of Auburn incorporated by reference at 40 CFR §52.1020 (c)(11), (c)(11), and (c)(18), respectively, are withdrawn.
126	Capture Efficiency Test Procedures.	5/22/91	3/22/93	58 FR 15282	(c)(32).	
127	New Motor Vehicle Emission Standards.	12/31/00	4/28/05	70 FR 21962	(c)(58)	Low emission vehicle program, with no ZEV requirements. Program achieves 90% of full LEV benefits.
129	Surface coating Facilities.	1/6/93	6/17/94	59 FR 31157	(c)(33)	Includes surface coating of: Cans, fabric, vinyl, metal furniture, flatwood paneling, and miscellaneous metal parts and products.
130	Solvent Degreasers ..	1/6/93	6/17/94	59 FR 31157	(c)(33).	
130	Solvent Cleaners	6/17/04	5/26/05	70 FR 30369	(c)(54).	
131	Cutback and Emulsified Asphalt.	1/6/93	6/17/94	59 FR 31157	(c)(33).	
132	Graphic Arts: Rotogravure and Flexography.	1/6/93	6/17/94	59 FR 31157	(c)(33).	
133	Gasoline Bulk Plants	6/22/94	6/29/95	60 FR 33734	36	
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	2/8/95	4/18/00	65 FR 20753	(c)(45)	Regulation fully approved for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. Regulation granted a limited approval for Washington, Somerset, and Penobscot Counties.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	2/25/97	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for JJ Nissen Baking Company.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	7/23/97 10/27/97	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Prime Tanning.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	7/25/97	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Portsmouth Naval Shipyard.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/5/96 10/20/97	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Dexter Shoe.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	6/16/97	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Pioneer Plastics.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	1/4/96	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Georgia Pacific.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	1/18/96	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for Champion International.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	10/4/95 12/13/95	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for International Paper.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/8/95	4/18/00	65 FR 20753	(c)(45)	VOC RACT determination for James River.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/18/95	4/18/00	65 FR 20754	(c)(45)	VOC RACT determination for Lincoln Pulp and Paper.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/18/95	4/18/00	65 FR 20754	(c)(45)	VOC RACT determination for SD Warren Paper Company's Westbrook, Maine facility.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	10/4/95 1/9/96	4/18/00	65 FR 20754	(c)(45)	VOC RACT determination for SD Warren Paper Company's Skowhegan, Maine facility.
134	Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds.	12/20/95	4/18/00	65 FR 20754	(c)(45)	VOC RACT determination for Boise Cascade.
134	Reasonably available control technology for facilities that emit volatile organic compounds.	4/11/01	5/20/02	67 FR 35441	(c)(51)	VOC RACT determination for Bath Iron Works.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
134	Reasonably available control technology for facilities that emit volatile organic compounds.	4/26/01 7/2/01	5/20/02	67 FR 35441	(c)(51)	VOC RACT determination for Pratt & Whitney.
134	Reasonably available control technology for facilities that emit volatile organic compounds.	5/10/01	5/20/02	67 FR 35441	(c)(51)	VOC RACT determination for Moosehead Manufacturing's Dover-Foxcroft plant.
	Reasonably available control technology for facilities that emit volatile organic compounds.	5/10/01	5/20/02	67 FR 35441	(c)(51)	VOC RACT determination for Moosehead Manufacturing's Monson plant.
137	Emission Statements	12/17/04	11/21/07	72 FR 65462	(c)(62)	Revised to incorporate changes required by EPA's consolidated emissions reporting rule. The entire rule is approved with the exception of HAP and greenhouse gas reporting requirements which were not included in the state's SIP revision request.
138	Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides.	8/3/94	December 26, 1995	60 FR 66755	(c)(41)	Affects sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions of rule include Sections 1.A.1. and 3.B.).
138	NO_X RACT	8/3/94	9/9/02	67 FR 57154	(c)(46)	Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties.
138	NO_X RACT	5/18/95 & 2/16/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station.
138	NO_X RACT	6/16/95 & 6/12/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Tree Free Fiber Company, LLC. (formerly Statler Tissue).
138	NO_X RACT	8/23/95 & 3/10/97	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Pioneer Plastics Corporation.
138	NO_X RACT	11/15/95	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Scott Paper Company.
138	NO_X RACT	1/18/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Chinet Company.
138	NO_X RACT	2/7/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for FMC Corporation—Food from Ingredients Division.
138	NO_X RACT	6/5/96 & 3/5/97	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X FR RACT for Dragon Products Company, Inc.
138	NO_X RACT	6/12/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for S.D. Warren Company.
138	NO_X RACT	10/16/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Mid-Maine Waste Action Corporation.
138	NO_X RACT	10/21/96 & 7/25/97	9/9/92	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Portsmouth Naval Shipyard.
138	NO_X RACT	11/12/96	9/9/02	67 FR 57154	(c)(47)	Case-specific NO_X RACT for Maine Energy Recovery Company.

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/Subject	Date adopted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1020	
139	Transportation Conformity.	9/19/07	2/08/08	73 FR 7465	(c) 64.	
141	Conformity of General Federal Actions.	9/11/96	9/23/97	62 FR 49611	(c)(44)	"Chapter 141: Conformity of General Federal Actions".
141	Conformity of General Federal Actions.	4/19/07	2/20/08	73 FR 9203	(c)(63)	Amendment to incorporate new fine particulate matter provisions.
145	NO_X Control Program	6/21/01	4/10/05	70 FR 11882	(c)(56)..	
148	Emissions from Smaller-Scale Electric Generating Resources.	7/15/04	5/26/05	70 FR 30376	(c)(55).	
151	Architectural and Industrial Maintenance (AIM) Coatings.	10/06/05	3/17/06	71 FR 13767	(c)(59).	
152	Control of Emissions of Volatile Organic Compounds from Consumer Products.	8/19/04	10/24/05	70 FR 61384	(c)(57).	
153	Mobile Equipment Repair and Refinishing.	2/5/04	5/26/05	70 FR 30369(c)(54).		
155	Portable Fuel Container Spillage Control.	6/3/04	2/7/05	70 FR 6354	(c)(53)	All of Chapter 155 is approved with the exception of the word "or" in Subsection 7C which Maine did not submit as part of the SIP revision.
"Vehicle I/M".	Vehicle Inspection and Maintenance.	7/9/98	1/10/01	66 FR 1875	(c)(48)	Maine Motor Vehicle Inspection Manual," revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g. Also, Authorizing legislation effective July 9, 1998 and entitled L.D. 2223, "An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act."

NOTE. 1. The regulations are effective statewide unless stated otherwise in comments section.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

[50 FR 3336, Jan. 24, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1031, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1033 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for meeting all of the requirements of 40 CFR 51.302 or 51.306 for the protection of visibility in mandatory class I Federal areas.

(b) [Reserved]

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Maine.

[52 FR 45138, Nov. 24, 1987, as amended at 58 FR 15431, Mar. 23, 1993]

§ 52.1034 Stack height review.

The State of Maine has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any

other prohibited dispersion techniques as defined in EPA's stack height regulations as revised on July 8, 1985. Such declarations were submitted to EPA on December 17, 1985; May 30, 1986; October 2, 20, and 24, 1986; August 6, 1987; September 8 and 30, 1988.

[54 FR 8190, Feb. 27, 1989]

§ 52.1035 Requirements for state implementation plan revisions relating to new motor vehicles.

Maine must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1036 Emission inventories.

(a) The Governor's designee for the State of Maine submitted 1990 base year emission inventories for the Knox and Lincoln Counties area, the Lewiston and Auburn area, the Portland area, and the Hancock and Waldo Counties area on July 25, 1995 as a revision to the State Implementation Plan (SIP). An amendment to the 1990 base year emission inventory for the Portland area was submitted on June 9, 2005. The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas.

(b) The inventory is for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventory covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The Knox and Lincoln Counties nonattainment area is classified as moderate. The Lewiston and Auburn nonattainment area is classified as moderate and consists of Androscoggin and Kennebec Counties. The Portland nonattainment area is classified as moderate and consists of Cumberland, Sagadahoc and York Counties. The Hancock and Waldo Counties nonattainment area is classified as attainment.

(d) The Governor's designee for the State of Maine submitted 1993 periodic year emission inventories for the Hancock and Waldo Counties area on May 13, 1996 as a revision to the State Implementation Plan (SIP). The 1993 periodic year emission inventory requirement of section 182(3)(A) of the Clean Air Act, as amended in 1990, has been satisfied for the Hancock and Waldo counties area.

(e) On June 24, 1997, the Maine Department of Environmental Protection submitted a revision to establish explicit year 2006 motor vehicle emissions budgets [6.44 tons per summer day of VOC, and 8.85 tons per summer day of NO_X] for the Hancock and Waldo counties ozone maintenance area to be used in determining transportation conformity.

(f) The Governor's designee for the State of Maine submitted a 2002 base year emission inventory for Cumberland, Sagadahoc, and York counties, to represent emissions for the Portland 8-hour ozone nonattainment area on June 9, 2005, as a revision to the State Implementation Plan (SIP). The 2002 base year emission inventory requirement of 40 CFR 51.915 has been satisfied for this area.

[62 FR 9086, Feb. 28, 1997, as amended at 62 FR 41277, Aug. 1, 1997; 71 FR 14816, Mar. 24, 2006]

§ 52.1037 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Maine'' and all revisions submitted by Maine that were federally approved prior to September 1, 2008.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory changes to the plan submitted on March 17, 1972, by the Environmental Improvement Commission for the State of Maine.

(2) Regulation 10.8.4(g) establishing compliance schedules for sources in Maine submitted on July 28, 1972, by the Environmental Improvement Commission for the State of Maine.

(3) A revision removing fuel burning sources with a maximum heat input from three million up to 10 million BTU/hr from the particulate matter control strategy submitted on March 29, 1973, by the Governor.

(4) Changes in the Open Burning Regulation 100.2 submitted on September 4, 1973, by the State of Maine Department of Environmental Protection.

(5) An AQMA proposal submitted on June 26, 1974, by the Governor.

(6) Revision to incinerator particulate emission standard, submitted on August 26, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt woodwaste cone burners from the plan until 1980.

(7) Revision to incinerator particulate emission standard, submitted on November 18, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt municipal waste cone burners from the plan.

(8) Revision to open burning regulation submitted on December 7, 1976 by the Commissioner of the Maine Department of Environmental Protection.

(9) Revisions to Chapter 5—*State Implementation Plan Air Quality Surveillance,* and Chapter 6—*Revision of New Sources and Modifications,* submitted by the Governor on March 10, 1978.

(10) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on May 1, 1979, October 26, 1979 and December 20, 1979. Included in the revisions is a plan for review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

(11) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were submitted on May 1, 1979; October 26, 1979; December 20, 1979; July 9, 1980; July 31, 1980; December 18, 1980; March 17, 1981. Included are plans to attain: The secondary TSP standard for Augusta, Thomaston, Bangor and Brewer; the primary and secondary SO_2 standard for Millinocket; the carbon monoxide standard for Lewiston and Bangor and the ozone standard for AQCRS 107 and 110. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions are also included.

(12) A plan to provide for public involvement in federally funded air pollution control activities was submitted on May 28, 1980.

(13) Revisions to Chapter 5—State Implementation Plan—Air Quality Surveillance, intended to meet requirements of 40 CFR part 58, were submitted by the Commissioner of the Maine Department of Environmental Protection on July 1, 1980.

(14) Revisions to attain and maintain the NAAQS for lead were submitted on August 7, and November 5, 1980.

(15) A revision to Regulation 100.6 (Chapter 106) ''Low Sulfur Fuel Regulation'' for the Metropolitan Portland Air Quality Control Region, submitted by the Governor of Maine on August 25, 1977.

(16) Department Regulation Chapter 112, Petroleum Liquid Transfer Vapor Recovery, is amended to exempt the town of Searsport, Maine from this regulation. This amendment was submitted by Henry E. Warren, Commissioner of the Department of Environmental Protection on October 23, 1981, in order to meet Part D requirements for ozone.

(17) Regulatory revisions to the plan containing changes to Chapter 101 ''Visible Emissions Regulation'' submitted August 7, 1980.

(18) On May 12, 1982 and February 11, 1983 the Maine Department of Environmental Protection submitted an emission limit contained in an air emissions license which requires Pioneer Plastics, Auburn, Maine to reduce its volatile organic compound emissions by at least 85%.

(19) On January 11, 1983 and March 29, 1984 and December 4, 1984 the Maine Department of Environmental Protection submitted revisions to Chapter 103 ''Fuel Burning Equipment Particulate Emission Standard.''

(20) A plan to attain the primary TSP standard in Lincoln, consisting of particulate emission limitations contained in an air emission license issued to the Lincoln Pulp and Paper Company, Inc., submitted by the Commissioner of the Maine Department of Environmental Protection on December 18, 1984.

(21) A revision to approve the deletion of Thomaston from the list of applicable municipalities in Maine regulation 29 M.R.S.A. Chapter 113, submitted by the Commissioner on February 20, 1986.

(22) Revision to federally-approved regulation Chapter 112, Petroleum Liquids Transfer Vapor Recovery [originally approved on February 19, 1980, see paragraph (c)(11), of this section, was submitted on August 4, 1986, by the Department of Environmental Protection.

(i) Incorporation by reference.

(A) Regulation Chapter 112(6), Emission Testing, is amended by incorporating test methods and procedures as stated in 40 CFR part 60, subpart XX, §60.503 to determine compliance with emission standards for volatile organic compound emissions from bulk gasoline terminals. This revision to Regulation Chapter 112(6) became effective on July 22, 1986 in the State of Maine.

(ii) Additional material. The nonregulatory portions of the state submittals.

(23) [Reserved]

(24) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 22, 1988.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated August 19, 1988 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 117 of the Maine Department of Environmental Protection Air Regulations entitled, ''Source Surveillance,'' effective in the State of Maine on August 9, 1988.

(ii) Additional material.

(A) Nonregulatory portions of the state submittal.

(25) Revisions to the Maine State Implementation Plan (SIP) for ozone submitted on February 14, 1989 and May 3, 1989 by the Maine Department of Environmental Protection (DEP) for its state gasoline volatility control program, including any waivers under the program that Maine may grant. The control period will begin May 1, 1990.

(i) Incorporation by reference. Maine Department Regulation chapter 119, Rules and Regulations of the State of Maine, entitled ''Motor Vehicle Fuel Volatility Limit,'' adopted August 10, 1988, amended Septemter 27, 1989 and effective October 25, 1989.

(26) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 27, 1989.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 27, 1989 submitting revisions to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection's Air Regulations entitled ''Definitions Regulations,'' except for the definition of volatile organic compounds in Chapter 100(76) which is being incorporated by reference in 40 CFR 52.1020(c)(27). This regulation was effective in the State of Maine on October 3, 1989. Note, the definition of fuel burning equipment in Chapter 100(29) is not part of Maine's submittal.

(C) Chapter 110 except for Chapter 110(2) which is being incorporated by reference in 40 CFR 52.1020(c)(27), Chapter 113, Chapter 114 except for Chapter 114(II) and (III) which are being incorporated by reference in 40 CFR 52.1020(c)(27), Chapter 115, and Chapter 116 of the Maine Department of Environmental Protection's Air Regulations entitled, ''Ambient Air Quality Standards,'' ''Growth Offset Regulation,'' ''Classification of Air Quality Control Regions,'' ''Emission License Regulations,'' and ''Prohibited Dispersion Techniques,'' respectively. These regulations were effective in the State of Maine on October 25, 1989. Chapter 108, originally approved on January 30, 1980 and February 19, 1980 in paragraphs (c)(10) and (c)(11) of this section, is being withdrawn and replaced with Chapter 115.

(D) Portions of Chapter 1 entitled ''Regulations for the Processing of Applications,'' effective in the State of Maine on February 8, 1984.

(ii) Additional materials.

(A) A State Implementation Plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Letter dated May 1, 1989 from the Maine Department of Environmental Protection regarding implementation of BACT.

(C) Nonregulatory portions of the state submittal.

(27) Revisions to the State Implementation Plan submitted by the Maine

Department of Environmental Protection on October 31, 1989.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 31, 1989 submitting revisions to the Maine State Implementation Plan.

(B) The definition of volatile organic compounds in Chapter 100(76) of the Maine Department of Environmental Protection's ''Definitions Regulations'' effective in the State of Maine on October 3, 1989.

(C) Chapter 110(2) and Chapter 114 (II) and (III) of the Maine Department of Environmental Protection's ''Ambient Air Quality Standards'' and ''Classification of Air Quality Control Regions'' Regulations effective in the State of Maine on October 25, 1989. Note that Millinocket remains designated as a nonattainment area for SO_2 until redesignated at 40 CFR 51.320.

(ii) Additional materials.

(A) A State Implementation Plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Nonregulatory portions of the state submittal.

(28) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 14 and October 22, 1991.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated August 14 and October 22, 1991 submitting revisions to the Maine State Implementation Plan.

(B) Revisions to Chapter 109 of the Maine Department of Environmental Protection Regulations, ''Emergency Episode Regulations,'' effective in the State of Maine on September 16, 1991.

(C) Part B of the Memorandum of Understanding which the Maine Department of Environmental Protection (DEP) entered into (and effective) on March 11, 1991, with the City of Presque Isle, and the Maine Department of Transportation.

(ii) Additional materials.

(A) An attainment plan and demonstration which outlines Maine's control strategy for attainment of the PM10 NAAQS and implements and meets RACM and RACT requirements for Presque Isle.

(B) Nonregulatory portions of the submittal.

(29) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 16, 1990, September 5, 1990, and November 2, 1990.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated July 16, 1990, September 5, 1990, and November 2, 1990, submitting revisions to the Maine State Implementation Plan.

(B) The definitions of actual emissions, baseline concentration, and fuel burning equipment in Chapter 100(1), 100(9), and 100(29) of Maine's ''Definitions Regulation,'' Chapter 110(10) (except for Chapter 110(10)(C)(3)) of Maine's ''Ambient Air Quality Standards Regulation,'' Chapter 113(II)(A) of Maine's ''Growth Offset Regulation,'' and Chapter 115(I)(B), (VII)(A), (VII)(B)(3), and (VII)(D)(3) of Maine's ''Emission License Regulations,'' effective in the State of Maine on July 10, 1990. Note that the revised state statute which contains the underlying authority to implement the NO_2 increments became effective on July 14, 1990.

(ii) Additional materials.

(A) A state implementation plan narrative contained in Chapter 6 entitled ''Review of New Sources and Modifications.''

(B) Nonregulatory portions of the state submittal.

(30) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on September 29, 1989, December 5, 1989 and June 3, 1991.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated September 29, 1989, and June 3, 1991 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 111 ''Petroleum Liquid Storage Vapor Control'' and Chapter 123 ''Paper Coater Regulation,'' effective in the state of Maine on October 3, 1989.

(C) Chapter 112 ''Petroleum Liquid Transfer Vapor Recovery,'' effective in the State of Maine on June 9, 1991.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated June 3, 1991 documenting the December 1990 survey conducted to satisfy the 5 percent demonstration requirement in order to justify the 3500 gallon capacity cut-off in chapter 112.

(B) Letter from the Maine Department of Environmental Protection dated December 5, 1989 requesting the withdrawal of operating permits for S.D. Warren of Westbrook, Eastern Fine Paper of Brewer, and Pioneer Plastics of Auburn incorporated by reference at 40 CFR 52.1020 (c)(11) and (c)(18).

(C) Nonregulatory portions of the submittal.

(31) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 20, 1992.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated April 8, 1992 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100(54)(b) ''particulate matter emissions,'' Chapter 100(57)(b) ''PM_{10} emissions,'' and revisions to Chapter 100(28) ''federally enforceable'' and to Chapter 100(76) ''volatile organic compound (VOC)'' effective in the State of Maine on January 18, 1992.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(32) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 5, 1991.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated June 3, 1991 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 126 of the Maine Department of Environmental Protection Regulations, ''Capture Efficiency Test Procedures'' effective in the State of Maine on June 9, 1991.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(33) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on January 8, 1993.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated January 8, 1993, submitting a revision to the Maine State Implementation Plan.

(B) Revised Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions'' effective in the State of Maine on February 10, 1993.

(C) Chapter 129 of the Maine Department of Environmental Protection Regulations, ''Surface Coating Facilities'' effective in the State of Maine on February 10, 1993.

(D) Chapter 130 of the Maine Department of Environmental Protection Regulations, ''Solvent Degreasers'' effective in the State of Maine on February 10, 1993.

(E) Chapter 131 of the Maine Department of Environmental Protection Regulations, ''Cutback and Emulsified Asphalt'' effective in the State of Maine on February 10, 1993.

(F) Chapter 132 of the Maine Department of Environmental Protection Regulations, ''Graphic Arts—Rotogravure and Flexography'' effective in the State of Maine on February 10, 1993.

(G) Appendix A ''Volatile Organic Compounds Test Methods and Compliance Procedures'' incorporated into Chapters 129 and 132 of the Maine Department of Environmental Protection Regulations, effective in the State of Maine on February 10, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(34) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on January 3, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated January 3, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Revised Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions'' effective in the State of Maine on December 12, 1993.

(ii) Additional Information.

(A) Nonregulatory portions of the submittal.

(35) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 3, 1991, November 25, 1991, and July 6, 1994.

(i) Incorporation by reference.

(A) Letters from the Maine Department of Environmental Protection dated June 3, 1991, November 25, 1991, and July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 120 of the Maine Department of Environmental Protection Regulations, ''Gasoline Tank Truck Tightness Self-Certification,'' effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(36) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 6, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions,'' effective in the State of Maine on July 11, 1994, with the exception of the definitions of the following terms: ''curtailment,'' ''federally enforceable,'' ''major modification,'' '' major source,'' ''non-attainment pollutant,'' ''shutdown,'' ''significant emissions,'' and ''significant emissions increase.''

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, ''Petroleum Liquids Transfer Vapor Recovery,'' effective in the State of Maine on July 11, 1994.

(D) Chapter 118 of the Maine Department of Environmental Protection Regulations, ''Gasoline Dispensing Facilities Vapor Control,'' effective in the State of Maine on July 11, 1994.

(E) Chapter 133 of the Maine Department of Environmental Protection Regulations, ''Petroleum Liquids Transfer Vapor Recovery at Bulk Gasoline Plants,'' effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(37) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 12, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Maine's Chapter 100 entitled, ''Definition Regulations.'' This regulation was effective in the State of Maine on July 11, 1994.

(C) Maine's Chapter 113 entitled, ''Growth Offset Regulation.'' This regulation was effective in the State of Maine on July 11, 1994.

(D) Maine's Chapter 115 entitled, ''Emission License Regulation,'' except for Section 115(VII)(E) of this Chapter and all references to this Section. This regulation was effective in the State of Maine on July 11, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(38) Revisions to the State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Maine Department of Environmental Protection on July 7, and August 16, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 7, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Revisions to the State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program dated July 12, 1994 and effective on May 11, 1994.

(C) Letter from the Maine Department of Environmental Protection

dated August 16, 1994 submitting a corrected page to the July 12, 1994 SIP revision.

(39) [Reserved]

(40) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 1, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated June 1, 1994 submitting revisions to the Maine State Implementation Plan.

(B) Revisions to Chapter 114 of the Maine Department of Environmental Protection Regulations, ''Classification of Air Quality Control Regions,'' adopted by the Board of Environmental Protection on April 27, 1994 and accepted by the Secretary of State with an effective date of May 9, 1994.

(C) Revisions to Part B of the Memorandum of Understanding which the Maine Department of Environmental Protection (DEP) entered into (and effective) on May 25, 1994, with the City of Presque Isle, and the Maine Department of Transportation.

(ii) Additional materials.

(A) A maintenance demonstration and contingency plan which outline Maine's control strategy for maintenance of the PM_{10} NAAQS and contingency measures and provision for Presque Isle.

(B) Nonregulatory portions of the submittal.

(41) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 5, 1994 related to NO_X controls in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties.

(i) Incorporation by reference.

(A) A Letter from the Maine Department of Environmental Protection dated August 5, 1994 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 138 of the Maine DEP's regulations, ''Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides'' for sources only in Oxford, Franklin, Somerset, Piscataquis, Penobscot, Washington, Aroostook, Hancock and Waldo Counties (excepted portions include Sections 1.A.1. and 3.B.). This rule was effective August 3, 1994.

(42) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 24, 1995.

(i) Incorporation by reference.

(A) Two letters from the Maine Department of Environmental Protection dated July 24, 1995 submitting revisions to the Maine State Implementation Plan.

(B) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions Regulation,'' definition of ''volatile organic compounds (VOC)'' effective in the State of Maine on July 25, 1995.

(C) Chapter 112 of the Maine Department of Environmental Protection Regulations, ''Bulk Terminal Petroleum Liquid Transfer Requirements,'' effective in the State of Maine on July 25, 1995.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(43) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 24, 1995.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated July 24, 1995 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 118 of the Maine Department of Environmental Protection Regulations, ''Gasoline Dispensing Facilities Vapor Control,'' effective in the State of Maine on July 25, 1995.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated May 6, 1996.

(B) Nonregulatory portions of the submittal.

(44) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 11, 1996.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated October 11, 1996 submitting a revision to the Maine State Implementation Plan.

(B) Chapter 141 of the Maine Department of Environmental Protection Air Regulation entitled, ''Conformity of General Federal Actions,'' effective in the State of Maine on September 28, 1996.

(45) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 28, 1995, January 10, 1996, July 1, 1997, October 9, 1997, November 14, 1997, and December 10, 1997.

(i) Incorporation by reference.

(A) Chapter 134 of the Maine Department of Environmental Protection regulations entitled ''Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds,'' effective in the State of Maine on February 15, 1995, is granted a full approval for the following counties: York, Sagadahoc, Cumberland, Androscoggin, Kennebec, Knox, Lincoln, Hancock, Waldo, Aroostook, Franklin, Oxford, and Piscataquis. This rule is granted a limited approval for Washington, Somerset, and Penobscot Counties.

(B) License Amendment #5 issued by the Maine Department of Environmental Protection to Prime Tanning Company on July 23, 1997.

(C) License Amendment #6 issued by the Maine Department of Environmental Protection to Prime Tanning Company on October 27, 1997.

(D) License issued by the Maine Department of Environmental Protection to JJ Nissen Baking Company on February 25, 1997.

(E) License Amendment #4 issued by the Maine Department of Environmental Protection to Portsmouth Naval Shipyard on July 25, 1997.

(F) License issued by the Maine Department of Environmental Protection to Dexter Shoe Company on December 5, 1996.

(G) License Amendment #1 issued by the Maine Department of Environmental Protection to Dexter Shoe Company on October 20, 1997.

(H) License Amendment #3 issued by the Maine Department of Environmental Protection to Pioneer Plastics Corporation on June 16, 1997.

(I) License Amendment #10 issued by the Maine Department of Environmental Protection to Georgia Pacific Corporation on January 4, 1996.

(J) License Amendment #5 issued by the Maine Department of Environmental Protection to Champion International Corporation on January 18, 1996.

(K) License Amendment #8 issued by the Maine Department of Environmental Protection to International Paper Company on October 4, 1995.

(L) License Amendment #9 issued by the Maine Department of Environmental Protection to International Paper Company on December 13, 1995.

(M) License Amendment #6 issued by the Maine Department of Environmental Protection to James River Corporation on December 8, 1995.

(N) License Amendment #8 issued by the Maine Department of Environmental Protection to Lincoln Pulp and Paper Co. on December 18, 1995.

(O) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Westbrook, Maine facility on December 18, 1995.

(P) License Amendment #14 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on October 4, 1995.

(Q) License Amendment #15 issued by the Maine Department of Environmental Protection to S.D. Warren Paper Company's Skowhegan, Maine facility on January 9, 1996.

(R) License Amendment #11 issued by the Maine Department of Environmental Protection to Boise Cascade Corporation on December 20, 1995.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated November 15, 1994 stating a negative declaration for the Synthetic Organic Chemical Manufacturing Industry Distillation and Reactors Control Technique Guideline categories.

(B) Nonregulatory portions of the submittal.

(46) Revision to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 5, 1994.

(i) Incorporation by reference.

(A) Chapter 138 of the Maine Department of Environmental Protection

Regulations, ''Reasonably Available Control Technology For Facilities That Emit Nitrogen Oxides.'' Affects sources in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Lincoln, and Knox counties. This rule was adopted and effective in the State of Maine on August 3, 1994.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated August 5, 1994 submitting a revision to the Maine State Implementation Plan.

(47) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 1, 1997, October 9, 1997, and August 14, 1998.

(i) Incorporation by reference.

(A) Air emission license A–388–71–C–A, Amendment #1, condition (q); and A–388–71–D–M, amendment #1, conditions 19 and 23 for FPL Energy's (formerly Central Maine Power) W.F. Wyman Station issued by Maine Department of Environmental Protection on May 18, 1995, and February 16, 1996, respectively.

(B) Air emission licenses A–195–71–G–M, Amendment #1, and A–195–71–D–A/R, section (II)(D), paragraphs (II)(F)(1) and (3), and conditions 12(A), 12(C), (13), (14) and (15) for Tree Free Fiber Company, LLC, (formerly Statler Industries Inc.) issued by Maine Department of Environmental Protection on June 12, 1996, and, June 16, 1995, respectively.

(C) Air emission licenses A–448–72–K–A/R, paragraphs (II)(D)(2), (II)(D)(3) and conditions (13)(f) and 14(k); and A–448–71–O–M, Amendment #2, condition (14)(k), for Pioneer Plastics Corporation issued by Maine Department of Environmental Protection on August 23, 1995, and March 10, 1997, respectively.

(D) Air emission license A–188–72–E–A, Amendment #2, conditions 8, paragraph 1, and 9, paragraphs 1, 2 and 4, for Scott Paper Company issued by Maine Department of Environmental Protection on November 15, 1995.

(E) Air emission license A–416–72–B–A, conditions (l) 1, 2, 3a, 3b, 3c, 3e, and (m) for The Chinet Company issued by Maine Department of Environmental Protection on January 18, 1996.

(F) Air emission license A–366–72–H–A, Amendment #5, conditions 3, 4, 5, 7, 9, 11, 12, 15, 16, and 18 for FMC Corporation—Food Ingredients Division issued by Maine Department of Environmental Protection on February 7, 1996.

(G) Air emission licenses A–326–72–N–A, Amendment #5, and A–326–71–P–M, Amendment #7, for Dragon Products Company, Inc., issued by Maine Department of Environmental Protection on June 5, 1996, and March 5, 1997, respectively.

(H) Air emission license A–29–71–Y–A, Amendment #13, conditions (k)2, (k)3, (q)8 and (p) for S.D. Warren Company issued by Maine Department of Environmental Protection on June 12, 1996.

(I) Air emission license A–378–72–E–A, Amendment #2, for Mid-Maine Waste Action Corporation issued by Maine Department of Environmental Protection on October 16, 1996.

(J) Air emission licenses A–452–71–D–A, Amendment #2, conditions 3, 4, 5, 7, 9, 11, 16, 17, 18, 19, and 20; and A–452–71–F–M, Amendment #4, condition 4 for Portsmouth Naval Shipyard issued by Maine Department of Environmental Protection on October 21, 1996, and July 25, 1997, respectively.

(K) Air emission license A–46–71–L–A, Amendment #4, for Maine Energy Recovery Company issued by Maine Department of Environmental Protection on November 12, 1996.

(ii) Additional materials.

(A) Letters from the Maine Department of Environmental Protection dated July 1, 1997, October 9, 1997, and August 14, 1998, submitting case-specific NO_X RACT determinations.

(48) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on November 19, 1998.

(i) Incorporation by reference.

(A) ''Maine Motor Vehicle Inspection Manual,'' as revised in 1998, pages 1–12 through 1–14, and page 2–14, D.1.g.

(B) Authorizing legislation effective July 9, 1998 and entitled H.P. 1594—L.D. 2223, ''An Act to Reduce Air Pollution from Motor Vehicles and to Meet Requirements of the Federal Clean Air Act.''

(ii) Additional material.

(A) Document entitled ''State of Maine Implementation Plan for Inspection/Maintenance'' dated November 11, 1998.

(B) Letter from the Maine Department of Environmental Protection dated November 19, 1998 submitting a revision to the Maine State Implementation Plan.

(49) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 7, 2000 and May 29, 2001.

(i) Incorporation by reference.

Maine Chapter 119, entitled ''Motor Vehicle Fuel Volatility Limit'' as amended and effective on June 1, 2000.

(ii) Additional materials.

(A) Letter from the Maine Department of Environmental Protection dated June 7, 2000 submitting Chapter 119 as a revision to the Maine State Implementation Plan.

(B) Letter from the Maine Department of Environmental Protection dated May 29, 2001 submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the State Implementation Plan.

(50) [Reserved]

(51) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 11, 2001.

(i) Incorporation by reference.

(A) License Amendment #10 issued by the Maine Department of Environmental Protection to Bath Iron Works Corporation on April 11, 2001.

(B) License Amendment #6 issued by the Maine Department of Environmental Protection to Pratt & Whitney on April 26, 2001.

(C) License Amendment #7 issued by the Maine Department of Environmental Protection to Pratt & Whitney on July 2, 2001.

(D) License Amendment #2 issued by the Maine Department of Environmental Protection to Moosehead Manufacturing Co.'s Dover-Foxcroft plant on May 10, 2001.

(E) License Amendment #2 issued by the Maine Department of Environmental Protection to Moosehead Manufacturing Co.'sMonson plant on May 10, 2001.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(52) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 23, 1996.

(i) Incorporation by reference.

(A) Chapter 110 of the Maine Department of Environmental Protection regulations, ''Ambient Air Quality Standards,'' adopted by the Board of Environmental Protection on July 24, 1996, and effective August 6, 1996.

(B) [Reserved]

(53) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on December 29, 2003, October 22, 2004, and December 9, 2004.

(i) Incorporation by reference.

(A) Chapter 155 of the Maine Department of Environmental Protection Regulations, ''Portable Fuel Container Spillage Control,'' effective in the State of Maine on July 14, 2004, with the exception of the word ''or'' in Subsection 7C which Maine did not submit as part of the SIP revision.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(54) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on March 8, 2004, and June 28, 2004.

(i) Incorporation by reference.

(A) Chapter 153 of the Maine Department of Environmental Protection Regulations, ''Mobile Equipment Repair and Refinishing,'' effective in the State of Maine on February 25, 2004.

(B) Chapter 130 of the Maine Department of Environmental Protection Regulations, ''Solvent Cleaners,'' effective in the State of Maine on June 28, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(55) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 29, 2004.

(i) Incorporation by reference.

(A) Chapter 148 of the Maine Department of Environmental Protection Regulations, ''Emissions from Smaller-Scale Electric Generating Resources''

effective in the State of Maine on August 9, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(56) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on February 12, 2004.

(i) Incorporation by reference.

(A) Chapter 145 of the Maine Department of Environmental Protection Regulations, ''NO_X Control Program,'' effective in the State of Maine on July 22, 2001.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(57) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on August 27, 2004, and September 8, 2004.

(i) Incorporation by reference.

(A) Chapter 152 of the Maine Department of Environmental Protection Regulations, ''Control of Emissions of Volatile Organic Compounds from Consumer Products,'' effective in the State of Maine on September 1, 2004.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(58) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on February 25, 2004 and December 9, 2004 submitting Maine's Low Emission Vehicle Program.

(i) Incorporation by reference.

(A) Chapter 127 of the Maine Department of Environmental Protection rules entitled ''New Motor Vehicle Emission Standards'' with an effective date of December 31, 2000, including the Basis Statements and Appendix A.

(59) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on December 3, 2004, January 5, 2005, October 31, 2005, and November 9, 2005.

(i) Incorporation by reference.

(A) Chapter 151 of the Maine Department of Environmental Protection Regulations, ''Architectural and Industrial Maintenance (AIM) Coatings,'' effective in the State of Maine on November 1, 2005.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(60) [Reserved]

(61) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on April 27, 2005.

(i) Incorporation by reference.

(A) Chapter 102 of Maine Department of Environmental Protection Rules, entitled ''Open Burning,'' effective in the State of Maine on April 25, 2005.

(B) State of Maine MAPA 1 form which provides certification that the Attorney General approved the rule as to form and legality, dated April 12, 2005.

(62) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on July 14, 2004, and February 8, 2006.

(i) Incorporation by reference.

(A) Chapter 100 of the Maine Department of Environmental Protection Regulations, ''Definitions,'' effective in the State of Maine December 24, 2005.

(B) Chapter 137 of the Maine Department of Environmental Protection Regulations, ''Emission Statements,'' effective in the State of Maine on July 6, 2004, with the exception of the following sections which the state did not include in its SIP revision request: section 137.1.C; section 137.1.E; section 137.1.F; section 137.2.A through F; section 137.2.H; section 137.3.B; section 137.3.C; section 137.4.D(4), from the sentence beginning with ''Greenhouse gases'' to the end of this section; the note within section 137.D(5); section 137(E), and; Appendix A.

(ii) Additional materials.

(A) Nonregulatory portions of these submittals.

(B) Correspondence from David W. Wright of the Maine DEP dated June 6, 2006, indicating which portions of Chapter 137 should not be incorporated into the State's SIP.

(63) Revision to Chapter 141 ''Conformity of General Federal Actions,'' submitted by the Maine Department of Environmental Protection on June 29, 2007 and effective in the State of Maine on May 21, 2007.

(i) Incorporation by reference.

(A) Chapter 141 ''Conformity of General Federal Actions'' 1. Definition. Effective in the State of Maine on May 21, 2007.

(ii) Additional Materials.

(A) Chapter 141 ''Conformity of General Federal Actions,'' 2. Conformity to State and Federal Implementation Plans. The Maine Department of Environmental Protection amended its incorporation-by-reference within Chapter 141.2 to reflect EPA's revision to the Federal General Conformity Rule for fine particulate matter promulgated on July 17, 2006 (71 FR 40420–40427); specifically 40 CFR 51.852 Definitions and 40 CFR 51.853 Applicability.

(64) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on October 3, 2007.

(i) Incorporation by reference.

(A) Maine Administrative Procedure Act (MAPA) 1 Form which provides certification that the Attorney General approved Chapter 139 ''Transportation Conformity,'' as to form and legality, dated September 10, 2007.

(B) Chapter 139 of the Maine Department of Environmental Protection Regulations, ''Transportation Conformity,'' effective in the State of Maine on September 19, 2007.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

[37 FR 10870, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1037, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart V—Maryland

§ 52.1070 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Maryland under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed as incorporated by reference in paragraphs (c) and (d) was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The material incorporated is as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates on or after August 1, 2011 will be incorporated by reference in the next update to the SIP compilation.

(2)(i) EPA Region III certifies that the rules and regulations provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules and regulations which have been approved as part of the State implementation plan as of August 1, 2011.

(ii) EPA Region III certifies that the source-specific requirements provided by EPA at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated source-specific requirements which have been approved in the notebook ''40 CFR 52.1070(d)—Source-Specific Requirements'' as part of the State implementation plan as of December 1, 2008. No additional revisions were made since between December 1, 2008 and August 1, 2011.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region III Office at 1650 Arch Street, Philadelphia, PA 19103. For further information, call (215) 814–2108; the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue NW, Washington, DC 20460. For further information, call (202) 566–1742; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(c) *EPA approved regulations.*

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.01 General Administrative Provisions				
26.11.01.01	Definitions	9/20/10	2/22/11 76 FR 9650	1. Exceptions: Paragraphs .01B(3), (13), (21) through (23), (25); all of section .01C. 2. Revision to paragraph .01B(17). The SIP effective date is 4/25/11
26.11.01.02	Relationship of Provisions in this Subtitle.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*1*).
26.11.01.03	Delineation of Areas	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*1*).
26.11.01.04	Testing and Monitoring	6/19/06	1/3/07, 72 FR 18	Paragraph .04C(2) is added. The SIP effective date is 3/6/07.
26.11.01.05	Records and Information	6/30/97, 12/10/01	5/28/02, 67 FR 36810	(c)(172).
26.11.01.05–1	Emission Statements	12/7/92	10/12/94, 59 FR 51517	(c)(109).
26.11.01.06	Circumvention	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*1*).
26.11.01.07	Malfunctions and Other Temporary Increases in Emissions.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*1*).
26.11.01.08	Determination of Ground Level Concentrations—Acceptable Techniques.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*5*).
26.11.01.09	Vapor Pressure of Gasoline	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*5*)
26.11.01.10	Continuous Emission Monitoring (CEM) Requirements.	7/22/91	2/28/96, 61 FR 7418	(c)(106); TM90–01 was approved as ''additional material'', but not IBR'd.
26.11.02 Permits, Approvals, and Registration				
26.11.02.01	Definitions	5/8/95	2/27/03, 68 FR 9012	(c)(182); Exceptions: 26.11.02.01B(1), (1–1), (4)–(6), (10), (15), (16), (22), (29)–(33), (37), (39), (42), (46), (49), (50), (54).
26.11.02.02	General Provisions	5/8/95	2/27/03, 68 FR 9012	(c)(182); Exception: .02D.
26.11.02.03	Federally Enforceable Permits to Construct and State Permits to Operate.	5/8/95	2/27/03, 68 FR 9012	(c)(182).
26.11.02.04	Duration of Permits	5/8/95	2/27/03, 68 FR 9012	(c)(182); Exception: .04C(2).
26.11.02.05	Violation of Permits and Approvals.	5/8/95	2/27/03, 68 FR 9012	(c)(182).
26.11.02.06	Denial of Applications for State Permits and Approvals.	5/8/95, 6/16/97	2/27/03, 68 FR 9012	(c)(182).
26.11.02.07	Procedures for Denying, Revoking, or Reopening and Revising a Permit or Approval.	5/8/95	2/27/03, 68 FR 9012	(c)(182).
26.11.02.08	Late Applications and Delays in Acting on Applications.	5/8/95	2/27/03, 68 FR 9012	(c)(182).
26.11.02.09	Sources Subject to Permits to Construct and Approvals.	11/16/09	2/10/12, 77 FR 6963	Revised 26.11.02.09A(1), (2); limited approval.
26.11.02.10	Sources Exempt from Permits to Construct and Approvals.	11/16/09	2/10/12, 77 FR 6963	Revised 26.11.02.10A; limited approval.
26.11.02.11	Procedures for Obtaining Permits to Construct Certain Significant Sources.	5/8/95, 6/16/97	2/27/03, 68 FR 9012	(c)(182); Exception: .11C.
26.11.02.12	Procedures for Obtaining Approvals of PSD Sources and NSR Sources, Permits to Construct, Permits to Construct MACT Determinations on a Case-by-Case Basis in Accordance with 40 CFR Part 63, Subpart B, and Certain 100-Ton Sources.	5/8/95	2/27/03, 68 FR 9012	(c)(182).
26.11.02.13	Sources Subject to State Permits to Operate.	5/8/95	2/27/03, 68 FR 9012	(c)(182).

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.02.14	Procedures for Obtaining State Permits to Operate and Permits to Construct Certain Sources and Permits to Construct Control Equipment on Existing Sources.	5/8/95, 6/16/97	2/27/03, 68 FR 9012	(c)(182).
26.11.04 Ambient Air Quality Standards				
26.11.04.02	State-Adopted National Ambient Air Quality Standards.	5/8/95	8/20/01, 66 FR 43485	(c)(165).
26.11.04.03	Definitions, Reference Conditions, and Methods of Measurement.	2/28/05	6/14/06, 71 FR 34257	
26.11.04.04	Particulate Matter	2/28/05	6/14/06, 71 FR 34257	Addition of ambient air quality standard for $PM_{2.5}$.
26.11.04.05	Sulfur Oxides	2/28/05	6/14/06, 71 FR 34257	
26.11.04.06	Carbon Monoxide	1/5/88; recodified, 8/1/88	4/7/93, 58 FR 18010	(c)(92).
26.11.04.07	Ozone	2/28/05	6/14/06, 71 FR 34257	Addition of an 8-hour ambient air quality standard for ozone.
26.11.04.08	Nitrogen Dioxide	2/28/05	6/14/06, 71 FR 34257	
26.11.04.09	Lead	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*3*).
26.11.05 Air Quality Episode System				
26.11.05.01	Definitions	6/18/90	4/14/94, 59 FR 17698	(c)(100).
26.11.05.02	General Requirements	6/18/90	4/14/94, 59 FR 17698	(c)(100).
26.11.05.03	Air Pollution Episode Criteria	6/18/90	4/14/94, 59 FR 17698	(c)(100).
26.11.05.04	Standby Emissions Reduction Plan.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*4*).
26.11.05.05	Control Requirements and Standby Orders.	6/18/90	4/14/94, 59 FR 17698	(c)(100).
26.11.05.06	Tables	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*4*).
26.11.06 General Emissions Standards, Prohibitions, and Restrictions				
26.11.06.01	Definitions	5/8/91	11/29/94, 59 FR 60908	(c)(102)(i)(B)(*14*).
26.11.06.02 [*Except:* .02A(1)(e), (1)(g), (1)(h), (1)(i)].	Visible Emissions	11/24/03	8/1/07, 72 FR 41891	Revised paragraph 26.11.06.02A(2).
26.11.06.03	Particulate Matter	11/11/02	8/6/03, 68 FR 46487	(c)(181).
26.11.06.04	Carbon Monoxide in Areas III and IV.	1/5/88; recodified, 8/1/88	4/7/93, 58 FR 18010	(c)(92).
26.11.06.05	Sulfur Compounds from Other than Fuel Burning Equipment.	11/11/02	8/6/03, 68 FR 46487	(c)(181).
26.11.06.06	Volatile Organic Compounds	9/22/97	5/7/01, 66 FR 22924	(c)(156) Note: On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(C)].
26.11.06.10	Refuse Burning Prohibited in Certain Installations.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*5*).
26.11.06.14	Control of PSD sources	10/10/01	5/28/02, 67 FR 36810	(c)(171).
26.11.06.15	Nitrogen Oxides from Nitric Acid Plants.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*5*).
26.11.06.16	Tables	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*5*).
26.11.07 Open Fires				
26.11.07.01	Definitions	5/22/95	6/11/02, 67 FR 39856	(c)(173).
26.11.07.02	General	5/22/95	2/25/97, 62 FR 8380	(c)(120).
26.11.07.03	Control Officer May Authorize Certain Open Fires.	8/11/97	6/11/02, 67 FR 39856	(c)(173).

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.07.04	Public Officers May Authorize Certain Fires.	5/22/95	2/25/97, 62 FR 8380	(c)(120).
26.11.07.05	Open Fires Allowed Without Authorization of Control Officer or Public Officer.	5/22/95	2/25/97, 62 FR 8380	(c)(120) .05A(3) & (4), and .05B(3) are State-enforceable only.
26.11.07.06	Safety Determinations at Federal Facilities.	8/11/97	6/11/02, 67 FR 39856	(c)(173).
10.18.08/26.11.08 Control of Incinerators				
10.18.08/ 26.11.08.01.	Definitions	9/12/05	9/15/08, 73 FR 53130	Definition of "crematory" is added.
10.18.08.02	Applicability	7/18/80	8/5/81, 46 FR 39818	(c)(45).
10.18.08.03	Prohibition of Certain Incinerators in Areas III and IV.	6/8/81	5/11/82, 47 FR 20126	(c)(58).
10.18.08/ 26.11.08.04.	Visible Emissions	11/24/03	8/1/07, 72 FR 41891	Revised paragraph 26.11.08.04C.
10.18.08/ 26.11.08.05.	Particulate Matter	9/12/05	9/15/08, 73 FR 53130	Sections .05A(3) and .05B(2)(a) are revised.
10.18.08.06	Prohibition of Unapproved Hazardous Waste Incinerators.	3/25/84	7/2/85, 50 FR 27245	(c)(82).
26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations				
26.11.09.01	Definitions	9/20/10	2/22/11 76 FR 9650	Revision removes definition of "fuel-burning equipment." The SIP effective date is 4/25/11.
26.11.09.02	Applicability	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*7*).
26.11.09.03	General Conditions for Fuel Burning Equipment.	6/21/04	7/6/05, 70 FR 38774	Revised paragraphs 26.11.09.03C(1) and .03C(2).
26.11.09.04	Prohibition of Certain New Fuel Burning Equipment.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*7*).
26.11.09.05	Visible Emissions	11/24/03	8/1/07, 72 FR 41891	Revised paragraph 26.11.09.05A(3).
26.11.09.06	Control of Particulate Matter	6/21/04	7/6/05, 70 FR 38774	Addition of paragraph 26.11.09.06C.
26.11.09.07	Control of Sulfur Oxides from Fuel Burning Equipment.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*7*).
26.11.09.08	Control of NO_X Emissions for Major Stationary Sources.	11/24/03	9/20/04, 69 FR 56170	(c)(191).
26.11.09.09	Tables and Diagrams	11/11/02	5/1/03, 68 FR 23206	(c)(183); Revised Table 1.
26.11.10 Control of Iron and Steel Production Installations				
26.11.10.01	Definitions	12/25/00	11/7/01, 66 FR 56222	(c)(163).
26.11.10.02	Applicability	11/2/98	9/7/01, 66 FR 46727	(c)(153).
26.11.10.03	Visible Emissions	11/24/03	8/1/07, 72 FR 41891	Revised paragraph 26.11.10.03A(2).
26.11.10.04	Control of Particulate Matter	11/2/98	9/7/01, 66 FR 46727	(c)(153).
26.11.10.05	Sulfur Content Limitations for Coke Oven Gas.	11/2/98	9/7/01, 66 FR 46727	(c)(153).
26.11.10.05–1	Control of Carbon Monoxide Emissions from Basic Oxygen Furnaces.	9/12/05	2/9/10, 75 FR 6307	
26.11.10.06	Control of Volatile Organic Compounds from Iron and Steel Production Installations.	12/25/00	11/7/01 66 FR 56222	(c)(163).
26.11.10.07	Testing and Observation Procedures.	12/25/00	11/7/01, 66 FR 56222	(c)(163).
26.11.11 Control of Petroleum Products Installations, Including Asphalt Paving, Asphalt Concrete Plants, and Use of Waste Oils				
26.11.11.01	Applicability	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*9*).
26.11.11.02	Asphalt Paving	4/26/93	1/6/95, 60 FR 2018	(c)(113)(i)(B)(*1*).

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.11.03	Asphalt Concrete Plants in Areas I, II, V, and VI.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(9).
26.11.11.06	Use of Waste Oils as Fuel	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*9*).
26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations				
26.11.12.01	Definitions	5/8/95	7/25/00, 64 FR 45743	(c)(149).
26.11.12.02	Applicability	5/8/95	7/25/00, 64 FR 45743	(c)(149).
26.11.12.03	Prohibitions and Exemptions	5/8/95	7/25/00, 64 FR 45743	(c)(149).
26.11.12.04	Visible Emissions	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*10*).
26.11.12.05	Particulate Matter	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*10*).
26.11.12.06	Reporting Requirements	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*10*).
26.11.13 Control of Gasoline and Volatile Organic Compound Storage and Handling				
26.11.13.01	Definitions	10/18/07	7/18/08, 73 FR 41268	
26.11.13.02	Applicability and Exemption	4/26/93	1/6/95, 60 FR 2018	(c)(113)(i)(B)(*3*).
26.11.13.03	Large Storage Tanks	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*12*).
26.11.13.04	Loading Operations	8/11/97	12/22/98, 63 FR 70667	(c)(132).
26.11.13.05	Gasoline Leaks from Tank Trucks	2/15/93	1/6/95, 60 FR 2018	(c)(112).
26.11.13.06	Plans for Compliance	4/26/93	1/6/95, 60 FR 2018	(c)(113)(i)(B)(*5*).
26.11.13.07	Control of Gasoline and VOC Emissions from Portable Fuel Containers.	6/18/07	7/17/08, 73 FR 40970	
26.11.13.08	Control of VOC Emissions from Marine Vessel Loading.	10/18/07	7/18/08, 73 FR 41268	New Regulation.
26.11.14 Control of Emissions From Kraft Pulp Mills				
26.11.14.01	Definitions	1/8/01, 10/15/01	11/7/01, 66 FR 56220	(c)(170).
26.11.14.02	Applicability	1/8/01	11/7/01, 66 FR 56220	(c)(170).
26.11.14.06	Control of Volatile Organic Compounds.	1/8/01, 10/15/01	11/7/01, 66 FR 56220	(c)(170).
26.11.17 Requirements for Major New Sources and Modifications				
26.11.17.01	Definitions	11/24/03	9/20/04, 69 FR 56170	52.1070(c)(191).
26.11.17.02	Applicability	4/26/93, 10/2/00	2/12/01, 66 FR 9766	52.1070(c)(148).
26.11.17.03	General Conditions	11/24/03	9/20/04, 69 FR 56170	52.1070(c)(191).
26.11.17.04	Baseline for Determining Credit for Emission and Air Quality Offsets.	4/26/93, 10/2/00	2/12/01, 66 FR 9766	52.1070(c)(148).
26.11.17.05	Administrative Procedures	4/26/93, 10/2/00	2/12/01, 66 FR 9766	52.1070(c)(148).
26.11.19 Volatile Organic Compounds From Specific Processes				
26.11.19.01	Definitions	6/5/95	9/2/97, 62 FR 46199	(c)(126) Note: On 5/13/1998 (63 FR 26462), EPA approved the revised definition of ''major stationary source of VOC '' with a State effective date of 5/8/1995 [(c)(128)].
26.11.19.02	Applicability, Determining Compliance, Reporting, and General Requirements.	5/4/98, 12/10/01	3/25/09, 74 FR 12556	(c) (174), (c) (175). On 2/27/03 (68 FR 9012), EPA approved a revised rule citation with a State effective date of 5/8/95 [(c)(182)(i)(D)].
26.11.19.03	Automotive and Light-Duty Truck Coating.	9/22/97	11/5/98, 63 FR 59720	(c)(140).
26.11.19.04	Can Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(*12*).
26.11.19.05	Coil Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(*12*).
26.11.19.06	Large Appliance Coating	10/1/10	5/12/11, 76 FR 27610.	

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26.11.19.07	Paper, Fabric, Film, and Foil Coating.	5/16/11	10/17/11, 76 FR 64020	Revisions to Section title and Sections .07A and .07C(3).
26.11.19.07–1	Control of VOC Emissions from Solid Resin Decorative Surface Manufacturing.	6/15/98	6/17/99 64 FR 32415	(c)(142).
26.11.19.07–2	Plastic Parts and Business Machines Coating.	5/16/11	10/17/11, 76 FR 64020	New Regulation.
26.11.19.08	Metal Furniture Coating	8/1/88	11/3/92, 57 FR 49651	(C)(90)(i)(B)(*12*).
26.11.19.09	Control of Volatile Organic Compounds (VOC) Emissions from Cold and Vapor Degreasing.	6/5/95	8/4/97 62 FR 41853	(c)(123).
26.11.19.10	Flexographic and Rotogravure Printing.	4/19/10	9/27/10 75 FR 59086	Revision to section .10B(2).
26.11.19.10–1	Flexible packaging printing	4/19/10	9/27/10, 75 FR 59086	New Regulation.
26.11.19.11	Control of Volatile Organic Compounds (VOC) Emissions from Sheet-Fed and Web Lithographic Printing.	6/5/95	9/2/97, 62 FR 46199	(c)(126).
26.11.19.12	Dry Cleaning Installations	9/22/97	9/2/98, 63 FR 46662	(c)(131).
26.11.19.13	Drum and Pail Coating	5/16/11	10/17/11 76 FR 64015	Revisions to Section title and Sections .13A, .13B, and .13C and addition of new Section .13D.
26.11.19.13–1	Aerospace Coating Operations	10/2/00, 10/15/01	11/7/01, 66 FR 56220	(c)(169).
26.11.19.13–2	Brake Shoe Coating Operations	8/24/98	6/17/99, 64 FR 32415	(c)(142).
26.11.19.13–3	Control of VOC Emissions from Structural Steel Coating Operations.	6/29/98	6/17/99, 64 FR 32415	(c)(142).
26.11.19.14	Manufacture of Synthesized Pharmaceutical Products.	5/8/91	11/29/94, 59 FR 60908	(c)(102)(i)(B)(*14*).
26.11.19.15	Paint, Resin, and Adhesive Manufacturing and Adhesive and Sealant Applications.	4/19/10	10/18/11, 76 FR 64237	Amendments to Sections .15A and .15C.
26.11.19.16	Control of VOC Equipment Leaks	8/19/91	9/7/94, 59 FR 46180	(c)(103)(i)(B)(*9*).
26.11.19.17	Control of Volatile Organic Compounds (VOC) Emissions from Yeast Manufacturing.	9/12/05	3/31/06, 71 FR 16237	
26.11.19.18	Control of Volatile Organic Compounds (VOC) Emissions from Screen Printing and Digital Imaging.	6/10/02	1/15/03, 68 FR 1972	(c)(177).
26.11.19.19	Control of Volatile Organic Compounds (VOC) Emissions from Expandable Polystyrene Operations.	10/2/00	5/7/01, 66 FR 22924	(c)(156).
26.11.19.21	Control of Volatile Organic Compounds (VOC) Emissions from Commercial Bakery Ovens.	7/3/95	10/15/97, 62 FR 53544	(c)(125)(i)(B)(*4*).
26.11.19.22	Control of Volatile Organic Compounds (VOC) Emissions from Vinegar Generators.	8/11/97	9/23/99, 64 FR 41445	(c)(137).
26.11.19.23	Control of VOC Emissions from Vehicle Refinishing.	5/22/95	8/4/97, 62 FR 41853	(c)(124).
26.11.19.24	Control of VOC Emissions from Leather Coating.	8/11/97	9/23/99 64 FR 41445	(c)(137).
26.11.19.25	Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing.	8/11/97	1/26/99, 64 FR 3852	(c)(141).
26.11.19.26	Control of Volatile Organic Compound Emissions from Reinforced Plastic Manufacturing.	8/11/97	8/19/99, 64 FR 45182	(c)(139).
26.11.19.27	Control of Volatile Organic Compounds from Marine Vessel Coating Operations.	10/20/97	9/5/01, 66 FR 46379	(c)(166).

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26.11.19.28	Control of Volatile Organic Compounds from Bread and Snack Food Drying Operations.	10/2/00	5/7/01, 66 FR 22924	(c)(157).
26.11.19.29	Control of Volatile Organic Compounds from Distilled Spirits Facilities.	10/2/00, 10/15/01	11/7/01, 66 FR 56220	(c)(160).
26.11.19.30	Control of Volatile Organic Compounds from Chemical Production and Flouropolymer Material Installations.	4/21/08	10/18/11, 76 FR 64237	Amendments to Sections .30A, .30B, .30C and .30E.
26.11.19.31	Control of Volatile Organic Compounds from Medical Device Manufacturing.	6/5/06	1/11/07, 72 FR 1289	
26.11.19.33	Control of Volatile Organic Compounds (VOCs) from Flat wood Paneling Coatings.	4/19/10	1/26/11, 76 FR 4534	New Regulation.
26.11.20 Mobile Sources				
26.11.20.02	Motor Vehicle Emission Control Devices.	8/1/88	11/3/92, 57 FR 49651	(c)(90)(i)(B)(*13*) [as 26.11.20.06].
26.11.20.03	Motor Vehicle Fuel Specifications	10/26/92	6/10/94, 59 FR 29957	(c)(101)(i)(B)(*3*).
26.11.20.04	National Low Emission Vehicle Program.	3/22/99	12/28/99, 64 FR 72564	(c)(146).
26.11.24 Stage II Vapor Recovery at Gasoline Dispensing Facilities				
26.11.24.01	Definitions	1/29/07	1/17/08, 73 FR 3187	Addition of ''Certified Inspector'' and ''Vapor Recovery System.''
26.11.24.01–1	Incorporation by Reference	4/15/02	5/7/03, 68 FR 24363	(c)(178).
26.11.24.02	Applicability, Exemptions, and Effective Date.	4/15/02	5/7/03, 68 FR 24363	(c)(178).
26.11.24.03	General Requirements	4/15/02	5/7/03, 68 FR 24363	(c)(178).
26.11.24.04	Testing Requirements	2/28/05	5/8/06 71 FR 26688	
26.11.24.05	Inspection Requirements	2/15/93	6/9/94, 59 FR 29730	(c)(107).
26.11.24.05–1	Inspections by a Certified Inspector.	1/29/07	1/17/08, 73 FR 3187	Added Section.
26.11.24.06	Training Requirements for Operation and Maintenance of Approved Systems.	2/15/93	6/9/94, 59 FR 29730	(c)(107).
26.11.24.07	Record-Keeping and Reporting Requirements.	2/28/05	5/8/06, 71 FR 26688	
26.11.24.08	Instructional Signs	2/15/93	6/9/94, 59 FR 29730	(c)(107).
26.11.24.09	Sanctions	2/15/93	6/9/94, 59 FR 29730	(c)(107).
26.11.25 Control of Glass Melting Furnaces				
26.11.25.01	Definitions	10/5/98	10/19/05, 70 FR 60738	
26.11.25.02	Applicability and Exemptions	10/5/98	10/19/05, 70 FR 60738	
26.11.25.03	Visible Emissions from Glass Melting Furnaces.	10/5/98	10/19/05, 70 FR 60738	
26.11.25.04	Particulate Matter Emissions from Glass Melting Furnaces.	10/5/98	10/19/05, 70 FR 60738	
26.11.26 Conformity				
26.11.26.01	Purpose	6/30/08	9/26/11, 76 FR 59252	New Regulation.
26.11.26.02	Definitions	6/30/08	9/26/11, 76 FR 59252	Definitions added for transportation conformity; definitions for general conformity were approved at (c)(136).
26.11.26.03	Transportation Conformity	6/30/08	9/26/11, 76 FR 59252	New Regulation.
26.11.26.04	Transportation Conformity—Consultation in General.	6/30/08	9/26/11, 76 FR 59252	New Regulation.
26.11.26.05	Transportation Conformity—Interagency Consultation Requirements.	6/30/08	9/26/11, 76 FR 59252	New Regulation.

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26.11.26.06	Transportation Conformity—Dispute Resolution.	6/30/08	9/26/11, 76 FR 59252	New Regulation.
26.11.26.07	Transportation Conformity—Public Consultation Procedures.	6/30/08	9/26/11], 76 FR 59252	New Regulation.
26.11.26.08	Transportation Conformity—Interagency Consultation.	6/30/08	9/26/11, 76 FR 59252	New Regulation.
26.11.26.09	General Conformity	6/30/08	9/26/11, 76 FR 59252	Formerly SIP regulation 26.11.26.03.
26.11.27 Emission Limitations for Power Plants				
26.11.27.01	Definitions	7/16/07	9/4/08, 73 FR 51599	
26.11.27.02	Applicability and Exceptions	7/16/07	9/4/08, 73 FR 51599	
26.11.27.03	General Requirements	7/16/07	9/4/08, 73 FR 51599	Exceptions: Paragraphs .03B(7)(a)(iii) and .03D; the word "and" at the end of paragraph .03B(7)(a)(ii).
26.11.27.05	Monitoring and Reporting Requirements.	7/16/07	9/4/08, 73 FR 51599	
26.11.27.06	Judicial Review of Penalty Waivers.	7/16/07	9/4/08, 73 FR 51599	
26.11.28 Clean Air Interstate Rule				
26.11.28.01	Definitions	6/16/08	10/30/09, 74 FR 56117	
26.11.28.02	Incorporation by Reference	6/16/08	10/30/09, 74 FR 56117	
26.11.28.03	Affected Units and General Requirements.	6/16/08	10/30/09, 74 FR 56117	
26.11.28.04	Requirements for New Affected Trading Units and NO_X Set Aside Pool.	6/16/08	10/30/09, 74 FR 56117	
26.11.28.05	NO_X Allowances for Renewable Energy Projects and Consumers of Electric Power.	6/16/08	10/30/09, 74 FR 56117	
26.11.28.06	NO_X Allowances To Be Distributed to Consumers of Electric Power.	6/16/08	10/30/09, 74 FR 56117	
26.11.28.07	Distribution of Unused NO_X Allowances in the Set Aside Pool.	6/16/08	10/30/09, 74 FR 56117	
26.11.28.08	Allocation of NO_X Allowances	6/16/08	10/30/09, 74 FR 56117	Annual and Ozone Season Allocations start in 2010 instead of 2009.
26.11.29 NO_X Reduction and Trading Program				
26.11.29.01	Definitions	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.02	Incorporation by Reference	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.03	Scope and Applicability	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.04	General Requirements for Affected Trading Sources.	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.05	NO_X Allowance Allocations	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.06	Compliance Supplement Pool	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.07	Allowance Banking	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.08	Emission Monitoring	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.09	Requirements for New Sources and Set-Aside Pool.	11/24/03	3/22/04 69 FR 13236	(c)(186)(i)(C)(*1*)–(*5*).
26.11.29.10	Reporting	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.11	Record Keeping	5/1/00	1/10/01 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.12	End-of-Season Reconciliation	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.13	Compliance Certification	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.14	Penalties	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.29.15	Requirements for Affected Non-trading Sources.	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*1*).
26.11.30 Policies and Procedures Relating to Maryland's NO_X Reduction and Trading Program				
26.11.30.01	Scope and Applicability	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.02	Definitions	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).

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26.11.30.03	Procedures Relating to Compliance Accounts and Overdraft Accounts.	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.04	Procedures Relating to General Accounts.	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.05	Allowance Banking	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.06	Allowance Transfers	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.07	Early Reductions	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.08	Opt-In Procedures	5/1/00	1/10/01, 66 FR 1866	(c)(154)(i)(B)(*2*).
26.11.30.09	Allocation of Allowances	6/19/06	11/03/06, 71 FR 64647	New column for 2008 allocations.
26.11.32 Control of Emissions of Volatile Organic Compounds From Consumer Products				
26.11.32.01	Applicability and Exemptions	6/18/07	12/10/07 72 FR 69621	
26.11.32.02	Incorporation by Reference	6/18/07	12/10/07 72 FR 69621	
26.11.32.03	Definitions	6/18/07	12/10/07 72 FR 69621	
26.11.32.04	Standards—General	6/18/07	12/10/07 72 FR 69621	
26.11.32.05	Standards—Requirements for Charcoal Lighter Materials.	8/18/03	12/09/03 68 FR 68523	(c)(185).
26.11.32.06	Standards—Requirements for Aerosol Adhesives.	6/18/07	12/10/07 72 FR 69621	
26.11.32.07	Standards—Requirements for Floor Wax Strippers.	8/18/03	12/09/03 68 FR 68523	(c)(185).
26.11.32.08	Requirements for Contact Adhesives, Electronic Cleaners, Footwear, or Leather Care Products, and General Purpose Cleaners.	6/18/07	12/10/07 72 FR 69621	New Regulation.
26.11.32.09	Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers.	6/18/07	12/10/07 72 FR 69621	New Regulation.
26.11.32.10	Requirements for Solid Air Fresheners and Toilet and Urinal Care Products.	6/18/07	12/10/07 72 FR 69621	New Regulation.
26.11.32.11	Innovative Products—CARB Exemption.	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .08.
26.11.32.12	Innovative Products—Department Exemption.	6/18/07	12/10/07 72 FR 69621	
26.11.32.13	Administrative Requirements	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .10; Amended.
26.11.32.14	Reporting Requirements	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .11; Amended.
26.11.32.15	Variances	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .12; Amended.
26.11.32.16	Test Methods	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .13; Amended.
26.11.32.17	Alternative Control Plan (ACP)	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .14; Amended.
26.11.32.18	Approval of an ACP Application	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .15; Amended.
26.11.32.19	Record Keeping and Availability of Requested Information.	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .16.
26.11.32.20	Violations	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .17.
26.11.32.21	Surplus Reduction and Surplus Trading.	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .18; Amended.
26.11.32.22	Limited-use surplus reduction credits for early formulations of ACP Products.	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .19; Amended.
26.11.32.23	Reconciliation of Shortfalls	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .20; Amended.
26.11.32.24	Modifications to an ACP	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .21; Amended.
26.11.32.25	Cancellation of an ACP	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .22; Amended.

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26.11.32.26	Transfer of an ACP	6/18/07	12/10/07 72 FR 69621	Recodification of existing Regulation .23
26.11.33 Architectural Coatings				
26.11.33.01	Applicability and Exemptions	3/29/04	5/12/05, 70 FR 24979	
26.11.33.02	Test Methods—Incorporation by Reference.	3/29/04	5/12/05, 70 FR 24979	
26.11.33.03	Definitions	3/29/04	5/12/05, 70 FR 24979	
26.11.33.04	General Standard—VOC Content Limits.	3/29/04	5/12/05, 70 FR 24979	
26.11.33.05	VOC Content Limits	3/29/04	5/12/05, 70 FR 24979	
26.11.33.06	Most Restrictive VOC Limit	2/28/05	10/19/05, 70 FR 60740	Addition of sections B(15) through B(19).
26.11.33.07	Painting Restrictions	3/29/04	5/12/05, 70 FR 24979	
26.11.33.08	Thinning	3/29/04	5/12/05, 70 FR 24979	
26.11.33.09	Rust Preventive Coatings	3/29/04	5/12/05, 70 FR 24979	
26.11.33.10	Coatings Not Listed in Regulation .05.	2/28/05	10/19/05, 70 FR 60740	
26.11.33.11	Lacquers	3/29/04	5/12/05, 70 FR 24979	
26.11.33.12	Container Labeling Requirements	2/28/05	10/19/05, 70 FR 60740	Deleted section K.
26.11.33.13	Record Keeping Requirements	2/28/05	10/19/05, 70 FR 60740	
26.11.33.14	Compliance Provisions and Test Methods.	3/29/04	5/12/05, 70 FR 24979	
26.11.35 Volatile Organic Compounds from Adhesives and Sealants				
26.11.35.01	Applicability and Exemptions	4/21/08 6/1/09	10/18/11, 76 FR 64237	New Section.
26.11.35.02	Incorporation by Reference	4/21/08	10/18/11, 76 FR 64237	New Section.
26.11.35.03	Definitions	4/21/08	10/18/11, 76 FR 64237	New Section.
26.11.35.04	Standards	4/21/08	10/18/11, 76 FR 64237	New Section.
26.11.35.05	Administrative Requirements	4/21/08	10/18/11, 76 FR 64237	New Section.
26.11.35.06	Compliance Procedures and Test Methods.	4/21/08	10/18/11, 76 FR 64237	New Section.
26.11.35.07	Container Labeling	4/21/08	10/18/11, 76 FR 64237	New Section.
11.14.08 Vehicle Emissions Inspection Program				
11.14.08.01	Title	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.02	Definitions	1/02/95, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.03	Applicability	6/10/02	1/16/03, 68 FR 2208	(c)(179).
11.14.08.04	Exemptions	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.05	Schedule of the Program	1/02/95, 12/16/96	10/29/99, 64 FR 58340	(c)(144).
11.14.08.06	Certificates	6/10/02	1/16/03, 68 FR 2208	(c)(179).
11.14.08.07	Extensions	1/02/95, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.08	Enforcement	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.09	Inspection Standards	6/10/02	1/16/03, 68 FR 2208	(c)(179).
11.14.08.10	General Requirements for Inspection and Preparation for Inspection.	1/02/95, 12/16/96, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.11	Idle Exhaust Emissions Test and Equipment Checks.	10/18/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.11–1	Transient Exhaust Emissions Test and Evaporative Purge Test Sequence.	12/16/96, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.12	Evaporative Integrity Test, Gas Cap Leak Test, and On-Board Diagnostics Interrogation Procedures.	6/10/02	1/16/03, 68 FR 2208	(c)(179).

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
11.14.08.13	Failed Vehicle and Reinspection Procedures.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.14	Dynamometer System Specifications.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.15	Constant Volume Sampler, Analysis System, and Inspector Control Specifications.	1/02/95, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.16	Evaporative Test Equipment, Gas Cap Leak Test Equipment, and On-Board Diagnostics Interrogation Equipment Specifications.	6/10/02	1/16/03, 68 FR 2208	(c)(179).
11.14.08.17	Quality Assurance and Maintenance—General Requirements.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.18	Test Assurance Procedures	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.19	Dynamometer Periodic Quality Assurance Checks.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.20	Constant Volume Sampler Periodic Quality Assurance Checks.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.21	Analysis System Periodic Quality Assurance Checks.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.22	Evaporative Test Equipment, Gas Cap Leak Test Equipment and On-Board Diagnostics Interrogation Equipment Periodic Quality Assurance Checks.	1/2/95 10/19/98	10/29/99 64 FR 58340	(c)(144).
11.14.08.23	Overall System Performance Quality Assurance.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.24	Control Charts	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.25	Gas Specifications	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.26	Vehicle Emissions Inspection Station.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.27	Technician's Vehicle Report	1/02/95, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.28	Feedback Reports	1/02/95, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.29	Certified Emissions Technician	1/02/95, 12/16/96	10/29/99, 64 FR 58340	(c)(144).
11.14.08.30	Certified Emissions Repair Facility	1/02/95, 12/16/96	10/29/99, 64 FR 58340	(c)(144).
11.14.08.31	On-Highway Emissions Test	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.32	Fleet Inspection Station	1/02/95, 12/16/96, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
11.14.08.33	Fleet Inspection Standards	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.34	Fleet Inspection and Reinspection Methods.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.35	Fleet Equipment and Quality Assurance Requirements.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.36	Fleet Personnel Requirements	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.37	Fleet Calibration Gas Specifications and Standard Reference Materials.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.38	Fleet Recordkeeping Requirements.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.39	Fleet Fees	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.40	Fleet License Suspension and Revocation.	1/02/95	10/29/99, 64 FR 58340	(c)(144).
11.14.08.41	Audits	1/02/95	10/29/99, 64 FR 58340	(c)(144).

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
11.14.08.42	Fleet Inspection After 1998	1/02/95, 2/16/96, 10/19/98	10/29/99, 64 FR 58340	(c)(144).
03.03.05 Motor Fuel Inspection [Contingency SIP Measure]				
03.03.05.01	Definitions	12/18/95	1/30/96, 61 FR 2982	(c)(101)(i)(B)(*4*); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)].
03.03.05.01–1	Standard Specifications for Gasoline.	12/18/95	1/30/96, 61 FR 2982	
03.03.05.02–1	Other Motor Vehicle Fuels	10/26/92	6/10/94, 58 FR 29957	
03.03.05.05	Labeling of Pumps	12/18/95	1/30/96, 61 FR 2982	
03.03.05.08	Samples and Test Tolerance	10/26/92	6/10/94, 58 FR 29957	
03.03.05.15	Commingled Products	10/26/92	6/10/94, 58 FR 29957	
03.03.06 Emissions Control Compliance [Contingency SIP Measure]				
03.03.06.01	Definitions	12/18/95	1/30/96, 61 FR 2982	(c)(101)(i)(B)(*5*); Approved as a contingency SIP measure as part of the CO Maintenance Plans for Baltimore and DC. [(c)(117) and (c)(118)].
03.03.06.02	Vapor Pressure Determination	10/26/92	6/10/94, 58 FR 29957	
03.03.06.03	Oxygen Content Determination	12/18/95	1/30/96, 61 FR 2982	
03.03.06.04	Registration	10/26/92	6/10/94, 58 FR 29957	
03.03.06.05	Record Keeping	10/26/92	6/10/94, 58 FR 29957	
03.03.06.06	Transfer Documentation	12/18/95	1/30/96, 61 FR 2982	
20.79.01 Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines—General				
20.79.01.01A, .01C, and .01D.	Scope	12/28/09	2/10/12, 77 FR 6963	Added; limited approval.
20.79.01.02A and .02B(1) through (13), (14)(a), (15), (16), and (18) through (20).	Definitions	12/28/09	2/10/12, 77 FR 6963	Added; limited approval.
20.79.01.06	Modifications to Facilities at a Power Plant.	12/28/09	2/10/12, 77 FR 6963	Added; limited approval.
20.79.02 Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines—Administrative Provisions				
20.79.02.01	Form of Application	2/10/97	2/10/12, 77 FR 6963	Added; limited approval.
20.79.02.02	Distribution of Application	2/10/97; 11/8/04	2/10/12, 77 FR 6963	Added; limited approval.
20.79.02.03	Proceedings on the Application	2/10/97; 11/8/04	2/10/12, 77 FR 6963	Added; Limited approval.
20.79.03 Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission Lines—Details of Filing Requirements—Generating Stations				
20.79.03.01	Description of Generating Station	2/10/97; 11/8/04	2/10/12, 77 FR 6963	Added; limited approval.
20.79.03.02A and .02B(1) and (2).	Environmental Information	2/10/97; 11/8/04	2/10/12, 77 FR 6963	Added; limited approval.

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
TM Technical Memoranda				
TM91–01 [Except Methods 1004A through E].	Test Methods and Equipment Specifications for Stationary Sources.	11/2/98	9/7/01, 66 FR 46727	(c)(153)(i)(D)(*5*) (Supplement 3 is added).

Annotated Code of Maryland citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
Public Utility Companies Article of the Annotated Code of Maryland				
Section 7–205	Electric Companies—Modification of Power Plant.	7/01/06	2/10/12, 77 FR 6963	Added; limited approval.
Section 7–207(a), (b)(1), (c), (d), and (e).	Generating Stations or Transmission Lines—General Certification Procedure.	7/01/07	2/10/12, 77 FR 6963	Added; limited approval.
Section 7–207.1(a) and (e).	Generating Stations or Transmission Lines—Onsite Generated Electricity; Approval Process.	7/01/07	2/10/12, 77 FR 6963	Added; limited approval.
Section 7–208 (a)(1), (b) through (f), and (h)(2).	Generating Stations or Transmission Lines—Joint Construction of Station and Associated Lines.	7/01/01	2/10/12, 77 FR 6963	Added; limited approval.

(d) *EPA approved state source-specific requirements.*

Name of source	Permit number/type	State effective date	EPA approval date	Additional explanation
Potomac Electric Power Company (PEPCO)—Chalk Point Units #1 and #2.	#49352 Amended Consent Order.	2/27/78	4/2/79 44 FR 19192.	52.1100(c)(22); FRN republished 5/3/79 (44 FR 25840).
Potomac Electric Power Company (PEPCO)—Dickerson.	#49352, Amended Consent Order.	7/26/78	12/6/79, 44 FR 70141.	52.1100(c)(25).
Beall Jr./Sr. High School	Consent Order	1/30/79	3/18/80, 45 FR 17144.	52.1100(c)(26).
Mt. Saint Mary's College	Consent Order	3/8/79	3/18/80, 45 FR 17144.	52.1100(c)(26).
Potomac Electric Power Company (PEPCO)—Chalk Point.	Secretarial Order	7/19/79	9/3/80, 45 FR 58340.	52.1100(c)(34).
Maryland Slag Co	Consent Agreement (Order).	10/31/80	9/8/81, 41 FR 44757.	52.1100(c)(49).
Northeast Maryland Waste Disposal Authority.	Secretarial Order	11/20/81	7/7/82, 47 FR 29531.	52.1100(c)(65) (Wheelabrator-Frye, Inc.).
Northeast Maryland Waste Disposal Authority and Wheelabrator-Frye, Inc. and the Mayor and City Council of Baltimore and BEDCO Development Corp.	Secretarial Order	2/25/83	8/24/83, 45 FR 55179.	52.1100(c)(70) (Shutdown of landfill for offsets).
Westvaco Corp	Consent Order	9/6/83; Rev. 1/26/84.	12/20/84, 49 FR 49457.	52.1100(c)(74).
Potomac Electric Power Company (PEPCO).	Administrative Consent Order.	9/13/99	12/15/00, 65 FR 78416.	52.1100(c)(151).
Thomas Manufacturing Corp ...	Consent Decree ...	2/15/01	11/15/01, 66 FR 57395.	52.1100(c)(167).
Constellation Power Source Generation, Inc.—Brandon Shores Units #1 & 2; Gould Street Unit #3; H.A. Wagner Units #1, 2, 3 & 4; C.P. Crane Units #1 & 3; and Riverside Unit #4.	Consent Order and NO_X RACT Averaging Plan Proposal.	4/25/01	2/27/02, 67 FR 8897.	52.1100(c)(168).
Kaydon Ring and Seal, Inc	Consent Order	3/5/04	8/31/04, 69 FR 53002.	(c)(190).

Name of source	Permit number/ type	State effective date	EPA approval date	Additional explanation
Perdue Farms, Inc	Consent Order	2/1/05	1/11/07, 72 FR 1291.	52.1070(d)(1).

(e) *EPA-approved nonregulatory and quasi-regulatory material.*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Base Year Emissions Inventory.	Metropolitan Baltimore Ozone Nonattainment Area 1990.	9/20/95	10/30/95, 60 FR 55321	52.1075(a) CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	3/21/94 10/12/95	1/30/96, 61 FR 2931	52.1075(b) CO.
1990 Base Year Emissions Inventory.	All ozone nonattainment areas.	3/21/94	9/27/96, 61 FR 50715	52.1075(c) VOC, NO_X, CO.
1990 Base Year Emissions Inventory.	Kent & Queen Anne's Counties.	3/21/94	9/27/96, 61 FR 50715	52.1075(d) VOC, NO_X, CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	3/21/94	4/23/97, 62 FR 19676	52.1075(e) VOC, NO_X, CO.
1990 Base Year Emissions Inventory.	Metropolitan Washington Ozone Nonattainment Area.	12/24/97	7/8/98, 63 FR 36854	52.1075(f) VOC, NO_X.
1990 Base Year Emissions Inventory.	Metropolitan Baltimore Ozone Nonattainment Area.	12/24/97	2/3/00, 65 FR 5245	52.1075(g) VOC, NO_X.
1990 Base Year Emissions Inventory.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	12/24/97, 4/29/98, 12/21/99, 12/28/00.	2/3/00, 65 FR 5252, 9/19/01, 66 FR 48209.	52.1075(h) VOC, NO_X.
15% Rate of Progress Plan.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	7/12/95, #95–20	7/29/97, 62 FR 40457	52.1076(a).
Stage II Vapor Recovery Comparability Plan.	Western Maryland & Eastern Shore Counties.	11/5/97	12/9/98, 63 FR 67780	52.1076(b).
15% Rate of Progress Plan.	Metropolitan Baltimore Ozone Nonattainment Area.	10/7/98	2/3/00, 65 FR 5245	52.1076(c).
15% Rate of Progress Plan.	Metropolitan Washington Ozone Nonattainment Area.	5/5/98	7/19/00, 65 FR 44686	52.1076(d).
Post-1996 Rate of Progress Plan & contingency measures.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	12/24/97, 4/24/98	2/3/00, 65 FR 5252	52.1076(f).
		8/18/98, 12/21/99	9/19/01, 66 FR 44809.	
		12/28/00, 3/8/04	4/15/04, 69 FR 19939	52.1076(f)(3).
Ozone Attainment Plan	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	4/29/98, 8/18/98, 12/21/99, 12/28/00, 8/31/01.	10/29/01, 66 FR 54578	52.1076(h).
		9/2/03	10/27/03, 68 FR 61103.	
Transportation Conformity Budgets.	Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	4/29/98, 8/18/98, 12/21/99, 12/28/00.	10/29/01, 66 FR 54578	52.1076(i).
Post-1996 Rate of Progress Plan & contingency measures.	Metropolitan Baltimore Ozone Nonattainment Area.	12/24/97, 4/24/98, 8/18/98, 12/21/99, 12/28/00.	9/26/01, 66 FR 49108	52.1076(j).
Ozone Attainment Plan	Metropolitan Baltimore Ozone Nonattainment Area.	4/29/98, 8/18/98, 12/21/99, 12/28/00, 8/31/01.	10/30/01, 66 FR 54666	52.1076(k).
		9/2/03	10/27/03, 68 FR 61103	52.1076(k).

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Mobile budgets	Metropolitan Baltimore Ozone Nonattainment Area.	8/31/01	10/30/01, 66 FR 54666	52.1076(l).
		9/2/03	10/27/03, 68 FR 61103.	
Mobile budgets (2005)	Metropolitan Baltimore Ozone Nonattainment Area. Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County).	9/2/03	10/27/03, 68 FR 61103	52.1076(m).
Mobile budgets (2005 Rate of Progress Plan).	Metropolitan Baltimore Ozone Nonattainment Area.	11/3/03	2/13/04, 69 FR 7133	52.1076(n).
Extension for incorporation of the on-board diagnostics (OBD) testing program into the Maryland I/M SIP.	All ozone nonattainment areas.	7/9/02	1/16/03, 68 FR 2208	52.1078(b).
Photochemical Assessment Monitoring Stations (PAMS) Program.	Metropolitan Baltimore and Metropolitan Washington Ozone Nonattainment Areas.	3/24/94	9/11/95, 60 FR 47081	52.1080.
Consultation with Local Officials (CAA Sections 121 & 127).	All nonattainment & PSD areas.	10/8/81	4/8/82, 47 FR 15140	52.1100(c)(63).
Lead (Pb) SIP	City of Baltimore	10/23/80	2/23/82, 47 FR 7835	52.1100(c)(60), (61).
TM#90–01—''Continuous Emission Monitoring Policies and Procedures''—October 1990.	Statewide	9/18/91	2/28/96, 61 FR 7418	52.1100(c)(106); approved into SIP as ''additional material'', but not IBR'd.
Carbon Monoxide Maintenance Plan.	City of Baltimore—Regional Planning District 118.	9/20/95	10/31/95 60 FR 55321	52.1100(c)(117).
		7/15/04	4/04/05 70 FR 16958	Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6.
		7/15/04		
Carbon Monoxide Maintenance Plan.	Montgomery County Election Districts 4, 7, and 13; Prince Georges County Election Districts 2, 6, 12, 16, 17, and 18.	10/12/95	1/30/96 61 FR 2931	52.1100(c)(118).
		3/3/04	4/04/05 70 FR 16958	Revised Carbon Monoxide Maintenance Plan Base Year Emissions Inventory using MOBILE6.
Ozone Maintenance Plan.	Kent and Queen Anne's Counties.	2/4/04	10/21/04, 69 FR 61766	52.1100(c)(187); SIP effective date is 11/22/04.
1996–1999 Rate-of-Progress Plan SIP and the Transportation Control Measures (TCMs) in Appendix H.	Washington DC 1-hour ozone nonattainment area.	12/20/97, 5/20/99	5/16/05, 70 FR 25688	Only the TCMs in Appendix H of the 5/20/1999 revision.
				1999 motor vehicle emissions budgets of 128.5 tons per day (tpy) of VOC and 196.4 tpy of NO_X.
1990 Base Year Inventory Revisions.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688	.

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
1999–2005 Rate-of-Progress Plan SIP Revision and the Transportation Control Measures (TCMs) in Appendix J.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688	Only the TCMs in Appendix J of the 2/24/2004 revision 2002 motor vehicle emissions budgets (MVEBs) of 125.2 tons per day (tpy) for VOC and 290.3 tpy of NO_X, and, 2005 MVEBs of 97.4 tpy for VOC and 234.7 tpy of NO_X.
VMT Offset SIP Revision.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688.	
Contingency Measure Plan.	Washington, DC Area	9/2/03, 2/24/04	5/16/05, 70 FR 25688.	
1-hour Ozone Modeled Demonstration of Attainment.	Washington DC 1-hour ozone nonattainment area.	9/2/03, 2/24/04	5/16/05, 70 FR 25688.	
Attainment Demonstration and Early Action Plan for the Washington County Ozone Early Action Compact Area.	Washington County	12/20/04, 2/28/05	8/17/05, 70 FR 48283.	
1-Hour Ozone Attainment Plan.	Washington DC 1-hour ozone nonattainment area.	9/2/03 2/24/04	11/16/05 70 FR 69440.	
8-Hour Ozone Maintenance Plan for the Kent and Queen Anne's Area.	Kent and Queen Anne's Counties.	5/2/06 5/19/06	12/22/06 71 FR 76920.	
Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures.	Baltimore 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/4/10, 75 FR 31709.	
2002 Base Year Inventory for VOC, NO_X, and CO.	Baltimore 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/4/10, 75 FR 31709.	
2008 RFP Transportation Conformity Budgets.	Baltimore 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/4/10, 75 FR 31709.	
Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures.	Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/11/10, 75 FR 33172.	
2002 Base Year Inventory for VOC, NO_X, and CO.	Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/11/10, 75 FR 33172.	
2008 RFP Transportation Conformity Budgets.	Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area.	6/4/07	6/11/10, 75 FR 33172.	
Reasonable Further Progress Plan (RFP), Reasonably Available Control Measures, and Contingency Measures.	Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area.	6/12/07	9/20/11,76 FR 58116.	
2002 Base Year Inventory for VOC, NO_X, and CO.	Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area.	6/12/07	9/20/11,76 FR 58116.	
2008 RFP Transportation Conformity Budgets.	Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area.	6/12/07	9/20/11,76 FR 58116.	

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	7/27/07, 11/30/07	11/25/11, 76 FR 72624	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS.	Statewide	4/3/08, 4/16/10	11/25/11, 76 FR 72624	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A),, (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2006 $PM_{2.5}$ NAAQS.	Statewide	4/16/10, 7/21/10	11/25/11, 76 FR 72624	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[69 FR 69306, Nov. 29, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1070, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTES: 1.At 77 FR 25903, May 2, 2012, in § 52.1070, the table in paragraph (d) was amended by removing the entry for Maryland Slag Co, effective July 2, 2012.

2. At 77 FR 26440, May 4, 2012, in § 52.1070, the table in paragraph (d) was amended by removing the entries for Potomac Electric Company (PEPCO)—Chalk Point Units #1 and #2 and Potomac Electric Company (PEPCO)—Chalk Point, and by adding an entry for the GenOn Chalk Point Generating Station as the last entry in the table, effective July 3, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(d) * * *

Name of source	Permit No./type	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
GenOn Chalk Point Generating Station.	The 2011 Consent Decree for Chalk Point.	3/10/11	5/4/12 [Insert page number where the document begins].	Docket No. 52.1070(d). The SIP approval includes specific provisions of the 2011 Consent Decree for which the State of Maryland requested approval on October 12, 2011.

* * * * *

3.At 77 FR 28492, May 15, 2012, in § 52.1070, the table in paragraph (c) is amended by revising the entry for COMAR 26.11.02.10, effective July 15, 2012. For the convenience of the user, the revised text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/Subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
* * *	*	*	*	* *
26.11.02 Permits, Approvals, and Registration				
* * *	*	*	*	* *
26.11.02.10	Sources Exempt from Permits to Construct and Approvals.	11/24/03	5–15–12 [*Insert page number where the document begins*].	Removed .10D; revised .10E.
* * *	*	*	*	* *

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4. At 77 FR 34809, June 12, 2012, § 52.1070 was amended by revising the entry for COMAR 26.11.02.10 in the table in paragraph (c), effective Aug. 13, 2012. For the convenience of the user, the revised text is set forth as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
* * *	*	*	*	* *
26.11.02 Permits, Approvals, and Registration				
* * *	*	*	*	* *
26.11.02.10	Sources Exempt from Permits to Construct and Approvals.	8/11/11	6/12/12 [*Insert page number where the document begins*].	Revised .10X
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§ 52.1071 Classification of regions.

The Maryland plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Cumberland-Keyser Interstate	I	I	III	III	III
Central Maryland Intrastate	II	II	III	III	III
Metropolitan Baltimore Intrastate	I	I	I	I	I
National Capital Interstate	I	I	III	I	I
Southern Maryland Intrastate	III	III	III	III	III
Eastern Shore Intrastate	II	III	III	III	III

[37 FR 10870, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 53475, Aug. 12, 1980]

§ 52.1072 Conditional approval.

(a)–(d) [Reserved]

(e) Maryland's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 24, 1997 and May 20, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998, August 17, 1998, February 14, 2000 and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9, 2000 submittal, is conditionally approved contingent on Maryland submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides (NO_X) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Maryland must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15, 1999 to the November 15, 2005 severe ozone attainment date.

(3) Revises the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the ROP reductions required for the post-1999 period.

(4) Revises the Washington area severe attainment demonstration to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented for the failure of the Washington area to attain the one-hour ozone standard for serious areas by November 15, 1999.

(5) Revises the Washington area severe attainment demonstration to reflect revised MOBILE6-based motor vehicle emissions budgets, including revisions to the attainment modeling/weight of evidence demonstration and adopted control measures, as necessary, to show that the SIP continues to demonstrate attainment by November 15, 2005.

(6) Revises the Washington area severe attainment demonstration to include a contingency plan containing those measures to be implemented if the Washington area does not attain the one-hour ozone standard by November 15, 2005.

(7) Revises the Washington area severe attainment demonstration to include a revised RACM analysis and any revisions to the attainment demonstration including adopted control measures, as necessitated by such analysis.

(8) Revises the major stationary source threshold to 25 tons per year.

(9) Revises Reasonably Available Control Technology (RACT) rules to include the lower major source applicability threshold.

(10) Revises new source review offset requirement to require an offset ratio of at least 1.3 to 1.

(11) Includes a fee requirement for major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) should the area fail to attain by November 15, 2005.

(12) Includes a revision that identifies and adopts specific enforceable transportation control strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or number of vehicle trips and to attain reductions

in motor vehicle emissions as necessary, in combination with other emission reduction requirements in the Washington area, to comply with the rate-of-progress requirements for severe areas. Measures specified in section 108(f) of the Clean Air Act will be considered and implemented as necessary to demonstrate attainment.

[62 FR 40944, July 31, 1997, as amended at 62 FR 49616, Sept. 23, 1997; 62 FR 52666, Oct. 9, 1997; 63 FR 47179, Sept. 4, 1998; 64 FR 33200, June 22, 1999; 64 FR 58344, Oct. 29, 1999; 65 FR 5252, Feb. 3, 2000; 65 FR 44689, July 19, 2000; 66 FR 9527, Feb. 8, 2001; 68 FR 19131, Apr. 17, 2003; 74 FR 24705, May 26, 2009]

EFFECTIVE DATE NOTE: At 69 FR 19937, Apr. 15, 2004, in § 52.1072, paragraph (e) was stayed indefinitely.

§ 52.1073 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.

(b) With the exceptions set forth in this subpart, the Administrator approves the amendment to Regulation 10.18.01 sections .01, .07, and .11, Regulation 10.18.04 and 10.18.05 section .03D, .03F, .03H, .06I of Maryland's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that portions of the plan, as submitted January 19, 1979, satisfy the requirements of part D, title 1, of the Clean Air Act as amended in 1977.

In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(c) Code of Maryland Air Regulations (COMAR) 26.11.13.06 is approved with the following exception:

(i) Distributors and retailers of gasoline-ethanol blends as defined by 40 CFR 80.27(d)(2) are subject to the provisions of 40 CFR 80.27(d)(1) through 40 CFR 80.27(d)(3).

(d) Letter of November 13, 1993, from the Maryland Department of the Environment transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

(e)–(g) [Reserved]

(h)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are ''subject to regulation'', as provided in this paragraph (h), and the Administrator takes no action on that application to the extent that GHGs are not ''subject to regulation.''

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO_2e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (h)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.

(4) For purposes of this paragraph (h)—

(i) The term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO_2 equivalent emissions (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (h)(4)(ii)(A) of this section for each gas to compute a tpy CO_2e.

(iii) The term emissions increase shall mean that a net significant emissions increase (as defined in 40 CFR part 52.21(b)(3)(i) (2000) and the EPA-approved Maryland rules at COMAR 26.11.06.14 (state effective date 10/10/2001)). For the pollutant GHGs, a net emissions increase shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO_2e instead of applying the value in 40 CFR 52.21(b)(23)(ii) (2000).

[38 FR 33716, Dec. 6, 1973, as amended at 45 FR 53475, Aug. 12, 1980; 47 FR 20128, May 11, 1982; 56 FR 23808, May 24, 1991; 58 FR 50848, Sept. 29, 1993; 61 FR 16061, Apr. 11, 1996; 63 FR 47179, Sept. 4, 1998; 70 FR 25718, 25724, May 13, 2005; 70 FR 69443, Nov. 16, 2005; 74 FR 24705, May 26, 2009; 75 FR 82556, Dec. 30, 2010]

§ 52.1074 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 698(f) of the Maryland Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 698(f) is disapproved.

[39 FR 34536, Sept. 26, 1974, and 47 FR 20128, May 11, 1982, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1075 Base year emissions inventory.

(a) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Baltimore Metropolitan Statistical Area, submitted by the Secretary, Maryland Department of the Environment, on September 20, 1995. This submittal consists of the 1990 base year stationary, area, off-road mobile and on-road mobile emission inventories in the Baltimore Metropolitan Statistical Area for the pollutant, carbon monoxide (CO).

(b) EPA approves as a revision to the Maryland Implementation Plan the 1990 base year emission inventory for the Washington Metropolitan Statistical Area, submitted by Secretary, Maryland Department of the Environment, on March 21, 1994 and October 12, 1995. This submittal consist of the 1990 base year stationary, area and off-road mobile and on-road mobile emission inventories in the Washington Statistical Area for the pollutant, carbon monoxide (CO).

(c) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_X).

(d) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas: Baltimore nonattainment areas, Cecil County, and Kent and Queen Anne's Counties submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_X).

(e) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventory for the Maryland portion of the Metropolitan Washington DC ozone nonattainment area submitted by the Secretary of MDE on March 21, 1994. This submittal consists of the 1990 base year point, area, highway mobile, non-road mobile, and biogenic source emission inventories in the area for the following pollutants: Volatile organic

compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_X).

(f) EPA approves as a revision to the Maryland State Implementation Plan an amendment to the 1990 base year emission inventories for the Maryland portion of the Metropolitan Washington DC ozone nonattainment area submitted by the Secretary of Maryland of the Department Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile, and non-road mobile source emission inventories in the area for the following pollutants: Volatile organic compounds (VOC), and oxides of nitrogen (NO_X).

(g) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Baltimore ozone nonattainment area, submitted by the Secretary of Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Baltimore ozone nonattainment area.

(h) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

(i) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO_X).

(j) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO_X).

(k) EPA approves as a revision to the Maryland State Implementation Plan the 2002 base year emissions inventories for the Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007. This submittal consists of the 2002 base year point, area, non-road mobile, and on-road mobile source inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO) and nitrogen oxides (NO_X).

[60 FR 55326, Oct. 31, 1995, as amended at 61 FR 2937, Jan. 30, 1996; 61 FR 50717, Sept. 27, 1996; 61 FR 64029, Dec. 3, 1996; 62 FR 19679, Apr. 23, 1997; 62 FR 34405, 34406, June 26, 1997; 63 FR 36858, July 8, 1998; 65 FR 5252, Feb. 3, 2000; 66 FR 48210, Sept. 19, 2001; 75 FR 31711, June 4, 2010; 75 FR 33174, June 11, 2010; 76 FR 58119, Sept. 20, 2011]

§ 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

(a) EPA is approving as a revision to the Maryland State Implementation Plan the 15 Percent Rate of Progress Plan and associated contingency measures for the Cecil County ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on July 21, 1995.

(b) EPA approves as a revision to the Maryland State Implementation Plan, the Stage II vapor recovery comparability plan for the counties of Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico,

and Worcester Counties submitted by the Maryland Department of the Environment on November 5, 1997.

(c) EPA approves as a revision to the Maryland State Implementation Plan, the 15 Percent Rate of Progress Plan for the Baltimore ozone nonattainment area, submitted by the Secretary of Maryland Department of the Environment on October 7, 1998.

(d) EPA approves the Maryland's 15 Percent Rate of Progress Plan for the Maryland portion of the Metropolitan Washington, D.C. ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on May 5, 1998.

(e) [Reserved]

(f)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(3) EPA approves revisions to the Maryland State Implementation Plan, submitted by the Secretary of the Maryland Department of the Environment on March 8, 2004, for the rate-of-progress (ROP) plan for year 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton 1-hour ozone nonattainment area. These revisions update Cecil County's 2005 ROP plan's 1990 and 2005 motor vehicle emissions inventories and motor vehicle emissions budgets to reflect the use of the MOBILE6 emissions model, establish motor vehicle emissions budgets of 3.0 tons per day (tpd) of volatile organic compounds and 11.3 tpd of nitrogen oxides, and amend the contingency measures associated with the 2005 ROP plan for Cecil County.

(g) [Reserved]

(h) EPA approves the attainment demonstration for the Philadelphia area submitted as a revision to the State Implementation Plan by the Maryland Department of the Environment on April 29, 1998, August 18, 1998, December 21, 1999, December 28, 2000, August 31, 2001, and September 2, 2003 including its RACM analysis and determination. EPA is also approving the revised enforceable commitments made to the attainment plan for the Baltimore severe ozone nonattainment area which were submitted on December 28, 2000. The enforceable commitments are to submit measures by October 31, 2001 for additional emission reductions as required in the attainment demonstration test, and to revise the SIP and motor vehicle emissions budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory; and to perform a mid-course review by December 31, 2003.

(i) EPA approves the following mobile budgets of Maryland's attainment plan for the Philadelphia area:

TRANSPORTATION CONFORMITY BUDGETS FOR THE MARYLAND PORTION OF THE PHILADELPHIA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)
Attainment Demonstration	2005	3.0	11.3

(1) [Reserved]

(2) Similarly, EPA is approving the 2005 attainment demonstration and its current budgets because Maryland has provided an enforceable commitment to submit new budgets as a SIP revision to the attainment plan consistent with any new measures submitted to fill any shortfall, if the new additional control measures affect on-road motor vehicle emissions.

(j)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for

milestone years 1999, 2002 and 2005 for the Baltimore severe ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Baltimore severe ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(k) EPA approves the attainment demonstration for the Baltimore area submitted as a revision to the State Implementation Plan by the Maryland Department of the Environment on April 29, 1998, August 18, 1998, December 21, 1999, December 28, 2000, August 20, 2001, and September 2, 2003 including its RACM analysis and determination. EPA is also approving the revised enforceable commitments made to the attainment plan for the Baltimore severe ozone nonattainment area which were submitted on December 28, 2000. The enforceable commitments are to submit measures by October 31, 2001 for additional emission reductions as required in the attainment demonstration test, and to revise the SIP and motor vehicle emissions budgets by October 31, 2001 if the additional measures affect the motor vehicle emissions inventory; and to perform a mid-course review by December 31, 2003.

(l) EPA approves the following mobile budgets of the Baltimore area attainment plan:

TRANSPORTATION CONFORMITY BUDGETS FOR THE BALTIMORE AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)
Attainment Demonstration	2005	55.0	146.9

(1) [Reserved]

(2) Similarly, EPA is approving the 2005 attainment demonstration and its current budgets because Maryland has provided an enforceable commitment to submit new budgets as a SIP revision to the attainment plan consistent with any new measures submitted to fill any shortfall, if the new additional control measures affect on-road motor vehicle emissions.

(m) EPA approves the State of Maryland's revised 1990 and the 2005 VOC and NO_X highway mobile emissions inventories and the 2005 motor vehicle emissions budgets for the one-hour ozone attainment plans for the Baltimore severe ozone nonattainment area and the Cecil County portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. These revisions were submitted by the Maryland Department of the Environment on September 2, 2003. Submission of these revised MOBILE6-based motor vehicle emissions inventories was a requirement of EPA's approval of the attainment demonstration under paragraphs (h) and (k) of this section.

(n) EPA approves revisions to the Maryland State Implementation Plan for Post-1996 Rate of Progress (ROP) Plans for the Baltimore severe 1-hour ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 23, 2003 and consist of the following:

(1) Revisions to the base year 1990 emissions inventory which reflect the use of the MOBILE6 motor vehicle emissions model. These revisions establish motor vehicle emissions inventories for 1990 of 165.14 tons per day of volatile organic compounds (VOC) and 228.21 tons per day of oxides of nitrogen (NO_X).

(2) Revisions to the year 2005 motor vehicle emissions budgets (MVEBs) for transportation conformity purposes, reflecting the use of the MOBILE6 motor vehicle emissions model. These revisions establish a motor vehicle emissions budget of 55 tons per day of volatile organic compounds (VOC) and 144.5 tons per day of oxides of nitrogen (NO_X). EPA approved new 2005

MOBILE6-based MVEBs for the Baltimore area's 1-hour ozone attainment demonstration on October 27, 2003 (68 FR 61106). Those MVEBs became effective on November 26, 2003. The approved 2005 attainment plan MVEBs budgets are 55.3 tons per day of VOC and 146.9 tons per day of NO_X. The MVEBs of the 2005 ROP plan are less than the MVEBs in the approved attainment demonstration. These more restrictive MVEBs, contained in the ROP plan, are the applicable MVEBs to be used in transportation conformity demonstrations for the year 2005 for the Baltimore area.

(3) Revisions to the 2005 ROP plan to reallocate some of the contingency measures established in prior SIP revisions to the control measures portion of the plan. EPA guidance allows states an additional year to adopt new contingency measures to replace those reallocated to the control measures portion of the plan. The State of Maryland's December 23, 2003 SIP revision submittal includes an enforceable commitment to replace those contingency measures reallocated to the control measures portion of the 2005 ROP plan and to submit these additional contingency measures by October 31, 2004.

(o) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that the Washington, DC severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005. EPA also has determined that the Washington, DC severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(p) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA has determined that that the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005. EPA also has determined that the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(q) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(r) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Baltimore 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE BALTIMORE AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Rate of Progress Plan	2008	41.2	106.8	April 13, 2009, (74 FR 13433), published March 27, 2009.

(s) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(t) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Maryland portion of the Philadelphia 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE MARYLAND PORTION OF THE PHILADELPHIA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Rate of Progress Plan	2008	2.3	7.9	April 13, 2009, (74 FR 13433), published March 27, 2009.

(u) EPA approves revisions to the Maryland State Implementation Plan consisting of the 2008 reasonable further progress (RFP) plan, reasonably available control measures, and contingency measures for the Washington DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Secretary of the Maryland Department of the Environment on June 4, 2007.

(v) EPA approves the following 2008 RFP motor vehicle emissions budgets (MVEBs) for the Washington, DC-MD-VA 1997 8-hour ozone moderate nonattainment area submitted by the Director of the Virginia Department of Environment Quality on June 12, 2007:

TRANSPORTATION CONFORMITY EMISSIONS BUDGETS FOR THE WASHINGTON, DC-MD-VA AREA

Type of control strategy SIP	Year	VOC (TPD)	NO_X (TPD)	Effective date of adequacy determination or SIP approval
Rate of Progress Plan	2008	70.8	159.8	September 21, 2009 (74 FR 45853), published September 4, 2009.

(w) *Determination of attainment*. EPA has determined, as of February 28, 2012, that based on 2007 to 2009 and 2008 to 2010 ambient air quality data, the Washington, DC-MD-VA moderate nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

(x) *Determination of attainment*. EPA has determined, as of March 26, 2012, that based on 2008 to 2010 ambient air quality data, Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 8-hour ozone moderate nonattainment area has attained the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual 8-hour ozone NAAQS.

[62 FR 40458, July 29, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1076, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 77 FR 34819, June 12, 2012, §52.1076 was amended by adding paragraph (y), effective July 12, 2012. For the convenience of the user, the added text is set forth as follows:

§52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

* * * * *

(y) Determination—EPA has determined that, as of July 12, 2012, the Baltimore 1-hour ozone nonattainment area has attained the 1-hour ozone standard and that this determination obviates the requirement for Maryland to submit for the Baltimore area the 1-hour ozone contingency measure requirements of section 172(c)(9) of the Clean Air Act.

§52.1077 Source surveillance.

(a) The requirements of §51.212 of this chapter are not met since the plans do

not provide specific procedures for stationary sources to be periodically tested.

[37 FR 10870, May 31, 1972, as amended at 47 FR 20128, May 11, 1982; 51 FR 40677, Nov. 7, 1986]

§ 52.1078 Extensions.

(a) [Reserved]

(b) The Administrator hereby extends by six-months the deadline by which Maryland must incorporate mandatory testing of second generation On-board Diagnostics (OBD-II) equipped motor vehicles as part of its inspection and maintenance (I/M) program. As a result of this deadline extension, Maryland must now incorporate mandatory OBD-II checks (for 1996-and-newer OBD-II equipped vehicles) as an element of the Commonwealth's I/M program in all enhanced I/M program areas by July 1, 2002.

[66 FR 632, Jan. 3, 2001, as amended at 68 FR 2210, Jan. 16, 2003; 69 FR 43522, July 21, 2004]

§ 52.1079 Requirements for state implementation plan revisions relating to new motor vehicles.

Maryland must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1080 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 Maryland's Department of the Environment submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

§ 52.1081 Control strategy: Particulate matter.

(a) *Determination of Attainment.* EPA has determined, as of January 12, 2009, the Maryland portion of the Metropolitan Washington, DC–MD–VA nonattainment area for the 1997 $PM_{2.5}$ NAAQS has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration and associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 $PM_{2.5}$ NAAQS.

(b) *Determination of Attainment.* EPA has determined, as of November 20, 2009, the Martinsburg-Hagerstown, WV–MD $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspend the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 $PM_{2.5}$ NAAQS.

(c) *Determination of Attainment.* EPA has determined, as of May 22, 2012, based on ambient air quality data of 2008 to 2010 and the preliminary data of 2011, that the $PM_{2.5}$ nonattainment area of Baltimore, Maryland has attained the 1997 annual $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual $PM_{2.5}$ NAAQS.

[74 FR 1148, Jan. 12, 2009, as amended at 74 FR 60203, Nov. 20, 2009; 77 FR 30212, May 22, 2012]

§ 52.1082 Determinations of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Metropolitan Washington, District of Columbia-Maryland-Virginia (DC-MD-

VA) fine particle ($PM_{2.5}$) nonattainment area attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Metropolitan Washington, DC-MD-VA nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Martinsburg-Hagerstown, West Virginia-Maryland (WV-MD) fine particle ($PM_{2.5}$) nonattainment area attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Martinsburg-Hagerstown, WV-MD nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, Washington, DC-MD-VA moderate nonattainment area has attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Washington, DC-MD-VA moderate nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).

(d) Based upon EPA's review of the air quality data for the 3-year period 2008 to 2010, EPA determined that Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 8-hour ozone moderate nonattainment area (the Philadelphia Area) attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Philadelphia Area nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

(e) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the $PM_{2.5}$ nonattainment area of Baltimore, Maryland attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the NAAQS. EPA has also determined that the $PM_{2.5}$ nonattainment area of Baltimore, Maryland is not subject to the consequences of failing to attain pursuant to section 179(d).

[77 FR 1413, Jan. 10, 2012, as amended at 77 FR 11741, Feb. 28, 2012; 77 FR 17344, Mar. 26, 2012; 77 FR 30212, May 22, 2012]

EFFECTIVE DATE NOTE: At 77 FR 34819, June 12, 2012, § 52.1082 was amended by adding paragraphs (f) and (g), effective July 12, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1082 Determinations of attainment.

* * * * *

(f) Based upon EPA's review of the air quality data for the 3-year period 2003 to 2005, EPA determined, as of July 12, 2012, that the Baltimore 1-hour ozone nonattainment area did not attain the 1-hour ozone standard as of its applicable 1-hour ozone attainment date of November 15, 2005.

(g) Based on 2009–2011 complete, quality-assured ozone monitoring data at all monitoring sites in the Baltimore 1-hour ozone nonattainment area, EPA determined, as of July 12, 2012, that the Baltimore 1-hour ozone nonattainment area has attained the 1-hour ozone standard.

§ 52.1083 [Reserved]

§ 52.1084 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of Maryland and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Maryland's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Maryland's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of Maryland and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Maryland's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Maryland's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48366, Aug. 8, 2011]

§ 52.1085 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Maryland and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Maryland's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Maryland's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless

provided otherwise by such approval of the State's SIP revision.

[76 FR 48367, Aug. 8, 2011]

§§ 52.1086–52.1099 [Reserved]

§ 52.1100 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Maryland'' and all revisions submitted by Maryland that were federally approved prior to November 1, 2004.

(b) The plans were officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions and errata to the plan submitted on February 25, 1972, by the Maryland Bureau of Air Quality Control.

(2) Clarification of emission data submitted on March 3, 1972, by the Maryland Bureau of Air Quality Control.

(3) Final State emission limitations, Regulations 10.03.35–10.03.41 of the Maryland Air Pollution Control Regulations, submitted on April 4, 1972, by the Maryland Bureau of Air Quality Control.

(4) Miscellaneous non-regulatory corrections and additions to the plan submitted on April 28, 1972, by the Maryland Bureau of Air Quality Control.

(5) Miscellaneous non-regulatory corrections and additions to the plan submitted on May 8, 1972, by the Maryland Bureau of Air Quality Control.

(6) Revision establishing unsuitable sites for construction of power plants submitted July 27, 1972, by the Maryland Department of Natural Resources.

(7) Transportation control plan for Metropolitan Baltimore and National Capital AQCR Submitted on April 16, 1973, by the Governor.

(8) Amendments to the Maryland Transportation Control Plans submitted on May 5, 1973, by the Governor.

(9) Amendments to the Maryland Transportation Control Plans submitted on June 15, 1973, by the Governor.

(10) Amendments to the Maryland Transportation Control Plans submitted on June 22, 1973, by the Governor.

(11) Amendments to the Maryland Transportation Control Plans submitted on June 28, 1973, by the Governor.

(12) Amendments to the Maryland plan for attainment and maintenance of secondary SO_2 standard for Metropolitan Baltimore AQCR submitted on July 31, 1973, by the Governor.

(13) Amendment to Maryland regulations 10.03.38.04J and 10.03.39.04J covering gasoline handling vapor control submitted on April 24, 1974, by the Governor of Maryland.

(14) Request for regulations 10.03.38.06G(2) and 10.03.39.06G(2) to be withdrawn from consideration submitted on November 29, 1974, by the Governor of Maryland.

(15) Amendments to Maryland Regulations 10.03.36, 10.03.37, 10.03.39, 10.03.40 and 10.03.41; deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent submitted on December 11, 1974 by the Governor.

(16) Amendment to Sections .04J(1) and .04J(2) of Maryland Regulations 10.03.38 and 10.03.39 (vapor recovery, Stage I); submitted on April 24, 1974, and amended on July 1, 1975 by the Governor.

(17) Amendment to Sections .04B(1) and .04B(2) of Maryland Regulations 10.03.37, 10.03.40 and 10.03.41 (allowable sulfur content in fuel); submitted on July 1, 1975 by the Governor.

(18) Amendment to Maryland Regulation 10.03.38, deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent, submitted on December 11, 1974 by the Governor.

(19) Amendments to Sections .03 (Air Pollution Episode System), .06 (Test Methods) and .11 (Permits); and deletion of Section .04 (Prior Registration of Proposed Installations) of Maryland Regulation 10.03.35 (Regulations Governing Air Pollution Control in the State of Maryland); amendments to Sections .03 (Control of Particulate Emissions), .04 (Control and Prohibition of oxides of nitrogen emissions), and associated tables of Maryland Regulations 10.03.36, 10.03.37, 10.03.40, and 10.03.41 (Regulations Governing Air Pollution Control in the Cumberland-Keyser, Central Maryland, Southern

Maryland, and Eastern Shore AQCRs); amendments to Sections .03 (Control and Prohibition of Particulate Emissions), .04 (Control and Prohibition of Hydrocarbons andOxides of Nitrogen Emissions) and .06 (Control and Prohibition of Installations and Operations) and associated tables of Maryland Regulations 10.03.38 and 10.03.39 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCRs); submitted on April 24, 1974 by the Governor.

(20) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards (former Section .05 of Regulations)), 10.03.36 through 10.03.41 (Regulations Governing Control of Air Pollution in the State of Maryland); amendments to Sections .01 (Control and Prohibition of Open Burning), .02 (Control and Prohibition of Particulate Emissions), .03 (Control and Prohibition of Sulfur Oxides, Hydrocarbons and Oxides of Nitrogen Emissions), and .06 (Control and Prohibition of Installations and Operations) of Maryland Regulations 10.03.36, 10.03.37, 10.03.40, and 10.03.41 (Regulations Controlling Air Pollution in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore AQCRs); amendments to Section .02 (Control and Prohibition of Visible Emissions), .03 (Control and Prohibition of sulfur oxides, hydrocarbons, and oxides of nitrogen emissions), and .06 (Control and Prohibition of Installations and Operations) of Maryland Regulations 10.03.38 and 10.03.39 (Regulations Controlling Air Pollution in the Metropolitan Baltimore and National Capital AQCRs); submitted on December 11, 1974 by the Governor.

(21) Amendments to Section .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland); amendments to Section .04 (Control and prohibition of sulfur oxides emissions) of Maryland Regulations 10.03.36, 10.03.37, 10.03.40 and 10.03.41 (Regulations Governing Air Pollution Control in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore AQCR's); deletion of Section .03D(1) (Control of particulate matter from grain drying installations) from Maryland Regulations 10.03.36, 10.03.37, 10.03.40 and 10.03.41; deletion of Section .03D (Control of particulate matter from grain drying installations) from Maryland Regulations 10.03.38 and 10.03.39 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCR's) submitted by the Governor on July 1, 1975.

(22) A Consent Order for the Chalk Point power plant issued by the Circuit Court for Montgomery County on February 27, 1978.

(23) Amendments to Sections .01 (Definitions), .03 (Air Pollution Episode System), .06 (Test Methods) and .12 (Emission Test Methods); and deletion of Section .08 (Penalties and Plans for Compliance) of Regulation 10.03.35 (Regulations Governing Air Pollution Control in the State of Maryland); amendments to Table 1 (Emission Standards for New Fuel Burning Equipment) of Maryland Regulations 10.03.36 through 10.03.41; amendments to Section .04 (Control and Prohibition of Gas and Vapor Emissions) and .06 (Control and Prohibition of Installations and Operations; and deletion of Section. .03E (Process Weight Requirements) and .07 (Transition from Previous Regulations) of Maryland Regulation 10.03.38 (Regulation Governing Air Pollution Control in the Metropolitan Baltimore AQCR); amendments to Section .01 (Control of Open Fires) and .04 (Control of Gas and Vapor Emissions; and deletion of Sections .03E (Process Weight Requirements) and .07 (Transition from Previous Regulations) of Maryland Regulation 10.03.39 (Regulation Governing Air Pollution Control in the Maryland Portion of the National Capital Interstate AQCR) submitted on February 10, 1977 by the Governor.

(24) Amendments to Maryland Regulation 10.03.35 through 10.03.41 inclusive which supplement the English System measurement with equivalent metric units submitted on February 10, 1977 by the Governor.

(25) Consent Order dated July 28, 1978 between the Potomac Electric Power Company and the Department of Health and Mental Hygiene of the State of Maryland in the Circuit Court

for Montgomery County (No. 49352—Equity) submitted on August 8, 1978 by Acting Governor Blair Lee.

(26) Consent Orders for Beall Jr./Sr. High School and Mount St. Mary's College issued by the Secretary of the Maryland Department of Health and Mental Hygiene on January 30, 1979 and March 8, 1979 respectively.

(27) Amendments to Sections .01, .07, and .11 of Maryland Regulation 10.18.01 as submitted on January 19, 1979 by the Governor.

(28) Amendments to Sections .03D, .03F, .03H, .06I of Maryland Regulation 10.18.04 and 10.18.05 as submitted on January 19, 1979 by the Governor.

(29) Variances from Maryland regulations 10.18.04.02(A), 10.18.04.03(B)(3), and 10.18.04.04(B)(1) relating to visible emissions, particulate matter from solid fuel burning equipment and prohibition of usage of fuel with sulfur content in excess of one percent by weight, respectively. The variance request was submitted on October 24, 1979 by the Governor of Maryland.

(30) Consent orders submitted by the Governor on July 16, 1975, November 18, 1977, and by the Administrator, Air Quality Programs on June 15, 1979 granting the Westvaco Corporation an exception to Regulation COMAR 10.18.02.04B.

(31)–(32) [Reserved]

(33) A consent order amending regulation 10.18.07, 10.18.07.02B, 10.18.07.03B(2)a, for the Firestone Plastics Co., Inc., Perryville, Maryland, submitted on December 1, 1978, by the Maryland Environmental Health Administration.

(34) Amendment to Maryland regulations 10.18.05.03(B)(2), 10.18.05.02(A), and 10.18.05.03(B)(1)(a) relating to relaxation of particulate emissions, visible emissions and waiving of particulate control equipment requirement for the Chalk Point Generating Station Unit #3. The amendment, a Secretarial Order, was submitted on August 13, 1979 by the State of Maryland.

(35) Variance from Maryland regulation 10.18.04.02(A) relating to visible emissions and allowing a maximum visible emission of 25% opacity. This variance expires on September 11, 1982. The variance request was submitted on September 27, 1979 by the State of Maryland.

(36) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards), and .11 (Permits) of Maryland Regulation 10.18.01 (Regulations Governing Control of Air Pollution in the State of Maryland); and amendments to Section .02 (Control and Prohibition of Visible Emissions) of Maryland Regulations 10.18.04 and 10.18.05 (Regulations Governing Air Pollution Control in the Metropolitan Baltimore and National Capital AQCRS's) submitted by the Governor on September 26, 1979.

(37) Amendments to Section .04J(3)a and .04J(3)b (Organic Compounds) of Maryland Regulations 10.18.04 and 10.18.05; submitted on February 10, 1977 by the Governor.

(38) Deletion of Section .06G(2) (Control and Prohibition of Photochemically Reactive Organic Compounds from sources existing on or before February 12, 1974) of Maryland Regulations 10.18.04 and 10.18.05; submitted on December 10, 1979 by the Governor.

(39) Deletion of Sections .06G(1) and .06G(3) (Control and Prohibition of Photochemically Reactive Organic Materials From Sources Built or Modified after February 12, 1974) of Maryland Regulations 10.18.04 and 10.18.05 from the Maryland State Implementation Plan (SIP).

(40) Letter of January 21, 1980 from Maryland to EPA explaining the State's interpretation of the scope of coverage of Maryland Regulation 10.18.04.04J.

(41) Amendments to Sections .06 of Maryland Regulation 10.18.04 and 10.18.05 as submitted on January 19, 1979 by the Governor.

(42) Amendment to Section .01(y) of Maryland Regulation 10.18.01 as submitted on December 10, 1979 by the Governor.

(43) Amendments to Regulations 10.18.04 and 10.18.05; Sections .04J(1)c, .04J(1)d, .04J(1)e(i), .04J(1)f, .04J(1)g, .04J(1)h, .04J(1)i(i), .04J(3)d, .04J(4)a, .04J(4)b, and .04J(5) a through j; submitted on January 19, 1979, and amended on September 26, 1979 by the State of Maryland.

(44) A revision submitted by the State of Maryland on December 20, 1979 which is intended to establish an Ambient Air Quality Monitoring Network.

(45) Recodification of the Maryland Regulations submitted by the State of Maryland on May 22, 1980.

(46) Amendments to section .04D(4) of COMAR 10.18.04 and COMAR 10.18.05 establishing a revised sulfur oxides emissions limitation for all existing solid fuel-fired, cyclone type fuel burning equipment having an actual heat input in excess of 1,000 million Btu/hour; submitted on February 20, 1980 by the Governor.

(47) October 1, 1980 letter from George P. Ferreri, Maryland Office of Environmental Programs to James E. Sydnor, EPA, certifying that the Baltimore Gas & Electric Company's C. P. Crane Generating Station is the sole facility to which COMAR 10.18.04.04D(4) and 10.18.05.04D(4) would apply.

(48) A revision submitted by the State of Maryland on 9/10/80 consisting of a variance issued to the General Refractories Company of Baltimore, Maryland exempting the Company from the ''No Visible Emissions'' requirements of COMAR 10.18.04.02A for aperiod of three (3) years commencing 9/2/80.

(49) A revision submitted by the State of Maryland on November 3, 1980 consisting of a Consent Agreement (Order) between the State of Maryland and the Maryland Slag Company decreasing the particulate matter emission limitation for the Company.

(50) A revision submitted by the State of Maryland on October 24, 1979 consisting of amendments to the following regulations:

COMAR 10.18.01 as recodified in 40 CFR 52.1070(c)(45), 10.18.02 as recodified in 40 CFR 52.1070(c)(45), 10.18.03 as recodified in 40 CFR 52.1070(c)(45), 10.18.04 as recodified in 40 CFR 52.1070(c)(45), 10.18.05 as recodified in 40 CFR 52.1070(c)(45), 10.18.06 as recodified in 40 CFR 52.1070(c)(45), 10.18.07 as recodified in 40 CFR 52.1070(c)(45).

(51) A revision submitted by the State of Maryland on May 22, 1980, consisting of changes in definitions in sections 10.18.01.01 and revoking of obsolete regulations, COMAR 10.03.38.04 B(4) and 10.03.39.04 B(4).

(52) A revision submitted by the State of Maryland on April 24, 1974, consisting of changes in COMAR 10.03.35.06 A(1) and 10.03.35.06 A(3).

(53) A revision submitted by the State of Maryland on December 10, 1979, consisting of changes in Sections .01 and .11 of COMAR 10.18.01, and in Sections .05 and .07 of COMAR 10.18.02, 10.18.03, 10.18.04, 10.18.05, 10.18.06 and 10.18.07.

(54) A revision submitted by the State of Maryland on October 17, 1980, consisting of an exception to COMAR 10.18.06.02B for the Maryland Cup Corporation.

(55) A revision submitted by the State of Maryland on August 7, 1981 consisting of an exception to COMAR 10.18.09.07A(2)(c) for the Reading-Whitehall Paperboard Company.

(56) A Secretarial order submitted by the State of Maryland on June 23, 1981 consisting of a variance issued to the Potomac Electric Power Company at Dickerson, Maryland exempting the company from the ''no visible emissions'' requirements of COMAR 10.18.09.05A(2) until five years from the date of approval by EPA.

(57) A Secretarial order submitted by the State of Maryland on July 17, 1981 consisting of a various issued to the American Cyanamid Company, Havre de Grace, Maryland from the ''no visible emissions'' requirement of COMAR 10.18.06.02B until July 8, 1986.

(58) Amendments to COMAR 10.18.01, 10.18.06, 10.18.08, 10.18.09, 10.18.11, 10.18.12, 10.18.13, 10.18.14, 10.18.21, and Technical Memorandum TM–116 (amended November 1980) as submitted by the Governor on May 18, 1981.

(59) Addition of Maryland Regulation 10.18.06.14 (Control of PSD sources) which incorporates by reference the Federal prevention of significant deterioration (PSD) requirements set forth in 40 CFR 52.21; submitted on June 24, 1981 by the Governor.

(60) A State Implementation Plan for the control of lead (Pb) emissions submitted on October 23, 1980 by the Governor.

(61) A letter containing supplemental clarifying information with respect to the State's control strategy demonstration; submitted on July 27, 1981

by the Maryland Air Management Administration.

(62) A revised Secretarial order controlling lead emissions from the Mobay Chemical Corporation's frit manufacturing plant in Baltimore, Maryland; submitted December 16, 1981 by the Maryland Air Management Administration.

(63) A revision submitted by the State of Maryland on October 8, 1981 detailing a plan for satisfying requirements of sections 121 and 127 of the Clean Air Act Amendments of 1977.

(64) A revision submitted by the State of Maryland on November 18, 1981, consisting of a Modified Amended Consent Order for Potomac Electric Power Company's Chalk Point generating station.

(65) A Secretarial order stating the terms under which a construction permit for a new source in a nonattainment area will be issued by the Northeast Maryland Waste Disposal Authority to Wheelabrator-Frye, Inc. to construct and operate a municipal incinerator; submitted on December 22, 1981 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(66) An amendment to Code of Maryland Air Regulation (COMAR) 10.18.08.05A(1) revising the method for calculating particulate emissions from incinerators located in the Cumberland-Keyser, Central Maryland, Southern Maryland and Eastern Shore Air Quality Control Regions (AQCR's), submitted on January 11, 1982 by the Governor.

(67) Code of Maryland Air Regulations (COMAR) 10.18.10 (Control of Iron and Steel Production Installations); Technical Memorandum AMA–TM 81–04: Amendment to AMA–TM 73–116; Amendments to COMAR 10.18.01.01 (General Administrative Regulations—Definitions) and COMAR 10.18.06.02 (General Emission Standards, Prohibitions and Restriction); and a New Amended Plan for Compliance for the Bethlehem Steel Corporation's Sparrows Point, Maryland Plant; submitted on August 11, 1981 by the Governor.

(68) The revised Health-Environmental Article of the Annotated Code of Maryland, submitted on July 2, 1982 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(69) A revision submitted by the State of Maryland on November 15, 1982, consisting of an extension to the previous visible emission exception to COMAR 10.18.01.08 (Exception to Visible Emission Requirements) for the Maryland Cup Corporation. The exception is renewed until September 11, 1987.

(70) A modified Secretarial order stating the terms under which a construction permit for a new source in a nonattainment area will be issued to Wheelabrator-Frye, Inc. who will construct, own, and operate a municipal incinerator; submitted on March 17, 1983 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(71) Plan Revision, excluding the schedules for additional VOC controls and the required Vehicle Emissions Inspection Program, providing for attainment of the Ozone and Carbon Monoxide Standards, submitted by the State on July 1, 1982 for the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and November 5, 1982 for the Maryland portion of the National Capital Interstate AQCR. On May 4, 1983, and June 13 and 16, 1983, the State submitted amended I/M regulations. A revised schedule for the adoption of controls for VOC sources was submitted on December 23, 1983.

(72) Amendments to Code of Maryland Regulations (COMAR) 10.18.01, .02, .06, .11, .13, and .21 which apply to air quality control areas III and IV, submitted on August 22, 1983.

(73) A revision submitted by the State of Maryland on July 12, 1983, consisting of a plan for Compliance for the J.L. Clark Manufacturing Company in Havre De Grace.

(74) A Consent Order granting the Westvaco Corporation a sulfur dioxide (SO_2) emissions limitation which is equivalent to COMAR 10.18.09.07(A)(1)(a); submitted on September 7, 1983, as amended on February 7, 1984 by the Maryland Air Management Administration.

(75) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the

General Motors Corporation, GM Assembly Division, Baltimore City Plant.

(76) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the American Can Company, Baltimore City.

(77) Revision submitted by the State of Maryland on December 13, 1983 consisting of a Plan for Compliance for the National Can Corporation, Baltimore County.

(78) Revision submitted by the State of Maryland on April 6, 1984 consisting of a Plan for Compliance for the Crown Cork and Seal Company, Inc., Baltimore City.

(79) Revision submitted by the State of Maryland on April 6, 1984 consisting of a Plan for Compliance for the Continental Can Company, Baltimore City.

(80) A revision submitted by the State of Maryland on January 26, 1984, and May 25, 1984 consisting of amendments to change the State's stationary source stack testing procedures document and to correct a State procedural defect relating to procedures for observing visible emissions from iron and steel facilities.

(81) [Reserved]

(82) Revisions to the Code of Maryland Regulations (COMAR) were submitted by the Director of the Maryland Air Management Administration of March 14, 1984.

(i) Incorporation by reference.

(A) Amendments to COMAR 10.18.02 (Permits, Approvals and Registration) and COMAR 10.18.08 (Control of Incinerators), as published in the Maryland Register on February 3, 1984 (proposed on November 11, 1983).

(ii) Additional material.

(A) Letter from the MAMA dated November 29, 1984 clarifying that permit applications would only be accepted from incinerators subject to the hazardous waste facility regulations and that hazardous waste facility permits would be treated as air quality permits for all purposes.

(83) Revisions to the Code of Maryland Regulations (COMAR) were submitted by the Director of the Maryland Air Management Administration on March 14, 1984.

(i) Incorporation by reference.

(A) Amendments to COMAR 10.18.09 (Control of Fuel Burning Equipment and Stationary Internal Combustion Engines), as published in the Maryland Register on March 2, 1984.

(ii) Additional information.

(A) Letter from MAMA dated November 29, 1984 clarifying that a permit cannot be issued for the sources unless they undergo new source review as under COMAR 10.18.02 (Permits, Approvals and Registration).

(84) [Reserved]

(85) Revisions to the Ozone Attainment Plan were submitted by the Director, Maryland Air Management Administration, on August 1, 1984.

(i) Incorporation by reference.

(A) State Secretarial Order for the Monarch Manufacturing Company located in Belcamp, Maryland, allowing interim VOC emission standards to be used by the Company until source-specific regulations are developed by MAMA. The Company shall come into compliance with the source-specific regulations within six months after their adoption. The Secretarial Order was approved on July 23, 1984.

(86) Revisions submitted on March, 1, 1989 by the Secretary, Maryland Department of the Environment, amending the Code of Maryland Air Regulations (COMAR) 10.18.21.10 (Graphic Arts) and COMAR 10.18.21.13 (Miscellaneous Metal Coating, Interior Sheet Drum Lining).

(i) Incorporation by reference.

(A) Revisions to COMAR 10.18.21.10, pertaining to graphic arts, and COMAR 10.18.21.13, pertaining to miscellaneous metal coating, interior sheet drum lining. These revisions were adopted by the Secretary of Health and Mental Hygiene on June 10, 1987and became effective on August 10, 1987.

(ii) Additional information.

(A) Letter of June 30, 1987 from George P. Ferreri, Director, Maryland Air Management Administration, to Thomas J. Maslany, EPA Region III, forwarding revisions to COMAR 10.18.21.10 and COMAR 10.18.21.13.

(B) Letter of March 13, 1989 from George P. Ferreri, Director, Maryland Air Management Administration to Stanley L. Laskowski, Acting Regional Administrator, EPA Region III, clarifying information with respect to the

adopted and effective dates of the revisions to COMAR 10.18.21.10 and COMAR 10.18.21.13.

(87) A revision submitted by the Secretary, Maryland Department of Health and Mental Hygiene on March 30, 1987, consisting of amendments to the Good Engineering Practice (GEP) Stack Height Regulations, COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques).

(i) Incorporation by reference.

(A) Letter of March 30, 1987 from the Secretary, Maryland Department of Health and Mental Hygiene.

(B) COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques), which was adopted by the Maryland Department of Health and Mental Hygiene on January 23, 1987.

(ii) Additional information.

(A) None.

(88) [Reserved]

(89) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on June 30, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated June 30, 1987 submitting a revision to the Maryland State Implementation Plan pertaining to the definitions of true vapor pressure and vapor pressure.

(B) Maryland Register Volume 13, page 2048; COMAR 10.18.01.01 Definitions V–1. and X–1 (Now recodified as COMAR 26.11.01.01 Z. and CC.).

(90) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 21, 1991.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 21, 1991 submitting a revision to the Maryland State Implementation Plan.

(B) Recodified Maryland Regulations, revised effective August 1, 1988.

(*1*) COMAR 26.11.01.01A. through J., L., O. through BB., DD. (except for ''ammonium carbonates''); COMAR 26.11.01.02 through 26.11.01.09.

(*2*) COMAR 26.11.02.01 through 26.11.02.03A.(6)(o), 26.11.02.03A.(7) through 26.11.02.09, 26.11.02.10A., 10E., 26.11.02.11A., .11B.(2)–(3), 11C., 26.11.02.12 through 26.11.02.16.

(*3*) COMAR 26.11.03.01 through 26.11.03.03, 26.11.03.05 through 26.11.03.08.

(*4*) COMAR 26.11.05—(Entire Chapter).

(*5*) COMAR 26.11.06.03A.–.03C.; 26.11.06.05, 26.11.06A., .06C., .06D; 26.11.06.10, 26.11.06.11, 26.11.06.15, 26.11.06.16.

(*6*) COMAR 26.11.07.01 through 26.11.07.04, 26.11.07.05A. (1), (2), 26.11.07.05A.(5) through .05A.(7), 26.11.07.05B (1), (2), (4), (5).

(*7*) COMAR 26.11.09.01 through 26.11.09.04, 26.11.09.05B., 26.11.09.06 through 26.11.09.09.

(*8*) COMAR 26.11.10—Entire chapter except for COMAR 26.11.10.03B.(3).

(*9*) COMAR 26.11.11—Entire chapter except for COMAR 26.11.11.04A(1)–(4).

(*10*) COMAR 26.11.12—Entire Chapter.

(*11*) COMAR 26.11.13.01 (definitions of ''external floating roof,'' ''gasoline,'' ''internal floating roof,'' ''liquid-mounted seal,'' ''metallic-type shoe seal,'' ''rim-mounted secondary seal,'' ''shoe mounted secondary seal,'' ''tank truck,'' ''vapor control system,'' ''vapor mounted seal''; 26.11.13.02 (except for .02C(3)), 26.11.13.03, 26.11.13.04B., 26.11.13.05.

(*12*) COMAR 26.11.19.01A., 01B(2), (4), (5), .02A, .02B(1) (except for ''low VOC adhesives''), .02B(2), (3), .02C(1), (2), .02D., .02E (except for all references to variables ''C'' and ''D''), .02F(1), (2), (3) (except for ''and''); 26.11.19.04 through 26.11.19.10, 26.11.19.13, 26.11.19.14.

(*13*) COMAR 26.11.20—Entire Chapter except for COMAR 26.11.20.02.

(ii) Additional materials.

(A) Remainder of the March 21, 1991 State Submittal known as Maryland 91–01B.

(91) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment—Air Management Administration on August 20, 1984, regarding a bubble for American Cyanamid in Havre de Grace, Maryland.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Health and Mental Hygiene—Air Management Administration (now known as the Maryland Department of the Environment—Air Management Administration) dated August 20, 1984 submitting a revision to

the Maryland State Implementation Plan regarding a bubble for American Cyanamid.

(B) Secretarial Order (By Consent) between American Cyanamid and the Maryland State Department of Health and Mental Hygiene—Air Management Administration (now known as the Maryland Department of the Environment—Air Management Administration) except for section 2, approved on August 2, 1984.

(ii) Additional material.

(A) Letter dated September 17, 1984 from Ronald E. Lipinski, MAMA, to James Topsale, EPA Region III, providing emissions information for the sources involved in the American Cyanamid bubble.

(B) Public Hearing record for the May 23, 1984 public hearing.

(C) Technical Support Document, prepared by Maryland, for American Cyanamid, including formulas to calculate bubble emissions.

(92) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on December 15, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated December 15, 1987 submitting a revision to the Maryland State Implementation Plan.

(B) Amendments to the Code of Maryland Air Regulations (COMAR) 10.18.03, State Adopted National Ambient Air Quality Standards and Guidelines limited to the amendment of 10.18.03.04, carbon monoxide and COMAR 10.18.06, General Emission Standards, Prohibitions, and Restrictions, limited to the amendment of 10.18.06.04, carbon monoxide in areas III and IV. The amendments to COMAR 10.18.03.04 and 10.18.06.04 were adopted by the Maryland Department of the Environment on November 4, 1987, and made effective on January 5, 1988.

(93) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on December 30, 1987.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated December 15, 1987, submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1980 and 1986. The amendments to COMAR 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14 were effective on January 5, 1988 in the State of Maryland.

(ii) Additional materials.

(A) None.

(94) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 8, 1989.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 1, 1989, submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01, 26.11.02.10 (C)(9), and 26.11.06.14 (proposed as 10.18.01 O–1, 10.18.02.03 H(3)(i), and 10.18.06.14) under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1986 and 1987, thereby establishing the increment for NO_2 and requiring sources to conduct an NO_2 increment consumption analysis. The amendments to COMAR 26.11.01.01, 26.11.02.10 (C)(9), and 26.11.06.14 were effective on March 21, 1989 in the State of Maryland.

(ii) Additional materials.

(A) None.

(95) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on March 28, 1991.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 21, 1991 submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01 and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40

CFR 52.21 made between 1987 and 1989. The amendments to COMAR 26.11.01.01, and 26.11.06.14 were effective on March 31, 1991 in the State of Maryland. The amendments to 26.11.02.10 (C)(9) were effective on May 8, 1991 in the State of Maryland.

(ii) Additional materials.

(A) None.

(96) Revisions to the State Implementation Plan submitted by the Maryland Department of the Environment on April 3, 1992.

(i) Incorporation by reference.

(A) Letter from the Maryland Department of Environment dated March 27, 1992 submitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01 and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1989 and 1990. The amendments to COMAR 26.11.01.01 and 26.11.06.14 were effective on February 17, 1992 in the State of Maryland.

(ii) Additional materials.

(A) Remainder of April 3, 1992, State submittal.

(97) Revisions to the State Implementation Plan submitted on June 14, 1989, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 14, 1989, from the Maryland Department of the Environment transmitting a revision to a Maryland State Implementation Plan.

(B) Revision to COMAR 26.11.01.01E (Definition of ''Control Officer''), effective June 20, 1989.

(ii) Additional material.

(A) Remainder of the June 14, 1989 State submittal.

(98) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991, and amended on January 18, 1993, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letters of April 5, 1991, and January 18, 1993, from the Maryland Department of the Environment transmitting additions and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.19.15C (proposed as COMAR 10.18.19.15C), Standards for Adhesive Application, adopted by the Secretary of Health and Hygiene on June 10, 1987, effective August 10, 1987;

(C) Amendments to COMAR 26.11.19.15C adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991; and

(D) Amendments to COMAR 26.11.19.15C(4) adopted by the Secretary of the Environment on January 18, 1992, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of April 5, 1991, and January 18, 1993, State submittals pertaining to COMAR 26.11.19.15C, Standards for Adhesive Application.

(B) Letter of April 17, 1992, from the Maryland Department of the Environment clarifying the intent of its April 5, 1991, letter transmitting revisions and additions to Maryland's State Implementation Plan.

(C) Letter of July 10, 1992, from the Maryland Department of the Environment clarifying Maryland's intent regarding COMAR 26.11.19.15C(4) and stating that Maryland was working to correct the administrative error in COMAR 26.11.19.15C(4) contained in the April 5, 1991, submittal.

(99) Revisions to the Maryland regulations for particulate matter (PM–10) submitted on March 1, 1989, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 1, 1989, from the Department of the Environment transmitting a revision to the Maryland State implementation plan for particulate matter (PM–10) Group III areas.

(B) COMAR 10.18.01 (General Administrative Provisions), COMAR 10.18.02 (Permits, Approvals, and Registration), COMAR 10.18.03 (State-Adopted National Ambient Air Quality Standards and Guidelines), COMAR 10.18.05 (Air Pollution Episode System), and COMAR 10.18.06 (General Emission Standards, Prohibitions, and Restrictions) as published in the Maryland Register on February 10, 1989. The regulations were adopted on January 20,

1989, and became effective on March 21, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision request submitted by the Maryland Department of the Environment on March 1, 1989.

(100) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on June 7, 1990, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 7, 1990, from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan.

(B) The following revised regulations to COMAR 26.11.05 (Air Pollution Episode Plans), effective June 18, 1990: 26.11.05.01A., .01B., .01H., and .01J.; 26.11.05.02B., .02C.; 26.11.05.03A., 03B., 03D.; 26.11.05.05A., 05B., 05C., and .05D. Deletion of the definition ''coefficient of haze.''

(ii) Additional material.

(A) Remainder of the June 7, 1990, State submittal.

(101) Revisions to the State of Maryland Regulations Oxygenated Gasoline Program regulations submitted on November 13, 1992, by the Maryland Department of the Environment. Effective date October 26, 1992.

(i) Incorporation by reference.

(A) Letter of November 13, 1992, from the Maryland Department of the Environment transmitting Oxygenated Gasoline Program regulations.

(B) The following State of Maryland regulations effective October 26, 1992:

(*1*) Amendments to COMAR 26.11.13.01 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(*2*) Deletion of Regulation .06 under COMAR 26.11.13 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(*3*) New Regulation COMAR 26.11.20.03 (Mobile Sources).

(*4*) COMAR 03.03.05.01, .01–1, .02–1, .05, .08, and .15 (Motor Fuel Inspection).

(*5*) COMAR 03.03.06.01 through .06 (Emissions Control Compliance).

(ii) The remainder of the November 13, 1992, submittal.

(102) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of Health and Hygiene on June 10, 1987, effective August 10, 1987:

(*1*) Amendments to COMAR 26.11.06.06B (proposed as 10.18.06.06B), pertaining to control of Volatile organic compounds from installations.

(*2*) Addition of new section COMAR 26.11.06.06E, (proposed as 10.18.06.06E), exemptions.

(*3*) Amendments to COMAR 26.11.19.01B, (proposed as COMAR 10.18.21.01B), including the addition of the definitions for the terms adhesive and exempt solvent, the renumbering of all definitions.

(*4*) Amendments to COMAR 26.11.19.02B–F, (proposed as COMAR 10.18.21.02B–F), pertaining to compliance methods, methods of assessing compliance, test methods, computations, and reporting.

(*5*) Amendments to COMAR 26.11.19.10B, (proposed as COMAR 10.18.21.10B), pertaining to applicability and exemptions for graphic arts sources.

(*6*) Amendments to COMAR 26.11.19.13, (proposed as COMAR 10.18.21.13), pertaining to miscellaneous metal coating.

(*7*) Addition of new section COMAR 26.11.19.15A (proposed as 10.18.21.15A), definition of terms.

(*8*) Addition of new section COMAR 26.11.19.15B (proposed as 10.18.21.15B), standards for paint, resin and adhesive manufacturing.

(C) Amendments to COMAR 26.11.19.12 (proposed as COMAR 10.18.21.12), pertaining to dry cleaning installations, including the addition of new sections E and F, pertaining to equipment specifications, emission

standards, and compliance determinations for petroleum solvent dry cleaning installations, adopted by the Secretary of the Environment on April 21, 1989, effective June 20, 1989.

(D) Amendments to COMAR 26.11.19.12B–F, pertaining to applicability, exemptions, equipment specifications, emission standards, and compliance determinations for perchloroethylene and petroleum solvent dry cleaning installations, adopted by the Secretary of the Environment on May 17, 1990, effective July 16, 1990.

(E) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991:

(*1*) Amendments to COMAR 26.11.01.01, including the addition of definitions for the terms actual emissions, allowable emissions, potential to emit, premises, and reasonably available control technology (RACT); deletion of the definition for the term Ringelmann Smoke Chart; amendments to definitions for the terms New Source Impacting on a Non-Attainment Area (NSINA) and volatile organic compound (VOC); and renumbering of all definitions.

(*2*) Amendments to COMAR 26.11.02.03A(6)(k)(vii), pertaining to permits to construct or modify for motor vehicle gasoline storage tanks.

(*3*) The addition of new section COMAR 26.11.06.01, definitions for the terms installation and process line.

(*4*) Amendments to COMAR 26.11.06.06A, B and E, pertaining to applicability, control, and exemptions for sources of volatile organic compounds.

(*5*) The deletion of existing COMAR 26.11.13, pertaining to gasoline and volatile organic compound storage and handling.

(*6*) The addition of new COMAR 26.11.13.01, .02, .03, .05, and .06, pertaining to definitions, applicability, and exemptions for gasoline and volatile organic compounds storage and handling, large storage tanks, gasoline leaks from tank trucks, and Reid Vapor Pressure.

(*7*) Amendments to COMAR 26.11.19.01B, addition of the definition for the term transfer efficiency, amendments to the definition for the term coating.

(*8*) Amendments to COMAR 26.11.19.02A–F, pertaining to applicability, compliance methods, methods of assessing compliance, test methods, computations, and reporting for volatile organic compound regulations.

(*9*) Amendments to COMAR 26.11.19.07, the addition of new section B and revisions to new section C (former section B), pertaining to paper, fabric, and vinyl coating.

(*10*) Amendments to COMAR 26.11.19.10A, the deletion of definitions for the terms high velocity hot-air dryer, letterpress methods, lithographic methods, and roll printing; revisions to the definition for the term web printing; and renumbering of all definitions.

(*11*) Amendments to COMAR 26.11.19.10B and C, pertaining to graphic arts, including the deletion of existing section C and the addition of new section C.

(*12*) The addition of new COMAR 26.11.19.11A, B, and C, pertaining to sheet-fed paper and plastic parts coating, including definitions for the terms fountain, letterpress printing, lithographic printing, plastic parts coating, and sheet-fed coating.

(*13*) Amendments to COMAR 26.11.19.13B and C, pertaining to miscellaneous metal coating.

(*14*) Amendments to COMAR 26.11.19.14B, pertaining to synthesized pharmaceutical products.

(*15*) Amendments to COMAR 26.11.19.15A and B, pertaining to paint, resin, and adhesive manufacturing, including revisions to definitions for the terms adhesive application, resin thin down tank, specialty footwear manufacturing, specialty spiral tube winding, spiral tube winding, and spiral wound tube impregnating and curing, the deletion of the definition for the term honeycomb core installation, and the renumbering of all definitions.

(ii) Additional material.

(A) Remainder of April 5, 1991 State submittal pertaining to COMAR 26.11.01.01, 26.11.02.03, 26.11.06.01, 26.11.06.06A, B and E, 26.11.13.01, 26.11.13.02, 26.11.13.03, 26.11.13.05, 26.11.13.06, 26.11.19.01B, 26.11.19.02A–F, 26.11.19.07, 26.11.19.10, 26.11.19.11A–C,

26.11.19.12, 26.11.19.13, 26.11.19.14B, and 26.11.19.15A and B.

(B) Letter of April 17, 1992 from the Maryland Department of the Environment clarifying the intent of its April 5, 1991 letter transmitting additions, deletions, and revisions to Maryland's State Implementation Plan.

(C) Letter of October 18, 1993 from the Maryland Department of the Environment formally withdrawing revisions to COMAR 26.11.19.11D and E, pertaining to lithographic printing, from consideration as revisions to Maryland's State Implementation Plan.

(103) Revisions to the Maryland State Implementation Plan submitted on September 20, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of September 20, 1991 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on July 24, 1991, effective August 19, 1991:

(*1*) Amendments to COMAR 26.11.01.01DD, the definition for the term volatile organic compound.

(*2*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of a: reference to 40 CFR part 60; and Methods 1000, 1002, and 1003 and Appendixes A and B, contained in ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991).

(*3*) Amendments to COMAR 26.11.13.02(C)(2), pertaining to exemptions for large storage tanks.

(*4*) Amendments to COMAR 26.11.19.02D(2), pertaining to test methods.

(*5*) Amendments to COMAR 26.11.19.07A, including amendments to the definition for the term paper coating, and the addition of definitions for the terms sheet-fed paper coating and ultraviolet curable coating, and the renumbering of definitions.

(*6*) Addition of new COMAR 26.11.19.07D, pertaining to sheet-fed paper coating.

(*7*) Addition of new COMAR 26.11.19.11B(2), and amendments to COMAR 26.11.19.11C, pertaining to plastic coating.

(*8*) Amendments to COMAR 26.11.19.12F(3) and (4), pertaining to compliance determinations for petroleum solvent dry cleaning installations.

(*9*) Addition of new COMAR 26.11.19.16, pertaining to volatile organic compound equipment leaks.

(ii) Additional material.

(A) Remainder of the September 20, 1991 State submittal pertaining to COMAR 26.11.01.01DD, COMAR 26.11.01.04C, Appendixes A and B and Methods 1000, 1002, and 1003 contained in ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), COMAR 26.11.13.02(C)(2), COMAR 26.11.19.02D(2), COMAR 26.11.19.07A, COMAR 26.11.19.07D, COMAR 26.11.19.11B(2) and C, COMAR 26.11.19.12F(3) and (4), and COMAR 26.11.19.16.

(104) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 2, 1992 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on January 20, 1992, effective February 17, 1992:

(*1*) Amendments to COMAR 26.1.01.01DD, the definition for the term volatile organic compound.

(*2*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of Methods 1006, 1007, and 1008 contained in Supplement 1 (July 1, 1991) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications

for Stationary Sources'' (January 1991), and revisions to Method 1000 and Appendixes A and B contained in Supplement 1.

(*3*) Amendments to COMAR 26.11.19.02D, pertaining to test methods for coatings and adhesives containing volatile organic compounds.

(*4*) Amendments to COMAR 26.11.19.09B, pertaining to emission standards for volatile organic compound metal cleaning.

(*5*) Amendments to COMAR 26.11.19.12F(3) and (4), pertaining to compliance determinations for petroleum solvent dry cleaning installations.

(ii) Additional material.

(A) Remainder of the April 2, 1992 State submittal pertaining to COMAR 26.11.01.01DD, COMAR 26.11.01.04C, Appendixes A and B and Methods 1002, 1006, 1007, and 1008 contained in Supplement 1 (July 1, 1991) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), COMAR 26.11.19.02D, COMAR 26.11.19.09B, and COMAR 26.11.19.12F(3) and (4).

(105) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993 from the Maryland Department of the Environment transmitting addition, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993:

(*1*) Amendments to COMAR 26.11.01.04C, pertaining to emission test methods, including the addition of Methods 1009, 1011, and 1012 contained in Supplement 2 (July 1, 1992) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources'' (January 1991), and revisions to Method 1003 and Appendix B contained in Supplement 2.

(*2*) Amendments to COMAR 26.11.13.05B(2) and C(2), pertaining to compliance determinations for tank trucks.

(*3*) Amendments to COMAR 26.11.19.07A(4), the definition for the term ultraviolet curable coating.

(ii) Additional material.

(A) Remainder of the January 18, 1993 State submittal pertaining to COMAR 26.11.01.04C, Appendix B and Methods 1003, 1009, 1011, and 1012 contained in Supplement 2 (July 1, 1992) to ''Technical Memorandum 91–01, Test Methods and Equipment Specifications for Stationary Sources (January 1991), COMAR 26.11.13.05B(2) and C(2), and COMAR 26.11.19.07A(4).

(106) Revisions to the Maryland Regulations submitted on September 18, 1991 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of September 18, 1991 from the Maryland Department of the Environment transmitting the continuous emission monitoring revision.

(B) Definition amendments to Code of Maryland Administrative Regulations (COMAR) 26.11.01.01, excluding paragraph E–1, and new regulations COMAR 26.11.01.10 Continuous Emission Monitoring Requirements, concerning continuous opacity monitoring, effective July 22, 1991.

(ii) Additional materials.

(A) Remainder of September 23, 1991 State submittal.

(107) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993, from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.24, Stage II Vapor Recovery at Gasoline Dispensing Facilities, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of the January 18, 1993, State submittal pertaining to COMAR 26.11.24, Stage II Vapor Recovery at Gasoline Dispensing Facilities.

(108) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on March 30, 1987 by the Maryland Department of Health and Mental Hygiene:

(i) Incorporation by reference.

(A) Letter of March 30, 1987 from the Maryland Department of Health and Mental Hygiene transmitting revisions to the Maryland State Implementation Plan (SIP).

(B) Revised COMAR 10.18.02.03H. (Action on an Application for a Permit and for Approval of a PSD Source or NSINA) (currently COMAR 26.11.02.10C.), effective March 24, 1987.

(ii) Additional material.

(A) Remainder of the March 30, 1987 State submittal pertaining to COMAR 10.18.02.03H. (currently COMAR 26.11.02.10C.).

(109) Revisions to the State of Maryland Regulations State Implementation Plan submitted on November 13, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 13, 1992 from Maryland Department of the Environment transmitting a revised regulation to require major sources of volatile organic compounds and oxides of nitrogen, Statewide, to certify their emissions annually.

(B) Revisions to Title 26, COMAR 26.11.01, specifically to amend regulation .01, and to add regulation .05–1. Effective on December 7, 1992.

(ii) Additional material.

(A) Remainder of December 7, 1992 State submittal.

(110) Revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The addition of COMAR 26.11.13.04, pertaining to loading operations, adopted by the Secretary of the Environment on March 9, 1991, effective May 8, 1991.

(ii) Additional material.

(A) Remainder of April 5, 1991 State submittal pertaining to COMAR 26.11.13.04, loading operations.

(111) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 2, 1992 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 20, 1992, effective February 17, 1992.

(ii) Additional material.

(A) Remainder of April 2, 1992 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(112) Revisions to the Maryland State Implementation Plan submitted on January 18, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 18, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A(3), pertaining to test procedures for bulk gasoline terminals, adopted by the Secretary of the Environment on January 18, 1993, effective February 15, 1993.

(ii) Additional material.

(A) Remainder of January 18, 1993 State submittal pertaining to COMAR 26.11.13.04A(3), test procedures for bulk gasoline terminals.

(113) Revisions to the Maryland State Implementation Plan submitted on

June 8, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) The following revisions to the provisions of COMAR 26.11, adopted by the Secretary of the Environment on March 26, 1993, effective April 26, 1993:

(*1*) Amendments to COMAR 26.11.11.02B and C, pertaining to asphalt paving.

(*2*) Amendments to COMAR 26.11.13.01B(1), the definition for the term bulk gasoline plant.

(*3*) Amendments to COMAR 26.11.13.02, pertaining to applicability and exemptions.

(*4*) Amendments to COMAR 26.11.13.04, pertaining to loading operations.

(*5*) The addition of new COMAR 26.11.13.07, pertaining to plans for compliance.

(*6*) Amendments to COMAR 26.11.19.01B(4), the definition for the term major stationary source of VOC.

(*7*) Amendments to COMAR 26.11.19.02A, F, and H, pertaining to applicability, reporting and recordkeeping, and plans for compliance, respectively.

(*8*) Amendments to COMAR 26.11.19.10, pertaining to graphic arts.

(ii) Additional material.

(A) Remainder of June 8, 1993 State submittal pertaining to COMAR 26.11.11.02B and C, COMAR 26.11.13.01B(1), COMAR 26.11.13.02, COMAR 26.11.13.04, COMAR 26.11.13.07, COMAR 26.11.19.01B(4), COMAR 26.11.19.02A, F, and H, and COMAR 26.11.19.10.

(114) Revisions to the Maryland State Implementation Plan submitted on July 19, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 19, 1993 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Revisions to COMAR 26.11.13.04A, pertaining to bulk gasoline terminals, adopted by the Secretary of the Environment on June 25, 1993, effective July 19, 1993.

(ii) Additional material.

(A) Remainder of July 19, 1993 State submittal pertaining to COMAR 26.11.13.04A, bulk gasoline terminals.

(115)–(116) [Reserved]

(117) The carbon monoxide redesignation request and maintenance plan for the Baltimore Carbon Monoxide nonattainment area, submitted by the Maryland Department of the Environment on September 20, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of September 20, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) The ten year carbon monoxide maintenance plan for the Baltimore Carbon Monoxide nonattainment area adopted on August 31, 1995.

(ii) Additional material.

(A) Remainder of September 20, 1995 State submittal.

(118) The carbon monoxide redesignation and maintenance plan for the Counties of Montgomery and Prince George, Maryland submitted by the Maryland Department of the Environment on October 12, 1995, as part of the Maryland SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Letter of October 12, 1995 from the Maryland Department of the Environment requesting the redesignation and submitting the maintenance plan.

(B) Maintenance Plan for the Maryland portion of the Metropolitan Washington Carbon Monoxide Nonattainment Area adopted on September 20, 1995.

(ii) Additional material.

(A) Remainder of October 12, 1995 State submittal.

(119) Revisions to the Code of Maryland Administrative Regulations for prevention of significant deterioration

submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan.

(B) Amendments to regulations 26.11.01.01, 26.11.02.10 (C)(9) and 26.11.06.14 under the Code of Maryland Administrative Regulations (COMAR) revising Maryland's prevention of significant deterioration program to incorporate changes to 40 CFR 52.21 made between 1992 and 1993. The amendments were effective on May 8, 1995 in the State of Maryland.

(ii) Additional material.

(A) Remainder of July 17, 1995 State of Maryland submittal.

(120) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) The following amendments to COMAR 26.11.07, pertaining to open fires, adopted by the Secretary of the Environment on May 1, 1995, effective May 22, 1995:

(*1*) the deletion of sections 26.11.07.01 A and B, definitions for the terms ''hazardous material'' and ''I.I.A. standards.''

(*2*) addition of new section 26.11.07.01B, ''Terms Defined.''

(*3*) addition of new sections 26.11.07.01B(1) and (2), definitions of the terms ''excessive lodging'' and ''forest resource management practices.''

(*4*) renumbering of old sections 26.11.07.01C & D, now new sections 26.11.07.01B(3) & (4).

(*5*) amendments to section 26.11.07.02, pertaining to general provisions.

(*6*) amendments to sections 26.11.07.03A, B, and B(1), pertaining to open fires authorized by control officers.

(*7*) addition of new section 26.11.07.03C, ''Prohibition on Open Burning.''

(*8*) amendments to section 26.11.07.04, pertaining to open fires authorized by public officers, including the addition of new sections (4)–(7).

(*9*) amendments to section 26.11.07.05, pertaining to open fires allowed without authorization.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.07.

(121) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Amendments to COMAR 26.11.19.02A, pertaining to once-in, always-in applicability provisions, consisting of revisions to COMAR 26.11.19.02A(3), and the addition of new COMAR 26.11.19.02A (4) and (5), adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(C) Amendments to COMAR 26.11.19.01B, consisting of the addition of new COMAR 26.11.19.01B(1–1), the definition for the term ''annual,'' adopted by the Secretary of the Environment on April 7, 1995, effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.19.02A(3)–(5) and COMAR 26.11.19.01B(1–1).

(122) Revisions to the Maryland State Implementation Plan submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound

regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Addition of new COMAR 26.11.01.01B(20–I) and new COMAR 26.11.24.01B(9–I), definition of the term ''motor vehicle,'' adopted by the Secretary of the Environment on April 7, 1995, and effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of July 17, 1995 Maryland State submittal pertaining to COMAR 26.11.01.01B(20–I) and COMAR 26.11.24.01B(9–I), definition of the term ''motor vehicle.''

(123) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Deletion of old COMAR 26.11.19.09 Volatile Organic Compound Metal Cleaning (entire regulation).

(C) Addition of new COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing, adopted by the Secretary of the Environment on May 12, 1995, and effective on June 5, 1995, including the following:

(*1*) Addition of new COMAR 26.11.19.09.A Definitions.

(*2*) Addition of new COMAR 26.11.19.09.B Terms Defined, including definitions for the terms ''cold degreasing,'' ''degreasing material,'' ''grease,'' ''halogenated substance,'' ''vapor degreasing,'' and ''VOC degreasing material.''

(*3*) Addition of new COMAR 26.11.19.09.C Applicability.

(*4*) Addition of new COMAR 26.11.19.09.D Requirements.

(*5*) Addition of new COMAR 26.11.19.09.E Specifications for Cold Degreasing and Requirements for Vapor Degreasing.

(*6*) Addition of new COMAR 26.11.19.09.F. Records.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.09 Control of VOC Emissions from Cold and Vapor Degreasing.

(124) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Addition of new COMAR 26.11.19.23 Control of VOC Emissions from Vehicle Refinishing, adopted by the Secretary of the Environment on May 1, 1995, and effective on May 22, 1995, including the following:

(*1*) Addition of new COMAR 26.11.19.23A Definitions, including definitions for the terms ''base coat/clear coat system,'' ''controlled air spray system,'' ''mobile equipment,'' ''multistage coating equipment,'' ''precoat,'' ''pretreatment,'' ''primer sealer,'' ''primer surfacer,'' ''specialty coating,'' ''topcoat,'' and ''vehicle refinishing.''

(*2*) Addition of new COMAR 26.11.19.23B. Applicability and Exemptions.

(*3*) Addition of new COMAR 26.11.19.23C. Coating Standards and General Conditions.

(*4*) Addition of new COMAR 26.11.19.23D. Calculations.

(*5*) Addition of new COMAR 26.11.19.23E. Requirements for Specialty Coatings.

(*6*) Addition of new COMAR 26.11.19.23F. Coating Application Equipment Requirements.

(*7*) Addition of new COMAR 26.11.19.23G. Cleanup and Surface Preparation Requirements

(*8*) Addition of new COMAR 26.11.19.23H. Monitoring and Records.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.23 Vehicle Refinishing.

(125) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Four letters dated July 12, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Regulations:

(*1*) Addition of new COMAR 26.11.19.17 Control of VOC Emissions from Yeast Manufacturing, adopted by the Secretary of the Environment on October 14, 1994 and effective on November 7, 1994, revisions adopted by the Secretary of the Environment on May 12, 1995, and effective on June 5, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.17.A Definitions, including definitions for the terms ''fermentation batch,'' ''first generation fermenter,'' ''stock fermenter,'' ''trade fermenter,'' and ''yeast manufacturing installation.''

(*ii*) Addition of new COMAR 26.11.19.17.B Applicability, Exemptions, and Compliance Date.

(*iii*) Addition of new COMAR 26.11.19.17.C Requirements for Yeast Manufacturing Installations.

(*iv*) Addition of new COMAR 26.11.19.17.D Determination of Compliance and Testing.

(*v*) Addition of new COMAR 26.11.19.17.E Reporting Requirements.

(*vi*) Amendment to COMAR 26.11.19.17.C(3), pertaining to limits for temperature and pH.

(*vii*) Amendment to COMAR 26.11.19.17.D(3), pertaining to stack test dates.

(*2*) Addition of new COMAR 26.11.19.18 Control of VOC Emissions from Screen Printing, adopted by the Secretary of the Environment on October 14, 1994 and effective on November 7, 1994, revisions adopted by the Secretary of the Environment on May 16, 1995 and effective on June 5, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.18.A, including definitions for the terms ''acid/etch resist ink,'' ''anoprint ink,'' ''back-up coating,'' ''clear coating,'' ''conductive ink,'' ''electroluminescent ink,'' ''exterior illuminated sign,'' ''haze removal,'' ''ink removal,'' ''maximum VOC content,'' ''plastic card manufacturing installation,'' ''plywood sign coating,'' ''screen printing,'' ''screen printing installation,'' ''screen reclamation,'' ''specialty inks.''

(*ii*) Addition of new COMAR 26.11.19.18.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.18.C General Requirements for Screen Printing.

(*iv*) Addition of new COMAR 26.11.19.18.D General Requirements for Plywood Sign Coating.

(*v*) Addition of new COMAR 26.11.19.18.E General Requirements for Plastic Card Manufacturing Installations.

(*vi*) Addition of new COMAR 26.11.19.18.F Control of VOC Emissions from the Use of Specialty Inks.

(*vii*) Addition of new COMAR 26.11.19.18.G Control of VOC Emissions from Clear Coating Operations.

(*viii*) Addition of new COMAR 26.11.19.18.H Control of VOC Emissions from Ink and Haze Removal and Screen Reclamation.

(*ix*) Addition of new COMAR 26.11.19.18.I.

(*x*) Addition of new COMAR 26.11.19.18.A(17), definition for the term ''untreated sign paper.''

(*xi*) Addition of new COMAR 26.11.19.18.C(2), replacing previous § C(2).

(*xii*) Addition of new COMAR 26.11.19.18.C(3) Use of Control Devices.

(*xiii*) Addition of new COMAR 26.11.19.18.E(2)(b), replacing previous § E(2)(b).

(*xiv*) Addition of new COMAR 26.11.19.18.I Record Keeping, replacing the previous § I.

(*3*) Addition of new COMAR 26.11.19.19 Control of VOC Emissions from Expandable Polystyrene Operations, adopted by the Secretary of the Environment on June 9, 1995, and effective on July 3, 1995, including the following:

(*i*) Addition of new COMAR 26.11.19.19.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.19.B Terms Defined, including definitions for the terms ''expandable polystyrene operation (EPO),'' ''blowing agent,'' ''preexpander,'' ''recycled expanded polystyrene,'' and ''reduced VOC content beads.''

(*iii*) Addition of new COMAR 26.11.19.19.C Applicability.

(*iv*) Addition of new COMAR 26.11.19.19.D General Requirements.

(*v*) Addition of new COMAR 26.11.19.19.E Testing Requirements.

(*vi*) Addition of new COMAR 26.11.19.19.F Record Keeping.

(*4*) Addition of new COMAR 26.11.19.21, Control of VOC Emissions from Commercial Bakery Ovens, adopted by the Secretary of the Environment on June 9, 1995, and effective on July 3, 1995.

(*i*) Addition of new COMAR 26.11.19.21.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.21.B Terms Defined, including definitions for the terms ''commercial bakery oven,'' ''fermentation time,'' ''yeast percentage,'' and ''Yt value.''

(*iii*) Addition of new COMAR 26.11.19.21.C Applicability and Exemptions.

(*iv*) Addition of new COMAR 26.11.19.21.D General Requirements.

(*v*) Addition of new COMAR 26.11.19.21.E Use of Innovative Control Methods.

(*vi*) Addition of new COMAR 26.11.19.21.F Reporting and Testing Requirements.

(ii) Additional material.

(A) Remainder of July 12, 1995 Maryland State submittals pertaining to COMAR 26.11.19.21, .17, .18, and .19.

(126) Revisions to the Maryland State Implementation Plan submitted on July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.11 Control of VOC Emissions from Sheet-Fed and Web Lithographic Printing, adopted by the Secretary of the Environment on May 5, 1995, and effective on June 5, 1995, including the following:

(*1*) Deletion of COMAR 26.11.19.11 title, ''Other Miscellaneous Printing and Coating Processes'' and addition of new title, ''Lithographic Printing.''

(*2*) Deletion of COMAR 26.11.19.11.A(4), definition for the term ''plastic parts coating.''

(*3*) Deletion of COMAR 26.11.19.11.B(1), referencing plastic parts coating.

(*4*) Addition of new COMAR 26.11.19.11.B(1) & (3) through (6) Applicability.

(*5*) Deletion of COMAR 26.11.19.11.C Emission Standards for Plastic Coating.

(*6*) Addition of new COMAR 26.11.19.11.C Requirements for Sheet-Fed Letter or Lithographic Printing.

(*7*) Addition of new COMAR 26.11.19.11.D Requirements for Lithographic Web Printing.

(*8*) Addition of new COMAR 26.11.19.11.E Requirements for Cleaning Printing Equipment.

(*9*) Deletion of COMAR 26.11.19.10 title, ''Graphic Arts'' and addition of new title, ''Flexographic and Rotogravure Printing.''

(*10*) Deletion of COMAR 26.11.19.10.A(4), definition for the term ''web printing.''

(*11*) Addition of COMAR 26.11.19.01.B(8), definition for the term ''web printing.''

(ii) Additional Material.

(A) Remainder of July 11, 1995 Maryland State submittal pertaining to COMAR 26.11.19.11 Control of VOC Emissions from Sheet-Fed and Web Lithographic Printing.

(127) Revisions to the Maryland State Implementation Plan submitted on July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.07 Control of VOC Emissions from Paper Coating, adopted by the Secretary of the Environment on May 5, 1995, and effective on June 5, 1995, including the following:

(*1*) Addition of COMAR 26.11.19.07.A(2–1), definition for the term ''plastic parts coating.''

(*2*) Addition of COMAR 26.11.19.07.B(1), referencing paper, fabric and vinyl coating.

(*3*) Addition of COMAR 26.11.19.07.E Emission Standards for Plastic Coating.

(ii) Additional Material.

(A) Remainder of July 11, 1995 Maryland State submittal pertaining to COMAR 26.11.19.07 Control of VOC Emissions from Paper Coating.

(128) Revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.19.01B(4), definition of the term ''Major stationary source of VOC,'' adopted by the Secretary of the Environment on April 13, 1995, and effective on May 8, 1995.

(ii) Additional material.

(A) Remainder of the July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.01B(4), definition of the term ''Major stationary source of VOC.''

(129) Revisions to the State of Maryland Regulations COMAR 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting amendments to Code of Maryland Administrative Regulations (COMAR) 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment.

(B) Revision to COMAR 26.11.06.05—Sulfur Compounds from Other than Fuel Burning Equipment, effective September 22, 1997 to replace the term ''installations'' with the term ''equipment'' throughout the regulation.

(ii) Additional materials—Remainder of February 8, 1998 submittal.

(130) Revisions to the Maryland State Implementation Plan submitted on March 31, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of March 31, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.13, pertaining to the control of VOC emissions from sources that store and handle JP–4 jet fuel adopted by the Secretary of the Environment on March 28, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.13.01(B)(4) the definition of ''gasoline.''

(ii) Additional Material: Remainder of March 31, 1998 Maryland State submittal pertaining to COMAR 26.11.13 control of VOCs from sources that store and handle JP–4 jet fuel.

(131) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to volatile organic compounds in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.19.12: Control of Volatile Organic Compound Emissions from Dry Cleaning Installations, adopted by the Secretary of the Environment on August 18, 1997, and effective on September 22, 1997, including the following:

(*1*) Deletion of COMAR 26.11.19.12.B(1), pertaining to perchloroethylene dry cleaner installations applicability.

(*2*) Deletion of COMAR 26.11.19.12.C, Equipment Specifications and Emission Standards—Perchloroethylene Dry Cleaning Installations.

(*3*) Deletion of COMAR 26.11.19.12.D, Determination of Compliance—Perchloroethylene Dry Cleaning Installations.

(ii) Additional Material—Remainder of February 6, 1998 State submittal pertaining to COMAR 26.11.19.12 Control of Volatile Organic Compound Emissions from Dry Cleaning Installations

(132) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to volatile organic compounds in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revision to COMAR 26.11.13.04: Control of Gasoline and Volatile Organic Compound Storage and Handling from Loading Operations, adopted by the Secretary of the Environment on July 18, 1997, and effective on August 11, 1997, including the following:

(*1*) Deletion of COMAR 26.11.13.04.C(1)(b), pertaining to the applicability of this regulation to gasoline storage tanks with a capacity greater than 250 gallons and less than 2000 gallons.

(*2*) Deletion of COMAR 26.11.13.04.C(2), Exemptions.

(*3*) Deletion of COMAR 26.11.13.04.C(4), Effective Date of Stage I Requirement for Certain Sources.

(ii) Additional material—Remainder of February 6, 1998 State submittal pertaining to COMAR 26.11.13.04 Control of Gasoline and Volatile Organic Compound Storage and Handling from Loading Operations.

(133) Limited approval of revisions to the Maryland State Implementation Plan submitted on April 5, 1991 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 5, 1991 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Addition of COMAR 26.11.19.02G, Control of Major Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on March 9, 1991 and effective on May 8, 1991.

(ii) Additional Material.

(A) Remainder of the April 5, 1991 Maryland State submittal pertaining to COMAR 26.11.19.02G.

(134) Limited approval of revisions to the Maryland State Implementation Plan submitted on June 8, 1993 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.06.06, Volatile Organic Compounds, pertaining to minor source VOC requirements, adopted by the Secretary of the Environment on March 26, 1993, and effective on April 26, 1993.

(*1*) Amendments to COMAR 26.11.06.06A, Applicability.

(*2*) Amendments to COMAR 26.11.06.06B, Control of VOC from Installations.

(C) Revisions to COMAR 26.11.19.02G, Control of Major Stationary Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on March 26, 1993, and effective on April 26, 1993.

(ii) Additional Material.

(A) Remainder of the June 8, 1993 Maryland State submittal pertaining to COMAR 26.11.06.06A, COMAR 26.11.06.06B, and COMAR 26.11.19.02G.

(135) Limited approval of revisions to the Maryland State Implementation Plan submitted on July 12, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Maryland Department of the Environment transmitting additions and deletions to Maryland's State Implementation Plan, pertaining to volatile organic compound regulations in Maryland's air quality regulations, Code of

Maryland Administrative Regulations (COMAR) 26.11.

(B) Revisions to COMAR 26.11.19.02G, Control of Major Stationary Sources of Volatile Organic Compounds, pertaining to major VOC source RACT requirements, adopted by the Secretary of the Environment on April 13, 1995, and effective on May 8, 1995.

(ii) Additional Material.

(A) Remainder of the July 12, 1995 Maryland State submittal pertaining to COMAR 26.11.19.02G.

(136) Revisions to the Maryland State Implementation Plan submitted on May 15, 1995 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of May 15, 1995 from the Maryland Department of the Environment transmitting Maryland Regulation COMAR 26.11.26.03, regarding General Conformity, for approval as a SIP revision.

(B) Maryland Regulation COMAR 26.11.26.03, effective June 5, 1995.

(ii) Additional material—Remainder of the May 15, 1995 state submittal pertaining to General Conformity.

(137) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for two additional VOC source category under COMAR 26.11.19, ''Volatile Organic Compounds from Specific Processes.''

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulations COMAR 26.11.19.22 ''Control of Volatile Organic Compounds from Vinegar Generators''.

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Vinegar Generators.

(138) Revision to the Maryland State Implementation Plan submitted on April 7, 1998 by the Maryland Department of the Environment establishing reasonably available control technology (RACT) for an additional VOC source category under COMAR 26.11.19, ''Volatile Organic Compounds from Specific Processes.''

(i) Incorporation by reference.

(A) Letter dated April 7, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.19, adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) New regulation COMAR 26.11.19.24 ''Control of Volatile Organic Compounds from Leather Coating Operations''.

(ii) Additional Material—Remainder of Maryland Department of the Environment's April 7, 1998 submittals pertaining to Leather Coating Operations.

(139) Revisions to the Maryland State Implementation Plan, submitted on August 28, 1998, by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998, from the Maryland Department of the Environment transmitting additions to Code of Maryland Administrative Regulations (COMAR) 26.11.19 Volatile Orgranic Compounds from Specific Processes.

(B) Addition of COMAR 26.11.19.26 Control of Volatile Organic Compounds from Reinforced Plastic Manufacturing, effective August 11, 1997.

(ii) Additional Material: Remainder of August 28, 1998, State submittal pertaining to the addition of COMAR 26.11.19.26 Control of Volatile Organic Compounds from Reinforced Plastic Manufacturing to COMAR 26.11.19 Volatile Organic Compounds from Specific Processes.

(140) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19, pertaining to the control of VOC emissions from automotive and light-duty truck coating operations.

(B) Revised COMAR 26.11.19.03, effective September 22, 1997.

(ii) Additional Material—Remainder of the February 6, 1998 State submittal [Revision No. 98–01].

(141) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19 pertaining to the control of VOCs from special processes. The revision adds a new regulation at COMAR 26.11.19.25 for the control of VOC compounds from explosives and propellant manufacturing adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.19 entitled *Volatile Organic Compounds from Specific Processes:* The addition of new regulation COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing*.

(ii) Additional Material: Remainder of August 28, 1998 Maryland State submittal pertaining to COMAR 26.11.19.25 to control VOCs from sources that manufacture explosives and propellants.

(142) Revisions to the Maryland State Implementation Plan submitted on February 10, 1999 and February 12, 1999 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Three letters dated February 10, 1998 and one letter dated February 12, 1999 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.

(B) Regulations:

(*1*) Addition of new COMAR 26.11.19.07–1: Control of VOC Emissions from Solid Resin Decorative Surface Manufacturing, adopted by the Secretary of the Environment on May 20, 1998 and effective on June 15, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.07–1.A Definitions, including definitions for the terms ''particle plant operation,'' ''related operations,'' ''shaped goods plant,'' and ''solid resin decorative surface (SRDS) operation.''

(*ii*) Addition of new COMAR 26.11.19.07–1.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.07–1.C General Requirements for SRDS Operations.

(*iv*) Addition of new COMAR 26.11.19.07–1.D General Requirements for Particle Plant Operations.

(*v*) Addition of new COMAR 26.11.19.07–1.E General Requirements for Shaped Goods Plants.

(*vi*) Addition of new COMAR 26.11.19.07–1.F General Requirements for Related Operations.

(*vii*) Addition of new COMAR 26.11.19.07–1.G Additional Requirements for VOC Storage Tanks.

(*viii*) Addition of new COMAR 26.11.19.07–1.H Reporting and Record-Keeping Requirements.

(*2*) Addition of new COMAR 26.11.19.13–2: Control of VOC Emissions from Brake Shoe Coating Operations, adopted by the Secretary of the Environment on August 4, 1998 and effective on August 24, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.13–2.A Definitions.

(*ii*) Addition of new COMAR 26.11.19.13–2.B Terms Defined, including definitions for the terms ''brake caliper rust preventive coating,'' and ''brake shoe coating operation.''

(*iii*) Addition of new COMAR 26.11.19.13–2.C Applicability.

(*iv*) Addition of new COMAR 26.11.19.13–2.D General Coating Requirements.

(*v*) Addition of new COMAR 26.11.19.18.E Equipment Cleanup.

(*vi*) Addition of new COMAR 26.11.19.13.B(3)(e) and (f), exempting brake shoe coating and structural steel coating operations from Miscellaneous Metal Coatings.

(*3*) Addition of new COMAR 26.11.19.13–3: Control of Volatile Organic Compounds from Structural Steel Coating Operations, adopted by the Secretary of the Environment on June 5, 1998, and effective on June 29, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.13–3.A Definitions, including definitions for the terms ''controlled

air spray system,'' ''dip coating operation,'' ''protective coating,'' and ''structural steel coating operation.''

(*ii*) Addition of new COMAR 26.11.19.13–3.B Applicability.

(*iii*) Addition of new COMAR 26.11.19.13–3.C Coating Requirements.

(*iv*) Addition of new COMAR 26.11.19.13–3.D Cleanup Requirements.

(*4*) Revision to COMAR 26.11.19.18: Control of VOC Emissions from Screen Printing and Digital Imaging, adopted by the Secretary of the Environment on August 4, 1998, and effective on August 24, 1998, including the following:

(*i*) Addition of new COMAR 26.11.19.18.A(5–1), definition for the term ''digital imaging.''

(*ii*) Deletion of existing COMAR 26.11.19.18.B–I.

(*iii*) Addition of new COMAR 26.11.18.21.B Applicability.

(*iv*) Addition of new COMAR 26.11.18.21.C General Requirements for Screen Printing.

(*v*) Addition of new COMAR 26.11.18.21.D General Requirements for Plywood Sign Coating.

(*vi*) Addition of new COMAR 26.11.18.21.E General Requirements for Plastic Card Manufacturing.

(*vii*) Addition of new COMAR 26.11.19.18.F General Requirements for Digital Imaging.

(*viii*) Addition of new COMAR 26.11.19.18.G Record Keeping.

(ii) Additional Material.

(A) Remainder of February 10, 1999 and February 12, 1999 Maryland State submittals pertaining to COMAR 26.11.19.07–1, .13–2, .13–3, and .18.

(143) Revisions to the Code of Maryland Air Regulations (COMAR) 26.11.01.01 and 26.11.09.01, and limited approval of revisions to COMAR 26.11.09.08, submitted on June 8, 1993 and July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources and amendments to COMAR 26.11.09.01, Definitions.

(B) COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, effective on May 10, 1993, replacing the existing COMAR 26.11.09.08.

(C) Amendment to COMAR 26.11.09.01, Definitions, effective on May 10, 1993.

(D) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting amendments to COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, amendments to COMAR 26.11.01.01, Definitions and COMAR 26.11.09.01, Definitions.

(E) Amendments to COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, effective on June 20, 1994 and May 8, 1995.

(F) Amendment to COMAR 26.11.01.01, Definitions, effective on June 20, 1994.

(G) Amendments to COMAR 26.11.09.01, Definitions, effective on June 20, 1994 and on May 8, 1995.

(ii) Additional material.

(A) Remainder of June 8, 1993 and July 11, 1995 State submittals.

(B) Letter of October 29, 1998 from the Maryland Department of the Environment agreeing to meet certain conditions by no later than 12 months after July 22, 1999.

(144) Revisions to the Maryland State Implementation Plan submitted by the Maryland Department of the Environment on July 10, 1995, March 27, 1996, and September 25, 1998 as supplemented on May 25, 1999:

(i) Incorporation by reference.

(A) Letter of July 10, 1995, from the Maryland Department of the Environment transmitting an Enhanced Vehicle Emissions Inspection Program.

(B) Regulations for the Vehicle Emissions Inspection Program COMAR 11.14.08. adopted by the Secretary of the Environment on August 1, 1994, effective January 2, 1995:

(*1*) COMAR 11.14.08.01 through COMAR 11.14.08.02, inclusive.

(*2*) COMAR 11.14.08.03A.

(*3*) COMAR 11.14.08.03A(1).

(*4*) COMAR 11.14.08.03A(2) except the word ''federal,'' in the first line.

(*5*) COMAR 11.14.08.03B.

(*6*) COMAR 11.14.08.04.

(*7*) COMAR 11.14.08.05, section A.

(*8*) COMAR 11.14.08.05 sections B(1) through (7), inclusive.

(*9*) COMAR 11.14.08.05 sections C. through F., inclusive.

(*10*) COMAR 11.14.08.06 through COMAR 11.14.08.42, inclusive.

(C) Letter of March 27, 1996, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(D) Letter of September 25, 1998, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(E) The following revisions to the provisions of COMAR 11.14.08 adopted by the Secretary of the Environment on November 21, 1996, effective December 16, 1996:

(*1*) Amendments to COMAR 11.14.08.03B.

(*2*) The addition of a new COMAR 11.14.08.03C.

(*3*) Amendments to COMAR 11.14.08.05B(4).

(*4*) Amendments to COMAR 11.14.08.06D(7).

(*5*) Renumbering COMAR 11.14.08.09A to .09B, .09B to .09C, .09C to .09D and .09D to. 09E, .09E to .09F, and .09F to .09G.

(*6*) The addition of a new COMAR 11.14.08.09A, A(1) and A(3).

(*7*) Amendments to COMAR 11.14.08.09B(1), B(1)(a), B(1)(b), B(2), B(3), B(3)(a), B(3)(b) and B(4).

(*8*) Amendments to COMAR 11.14.08.09E.

(*9*) The addition of a new COMAR 11.14.08.09–1 except the phrase ''and, to the extent allowed by federal law, a vehicle owned by the federal government'' in section COMAR 11.14.08.09–1A.

(*10*) Renumbering COMAR 11.14.08.06B(3) to B(4), B(4) to B(5), B(5) to B(6), and B(6) to B(7).

(*11*) Creation of a new COMAR 11.14.08.06B(3) from the last two sentences of COMAR 11.14.08.06B(2).

(*12*) Amendments to COMAR 11.14.08.10B(3).

(*13*) Amendments to COMAR 11.14.08.10C.

(*14*) Deletion of COMAR 11.14.08.10C(1), C(1)(a) through C(1)(c), inclusive, and C(2).

(*15*) Renumbering COMAR 11.14.08.10C(2)(a) to C(1), C(2)(b) to C(2), C(2)(c) to C(3), C(2)(d) to C(4), C(2)(e) to C(5), and C(2)(f) to C(6).

(*16*) The addition of a new COMAR 11.14.08.11–1 except the phrase ''and, to the extent allowed by federal law, a vehicle owned by the federal government'' in section COMAR 11.14.08.11–1A.

(*17*) Amendments to COMAR 11.14.08.12A.

(*18*) Deletion of COMAR 11.14.08.12A(1) through .12A(6), inclusive.

(*19*) Amendments to COMAR 11.14.08.12B(1).

(*20*) Amendments to COMAR 11.14.08.29A(2).

(*21*) Amendments to COMAR 11.14.08.30D(2).

(*22*) Amendments to COMAR 11.14.08.32A.

(*23*) Amendments to COMAR 11.14.08.32B(5).

(*24*) Amendments to COMAR 11.14.08.42.

(F) The following revisions to the provisions of COMAR 11.14.08 adopted by the Secretary of the Environment on September 16, 1998, effective October 19, 1998:

(*1*) Amendments to COMAR 11.14.08.02B(40), B(40(a), and B(40)(b).

(*2*) Deletion of COMAR 11.14.08.03C.

(*3*) Addition of a new COMAR 11.14.08.03C and .03D.

(*4*) Amendments to COMAR 11.14.08.06A(2).

(*5*) Amendments to COMAR 11.14.08.06A(3)(k), (p), (q) and (r).

(*6*) Renumbering COMAR 11.14.08.06A(3)(s) and (t) to COMAR 11.14.08.06A(3)(t) and (u), respectively.

(*7*) The addition of a new COMAR 11.14.08.06A(3)(s).

(*8*) Amendment of COMAR 11.14.08.06D(7).

(*9*) Addition of a new COMAR 11.14.08.07C.

(*10*) Amendments to COMAR 11.14.08.09A.

(*11*) Deletion of COMAR 11.14.08.09A(1) through .09A(3), inclusive.

(*12*) Addition of a new COMAR 11.14.08.09A(1).

(*13*) Addition of a new COMAR 11.14.08.09A(2), A(2)(a) and A(2)(b).

(*14*) Amendments to COMAR 11.14.08.09B, B(1), B(1)(a) and B(1)(a)(i).

(*15*) Amendments to COMAR 11.14.08.09B(1)(b).

(*16*) Amendments to COMAR 11.14.08.09B(2) and B(2)(a).

(*17*) Amendments to COMAR 11.14.08.09B(3).

(*18*) Amendments to COMAR 11.14.08.09B(3)(a) and (b).

(*19*) Amendments to COMAR 11.14.08.09A(4).

(*20*) Amendments to COMAR 11.14.08.09A(4)(a).

(*21*) Renumbering of COMAR 11.14.08.09E to .09F, .09F to .09G, and .09G to .09H.

(*22*) Reservation with notes of COMAR 11.14.08.09C and .09D,

(*23*) Addition with a note of a new reserved COMAR 11.14.08.09E.

(*24*) Amendments to COMAR 11.14.08.09F and .09G.

(*25*) Amendments to COMAR 11.14.08.10B(1)(c) and B(1)(d).

(*26*) Amendments to COMAR 11.14.08.10C(6)(b).

(*27*) Renumbering of COMAR 11.14.08.11 to COMAR 11.14.08.11–1.

(*28*) Addition of a new COMAR 11.14.08.11.

(*29*) Amendments to COMAR 11.14.08.11–1, .11–1A(3), .11–1A(4), 11–1B, 11–1B(4) and 11–1B(5).

(*30*) Reservation with a note of COMAR 11.14.08.11–1C.

(*31*) Amendments to COMAR 11.14.08.11–1D(1) and 11–1D(2).

(*32*) Amendment to COMAR 11.14.08.12.

(*33*) Renumbering of COMAR 11.14.08.12B to .12C.

(*34*) Reservation with a note of COMAR 11.14.08.12A.

(*35*) Addition a new COMAR 11.14.08.12B and .12B(1).

(*36*) Addition with a note of a new reserved COMAR 11.14.08.12B(2).

(*37*) Amendments to COMAR 11.14.08.12C(1) and C(3).

(*38*) Amendments to COMAR 11.14.08.15C(7)(c).

(*39*) Amendments to COMAR 11.14.08.16.

(*40*) Renumbering COMAR 11.14.08.16C to COMAR 11.14.08.16D.

(*41*) Reservation with a note of COMAR 11.14.08.16A and .16B.

(*42*) Addition with a note of a new reserved COMAR 11.14.08.16C.

(*43*) Amendments to COMAR 11.14.08.16D.

(*44*) Renumbering COMAR 11.14.08.22C to COMAR 11.14.08.22D.

(*45*) Reservation with a note of COMAR 11.14.08.22A and .22B.

(*46*) Addition with a note of a new reserved COMAR 11.14.08.22C.

(*47*) Amendments to COMAR 11.14.08.27C(2).

(*48*) The deletion of COMAR 11.14.08.27C(3).

(*49*) Renumbering COMAR 11.14.08.27C(4) to COMAR 11.14.08.27C(3).

(*50*) Amendments to COMAR 11.14.08.28A.

(*51*) Amendments to COMAR 11.14.08.32A.

(*52*) Amendments to COMAR 11.14.08.32B(5).

(*53*) Amendments to COMAR 11.14.08.42.

(G) Letter of May 25, 1999, from the Maryland Department of the Environment transmitting amendments to the Enhanced Vehicle Emissions Inspection Program.

(ii) Additional material.

(A) Remainder of the July 10, 1995, submittal;

(B) Remainder of March 27, 1996, submittal;

(C) Remainder of September 25, 1998, submittal; and

(D) Remainder of May 25, 1999, submittal.

(145) Revisions to the Maryland State Implementation Plan submitted on April 12, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 12, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Regulation .15 under Code of Maryland Administrative Regulations (COMAR) 26.11.19 Volatile Organic Compounds from Specific Processes.

(B) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application amending the definition found at COMAR 26.11.19.15 A(2) of the term ''honeycomb core installation'' to include other substrates. This revision was adopted on March 2, 1999 and effective on March 22, 1999.

(C) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application clarifying the applicability of COMAR 26.11.19.15.C(4) General Emission Standard. This revision was adopted on April 9, 1998 and effective on May 4, 1998.

(ii) Additional Material—Remainder of April 12, 1999 submittal pertaining to

COMAR 26.11.19.15 Paint, Resin, and Adhesive Manufacturing and Adhesive Application.

(146) Revisions to the Maryland Regulations, through the addition of COMAR 26.11.20.04, adopting the National Low Emission Vehicle Program. This revision was submitted on March 3, 1999 by the Maryland Department of the Environment, and was amended on March 24, 1999:

(i) Incorporation by reference.

(A) Letter of March 3, 1999 from the Maryland Department of the Environment transmitting a revision to the Maryland State Implementation Plan for a National Low Emission Vehicle program.

(B) Letter of March 24, 1999 from the Maryland Department of the Environment revising Maryland's State Implementation Plan for a National Low Emission Vehicle program.

(C) Maryland regulation COMAR 26.11.20.04, entitled ''National Low Emission Vehicle Program'', effective March 22, 1999.

(ii) Additional materials—Remainder of March 3, 1999 and March 24, 1999 submittals pertaining to COMAR 26.11.20.04.

(147) Revisions to the Maryland State Implementation Plan submitted on March 11, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 11, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Code of Maryland Administrative Regulations (COMAR) 26.11.19. Volatile Organic Compounds from Specific Processes at 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

(B) Revision to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating to add at COMAR 26.11.19.07 F. ''Emission Standards for Printing on Plastic Other than Vinyl.'' This revision was adopted on August 6, 1997, and effective on September 8, 1997.

(C) Revisions to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating, adopted August 4, 1998, and effective on August 24, 1998, including the following:

(1) Revision to COMAR 26.11.19.07 B. ''Applicability'' at B (1) to delete previous text describing subject coating and printing operations and to add new text stating that the regulation applies to any coating or printing operation that it listed in and has VOC emissions equal to or greater than the applicability levels in subsection C. (2) and (3) of this regulation.

(2) Revision to COMAR 26.11.19.07 C. to change the title from ''Emission Standards for Web, Paper, Fabric, and Vinyl Coating'' to ''Emission Standards for Coating or Printing Installations.''

(3) Revision to COMAR 26.11.19.07 C. (1) to delete text which specified installations by substrates and listed the associated emission standards, and to add text to refer to the installations and emission standards found in subsections C. (2) and (3) of this regulation.

(4) Revision to COMAR 26.11.19.07 to add subsection C. (2) and (3) to list in tabular format subject installations, applicability thresholds, and VOC emission standards.

(5) Revision to COMAR 26.11.19.07 to delete subsections E. D. and F. as their requirements are found in the new simplified table at COMAR 26.11.19.07 C (2) and (3).

(ii) Additional Material—Remainder of March 11, 1999 submittal pertaining to COMAR 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

(148) Revisions to the Maryland State Implementation Plan submitted on June 8, 1993 and September 25, 2000 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter dated June 8, 1993 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01, 26.11.02, and 26.11.06, as well as a new COMAR 26.11.17.

(B) The following provisions of COMAR 26.11.01.01 (General Administrative Provisions—Definitions), 26.11.02 (Permits, Approvals, and Registration), 26.11.06 (General Emission Standards, Prohibitions, and Restrictions), and 26.11.17 (Requirements for Major New Sources and Modifications), effective April 26, 1993:

(*1*) Revised COMAR 26.11.01.01J (definition of ''Modification'') [currently cited as COMAR 26.11.01.01B(20)].

(*2*) New COMAR 26.11.01.01M–1 definition of ''New Source Review Source'' (NSR Source) [currently cited as COMAR 26.11.01.01B(24)], replacing COMAR 26.11.01.01L (''New Source Impacting on a Non-Attainment Area—NSINA'').

(*3*) Revised COMAR 26.11.02.03A(1), .03B, .09A (introductory paragraph), 09A(5), .10C (introductory paragraph), .11A (introductory paragraph), .11A(3).

(*4*) Revised COMAR 26.11.06.06E(1).

(*5*) New COMAR 26.11.17.01A; .01B(1)(a), (b); .01B(2) through .01B(14); .01B(15)(a)[introductory paragraph only], (c), (d), (e)[except iii], (f); .01B(16) through (18); .02B through .02F; .03A; .03B(1), .03B(2), .03B(3)(a) through .03B(3)(d)[except introductory paragraph]; .03B(4); .03B(5); .03C; .03D; .05A; .05B(1); .05B(3). This rule replaces COMAR 26.11.06.11.

(C) Letter dated September 25, 2000 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.17.

(D) The following provisions of COMAR 26.11.17 (Requirements for Major New Sources and Modifications), effective October 2, 2000: .01B(1)(c); .01B(15)(a)(i), .01B(15)(a)(ii), .01B(15)(b), .01B(15)(e)(iii); .02A(1), .02A(2); .03B(3), .03B(5), .03B(6)[formerly .03B(5)], .04A(1), .04A(2), .04B, .04C(1), .04C(2); .05B(2).

(149) Revisions to the Maryland Regulations related to use of pollution control devices in COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations submitted on July 17, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 17, 1995 from the Maryland Department of the Environment to Mr. Stanley Laskowski of EPA transmitting revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations.

(B) Revision to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations related to use of control equipment to meet visible emission limitations. Revisions were effective on May 8, 1995.

(ii) Additional materials—Remainder of July 17, 1995, submittal related to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations and the use of pollution control equipment to meet visible emission limitations.

(150) Revisions to the Maryland Regulations related to visible emissions standards for iron and steel installations submitted on March 30, 1987 and December 15, 1987 by the Maryland Department of Health and Mental Hygiene (currently known as the Maryland Department of the Environment):

(i) Incorporation by reference.

(A) Letters of March 30, 1987 and December 15, 1987 from the Maryland Department of Health and Mental Hygiene (currently known as the Maryland Department of the Environment) transmitting revisions related to visible emissions standards for iron and steel installations.

(B) Revisions to COMAR 10.18.10.03B(3) [currently COMAR 26.11.10.03B(2)], effective March 24, 1987.

(C) Revisions to COMAR 10.18.10.03B(3) [currently COMAR 26.11.10.03B(2)], effective January 5, 1988.

(ii) Additional Material. Remainder of the March 30, 1987 and December 15, 1987 submittals.

(151) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998, November 16, 1999 and March 20, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(B) Letter of November 16, 1999 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(C) Letter of March 20, 2000 from the Maryland Department of the Environment transmitting additions to the Maryland's State Implementation Plan pertaining to the Nitrogen Oxides Budget Program.

(D) Revisions to COMAR 26.11.27, Post RACT Requirements for NO_X Sources (NO_X Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's NO_X Budget Program, effective June 1, 1998.

(*1*) Addition of COMAR 26.11.27.01 through COMAR 26.11.27.14, except COMAR 26.11.27.04, .07 and .11.

(*2*) Addition of COMAR 26.11.28.01 through COMAR 26.11.28.13, except COMAR 26.11.28.08.

(E) Revisions to COMAR 26.11.27, Post RACT Requirements for NO_X Sources (NO_X Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's NO_X Budget Program, effective October 18, 1999, consisting of the addition of new COMAR 26.11.27.04, .07 and .11.

(F) Revisions to COMAR 26.11.27, Post RACT Requirements for NO_X Sources (NO_X Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's NO_X Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Potomac Electric Power Company, effective September 13, 1999.

(G) Revisions to COMAR 26.11.27, Post RACT Requirements for NO_X Sources (NO_X Budget Program) and COMAR 26.11.28, Polices and Procedures Relating to Maryland's NO_X Budget Program, consisting of the consent agreement between the Maryland Department of the Environment and the Baltimore Gas & Electric Company, effective November 19, 1999.

(ii) Additional Material—Remainder of August 28, 1998, November 16, 1999 and March 20, 2000 submittals pertaining to the Nitrogen Oxides Budget Program.

(152) Revisions to the Maryland Regulations governing visible emissions submitted on March 21, 1991 and November 5, 1997 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letters from the Maryland Department of the Environment dated March 21, 1991 and November 5, 1997 submitting revisions to the Maryland State Implementation Plan.

(B) Document entitled ''Procedures To Be Used To Evaluate An Application For An Alternative Visible Emissions Standard Under COMAR 26.11.06.02B''.

(C) Code of Maryland Administrative Regulations (COMAR) 10.18.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 10.18.06.02A(1), .02(A)(1)(a), .02(A)(2), and .02C(1) and (2), effective December 3, 1984.

(D) Recodified COMAR 26.11.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 26.11.06.02A(1) [General paragraph], .02A(1)(a) through (d) and (f), .02A(2), and .02C(1) through (3), effective August 1, 1988.

(E) COMAR 26.11.06.02B (Visible Emissions—Case-by-Case Exception to the Visible Emissions Standards).

(*1*) COMAR 10.18.06.02B(1)(a) through (d), .02B(2)(a), .02B(4)(a) and (b), and .02B(5)(a) and (b), effective December 3, 1984. This rule replaces COMAR 10.18.01.08. [Recodified as COMAR 26.11.06.02B, effective August 1, 1988.]

(*2*) COMAR 26.11.06.02B(2)(b) through (e) and .02 B(4)(c), effective July 3, 1995.

(F) Recodified COMAR 26.11.06.03D (Particulate Matter from Materials Handling and Construction), effective August 1, 1988.

(ii) Additional Material.

(A) Remainder of the March 21, 1991 submittal (MD91–01) as it pertains to the recodification of COMAR 26.11.06.02 and 26.11.06.03D.

(B) Remainder of the November 5, 1997 submittal (MD97–02).

(153) Revisions to the Maryland State Implementation Plan submitted on April 2, 1992 and October 10, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated April 2, 1992 from the Maryland Department of the Environment transmitting revisions to the testing and observation procedures for iron and steel production operations

(B) The following revised Maryland provisions, effective February 17, 1992.

(*1*) Revised COMAR 26.11.10.07.

(*2*) Technical Memorandum 91–01, Supplement 1—Appendix A, Test Method 5 and Method 8.

(C) Letter dated October 10, 2000 from the Maryland Department of the Environment transmitting revisions to regulations and technical memoranda governing control of iron and steel production operations.

(D) The following revised Maryland provisions, effective November 2, 1998.

(*1*) Revisions to COMAR 26.11.01.04C(2).

(*2*) Revisions to the following provisions of COMAR 26.11.10: Paragraphs .02A., .02B(2), .02B(3), .03A(2)(a) through (c), .03A(2)(e), .03B [introductory paragraph], .03B(5) [formerly cited as .03B(6)], .04B(2) introductory paragraph [combined with provision formerly cited as .04B(2)(a)], .04B(2)(c)(i) and .04B(2)(c)(ii) [formerly cited as .04B(2)(e)(i) and .04B(2)(e)(ii) respectively], .04B(2)(f), .04B(3) through(5), and.05.

(*3*) Removal of the following provisions: COMAR 26.11.10.01B(1) [existing provision .01B(2) is renumbered as .01B(1)], .03B(1) [existing provisions .03B(2) through(5) are renumbered as .03B(1) through (4)], .03B(7), .03B(8), .03C, .03D, .04A(2) and .04A(3) [existing provision .04A(1) is renumbered as .04A], .04B(2)(b), and .04B(2)(h) [existing provisions .04B(2)(c) through (g) and (i) are renumbered as .04B(2)(a) through (f)].

(*4*) Addition of COMAR 26.11.10.01B(2) and new .03C.

(*5*) Technical Memorandum 91–01, Supplement 3—Test Methods 1004, 1004F, 1004G, 1004H, and 1004I.

(E) Revisions to COMAR 26.11.10.03C(1) [formerly cited as .03C], and the addition of Paragraphs .03C(2) and .03C(3); effective October 2, 2000.

(ii) Additional materials—Remainder of the state submittals pertaining to the revisions listed in paragraph (c)(153) (i) of this section.

(154) Revisions to the Maryland Regulations pertaining to the Nitrogen Oxides (NO_X) Reduction and Trading Program submitted on April 27, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 27, 2000 from the Maryland Department of the Environment transmitting additions to the Maryland State Implementation Plan pertaining to the NO_X Reduction and Trading Program.

(B) Revisions to COMAR 26.11.29, NO_X Reduction and Trading Program and COMAR 26.11.30, Policies and Procedures Relating to Maryland's NO_X Reduction and Trading Program, effective May 1, 2000.

(*1*) Addition of COMAR 26.11.29.01 through COMAR 26.11.29.15.

(*2*) Addition of COMAR 26.11.30.01 through COMAR 26.11.30.09.

(ii) Additional material. Remainder of April 27, 2000 submittal pertaining to the NO_X Reduction and Trading Program.

(155) Revisions to the Maryland Regulations for NO_X RACT regulations submitted on September 8, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of September 8, 2000 from the Maryland Department of the Environment transmitting the Maryland NO_X RACT regulations.

(B) The Maryland NO_X RACT regulations found at COMAR 26.11.09.08, effective October 18, 1999, as revised effective September 18, 2000. This rule replaces COMAR 26.11.09.08, effective May 10, 1993, as revised effective June 20, 1994 and May 8, 1995.

(C) Addition of COMAR 26.11.09.01B(3–1) (definition of the term ''high heat release unit''), effective September 18, 2000.

(ii) Additional materials—Remainder of September 8, 2000 submittal.

(156) Revision to the Maryland Regulations replacing the existing regulation and adopting a new regulation for control of volatile organic compounds (VOC) from expandable polystyrene operations (EPO) submitted on October 20, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of October 20, 2000 from the Maryland Department of the Environment transmitting the EPO regulations.

(B) The Maryland EPO regulations found at COMAR 26.11.19.19, effective October 2, 2000. This rule replaces COMAR 26.11.19.19, effective July 3, 1995.

(ii) Additional materials—Remainder of the October 20, 2000 submittal.

(157) Revision to the Maryland Regulations establishing VOC reasonably available control technology (RACT) standards for facilities that recycle bakery and confectionary waste submitted on October 31, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of October 31, 2000 from the Maryland Department of the Environment transmitting the VOC RACT regulations for facilities that recycle bakery and confectionary waste.

(B) The Maryland VOC RACT regulations for facilities that recycle bakery and confectionary waste found at COMAR 26.11.19.28, effective October 2, 2000.

(ii) Additional materials—Remainder of the October 31, 2000 submittal.

(158) Revision to the Maryland Regulations which adopt by reference the EPA definition of VOC found at 40 CFR 51.100(s), update the Maryland regulation references to the federal PSD regulations at 40 CFR 52.21 and include other miscellaneous revisions submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting the adoption of the federal definition of VOC, federal reference updates and other miscellaneous revisions.

(B) The amendment to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 which updates the references for incorporation of the federal PSD regulations found at 40 CFR 52.21 from the 1993 to the 1996 edition of the CFR and include other miscellaneous revisions (COMAR 26.11.01.01B(6–1) and COMAR 26.11.06.06A(1)(d)), effective June 30, 1997.

(C) The amendment to COMAR 26.11.01.01B(53) which adopts by reference the EPA definition of VOC found at 40 CFR 51.100(s), 1996 edition of CFR, effective September 22, 1997.

(ii) Additional materials—Remainder of the February 6, 1998 submittal.

(159) Revision to the Maryland Regulations updating the references to the federal definition of VOC at 40 CFR 51.100(s) and the federal PSD regulations at 40 CFR 52.21, submitted on November 16, 2000 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 16, 2000 from the Maryland Department of the Environment transmitting the updates to the Maryland regulation references to the federal definition of VOC at 40 CFR 51.100(s) and the federal PSD regulations at 40 CFR 52.21.

(B) The amendments to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 which update the reference for incorporation of the federal PSD regulations found at 40 CFR 52.21 from the 1996 to the 1999 edition of the CFR and the amendment to COMAR 26.11.01.01B(53) which updates the federal reference for incorporation of the EPA definition of VOC found at 40 CFR 51.100(s) from the 1996 to the 1999 edition of the CFR, effective October 16, 2000.

(ii) Additional materials—Remainder of the November 16, 2000 submittal.

(160) Revisions to the Maryland Regulation, COMAR 26.11.19, *Volatile Organic Compounds from Specific Processes*, submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulation, COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*.

(B) Additions of COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*, adopted by the State of Maryland on September 11, 2000 and effective October 2, 2000.

(C) Revisions to COMAR 26.11.19.29, *Control of Volatile Organic Compounds From Distilled Spirits Facilities*, adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(160)(i)(B) and (C) of this section.

(161) Revisions to the State of Maryland Regulations pertaining to the repeal of COMAR 26.11.11.04, Petroleum Refineries, submitted on January 4, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of January 4, 2001, from the Maryland Department of the Environment transmitting amendments to COMAR 26.11.11 to repeal Regulation 26.11.11.04, Petroleum Refineries.

(B) Amendments to COMAR 26.11.11, Control of Petroleum Products Installations, including Asphalt Paving and Asphalt Concrete Plants, repealing Regulation 26.11.11.04, Petroleum Refineries, effective October 5, 1998.

(ii) Additional Material. Remainder of the January 4, 2001 submittal pertaining to the repeal of COMAR 26.11.11.04, Petroleum Refineries.

(162) Revisions to the Maryland State Implementation Plan submitted on February 5, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 5, 2001 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan, consisting of the addition of COMAR 26.11.19.30 *Control of Volatile Organic Compounds from Organic Chemical Production*.

(B) Addition of new COMAR 26.11.19.30 *Control of Volatile Organic Compounds from Organic Chemical Production*, adopted by the Secretary of the Environment on December 6, 2000 and effective on January 8, 2001, including the following:

(*1*) addition of new COMAR 26.11.19.30 A. Definitions.

(*2*) addition of new COMAR 26.11.19.30 B. Terms Defined.

(*3*) addition of new COMAR 26.11.19.30.C. Applicability.

(*4*) addition of new COMAR 26.11.19.30.D. General Requirements.

(*5*) addition of new COMAR 26.11.19.30.E. Demonstration of Compliance.

(ii) Additional materials—Remainder of the February 5, 2001 submittal.

(163) Revisions to the Maryland Regulations submitted on January 8, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated January 8, 2001 from the Maryland Department of the Environment transmitting regulations that establish reasonably available control technology (RACT) requirements for those sources at integrated steel mills that cause emissions of volatile organic compounds (VOCs).

(B) The following revisions to COMAR 26.11.10, effective December 25, 2000:

(*1*) Addition of COMAR 26.11.10.01B(1) through .0B(5) inclusive, and .01B(8.) [existing provisions .01B(1) and .01B(2) are renumbered as .01B(6) and .01B(7) respectively].

(*2*) New COMAR 26.11.10.06 (Control of Volatile Organic Compounds from Iron and Steel Production Installations).

(*3*) Revisions to COMAR 26.11.10.07 (Testing and Observation Procedures).

(C) Letter dated May 29, 2001 from the Maryland Department of the Environment, noting the correction of a typographical error made in the Maryland Register publication of the Iron and Steel VOC RACT rule.

(ii) Additional materials—Remainder of the state submittal pertaining to the regulations listed in paragraph (c)(163)(i)(B) of this section.

(164) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 and May 14, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of May 14, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).

(B) The following revised provisions of COMAR 26.11.01.01, effective June 20, 1994:

(*1*) 26.11.01.01A.

(*2*) 26.11.01.01B(1) through .01B(20), except for .01B(3) and .01B(13).

(*3*) 26.11.01.01B(24) through .01B(36), except for .01B(25).

(*4*) 26.11.01.01B(38) through .01B(53).

(C) Letter of February 6, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.01 (General Administrative Definitions).

(D) Revised COMAR 26.11.01.01B(43) [definition of ''source''], effective June 30, 1997.

(ii) Additional Material.

(A) Remainder of May 14, 2001 submittal.

(B) Remainder of February 6, 1998 submittal related to the revised definition of ''source.''

(165) Revisions to the Maryland State Implementation Plan submitted on June 12, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 12, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.04 (Ambient Air Quality Standards).

(B) The following revised provisions of COMAR 26.11.04, effective May 8, 1995:

(*1*) Revised chapter title of COMAR 26.11.04.

(*2*) New 26.11.04.03 through .09 (formerly COMAR 26.11.03.01 through .07 [State-Adopted National Ambient Air Quality Standards and Guidelines], effective prior to May 8, 1995).

(*3*) Addition of COMAR 26.11.04.02.

(ii) Additional Material.

(A) Remainder of June 12, 2001 submittal.

(166) Revisions to the Maryland State Implementation Plan submitted on August 20, 2001 by the Maryland Department of the Environment consisting of Reasonably Available Control Technology (RACT) requirements to reduce volatile organic compound (VOC) emissions from marine vessel coating operations.

(i) Incorporation by reference.

(A) A letter dated August 20, 2001 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.19.27.

(B) Addition of new COMAR 26.11.19.27—Control of Volatile Organic Compounds from Marine Vessel Coating Operations, effective on October 20, 1997.

(ii) Additional materials—Remainder of the August 20, 2001 submittal pertaining to COMAR 26.11.19.27—Control of VOC Emissions from Marine Vessel Coating Operations.

(167)(i) Incorporation by reference.

(A) Letter dated February 21, 2001 submitted by the Maryland Department of the Environment transmitting the source-specific VOC RACT determination for the Thomas Manufacturing Corporation Inc., in the form of a Consent Order.

(B) Consent Order for the Thomas Manufacturing Corporation Inc., dated February 6, 2001, with an effective date of February 15, 2001.

(ii) Additional materials—Other materials submitted by the State of Maryland in support of and pertaining to the RACT determination for the source listed in paragraph (c)(167)(i)(B) of this section.

(168) SIP revision submitted on April 25, 2001 by the State of Maryland consisting of a Consent Order dated April 16, 2001 between the Maryland Department of the Environment and Constellation Power Source Generation Inc. The Consent Order establishes a system-wide inter-facility emissions averaging plan to comply with NO_X RACT requirements at five facilities owned by Constellation Power Source Generation Inc. and located in the State of Maryland.

(i) Incorporation by reference.

(A) Letter of April 25, 2001 from the Maryland Department of the Environment (MDE) transmitting a Consent Order issued by MDE to Constellation Power Source Generation, Inc. establishing an averaging plan at five electric generating plants as a means of compliance with the NO_X RACT requirements.

(B) Consent Order between the Maryland Department of the Environment and Constellation Power Source Generation, Inc. dated April 16, 2001.

(C) NO_X RACT Averaging Plan Proposal submitted by Constellation Power Source Generation, Inc. dated November 6, 2000.

(ii) Additional materials—Remainder of the state submittal pertaining to the revision listed in paragraph (c)(168) of this section.

(169) Revisions to the Maryland Regulation, COMAR 26.11.19, *Volatile Organic Compounds from Specific Processes*, submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulation, COMAR 26.11.19.13–1, *Aerospace Coating Operations*.

(B) Addition of COMAR 26.11.19.13–1, *Aerospace Coating Operations*, adopted by the State of Maryland on September 11, 2000 and effective October 2, 2000.

(C) Revisions to COMAR 26.11.19.13–1, *Aerospace Coating Operations*, adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the regulations listed in paragraphs (c)(169)(i)(B) and (C) of this section.

(170) Revisions to the Maryland Regulation, COMAR 26.11.14, *Control of Emissions from Kraft Pulp Mills,* submitted on October 5, 2001 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of October 5, 2001 from the Maryland Department of the Environment transmitting Maryland Regulations COMAR 26.11.14.01, 26.11.14.02 and 26.11.14.06, *Control of Emissions from Kraft Pulp Mills*.

(B) Additions of COMAR 26.11.14.01, COMAR 26.11.14.02 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills,* adopted by the State of Maryland on December 13, 2000 and effective January 8, 2001.

(C) Revisions to COMAR 26.11.14.01 and COMAR 26.11.14.06, *Control of Emissions from Kraft Pulp Mills,* adopted by the State of Maryland on September 25, 2001 and effective October 15, 2001.

(ii) Additional materials—Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(170)(i)(B) and (C) of this section.

(171) Revisions to the Code of Maryland Administrative Regulations (COMAR) which update the Maryland regulation references to both the Federal Prevention of Significant Deterioration (PSD) regulations found at § 52.21 and the EPA definition of ''volatile organic compound'' (VOC) found at 40 CFR 51.100(s) of the 2000 edition of the Code of Federal Regulations, submitted on December 11, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 11, 2001 from the Maryland Department of the Environment transmitting updated references to the Code of Federal Regulations (CFR) with regard to the Prevention of Significant Deterioration (PSD) regulations and the definition of ''volatile organic compound'' (VOC).

(B) Revisions to COMAR 26.11.01.01B(37) and COMAR 26.11.06.14 effective December 10, 2001, which updates the references for incorporation of the Federal PSD regulations found at § 52.21 from the 1999 to the 2000 edition of the CFR.

(C) The revision to COMAR 26.11.01.01B(53) effective December 10, 2001, which updates the references of the EPA definition of VOC found at 40 CFR 51.100(s) from the 1999 edition to the 2000 edition of CFR.

(ii) Additional material. Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(171)(i)(B) and (C) of this section.

(172) Revision to the Code of Maryland Administrative Regulations (COMAR) governing general records and information requirements, submitted on December 11, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 11, 2001 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01.05 (Records and Information).

(B) Revised COMAR 26.11.01.05, effective June 30, 1997, replacing COMAR 26.11.01.05, effective July 18, 1980, as recodified August 1, 1988.

(C) Revision to the introductory paragraph of COMAR 26.11.01.05A., effective December 10, 2001.

(ii) Additional material. Remainder of the State submittals pertaining to the revisions listed in paragraphs (c)(172)(i)(B) and (C) of this section.

(173) Revisions to the Maryland State Implementation Plan submitted on February 6, 1998 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 6, 1998 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, concerning exemption of certain intermittent visible emissions requirements at Federal facilities, establishment of specific requirements for safety determinations at Federal facilities,

and amendment to open burning distance limitations under the ''open fire'' rule.

(B) The following additions and revisions to the Code of Maryland Administrative Regulations (COMAR), effective August 11, 1997:

(*1*) COMAR 26.11.06.02A(1)—introductory text of paragraph (1)[revised], and 26.11.06.02A(1)(j) [added].

(*2*) COMAR 26.11.07.01B(5) [added], 26.11.07.03B(1)(c) [revised], and 26.11.07.06 [added].

(ii) Additional materials—Remainder of the February 6, 1998 submitted by the Maryland Department of the Environment pertaining to the amendments in paragraph (c)(173)(i) (B) of this section.

(174) Revisions to the Maryland State Implementation Plan submitted on November 20, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated November 20, 2001 from the Maryland Department of the Environment transmitting a revision to Maryland State Implementation Plan concerning an alternative method for a source to achieve compliance with volatile organic compound (VOC) requirements for specific processes.

(B) Revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.02B (Applicability, Determining Compliance, Reporting and General Requirements—Method of Compliance), effective May 4, 1998, which revises paragraph .02B(2)(c), adds a new paragraph .02B(2)(d), and renumbers former paragraph .02B(2)(d) as .02B(2)(e).

(ii) Additional materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(174)(i) of this section.

(175) Revisions to the Maryland State Implementation Plan submitted on December 6, 2001, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated December 6, 2001 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan, concerning good operating practices, equipment cleanup procedures, and volatile organic compound (VOC) storage tank vapor control requirements for specific processes.

(B) Addition of Code of Maryland Administrative Regulation (COMAR) 26.11.19.02I—(Applicability, Determining Compliance, Reporting and General Requirements—Good Operating Practices, Cleanup, and VOC Storage), effective December 10, 2001.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(175)(i) of this section.

(176) Revisions to the Maryland State Implementation Plan submitted by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 6, 2001 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan concerning VOC requirements for facilities that produce inorganic chemicals and polytetrafluoroethylene (PTFE) products.

(B) The following revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.30 (Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Installations), effective December 10, 2001:

(*1*) Revised title for COMAR 26.11.19.30.

(*2*) Addition of paragraphs .30B(3–1), .30B(3–2), .30B(4–1), .30B(4–2), .30B(5)(b), and .30E(1) through (5) inclusive.

(*3*) Renumbering of former paragraphs .30B(5), .30C(3), and .30E(1) as paragraphs .30B(5)(a), .30C(2) and .30F respectively.

(*4*) Revisions to paragraphs .30C(1), renumbered .30C(2), .30D. (paragraph title), .30D(1), .30D(2), .30D(3), .30D(4) (introductory paragraph) and .30F.

(*5*) Removal of former paragraphs .30C(2) and .30E(2).

(C) Letter of November 6, 2002 from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan concerning VOC requirements for facilities that produce inorganic chemicals and polytetrafluoroethylene (PTFE) products.

(D) The following revisions to Code of Maryland Administrative Regulation (COMAR) 26.11.19.30 (Control of Volatile Organic Compounds from Chemical

Production and Polytetrafluoroethylene Installations), effective November 11, 2002:

(*1*) Revisions to paragraphs .30B(4–1), .30B(4–2), .30C(2), .30C(3), and .30E(1).

(*2*) Addition of paragraphs .30B(4–3), .30B(4–4), and .30E(6).

(ii) Additional materials—Remainder of the State submittal pertaining to the revision listed in paragraph (c)(176)(i) of this section.

(177) Revisions to the Code of Maryland Administrative Regulation (COMAR) 26.11.19.18 pertaining to the establishment of a VOC limit for overprint varnish used in the cosmetic industry, submitted on June 21, 2002, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 21, 2002, from the Maryland Department of the Environment transmitting amendments to Regulation .18, Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging, under COMAR 26.11.19, Volatile Organic Compounds from Specific Processes.

(B) Additions and Revisions to COMAR 26.11.19.18, Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging under COMAR 26.11.19, Volatile Organic Compounds from Specific Processes, effective June 10, 2002:

(*1*) Revised COMAR 26.11.19.18A(4)(a) and added COMAR 26.11.19.18A(4)(b), revising the definition of the term ''Clear coating.''

(*2*) Added COMAR 26.11.19.18A (10–1), adding a definition for the term ''Overprint varnish.''

(*3*) Added COMAR 26.11.19.18C(1)(a) (General Requirements for Screen Printing). Former COMAR 26.11.19.18C(1)(a) through (c) is renumbered as 26.11.19.18C(1)(b) through (d).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(177)(i) of this section.

(178) Revisions to the Maryland State Implementation Plan for Stage II Vapor Recovery at Gasoline Dispensing Facilities submitted on May 23, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of May 23, 2002 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan pertaining to Stage II Vapor Recovery at Gasoline Dispensing Facilities.

(B) The following revisions and additions to COMAR 26.11.24, effective on April 15, 2002:

(*1*) Revisions to .01B(1) and (17); addition of .01B(18) and .01B(19).

(*2*) Addition of .01–1.

(*3*) Revisions to .02C(1) and (3); addition of .02D, .02E and .02F.

(*4*) Revisions to .03F; addition of .03H and .03I.

(*5*) Revisions to .04A (introductory paragraph), .04B, .04C and .04C(1); addition of .04A(1) through .04A(5) and .04C(2).

(*6*) Revisions to .07A, .07B and .07D; addition of .07E.

(ii) Additional materials—Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(178)(i) of this section.

(179) Revisions to the Code of Maryland Administrative Regulation (COMAR) 11.14.08 pertaining to the request for delay in the incorporation of On-board Diagnostics testing in the state's Vehicle Inspection and Maintenance Program submitted on July 9, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of July 9, 2002 from the Maryland Department of the Environment transmitting amendments to Regulations .03, .06, .09, .12, and .16 under COMAR 11.14.08, Vehicle Emissions Inspection Program.

(B) Additions and revisions to COMAR 11.14.08.03, .06, .09, .12, and .16, effective June 10, 2002:

(*1*) Added COMAR 11.14.08.03E.

(*2*) Revised COMAR 11.14.08.06A(3)(r), .09F, .12C(1) through (3) inclusive, and .16D.

(ii) Additional Materials—Remainder of the State submittal(s) pertaining to the revisions listed in paragraph (c)(179)(i) of this section.

(180) Revisions to the Code of Maryland Administrative Regulations (COMAR) submitted on November 18, 2002 and November 26, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 18, 2002 from the Maryland Department of the Environment transmitting the removal of Code of Maryland Administrative Regulation (COMAR) 10.18.03.08—the State ambient air quality standard for hydrocarbons.

(B) Removal of COMAR 10.18.03.08, effective October 14, 1985.

(C) Letter of November 26, 2002 from the Maryland Department of the Environment transmitting revisions to COMAR 10.18.09.05 regarding the removal of provisions granting visible emissions exceptions by control officers in Maryland Areas I, II, V, and VI.

(D) Removal of COMAR 10.18.09.05A(3)(b)(i) and .05A(3)(b)(ii), effective December 3, 1984.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(180)(i) of this section.

(B) Letter dated January 9, 2003 from the Maryland Air and Radiation Management Administration to the Environmental Protection Agency, Region III, clarifying the reasons for removing the provisions of COMAR 10.18.09.05B(3)(i) and (ii).

(181) Revisions to the Code of Maryland's Administrative Regulations (COMAR) for particulate matter, visible emissions and sulfur compounds submitted on November 6, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 6, 2002 from the Maryland Department of the Environment transmitting the revision consisting of housekeeping and clarification amendments to Regulations .02, .03, and .05 under COMAR 26.11.06 General Emission Standards, Prohibitions and Restrictions.

(B) The following amendments to COMAR 26.11.06—General Emission Standards, Prohibitions and Restrictions, effective November 11, 2002:

(*1*) Addition of COMAR 26.11.06.02A(1)(k).

(*2*) Revisions to COMAR 26.11.06.02A(1)(j), .02A(2), .02C(1), .03C (introductory paragraph), .03C(1), and .05A.

(*3*) Removal of COMAR 26.11.06.02C(3).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(181)(i) of this section.

(182) Revisions to the Code of Maryland Administrative Regulations (COMAR) under COMAR 26.11.02, Permits, Approvals, and Registration that were adopted from 1995 thorough 1999 and related amendments under COMAR 26.11.06, General Emission Standards, Prohibitions, and Restrictions, and COMAR 26.11.19, Volatile Organic Compounds from Specific Processes on November 1, 2001 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of November 1, 2002 from the Maryland Department of the Environment (MDE) transmitting revisions to COMAR 26.11.02, 26.11.06 and 26.11.19.

(B) The following new provisions of COMAR 26.11.02 (Permits, Approvals and Registration), effective May 8, 1995, replacing COMAR 26.11.02.01 through 26.11.02.16, as amended effective through April 26, 1993:

(*1*) COMAR 26.11.02.01A; 26.11.02.01B(2), (3), (7) through (9), (11) through (14), (17) through (21), (23) through (28), (34) through (36), (38), (40), (41), (43) through (45), (47), (48), (51) through (53), and (55); and 26.11.02.01C.

(*2*) COMAR 26.11.02.02 (except .02D), .03, .04 (except .04C(2)), .05 through .10, .11 (except .11C), and .12 through 14.

(C) Revision to COMAR 26.11.06.06E(4)(g), effective May 8, 1995.

(D) Revision to COMAR 26.11.19.02G(3)(b), effective May 8, 1995.

(E) Revisions to COMAR 26.11.02.01B(13), .06B (introductory paragraph) and .06B(5), .10O(2), .10Q(7), .10U, .10V, .11A(1), .12A(1) and (2), .14A(1); addition of 26.11.02.10O(13) and (14), .10W, .11A(2)and .12A(3); removal of 26.11.02.14A(2)—existing .14A(3) is renumbered as .14A(2), effective June 16, 1997.

(F) Revision to COMAR 26.11.02.10E, effective September 22, 1997.

(G) Revision to COMAR 26.11.02.09C, effective May 4, 1998.

(H) Revisions to COMAR 26.11.02.10C, .10V and .10W; addition of COMAR 26.11.02.10X, effective March 22, 1999.

(ii) Additional Materials—Remainder of the State submittal pertaining to

the revisions listed in paragraph (c)(182)(i) of this section.

(183) Revisions to the Maryland Regulations pertaining to Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel Burning Installations, submitted on November 6, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter dated November 6, 2002 from the Maryland Department of the Environment transmitting revisions to the Maryland State Implementation Plan pertaining to amendments to COMAR 26.11.09.

(B) Revisions to COMAR 26.11.09, Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations, effective November 11, 2002.

(*1*) Addition of COMAR 26.11.09.01B(3–1)—definition of ''gas''. Existing paragraph .01B(3–1) is renumbered as .01B(3–2).

(*2*) Revisions to COMAR 26.11.09.05A(3), .05B(2), and .05B(3).

(*3*) Revisions to COMAR 26.11.09.06A(1), .06A(2), and .06B(4); addition of .06A(3)(c).

(*4*) Revision to COMAR 26.11.09.08D (introductory paragraph) and .08D(1)(a).

(*5*) Revision to COMAR 26.11.09.09 by removing existing Table 1 and adding both a new Table 1 and footnotes (a), (b), and (c).

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(183)(i) of this section.

(184) Revisions to the Code of Maryland Administrative Regulations (COMAR) for the Control of VOC Emissions from Portable Fuel Containers submitted on March 8, 2002 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 8, 2002 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan pertaining to the control of volatile organic compounds (VOC) emissions from portable fuel containers.

(B) Addition of new regulation .07 under COMAR 26.11.13—*Control of VOC Emissions from Portable Fuel Containers*, adopted by the Secretary of the Environment on December 21, 2001, and effective on January 21, 2002.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(184)(i) of this section.

(185) Revisions to the Code of Maryland Administrative Regulations (COMAR) on the Control of VOC Emissions from Consumer Products submitted on November 19, 2003 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated November 19, 2003 from the Maryland Department of the Environment transmitting additions to Maryland's State Implementation Plan pertaining to the control of volatile organic compounds (VOC) emissions from consumer products.

(B) Addition of new COMAR 26.11.32—Control of Emissions of VOC from Consumer Products:

(*1*) Addition of COMAR 26.11.32.01 through COMAR 26.11.32.23 adopted by the Secretary of the Environment on July 25, 2003 and effective on August 18, 2003.

(*2*) Addition of new COMAR 26.11.32.01F—Retail Sales, adopted by the Secretary of the Environment on October 22, 2003 and effective on November 24, 2003.

(ii) Additional Material. Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(185)(i) of this section.

(186) Revisions to the Maryland State Implementation Plan submitted on April 24, 2003, July 7, 2003, and December 1, 2003 by the Maryland Department of the Environment pertaining to the Policies and Procedures Relating to Maryland's NO_X Reduction and Trading Program, and the Nitrogen Oxides Reduction and Trading Program.

(i) Incorporation by reference.

(A) Letter of April 24, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.30 Nitrogen Oxides Reduction and Trading Program, effective April 28, 2003.

(*1*) Revisions to COMAR 26.11.30.09A.

(*2*) Deletion of existing COMAR 26.11.30.09B.

(*3*) Addition of new COMAR 26.11.30.09B, allocations for control periods 2003 through 2007.

(B) Letter of July 7, 2003 from the Maryland Department of the Environment transmitting an administrative correction to COMAR 26.11.30.09 amending Mirant Dickerson's Unit #3 allocation from 410 to 404 tons of NO_X.

(C) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting additions, deletions, and revisions to COMAR 26.11.29 NO_X Reduction and Trading Program, effective November 24, 2003.

(*1*) Revisions to COMAR 26.11.29.09 (title), .09A (introductory sentence), and .09A(1).

(*2*) Addition of COMAR 26.11.29.09A(2) and .09A(3).

(*3*) Revisions to COMAR 26.11.29.09B (introductory sentence), .09B(1) and .09B(2), establishing the set aside pool at 5 percent of the total trading budget.

(*4*) Deletion of COMAR 26.11.29.09E and 09F.

(*5*) COMAR 26.11.29.09G is renumbered as 26.11.29.09E.

(ii) Additional Material.

(A) Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(186)(i) of this section.

(B) [Reserved]

(187) The Ozone Redesignation and Maintenance Plan for Kent and Queen Anne's Counties nonattainment area submitted on February 4, 2004 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) A letter dated February 9, 2004 from the Maryland Department of the Environment transmitting Maryland's State Implementation Plan pertaining to the redesignation request for the Kent and Queen Anne's Counties Ozone Nonattainment Area.

(B) SIP Revision 03–15, Redesignation Request for Kent and Queen Anne's Counties Ozone Nonattainment Area, February 4, 2004.

(ii) Additional Material—Remainder of the State submittals pertaining to the revisions listed in paragraph (c)(187)(i) of this section.

(188)–(189) [Reserved]

(190) Revisions to the Maryland State Implementation Plan submitted on March 31, 2004 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 31, 2004 from the Maryland Department of the Environment transmitting a Consent Order establishing VOC RACT for Kaydon Ring and Seal, Inc.

(B) Consent Order establishing VOC RACT for Kaydon Ring and Seal, Inc. with an effective date of March 5, 2004.

(ii) Additional Materials—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(190)(i) of this section.

(191) Revision to the Maryland Regulations pertaining to changes to control of fuel-burning equipment, stationary internal combustion engines and certain fuel-burning installations and to changes to requirements for major new sources and modifications submitted on December 1, 2003 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of December 1, 2003 from the Maryland Department of the Environment transmitting changes to control of fuel-burning equipment, stationary internal combustion engines and certain fuel-burning installations and to changes to requirements for major new sources and modifications in Maryland's air quality regulations, Code of Maryland Administrative Regulations (COMAR).

(B) Revisions to COMAR 26.11.09.08A(1), pertaining to control of NO_X emissions for major stationary sources adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revision to COMAR 26.11.09.08A(1)(a).

(*2*) Deletion of COMAR 26.11.09.08A(1)(b).

(*3*) Renumbering of COMAR 26.11.09.08A(1)(c) to COMAR 26.11.09.08A(1)(b).

(C) Revisions to COMAR 26.11.17.01B(13) pertaining to requirements for major new sources and modifications adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revisions to COMAR 26.11.17.01B(13)(a)(i) and (13)(a)(ii).

(*2*) Deletion of COMAR 26.11.17.01B(13)(a)(iii).

(*3*) Renumbering of COMAR 26.11.17.01B(13)(a)(iv) to 01B(13)(a)(iii), and 26.11.17.01B(13)(a)(v) to 01B(13)(a)(iv).

(D) Revisions to COMAR 26.11.17.03B pertaining to requirements for major new sources and modifications adopted by the Secretary of the Environment on October 21, 2003, and effective on November 24, 2003.

(*1*) Revision to COMAR 26.11.17.03B(3)(a).

(*2*) Deletion of COMAR 26.11.17.03B(3)(b).

(*3*) Renumbering of COMAR 26.11.17.03B(3)(c) to 03B(3)(b), and 03B(3)(d) to 03B(3)(c).

(ii) Additional Material—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(191)(i) of this section.

[37 FR 10870, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1100, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§§ 52.1101–52.1109 [Reserved]

§ 52.1110 Small business stationary source technical and environmental compliance assistance program.

On November 13, 1992, the Acting Director of the Air and Radiation Management Administration, Maryland Department of the Environment submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a state implementation plan (SIP) revision, as required by title V of the Clean Air Act Amendments. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on May 16, 1994, and made it part of the Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

[59 FR 25333, May 16, 1994]

§§ 52.1111–52.1115 [Reserved]

§ 52.1116 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) The following provisions of 40 CFR 52.21 are hereby incorporated and made a part of the applicable State plan for the State of Maryland.

(1) Definition of federally enforceable (40 CFR 52.21(b)(17)),

(2) Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3), (4)(i)),

(3) Redesignation of areas (40 CFR 52.21(g) (1), (2), (3), (4), (5), and (6)),

(4) Approval of alternate models (40 CFR 52.21(1)(2)),

(5) Disputed permits or redesignation (40 CFR 52.21(t), and

(6) Delegation of Authority (40 CFR 52.21(u)(1), (2)(ii), (3), and (4)).

[45 FR 52741, Aug. 7, 1980 and 47 FR 7835, Feb. 23, 1982]

§ 52.1117 Control strategy: Sulfur oxides.

(a) [Reserved]

(b) The requirements of § 51.112(a) of this chapter are not met because the State did not submit an adequate control strategy demonstration to show that the Maryland Regulation 10.03.36.04B (1) and (2) would not interfere with the attainment and maintenance of the national sulfur dioxide standards.

[40 FR 56889, Dec. 5, 1975, as amended at 41 FR 8770, Mar. 1, 1976; 41 FR 54747, Dec. 15, 1976; 51 FR 40676, Nov. 7, 1986]

§ 52.1118 Approval of bubbles in nonattainment areas lacking approved demonstrations: State assurances.

In order to secure approval of a bubble control strategy for the American Cyanamid facility in Havre de Grace, Maryland (see paragraph 52.1070(c)(87)), the Maryland Department of the Environment—Air Management Administration provided certain assurances in a letter dated September 13, 1988 from George P. Ferreri, Director, to Thomas J. Maslany, Director, Air Management

Division, EPA Region III. The State of Maryland assured EPA it would:

(a) Include the bubble emission limits for this plant in any new State Implementation Plan,

(b) Consider this plant with its approved bubble limits in reviewing sources for needed additional emission reductions, and

(c) Not be delayed in making reasonable efforts to provide the necessary schedules for completing the new ozone attainment plan.

[55 FR 20272, May 16, 1990]

Subpart W—Massachusetts

§52.1119 Identification of plan—conditional approval.

(a) The following plan revisions were submitted on the dates specified.

(1) On November 13, 1992, the Massachusetts Department of Environmental Protection submitted a small business stationary source technical and environmental compliance assistance program (PROGRAM). On July 22, 1993, Massachusetts submitted a letter clarifying portions of the November 13, 1992 submittal. In these submissions, the State commits to submit adequate legal authority to establish and implement a compliance advisory panel and to have a fully operational PROGRAM by November 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 13, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) State Implementation Plan Revision for a Small Business Technical and Environmental Compliance Assistance Program dated November 13, 1992.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 22, 1993 clarifying portions of Massachusetts' November 13, 1992 SIP revision.

(2) [Reserved]

[59 FR 41708, Aug. 15, 1994, as amended at 61 FR 43976, Aug. 27, 1996; 65 FR 19326, Apr. 11, 2000]

§52.1120 Identification of plan.

(a) Title of plan: ''Plan for Implementation, Maintenance, and Enforcement of National Primary and Secondary Ambient Air Quality Standards.''

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Emergency episode regulations submitted on February 22, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(2) Miscellaneous non-regulatory changes to the plan, wording changes in regulations 2.5 and 2.1 and clarification of Regulations 2.5.1 through 2.5.4 submitted on April 27, 1972, by the Division of Environmental Health, Massachusetts Department of Public Health.

(3) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(4) Miscellaneous changes affecting regulations 2.1, 2.5, 4.2, 4.5.1, 5.6.1, 6.1.2, 6.3.1, 8.1.6, 9.1, 15.1, 51.2, 52.1 and 52.2 of the regulations for all six Air Pollution Control Districts submitted on August 28, 1972 by the Governor.

(5) Letter of concurrence on AQMA identifications submitted on July 23, 1974, by the Governor.

(6) Revision to Regulation No. 5, increasing allowable sulfur content of fuels in the Boston Air Pollution Control District submitted on July 11, 1975, by the Secretary of Environmental Affairs, and on April 1, 1977 and April 20, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(7) Revision to Regulation 50—Variances, Regulations for Control of Air Pollution in the six Massachusetts Air Pollution Control Districts, submitted by letter dated November 14, 1974, by the Governor.

(8) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Merrimack Valley Air Pollution Control District submitted on January 28, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering, and additional technical information

pertinent to the Haverhill Paperboard Corp., Haverhill, Mass., submitted on December 30, 1976 by the Secretary of Environmental Affairs.

(9) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Pioneer Valley Air Pollution Control District submitted on July 22, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering, and additional technical information pertinent to Deerfield Specialty Papers, Inc., Monroe, Mass., submitted on December 27, 1977 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(10) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Central Massachusetts Air Pollution Control District submitted on June 25, 1976 by the Secretary of Environmental Affairs and on August 22, 1977 by the Commissioner of the Department of Environmental Quality Engineering.

(11) Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Central Massachusetts Air Pollution Control District (revised and adopted by the Massachusetts Department of Environmental Quality Engineering on March 29, 1976, with specificprovisions for the City of Fitchburg) submitted on June 25, 1976, by the Secretary of Environmental Affairs.

(12) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Southeastern Massachusetts Air Pollution Control District, submitted on December 30, 1976 by the Secretary of Environmental Affairs and on January 31, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(13) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Berkshire Air Pollution Control District, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on April 14, 1977, and additional technical information submitted on August 11, 1978, pertaining to the Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee, and on August 31, 1978, pertaining to Crane and Company, Inc., Dalton.

(14) Revisions to ''Regulations for the Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies,'' submitted on September 15, 1976 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(15) A revision to Regulation 2.5, Compliance with Emission Limitations, and to Regulation 16, Reduction of Single Passenger Commuter Vehicle Use, for the Pioneer Valley Air Pollution Control District, submitted on May 20, 1977, by the Acting Commissioner of the Executive Office of Environmental Affairs, Department of Environmental Quality Engineering.

(16) Revision to regulation 7 and regulation 9, submitted on December 9, 1977, by the Commissioner of the Massachusetts Department of Environmental Quality and Engineering.

(17) Revision to Regulations 310 CMR 7.05, Sulfur-in-Fuel, and 310 CMR 7.06, Visible Emissions, allowing burning of a coal-oil slurry at New England Power Company, Salem Harbor Station, Massachusetts, submitted on July 5, 1978 by the Commissioner, Massachusetts Department of Environmental Quality Engineering and an extension to 310 CMR 7.06, *Visible Emissions*, submitted on December 28, 1979.

(18) Revision to Regulation 7.02(11) (formerly Regulation 2.5.3)—Emission Limitation to Incinerators, submitted February 1, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(19) The addition of Regulation 7.17, for the Southeastern Massachusetts Air Pollution Control District, Coal Conversion—Brayton Point Station, New England Power Company, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 7, 1978. Compliance with this revision shall be determined by methods consistent with New Source Performance Standards, proposed Test Method 19, as stated in a letter dated February 8, 1979 from Kenneth Hagg of the Massachusetts Department of Environmental Quality Engineering to Frank Ciavattieri of the Environmental Protection Agency.

(20) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' and a revision for the Metropolitan Boston APCD, and Merrimack Valley APCD submitted on December 28, 1978, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(21) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1), ''Sulfur Content of Fuels and Control Thereof'' and a revision to Regulation 310 CMR 7.05(4) ''Ash Content of Fuels'' for the Pioneer Valley Air Pollution Control District, submitted on January 3, 1979 by the Acting Com0missioner of the Massachusetts Department of Environmental Quality Engineering.

(22) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1), ''Sulfur Content of Fuels and Control Thereof'' for the Southeastern Massachusetts APCD, submitted on January 31, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(23) A revision to Regulation 310 CMR 7.05(4) ''Ash Content of Fuels'' for the Metropolitan Boston Air Pollution Control District, submitted on July 20, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(24) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' for the Central Massachusetts APCD, submitted on March 2, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering, and a revision removing the seasonal restriction in Fitchburg for Fitchburg Paper Company (55 meter stacks only) and James River-Massachusetts submitted on September 28, 1979 by the Commissioner.

(25) On March 30, 1979 and on April 23, 1979 the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted the non-attainment area plan for Total Suspended Particulates (TSP) in Worcester, miscellaneous statewide regulation changes, and an extension request for the attainment of TSP secondary standards for areas designated non-attainment as of March 3, 1978.

(26) On May 3, 1979, August 7, 1979, and April 17, 1980, the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted a revision entitled ''Massachusetts Implementation Plan, Amended Regulation—All Districts, New Source Review Element,'' relating to construction and operation of major new or modified sources in non-attainment areas.

(27) Revisions to Regulation 310 CMR 7.07, Open Burning, submitted on September 28, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(28) Revision to the state ozone standard and adoption of an ambient lead standard was submitted by Thomas F. McLoughlin, Acting Commissioner of the Department of Environmental Quality Engineering on August 21, 1979.

(29) A revision varying the provisions of Regulation 310 CMR 7.04(5), Fuel Oil Viscosity, for Cambridge Electric Light Company's Kendall Station, First Street, Cambridge, and Blackstone Station, Blackstone Street, Cambridge, submitted on December 28, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(30) Attainment plans to meet the requirements of Part D for carbon monoxide and ozone and other miscellaneous provisions were submitted by the Governor of Massachusetts on December 31, 1978 and on May 16, 1979 by the Acting Commissioner of the Department of Environmental Quality Engineering. Supplemental information was submitted on September 19, November 13 and December 7, 1979; and March 20 and April 7, 1980 by DEQE.

(31) A temporary variance to the Provisions of Regulation 310 CMR 7.05, Sulfur Content of Fuels and Control Thereof, for Seaman Paper Company, Otter River. Submitted on March 20, 1980 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(32) A revision to Regulation 7.05(1) ''Sulfur Content of Fuels and Control Thereof'' for the Metropolitan Boston

APCD submitted on November 27, 1979 by the Commissioner of the Department of Environmental Quality Engineering.

(33) A revision to Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) ''Sulfur Content of Fuels and Control Thereof'' for the Pioneer Valley Air Pollution Control District submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on March 2, 1979 and May 5, 1981.

(34) A revision to Regulation 7.05(1) ''Sulfur Content of Fuels and Control Thereof'' for the Metropolitan Boston APCD submitted on April 25, 1980 by the Commissioner of the Department of Environmental Quality Engineering.

(35) On January 5, 1981, the Acting Director of the Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering submitted a revision entitled ''Appendix J Transportation Project Level Guidelines'' relating to policy guidance on the preparation of air quality analysis for transportation projects.

(36) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the Commissioner of the Department of Environmental Quality Engineering on January 28, 1980.

(37) A revision submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 12, 1980 adding a new regulation 310 CMR 7.19 ''Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternate Fuel or Implementation of Permanent Energy Conservation Measures.''

(38) A variance of Regulation 310 CMR 7.05(1)(d)(2) ''Sulfur Control of Fuels and Control Thereof'' for the Metropolitan Boston Air Pollution Control District, submitted on November 25, 1980, by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(39) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region which were submitted on July 9, 1981 and on July 30, 1981.

(40) Regulations 310 CMR (14), (15), and (16), for paper, fabric, and vinyl surface coaters to meet the requirements of Part D for ozone were submitted by the Governor of Massachusetts on March 6, 1981.

(41) A revision to Regulation 7.05(1)(c) ''Sulfur Content of Fuels Control Thereof for the Merrimack Valley Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at Haverhill Paperboard Corporation, Haverhill.

(42) Regulation 310 CMR 7.18(2)(b), to allow existing surface coating lines regulated under 310 CMR 7.18 (4), (5), (6), (7), (10), (11), (12), (14), (15) and (16) to bubble emissions to meet the requirements of Part D for ozone was submitted by the Governor on March 6, 1981, and a letter clarifying state procedures was submitted on November 12, 1981. The emission limitations required by the federally-approved portion of 310 CMR 7.18 are the applicable requirements of the Massachusetts SIP for the purpose of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the state under and which comply with 310 CMR 7.18(2)(b) and the procedures set out in the letter of November 12, 1981 shall be the applicable requirements of the Massachusetts SIP in lieu of those contained elsewhere in 310 CMR 7.18 and shall be enforceable by EPA and by citizens.

(43) A revision to Regulation 7.05(1)(d) ''Sulfur Content of Fuels and Control Thereof for the Metropolitan Boston Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at Eastman Gelatine Corporation, Peabody, submitted on September 24, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

(44) The Massachusetts Department of Environmental Quality Engineering submitted an updated VOC emissions inventory on September 3, 1981, and the procedures to annually update this inventory on November 4, 1981.

(45) A revision to Regulation 7.05(1)(e) ''Sulfur Content of Fuels and Control

Thereof for the Pioneer Valley Air Pollution Control District'' allowing the burning of higher sulfur content fuel oil at the Holyoke Gas and Electric Department, Holyoke.

(46) A revision submitted on December 29, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the ATF Davidson Company, Northbridge, until December 1, 1983.

(47) Regulation 310 CMR 7.18(10) for metal coil coating was submitted on June 24, 1980 by the Commissioner of the Department of Environmental Quality Engineering, in order to meet Part D requirements for ozone.

(48) Regulations 310 CMR 7.18(11), Surface Coating of Miscellaneous Metal Parts and Products and (12), Graphic Arts—Rotogravure and Flexography with test methods; and (13) Perchloroethylene Dry Cleaning Systems without test methods, were submitted on July 21, 1981 and March 10, 1982 by the Department of Environmental Quality Engineering to meet Part D requirements for ozone attainment.

(49) A revision to Regulation 7.17 ''Conversions to Coal'' submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on January 22, 1982 specifying the conditions under which coal may be burned at the Holyoke Water Power Company, Mount Tom Plant, Holyoke, Massachusetts.

(50) [Reserved]

(51) A revision submitted on September 29, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of fuel oil having a sulfur content of 0.55 pounds per million Btu heat release potential at the Northeast Petroleum Corporation, Chelsea, Massachusetts.

(52) A revision submitted on September 28, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the Polaroid Corporation for a period of up to 30 months commencing on December 1, 1982.

(53)(i) Attainment plans for carbon monoxide and ozone submitted by the Department of Environmental Quality Engineering on September 9, November 2 and November 17, 1982; February 2, March 21, April 7, April 26 and May 16, 1983. These revisions amend Regulations 310 CMR 7.18 (3)–(7), (9)–(16); and add Regulation 310 CMR 7.18(17), 7.20 (1)–(14), and 540 CMR 4.00.

(ii) Regulation 310 CMR 7.18(3) for the surface coating of metal furniture submitted on September 9, 1982 as part of the attainment plan identified in §52.1120(c)(53)(i), is added to the VOC surface coating bubble Regulation 310 CMR 7.18(2)(b) identified in §52.1120(c)(42).

(iii) Regulation 310 CMR 7.18(13) for Perchloroethylene Dry Cleaning systems submitted on September 9, 1982 as part of the attainment plan identified in section 52.1120(53)(i), is amended by adding EPA test methods to the no action identified in 52.1120(48).

(54) On February 8, 1983, the Massachusetts Department of Environmental Quality Engineering submitted a source specific emission limit in the letter of approval to the Esleeck Manufacturing Company, Inc., Montague, allowing the Company to burn fuel oil having a maximum sulfur content of 1.21 pounds per million Btu heat release potential provided the fuel firing rate does not exceed 137.5 gallons per hour.

(55) A revision to exempt the Berkshire Air Pollution Control District from Regulation 310 CMR 7.02(12)(b)2 was submitted on March 25, 1983 by Kenneth A. Hagg, Director of the Division of Air Quality Control of the Department of Environmental Quality Engineering.

(56) A revision to Regulation 310 CMR 7.02(12)(a)1(e) for petroleum liquid storage in external floating roof tanks submitted on December 2, 1983.

(57) Revisions to the State's narrative, entitled *New Source Regulations* on page 117 and 118, the regulatory definitions of BACT, NSPS and NESHAPS and Regulation 310 CMR 7.02 (2)(a)(6) and 7.02 (13), submitted by Anthony D. Cortese, Commissioner, in August, 1982 and received on September 9, 1982.

(58) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental

Protection on June 7, 1991, November 13, 1992 and February 17, 1993.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated June 7, 1991, November 13, 1992 and February 17, 1993 submitting revisions to the Massachusetts State Implementation Plan.

(B) Amendments and additions to 310 CMR 7.00 submitted on June 7, 1991 and effective on April 12, 1991.

(C) Amendments and additions to 310 CMR 7.00 submitted on June 7, 1991 and effective on June 21, 1991.

(D) Addition of 310 CMR 7.24(4)(j) submitted on November 13, 1992 and February 17, 1993 and effective on February 12, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(59) A revision submitted on May 3, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Stanley Woolen Company, a facility in Uxbridge, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

(60) On May 27, 1982 and September 9, 1982 the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted a revised plan for new source review in nonattainment areas. The submittal included 310 CMR Appendix A, ''Emission Offsets and Nonattainment Review,'' additions to 310 CMR 7.00, ''General Definitions,'' and revisions to 310 CMR 7.02(2)(b)(4) and 7.02(2)(b)(5), ''Plan Approval and Emission Limitations.''

(61) A revision submitted on October 31, 1983, allowing the burning of 2.2% sulfur content fuel oil at the Reed and Barton Silversmiths facility in Taunton, Massachusetts for a period of up to 30 months, commencing on March 23, 1984.

(62) A revision submitted on November 16, 1983 allowing the burning of 2.2% sulfur content fuel oil at the ATF Davidson Company in Northbridge, Massachusetts.

(63) A revision submitted on February 2, 1984, allowing the burning of 1.0% sulfur content fuel oil at The Biltrite Corporation facility in Chelsea, Massachusetts for a period of up to 30 months, commencing on June 15, 1984.

(64) A revision to the Ozone Attainment Plan was submitted by S. Russell Sylva, Commissioner of the Massachusetts Department of Environmental Quality Engineering on February 14, and May 22, 1985 to control emissions from gasoline tank trucks and bulk terminal vapor recovery systems.

(i) Incorporation by reference.

(A) Amendments to Regulations 310 CMR 7.00 and 7.02(12) (c) and (d), ''Motor Vehicle Fuel Tank Trucks'', adopted December 1984.

(B) The May 22, 1985 letter from Massachusetts DEQE, and the enforcement manual submitted and adopted on May 22, 1985, including Method 27, record form, potential leak points, major tank truck leak sources, test procedure for gasoline vapor leak detection procedure by combustible gas detector, instruction manual for Sentox 2 and Notice of Violation.

(65) A temporary variance to 310 CMR 7.05(1)(d)2 of ''Sulfur Content of Fuels and Control Thereof for Metropolitan Boston Air Pollution Control District'' submitted on January 6, 1984 to allow for the use of 2.2% sulfur content fuel oil in boiler unit 7 of the Boston Edison Company Mystic Station facility in Everett for thirty months commencing on September 25, 1984.

(66) Attainment and maintenance plans for lead, submitted on July 13 and August 17, 1984 by the Department of Environmental Quality Engineering.

(67) A revision submitted on July 11, 1984 allowing the burning of 2.2% sulfur content fuel oil at the James River Corporation Hyde Park Mill facility in Boston, Massachusetts for a period of up to 30 months, commencing on September 25, 1984.

(68) A revision submitted on February 8 and October 23, 1985 allowing the burning of 2.2% sulfur content fuel oil at the Phillips Academy facility in Andover, Massachusetts for a period of up to 30 months, commencing on April 1, 1986.

(i) Incorporation by reference.

(A) Letter from Richard J. Chalpin, Acting Regional Engineer, to Phillips Academy, dated December 27, 1984 allowing the temporary use of less expensive 2.2% sulfur fuel oil (for 30 months

from the date of publication), the savings from which will be used to implement permanent energy conservation measures to reduce on-site consumption of petroleum products by at least 50,000 gallons per year (estimated 82,000 gallons per year). At the end of the temporary use period, Phillips Academy will return to the use of 1.0% sulfur fuel oil. The particulate emission rate for the facility will not exceed 0.15 lbs. per million Btu.

(B) These specific requirements of Regulation 310 CMR 7.19 were agreed to in a Statement of Agreement, signed February 19, 1985.

(C) Memorandum to Donald C. Squires from Bruce K. Maillet dated October 4, 1985; subject: Response to EPA questions regarding Phillips Academy, outlines the permanent energy conservation measures to be used.

(69) Revisions to federally approved regulations 310 CMR 7.02(2)(b) and 310 CMR 7.05(4) were submitted on December 3, 1985, January 31, 1986 and February 11, 1986 by the Department of Environmental Quality Engineering.

(i) Incorporation by reference.

(A) Regulation 310 CMR 7.02(2)(b), Department of Environmental Quality Engineering, Air Pollution Control, is corrected to include the word ''major'' before the word ''modification''.

(B) Regulation 310 CMR 7.05(4), Department of Environmental Quality Engineering, Air Pollution Control, Ash Content of Fuels.

(ii) Additional materials.

(A) The nonregulatory portions of the state submittals.

(70) A revision submitted on February 19, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities in Boston, Massachusetts for a period of up to 30 months, commencing on August 12, 1986.

(i) Incorporation by reference.

(A) Letters dated August 30, 1985 and July 11, 1985 for the Mary Ellen McCormick and Maverick Family Development Facilities, respectively, from Richard J. Chalpin, Acting Regional Engineer, allowing the temporary use of less expensive 2.2% sulfur fuel oil for 30 months from August 12, 1986, the savings from which will be used to implement permanent energy conservation measures to reduce the on-site consumption of the petroleum products. At the end of the temporary use period, the Boston Housing Authority, Mary Ellen McCormick and Maverick Family Development facilities will return to the use of 0.5% sulfur fuel oil. The particulate emission rate for these facilities will not exceed 0.12 lbs per million BTU.

(B) Statements of Agreement both signed October 28, 1985 by Doris Bunte, Administrator of Boston Housing Authority.

(C) Memorandum from Bruce K. Maillet to S. Russell Sylva dated January 9, 1986, subject: Decision Memo.

(71) A revision submitted on May 12, 1986 allowing the burning of 2.2% sulfur content fuel oil at the Boston Housing Authority, Mission Hill Extension Family Development facility in Boston, Massachusetts for a period of up to 30 months, commencing on November 25, 1986.

(i) Incorporation by reference.

(A) Letter dated March 5, 1986 for the Mission Hill Extension Family Development facility, from Richard J. Chalpin, Acting Regional Engineer, allowing the temporary use of less expensive 2.2% sulfur fuel oil (for 30 months from the date of publication), the savings from which will be used to implement permanent energy conservation measures to reduce the on-site consumption of petroleum products. At the end of the temporary use period, the Boston Housing Authority, Mission Hill Extension Family Development facility will return to the use of 0.5% sulfur fuel oil. The particulate emission rate for this facility will not exceed 0.12 lbs per million Btu.

(B) Statements of Agreement signed April 4, 1986 by Doris Bunte, Administrator of Boston Housing Authority.

(C) Memorandum from Bruce K. Maillet to S. Russell Sylva dated April 18, 1986, subject: Decision Memo.

(72) Revisions involving regulations 310 CMR 7.02(2)(b) 4, 5, and 6; 7.02(12)(b)3; 7.02(12)(d); and 7.14 were submitted on November 21, 1986 and January 15, 1987, by the Department of Environmental Quality Engineering (DEQE).

(i) Incorporation by reference.

(A) Regulation 310 CMR 7.02(2)(b) 4, 5, and 6 are amended and became effective on February 6, 1987.

(B) Regulation 310 CMR 7.02(12)(b)3 is deleted and became effective on February 6, 1987.

(C) Regulation 310 CMR 7.02(12)(d) is amended and became effective on February 6, 1987.

(D) Regulations 310 CMR 7.14 (2) and (3) are added and became effective on February 6, 1987.

(E) The Commonwealth of Massachusetts Regulation Filing document dated January 15, 1987 is provided and states that these regulatory changes became effective on February 6, 1987.

(ii) Additional materials. The nonregulatory portions of the state submittals.

(73) Revisions to the State Implementation Plan submitted by the Commonwealth of Massachusetts on February 21, February 25, and June 23, 1986.

(i) Incorporation by reference.

(A) A letter from the Commonwealth of Massachusetts Department of Environmental Quality Engineering dated February 21, 1986 and amendments to 310 CMR 7.00 and 310 CMR 7.18 of the Regulations for the control of Air Pollution in the Berkshire, Central Massachusetts, Merrimack Valley, Metropolitan Boston, Pioneer Valley and Southeastern Massachusetts Air Pollution Control Districts.

(B) A letter from the Commonwealth of Massachusetts Department of Environmental Quality Engineering (DEQE), dated June 23, 1986 and the Implementation Guidance, 310 CMR 7.18(18), Polystyrene Resin Manufacturing, dated February 1986.

(C) A Regulation Filing and Publication document from the Commonwealth of Massachusetts Department of Environmental Quality Engineering, dated February 25, 1986.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittals.

(74) Revisions to the State Implementation Plan were submitted by the Commissioner of the Department of Environmental Quality Engineering on November 5, 1986 and December 10, 1986.

(i) Incorporation by reference.

(A) Letter dated November 5, 1986 from the Massachusetts Department of Environmental Quality Engineering (DEQE) submitting revisions to the State Implementation Plan for EPA approval.

(B) Letter from the Massachusetts DEQE dated December 10, 1986, which states that the effective date of Regulations 310 CMR 7.00, ''Definitions'' and 310 CMR 7.18(19), ''Synthetic Organic Chemical Manufacture,'' is November 28, 1986.

(C) Massachusetts' Regulation 310 CMR 7.18(19) entitled, ''Synthetic Organic Chemical Manufacture,'' and amendments to 310 CMR 7.00, ''Definitions,'' effective in the Commonwealth of Massachusetts on November 28, 1986.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(75) [Reserved]

(76) Revisions involving regulations 310 CMR 7.18(2)(e) and 7.18(17) submitted by the Department of Environmental Quality Engineering on September 20, 1988.

(i) Incorporation by reference.

(A) Amendment to Regulation 310 CMR 7.18(2)(e)—effective July 22, 1988.

(B) Amendments to Regulation 310 CMR 7.18(17)(d)—effective July 22, 1988.

(C) A Regulation Filing and Publication document from the Commonwealth of Massachusetts Department of Environmental Quality Engineering dated July 5, 1988 which states that the effective date of the regulatory amendments to 310 CMR 7.18(2)(e) and 310 CMR 7.18(17)(d), incorporated above, is July 22, 1988.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(77) Revisions to federally approved regulation 310 CMR 7.05(1) submitted on July 18, 1984, April 17, 1985, March 16, 1987, and November 25, 1987 by the Department of Environmental Quality Engineering approving sulfur-in-fuel limitations for the following sources: American Fiber and finishing Company (formerly known as Kendall Company), Colrain; Erving Paper company, Erving; and Westfield River Paper Company, Russell.

(i) Incorporation by reference.

(A) Letters dated October 14, 1987 for the American Fiber and Finishing Company, Erving Paper Company, and Westfield River Paper Company facilities from Stephen F. Joyce, Deputy Regional Environmental Engineer, Department of Environmental Quality Engineering.

(B) Statements of agreement signed November 6, 1987 by Schuyler D. Bush, Vice President of Erving Paper Company; 1987 by Francis J. Fitzpatrick, President of Westfield River Paper Company; and November 16, 1987 by Robert Young, Vice President of American Fiber and Finishing Company.

(78) Revisions to federally approved regulation 310 CMR 7.02(12) submitted on July 13, 1988, September 15, 1988, and April 12, 1989, by the Department of Environmental Quality Engineering, limiting the volatility of gasoline from May 1 through September 15, beginning 1989 and continuing every year thereafter, including any waivers to such limitations that Massachusetts may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.02(12)(e), entitled, ''gasoline Reid Vapor Pressure (RVP),'' and amendments to 310 CMR 7.00, ''Definitions,'' effective in the Commonwealth of Massachusetts on May 11, 1988.

(B) Massachusetts Emergency Regulation Amendment to 310 CMR 7.02(12)(e) 2.b entitled ''gasoline Reid Vapor Pressure'' effective in the Commonwealth of Massachusetts on April 11, 1989, with excerpt from the Manual for Promulgating Regulations, Office of the Secretary of State.

(79) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 4, 1988 and July 16, 1989 which define and impose reasonably available control technology to control volatile organic compound emissions from Monsanto Chemical Company in Indian Orchard, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A final RACT Compliance Plan Conditional Approval issued to Monsanto Chemical Company by the Massachusetts Department of Environmental Protection, dated and effective June 20, 1989.

(ii) Additional materials.

(A) Nonregulatory portions of the state submittal.

(80) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 18, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) Amendments to the Conditional Plan Approval dated and effective July 12, 1989 and the Conditional Plan Approval dated and effective October 7, 1985 imposing reasonably available control technology on Spalding Sports Worldwide in Chicopee, Massachusetts.

(81) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Quality Engineering on July 18, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Quality Engineering dated July 18, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) RACT Approval Addendum for Cranston Print Works Company, Webster Division Facility in Webster, Massachusetts dated and effective June 20, 1989.

(ii) Additional materials. Nonregulatory portions of the State submittal.

(82) Revision to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection August 8, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 8, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) Amended Conditional Plan Approval (SM–85–168–IF) dated and effective August 1, 1989 and an Amendment to the Amended Conditional Plan Approval (SM–85–168–IF Revision) dated and effective August 8, 1989 imposing

reasonably available control technology on Duro Textile Printers, Incorporated in Fall River, Massachusetts.

(83) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 24, 1989 and October 16, 1989 regulating gasoline volatility.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated October 16, 1989 and a revision to the Massachusetts State Implementation Plan containing revised Massachusetts gasoline Reid Vapor Pressure regulation 310 CMR 7.24(5)(b)2, effective September 15, 1989.

(84) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 27, 1982, June 22, 1987, and December 27, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 27, 1982, submitting a revision to the Massachusetts State Implementation Plan.

(B) Amendments to 310 CMR 7.00, ''Definitions'' effective in the Commonwealth of Massachusetts on June 18, 1982 which add the definitions of the terms ''stationary source'' and ''building, structure, facility, or installation.''

(ii)Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 22, 1987 certifying that it did not rely on a dual definition in its attainment demonstration.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 27, 1989 submitting additional assurances that it is making reasonable efforts to develop a complete and approve SIP.

(C) Nonregulatory portions of the submittal.

(85) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 28, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A Plan Approval 4P89005 Correction dated and effective November 17, 1989 and the Amended Plan Approval, 4P89005 dated and effective October 19, 1989 imposing reasonably available control technology on Boston Whaler Inc., in Norwell, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(86) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 28, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) A Plan Approval 4P89006 Correction dated and effective November 17, 1989 and the Amended Plan Approval (4P89006) dated and effective October 19, 1989 imposing reasonably available control technology on Boston Whaler Inc. in Rockland, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(87) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 20, 1989.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 20, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) 2nd Amendment to the Final Approval/RACT Approval for the Philips Lighting Company dated November 2, 1989.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(88) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 13, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 13, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) An Amended Plan Approval dated and effective June 1, 1990 imposing reasonably available control technology on Acushnet Company, Titleist Golf Division, Plant A in New Bedford, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(89) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 9, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 9, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) An Amended Plan Approval dated and effective June 8, 1990 imposing reasonably available control technology on General Motors Corporation in Framingham, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(90) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on October 25, 1990 which define and impose RACT to control volatile organic compound emissions from Erving Paper Mills in Erving, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated October 25, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) A conditional final plan approval issued by the Massachusetts Department of Environmental Protection to Erving Paper Mills dated and effective October 16, 1990.

(91) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 22, 1991 which clarify the requirements of RACT to control volatile organic compound emissions from Erving Paper Mills in Erving, Massachusetts.

(i)Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated April 22, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) A conditional final plan approval amendment issued by the Massachusetts Department of Environmental Protection to Erving Paper Mills dated and effective April 16, 1991. This amended conditional plan approval amends the October 16, 1990 conditional plan approval incorporated at paragraph (c)(90) of this section.

(92) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 17, 1989, June 7, 1991 and December 17, 1991.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated August 17, 1989 and June 7, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) Portions of regulation 310 CMR 7.18(7) for automobile surface coating as submitted on August 17, 1989 effective in the Commonwealth of Massachusetts on September 15, 1989.

(C) Portions of regulation 310 CMR 7.18(7) for automobile surface coating as submitted on June 7, 1991 effective in the Commonwealth of Massachusetts on June 21, 1991.

(ii) Additional materials.

(A) A letter dated December 17, 1991 from the Massachusetts Department of Environmental Protection withdrawing the emission limit for the Primer-surfacer application from the June 7, 1991 submittal.

(B) Nonregulatory portions of state submittal.

(93) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 27, 1982, June 27, 1984, March 6, 1985, April 12, 1985, August 17, 1989, June 7, 1991 and December 17, 1991.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated August 27, 1982, April 12, 1985, August 17, 1989, and June 7, 1991, submitting revisions to the Massachusetts State Implementation Plan.

(B) Amendment to 310 CMR 7.18(2)(b) submitted on August 27, 1982 and effective on September 16, 1982.

(C) Addition of 310 CMR 7.00: Appendix B submitted on April 12, 1985 and effective on September 30, 1984.

(D) Amendments to portions of 310 CMR 7.00 submitted on August 17, 1989 and effective September 15, 1989.

(E) Amendments to portions of 310 CMR 7.00 submitted on June 7, 1991 and effective on April 12, 1991.

(F) Amendments to portions of 310 CMR 7.00 submitted on June 7, 1991 and effective on June 21, 1991.

(ii) Additional materials.

(A) A letter from the Massachusetts Department of Environmental Quality Engineering dated June 27, 1984 submitting 310 CMR 7.00: Appendix B.

(B) A letter from the Massachusetts Department of Environmental Quality Engineering dated March 6, 1985 submitting additional information on 310 CMR 7.00: Appendix B and referencing 310 CMR 7.18(2)(b).

(C) A letter dated December 17, 1991 from the Massachusetts Department of Environmental Protection withdrawing the emission limit for the Primer-surfacer application in 310 CMR 7.18(7)(b) from the June 7, 1991 submittal.

(D) Nonregulatory portions of state submittal.

(94) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 4, 1989, December 6, 1989 and March 23, 1990.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 4, 1989, December 6, 1989 and March 23, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts' Air Pollution Control Regulations 310 CMR 7.30 (excluding 310 CMR 7.30(8)(a)), and 310 CMR 7.31 entitled, ''MB Massport/Logan Airport Parking Freeze'' and ''MB City of Boston/East Boston Parking Freeze'' respectively, effective in the State of Massachusetts on 11/24/89, and technical amendments to that regulation submitted by the Massachusetts Department of Environmental Protection on March 23, 1990, effective 3/30/90.

(ii) Additional materials.

(A) Appendix 5D, Baseline and Future Case CO Compliance Modeling, dated June 1986.

(B) Policy Statement Regarding the Proposed Amendment to the Logan Airport Parking Freeze, dated November 14, 1988.

(95) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection of May 15, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated May 15, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Plan Approval No. 4P89051, dated and effective May 13, 1991 imposing reasonably available control technology on Dartmouth Finishing Corporation, New Bedford, Massachusetts.

(96) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 30, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated January 30, 1991 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Regulation 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' and amendment to 310 CMR 7.00, entitled ''Definitions,'' effective in the Commonwealth of Massachusetts on January 18, 1991.

(97) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on May 17, 1990, July 5, 1990, June 7, 1991, and April 21, 1992.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection, dated May 17, 1990 and June 7, 1991, submitting a revision to the Massachusetts State Implementation Plan.

(B) Definition of ''motor vehicle fuel,'' ''motor vehicle fuel dispensing facility,'' ''substantial modification,'' and ''vapor collection and control system,'' added to 310 CMR 7.00 and effective in the Commonwealth of Massachusetts on October 27, 1989.

(C) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the Commonwealth of Massachusetts on October 27, 1989.

(D) Amendments to 310 CMR 7.24(6)(b) ''Dispensing of Motor Vehicle Fuel'' and to the definition of ''substantial modification'' in 310 CMR 7.00, effective in the Commonwealth of Massachusetts on June 21, 1991.

(E) Amendment to the definition of ''motor vehicle fuel dispensing facility'' in 310 CMR 7.00, effective in the Commonwealth of Massachusetts on April 12, 1991.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection, dated July 5, 1990, requesting the withdrawal of amendments to subsection 310 CMR 7.24(2)(c) which require Stage I vapor recovery in Berkshire County from the SIP revision package submitted on May 17, 1990.

(B) Letter from the Massachusetts Department of Environmental Protection, dated April 21, 1992, submitting an implementation policy statement regarding its Stage II program. This policy statement addresses the installation of California Air Resources Board (CARB) certified systems, Stage II testing procedures, and defects in State II equipment.

(C) Nonregulatory portions of the submittal.

(98) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 13, 1992, January 15, 1993, and February 17, 1993.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated November 13, 1992, January 15, 1993, and February 17, 1993, submitting a revision to the Massachusetts State Implementation Plan.

(B) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the State of Massachusetts on February 12, 1993.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(99) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 3, 1990 and August 26, 1992 which define and impose reasonably available control technology to control volatile organic compound emissions from S. Bent & Brothers in Gardner, Massachusetts.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 26, 1992 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Air Quality Approval RACT issued to S. Bent by the Massachusetts Department of Environmental Protection dated and effective May 22, 1992.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 3, 1990 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Air Quality Approval RACT issued to S. Bent by the Massachusetts Department of Environmental Protection dated and effective October 17, 1990.

(C) Nonregulatory portions of the November 3, 1990 and August 26, 1992 state submittals.

(100) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 19, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 19, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Plan approval no. C–P–93–011, effective June 30, 1993, which contains emissions standards, operating conditions, and recordkeeping requirements applicable to Nichols & Stone Company in Gardner, Massachusetts.

(ii) Additional materials.

(A) Letter dated October 27, 1993 from Massachusetts Department of Environmental Protection submitting certification of a public hearing.

(101) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 9, 1991.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 9, 1991 submitting

a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Regulation 310 CMR 7.36, entitled ''Transit System Improvements'', Massachusetts Regulation 310 CMR 7.37, entitled ''High Occupancy Vehicle Facilities'', and amendments to 310 CMR 7.00, entitled ''Definitions,'' effective in the Commonwealth of Massachusetts on December 6, 1991.

(102) [Reserved]

(103) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 15, 1993 and May 11, 1994, substituting the California Low Emission Vehicle program for the Clean Fuel Fleet program.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated November 15, 1993 and May 11, 1994, submitting a revision to the Massachusetts State Implementation Plan which substitutes the California Low Emission Vehicle program for the Clean Fuel Fleet program.

(B) A regulation dated and effective January 31, 1992, entitled ''U Low Emission Vehicle Program'', 310 CMR 7.40.

(C) Additional definitions to 310 CMR 7.00 ''Definitions'' (dated and effective 1/31/92) to carry out the requirements set forth in 310 CMR 7.40.

(ii) Additional materials.

(A) Additional nonregulatory portions of the submittal.

(104) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 31, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 31, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(B) Final Plan Approval No. 4P92012, dated and effective March 16, 1994 imposing reasonably available control technology on Brittany Dyeing and Finishing of New Bedford, Massachusetts.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(105) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 6, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated June 6, 1994 submitting a revision to the Massachusetts State Implementation Plan.

(B) 310 CMR 7.02(12) ''U Restricted Emission Status'' effective in the Commonwealth of Massachusetts on February 25, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(106) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on June 28, 1990, September 30, 1992, and July 15, 1994.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection, dated June 28, 1990, submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection, dated September 30, 1992, submitting a revision to the Massachusetts State Implementation Plan.

(C) Letter from the Massachusetts Department of Environmental Protection, dated July 15, 1994, submitting a revision to the Massachusetts State Implementation Plan.

(D) Regulation 310 CMR 7.12 entitled ''Inspection Certification Record Keeping and Reporting'' which became effective on July 1, 1994.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

(B) Letter from the Massachusetts Department of Environmental Protection, dated December 30, 1994, assuring EPA that the data elements noted in EPA's December 13, 1994 letter were being incorporated into the source registration forms used by Massachusetts emission statement program.

(ii) Additional materials.

(A) Nonregulatory portions of submittal.

(107) Massachusetts submitted the Oxygenated Gasoline Program on October 29, 1993. This submittal satisfies the

requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Letter dated October 29, 1993 which included the oxygenated gasoline program, amendments to the Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, with an effective date of March 1, 1994, requesting that the submittal be approved and adopted as part of Massachusetts' SIP.

(ii) Additional materials.

(A) The Technical Support Document for the Redesignation of the Boston Area as Attainment for Carbon Monoxide submitted on December 12, 1994.

(108) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 9, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated January 9, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on November 18, 1994: 310 Code of Massachusetts Regulations Section 7.25 *U Best Available Controls for Consumer and Commercial Products*.

(109) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 9, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection, dated January 9, 1995, submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on December 16, 1994: 310 Code of Massachusetts Regulations Section 7.18(28) Automotive Refinishing.

(110) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 29, 1995.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 29, 1995 submitting a revision to the Massachusetts State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the Commonwealth of Massachusetts effective on January 27, 1995: 310 Code of Massachusetts Regulations Section 7.18(29), Bakeries.

(111) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 30, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 30, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Massachusetts Air Pollution Control Regulation 310 CMR 7.33, entitled ''City of Boston/South Boston Parking Freeze,'' and the following amendments to 310 CMR 7.00, entitled ''Definitions,'' which consist of adding or amending four definitions; motor vehicle parking space; off-peak parking spaces; remote parking spaces; and restricted use parking, effective in the Commonwealth of Massachusetts on April 9, 1993.

(112) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 9, 1994, and April 14, 1995, concerning emissions banking, trading, and averaging.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated February 9, 1994, and March 29, 1995, submitting revisions to the Massachusetts State Implementation Plan.

(B) Regulations 310 CMR 7.00 Appendix B(1); 310 CMR 7.00 Appendix B(2); 310 CMR 7.00 Appendix B(3), except 310 CMR 7.00 Appendix B(3)(e)5.h; and, 310 CMR 7.00 Appendix B(5); effective on January 1, 1994. Also, regulations 310 CMR 7.00 Appendix B(4); 310 CMR 7.00 Appendix B(6); 310 CMR 7.18(2)(b); 310 CMR 7.19(2)(d); 310 CMR 7.19(2)(g); and, 310 CMR 7.19(14); effective on January 27, 1995.

(ii) Additional materials.

(A) Letter and attachments from the Massachusetts Department of Environmental Protection dated February 8,

1996, submitting supplemental information concerning the demonstration of balance between credit creation and credit use.

(113) A revision to the Massachusetts SIP regarding ozone monitoring. The Commonwealth of Massachusetts will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The Commonwealth's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) Massachusetts PAMS Network Plan, which incorporates PAMS into the ambient air quality monitoring network of State or Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS).

(ii) Additional material.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 30, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(114) The Commonwealth of Massachusetts' March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on June 27, 1996 and July 29, 1996, and November 1, 1996, is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the Commonwealth fails to start its program according to schedule, or by November 15, 1997 at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions within 12 months of this rulemaking, this conditional approval will automatically convert to a disapproval as explained under section 110(k) of the Clean Air Act.

(i) The conditions for approvability are as follows:

(A) The time extension program as described and committed to in the March 3, 1997 letter from Massachusetts must be further defined and submitted to EPA as a SIP revision by no later than one year after the effective date of this interim approval. Another program which meets the requirements of 40 CFR 51.360 (Waivers and Compliance via Diagnostic Inspection) and provides for no more than a 1% waiver rate would also be approvable.

(B) Other major deficiencies as described in the proposal must also be corrected in 40 CFR 51.351 (Enhanced I/M Performance Standard), § 51.354 (Adequate Tools and Resources), § 51.357 (Test Procedures and Standards), § 51.359 (Quality Control), and § 51.363 (Quality Assurance). The Commonwealth, committed in a letter dated March 3, 1997 to correct these deficiencies within one year of conditional interim approval by EPA.

(ii) In addition to the above conditions for approval, the Commonwealth must correct several minor, or de minimus deficiencies related to CAA requirements for enhanced I/M. Although satisfaction of these deficiencies does not affect the conditional approval status of the Commonwealth's rulemaking granted under the authority of section 110 of the Clean Air Act, these deficiencies must be corrected in the final I/M SIP revision prior to the end of the 18-month interim period granted under the National Highway Safety Designation Act of 1995:

(A) The SIP lacks a detailed description of the program evaluation element as required under 40 CFR 51.353;

(B) The SIP lacks a detailed description of the test frequency and convenience element required under 40 CFR 51.355;

(C) The SIP lacks a detailed description of the number and types of vehicles included in the program as required under 40 CFR 51.356;

(D) The SIP lacks a detailed information concerning the enforcement process, and a commitment to a compliance rate to be maintained in practice required under 40 CFR 51.361.

(E) The SIP lacks the details of the enforcement oversight program including quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system as required under 40 CFR 51.362;

(F) The SIP lacks a detailed description of procedures for enforcement against contractors, stations and inspectors as required under 40 CFR 51.364;

(G) The SIP lacks a detailed description of data analysis and reporting provisions as required under 40 CFR 51.366;

(H) The SIP lacks a public awareness plan as required by 40 CFR 51.368; and

(I) The SIP lacks provisions for notifying motorists of required recalls prior to inspection of the vehicle as required by 40 CFR 51.370.

(iii) EPA is also approving this SIP revision under section 110(k), for its strengthening effect on the plan.

(115) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on October 17, 1997 and July 30, 1996.

(i) Incorporation by reference.

(A) 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' effective in the Commonwealth of Massachusetts on October 5, 1997.

(B) Definition of ''volatile organic compound'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(C) Definition of ''waterproofing sealer'' in 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(116) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 9, 2000, September 11, 2000 and July 25, 1995.

(i) Incorporation by reference.

(A) 310 CMR 7.24(6) ''Dispensing of Motor Vehicle Fuel,'' effective in the Commonwealth of Massachusetts on September 29, 2000.

(B) 310 CMR 7.00 definitions of the following terms associated with 310 CMR 7.24(6) and effective in the Commonwealth of Massachusetts on September 29, 2000: ''commence operation''; ''emergency situation''; ''executive order''; ''Stage II system''; ''substantial modification''; ''vacuum assist system''; and ''vapor balance system.''

(C) 310 CMR 7.00 definitions of the following terms associated with 310 CMR 7.24(6) and effective in the Commonwealth of Massachusetts on June 30, 1995: ''emergency motor vehicle;'' and ''tank truck.''

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(117) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 17, 1993.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated February 17, 1993 submitting a revision to the Massachusetts State Implementation Plan.

(B) Regulations 310 CMR 7.00, Definitions; 310 CMR 7.03(13), Paint spray booths; 310 CMR 7.18(2), Compliance with emission limitations; 310 CMR 7.18(7), Automobile surface coating; 310 CMR 7.18(8), Solvent Metal Degreasing; 310 CMR 7.18(11), Surface coating of miscellaneous metal parts and products; 310 CMR 7.18(12), Graphic arts; 310 CMR 7.18(17), Reasonable available control technology (as it applies to the Springfield ozone nonattainment area only); 310 CMR 7.18(20), Emission control plans for implementation of reasonably available control technology; 310 CMR 7.18(21), Surface coating of plastic parts; 310 CMR 7.18(22), Leather surface coating; 310 CMR 7.18(23), Wood products surface coating; 310 CMR 7.18(24), Flat wood paneling surface coating; 310 CMR 7.18(25), Offset lithographic printing; 310 CMR 7.18(26), Textile finishing; 310 CMR 7.18(27), Coating mixing tanks; and 310 CMR 7.24(3), Distribution of motor vehicle fuel all effective on February 12, 1993.

(118) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 19, 1997.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 19, 1997 submitting a revision to the Massachusetts State Implementation Plan.

(B) Regulation 310 CMR 7.27, NO_X Allowance Program, effective on June 27, 1997.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated March 9, 1998 clarifying the program implementation process.

(119) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999.

(i) Incorporation by reference.

(A) Letters from the Massachusetts Department of Environmental Protection dated July 15, 1994, October 4, 1996, December 2, 1996, January 11, 1999, and April 16, 1999 submitting revisions to the Massachusetts State Implementation Plan.

(B) Regulation, 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_X)'' as adopted by the Commonwealth of Massachusetts on June 29, 1994 and effective on July 1, 1994.

(C) Emission Control Plan for Specialty Minerals, Incorporated, in Adams, issued by Massachusetts and effective on June 16, 1995.

(D) Emission Control Plan for Monsanto Company's Indian Orchard facility in Springfield, issued by Massachusetts and effective on October 28, 1996.

(E) Emission Control Plan for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague, issued by Massachusetts and effective on March 10, 1998.

(F) Emission Control Plan for Medusa Minerals Company in Lee, issued by Massachusetts and effective on April 17, 1998.

(G) Regulation 310 CMR 7.08(2), ''Municipal Waste Combustors, adopted on July 24, 1998 and effective on August 21, 1998, excluding the following sections which were not submitted as part of the SIP revision: (a); the definition of ''Material Separation Plan'' in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3.

(H) Amendments to regulation 310 CMR 7.19, ''Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_X)'' as adopted by the Commonwealth of Massachusetts on January 5, 1999 and effective on January 22, 1999.

(120) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 25, 1990.

(i) Incorporation by reference.

(A) 310 CMR 6.04, 7.00, and 8.02 and 8.03 (August 17, 1990).

(121) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 11, 1995 and March 29, 1995.

(i) Incorporation by reference.

(A) Definitions of ''combustion device,'' ''leak,'' ''leaking component,'' ''lightering or lightering operation,'' ''loading event,'' ''marine tank vessel,'' ''marine terminal,'' ''marine vessel,'' ''organic liquid,'' and ''recovery device'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on January 27, 1995.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

(122) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on May 14, 1999, February 1, 2000 and March 15, 2000.

(i) Incorporation by reference.

(A) Regulation 310 CMR 60.02 entitled ''Regulations for the Enhanced Motor Vehicle Inspection and Maintenance Program'' which became effective on October 1, 1999, and a September 17, 1999, Notice of Correction submitted by the Secretary of State indicating the effective date of the regulations.

(B) Sections 4.01, 4.02, 4.03, 4.04(1), (2), (3), (5), (15) 4.05(1), (2), (12)(d), (12)(e), (12)(o) 4.07, 4.08, and 4.09 of Regulation 540 CMR 4.00 entitled ''Periodic Annual Staggered Safety and Combined Safety and Emissions Inspection of All Motor Vehicles, Trailers, Semi-trailers and Converter Dollies' which became effective on May 28, 1999.''

(ii) Additional materials.

(A) Letters from the Massachusetts Department of Environmental Protection dated May 14, 1999, February 1, 2000, and March 15, 2000, submitting a revision to the Massachusetts State Implementation Plan.

(B) Test Procedures and Equipment Specifications submitted on February 1, 2000.

(C) Acceptance Test Protocol submitted on March 15, 2000.

(123) [Reserved]

(124) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 19, 1999.

(i) Incorporation by reference.

(A) Amendments revising regulatory language in 310 CMR 7.19(13)(b), Continuous Emission Monitoring Systems, which became effective on December 10, 1999.

(B) Amendments to 310 CMR 7.27, NO_X Allowance Program, adding paragraphs 7.27(6)(m), 7.27(9)(b), 7.27(11)(o), 7.27(11)(p) and 7.27(15)(e), which became effective December 10, 1999.

(C) Regulations 310 CMR 7.28, NO_X Allowance Trading Program, which became effective on December 10, 1999.

(ii) Additional materials.

(A) Letter from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection dated November 19, 1999, submitting amendment to SIP.

(B) Background Document and Technical Support for Public Hearings on the Proposed Revisions to the State Implementation Plan for Ozone, July, 1999.

(C) Supplemental Background Document and Technical Support for Public Hearings on Modifications to the July 1999 Proposal to Revise the State Implementation Plan for Ozone, September, 1999.

(D) Table of Unit Allocations.

(E) Letter from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection dated April 10, 2002.

(F) The SIP narrative ''Technical Support Document for Public Hearings on Revisions to the State Implementation Plan for Ozone for Massachusetts, Amendments to Statewide Projected Inventory for Nitrogen Oxides,'' dated March 2002.

(125)–(126) [Reserved]

(127) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 15, 1994 and April 14, 1995.

(i) Incorporation by reference.

(A) Massachusetts Amendments to 310 CMR 7.00 Appendix A entitled, ''Emission Offsets and Nonattainment Review,'' effective July 1, 1994.

(B) Massachusetts Amendments to 310 CMR 7.00 Appendix A entitled, ''Emission Offsets and Nonattainment Review'' paragraph (3)(g) effective July 1, 1994.

(ii) Additional materials.

(A) Letters from the Massachusetts Department of Environmental Protection dated July 15, 1994 and March 29, 1995 submitting revisions to the Massachusetts State Implementation Plan.

(128) [Reserved]

(129) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on February 17, 1993, April 16, 1999, and October 7, 1999.

(i) Incorporation by reference.

(A) 310 CMR 7.18(17) ''Reasonable Available Control Technology,'' as it applies to the eastern Massachusetts ozone nonattainment area, effective in the Commonwealth of Massachusetts on February 12, 1993.

(B) Plan Approval issued by the Massachusetts Department of Environmental Protection to the Gillette Company Andover Manufacturing Plant on June 17, 1999.

(C) Plan Approval issued by the Massachusetts Department of Environmental Protection to Norton Company on August 5, 1999 and letter from the Massachusetts Department of Environmental Protection, dated October 7, 1999, identifying the effective date of this plan approval.

(D) Plan Approval issued by the Massachusetts Department of Environmental Protection to Rex Finishing Incorporated on May 10, 1991 and letter from the Massachusetts Department of Environmental Protection, dated April 16, 1999, identifying the effective date of this plan approval.

(E) Plan Approval issued by the Massachusetts Department of Environmental Protection to Barnet Corporation on May 14, 1991.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection, dated April 16, 1999, submitting negative declarations for certain VOC source categories.

(B) Letter from the Massachusetts Department of Environmental Protection, dated July 24, 2002, discussing wood furniture manufacturing and aerospace coating requirements in Massachusetts.

(C) 310 CMR 7.02 BACT plan approvals issued by the Massachusetts Department of Environmental Protection to Solutia, Saloom Furniture, Eureka Manufacturing, Moduform, Polaroid, and Globe.

(130) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 8, 2000 and December 26, 2000.

(i) Incorporation by reference.

(A) Massachusetts State Regulation 310 CMR 7.30 ''Massport/Logan Airport Parking Freeze,'' effective in the Commonwealth of Massachusetts on December 22, 2000.

(B) Massachusetts State Regulation 310 CMR 7.31 ''City of Boston/East Boston Parking Freeze,'' effective in the Commonwealth of Massachusetts on December 22, 2000.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 8, 2000 submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 26, 2000 submitting the final state certified copies of State regulations 310 CMR 7.30 ''Massport/Logan Airport Parking Freeze'' and 310 CMR 7.31 ''City of Boston/East Boston Parking Freeze.''

(131) [Reserved]

(132) Revisions to the State Implementation Plan regarding the Low Emission Vehicle Program submitted by the Massachusetts Department of Environmental Protection on August 9 and August 26, 2002.

(i) Incorporation by reference.

(A) Letter from the Massachusetts Department of Environmental Protection dated August 9, 2002, in which it submitted the Low Emission Vehicle Program adopted on December 24, 1999.

(B) Letter from the Massachusetts Department of Environmental Protection dated August 26, 2002 which clarified the August 9, 2002 submittal to exclude certain sections of the Low Emission Vehicle Program from consideration.

(C) December 24, 1999 version of 310 CMR 7.40, the ''Low Emission Vehicle Program'' except for 310 CMR 7.40(2)(a)5, 310 CMR 7.40(2)(a)6, 310 CMR 7.40(2)(c)3, 310 CMR 7.40(10), and 310 CMR 7.40(12).

(133) [Reserved]

(134) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 12, 2006.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.38, entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District,'' effective in the Commonwealth of Massachusetts on December 30, 2005.

(B) Massachusetts Regulation Filing, dated December 13, 2005, amending 310 CMR 7.38 entitled ''Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.''

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated July 12, 2006, submitting a revision to the Massachusetts State Implementation Plan.

(135) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on March 30, 2007.

(i) Incorporation by reference.

(A) 310 CMR 7.32 entitled ''Massachusetts Clean Air Interstate Rule (Mass CAIR),'' effective in the Commonwealth of Massachusetts on May 4, 2007.

(B) Amendments to 310 CMR 7.28 entitled ''NO_X Allowance Trading Program,'' effective in the Commonwealth of Massachusetts on May 4, 2007.

(C) Massachusetts Regulation Filing, dated April 19, 2007, amending 310 CMR 7.28 entitled ''NO_X Allowance Trading Program,'' and adopting 310 CMR 7.32 entitled ''Massachusetts Clean Air Interstate Rule (Mass CAIR).''

(136) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on December 13, 2006 and June 1, 2007.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.00 entitled ''Definitions,'' adding the definition for the term ''Boston Metropolitan Planning Organization,'' effective in the Commonwealth of Massachusetts on December 1, 2006.

(B) Massachusetts Regulation 310 CMR 7.36 entitled ''Transit System Improvements,'' effective in the Commonwealth of Massachusetts on December 1, 2006.

(C) Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.00 entitled ''Definition,'' (addition of term ''Boston Metropolitan Planning Organization,'' which appears on the replaced page 173 of the State's Code of Massachusetts Regulations,) and 310 CMR 7.36 entitled ''Transit System Improvements.''

(ii) Additional Materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated December 13, 2006 submitting a revision to the Massachusetts State Implementation Plan.

(B) Letter from the Massachusetts Department of Environmental Protection dated June 1, 2007 submitting a revision to the Massachusetts State Implementation Plan.

(C) Letter from the Massachusetts Executive Office of Transportation dated September 4, 2007 identifying its commitment to the Green Line extension and to make every effort to accelerate the planning, design and environmental review and permitting of the project in order to work towards the 2014 completion date.

(D) Letter from the Chair of the Boston Region Metropolitan Planning Organization dated May 1, 2008 concurring in the finding that the transit system improvements projects will achieve emission benefits equivalent to or greater than the benefits from the original transit system improvements projects being replaced.

(E) Letter from EPA New England Regional Administrator dated July 5, 2008 concurring in the finding that the transit system improvements projects will achieve emission benefits equivalent to or greater than the benefits from the original transit system improvements projects being replaced.

[37 FR 10871, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1120, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§52.1121 Classification of regions.

The Massachusetts plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Metropolitan Boston Intrastate	I	I	III	I	I
Merrimack Valley-Southern New Hampshire Interstate	I	I	III	III	III
Metropolitan Providence Interstate	I	I	III	III	III
Central Massachusetts Intrastate	I	II	III	III	III
Hartford-New Haven-Springfield Interstate	I	I	III	I	I
Berkshire Intrastate	II	III	III	III	III

[37 FR 10872, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 61303, Sept. 16, 1980]

§52.1122 [Reserved]

§52.1123 Approval status.

(a) With the exceptions set forth in this subpart the Administrator approves the Massachusetts plan as identified in §52.1120 for attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan identified in §52.1120 satisfies all requirements of Part D, Title

I of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D of the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sourceovered by CTGs issued by the previous January.

(b) The above requirements for continued satisfaction of Part D are fulfilled by Massachusetts Regulation 310 CMR 7.18(17) and a narrative commitment to review CTG IIIs issued in the future. Both were submitted on September 9, 1982. Additionally, each individual RACT determination made under 310 CMR 7.18(17) will be submitted as a SIP revision to incorporate the limitation into the SIP, and DEQE will propose regulations for CTG III category controls if the controls are appropriate for the State.

[45 FR 61303, Sept. 16, 1980, as amended at 48 FR 51485, Nov. 9, 1983]

§ 52.1124 Review of new sources and modifications.

(a) Revisions to Regulation 310 CMR 7.02(2)(d) submitted on March 30, 1979 are disapproved because they do not satisfy the requirements of § 51.161.

[39 FR 7281, Feb. 25, 1974, as amended at 40 FR 47495, Oct. 9, 1975; 45 FR 2043, Jan. 10, 1980; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

§ 52.1125 Emission inventories.

(a) The Governor's designee for the Commonwealth of Massachusetts submitted the 1990 base year emission inventories for the Springfield nonattainment area and the Massachusetts portion of the Boston-Lawrence-Worcester ozone nonattainment area on November 13, 1992 as a revision to the State Implementation Plan (SIP). Revisions to the inventories were submitted on November 15, 1993, and November 15, 1994, and March 31, 1997. The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for these areas.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) Taken together, the Springfield nonattainment area and the Massachusetts portion of the Boston-Lawrence-Worcester nonattainment area encompass the entire geographic area of the State. Both areas are classified as serious ozone nonattainment areas.

[62 FR 37514, July 14, 1997]

§ 52.1126 Control strategy: Sulfur oxides.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.1125 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of adoption
Deerfield Specialty Papers, Inc.	Monroe Bridge	5.1.2	Oct. 17, 1972.
Hollingsworth & Vose Co.	East Walpole ..	5.1.2	June 29, 1972.
Pepperell Paper Co.	Pepperell	5.1.2	Nov. 29, 1972.
Stevens Paper Mills, Inc.	Westfield and South Hadley.	5.1.2	July 27, 1972.
Tileston and Hollingsworth Co.	Hyde Park	5.1.1	Nov. 21, 1972.
All sources in Berkshire APCD.	.....	5.1.2	Do.

(b)(1) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Pioneer Valley Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are

required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content.)

Deerfield Specialty Paper Company, Monroe Bridge; Amherst College, Amherst; Brown Company, Holyoke; Monsanto Polymer and Petrochemical Company, Building 21, Springfield; Monsanto Polymer and Petrochemical Company, Building 49, Springfield; Mount Holyoke College, South Hadley; Uniroyal Tire Inc., Chicopee; Smith College, Northampton; West Springfield Generating Station, Western Massachusetts Electric, West Springfield.

Pioneer Valley APCD

Belchertown State School, Belchertown
James River Graphics (formerly Scott Graphics), south Hadley (conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the Massachusetts Department of Environmental Quality Engineering.)
Massachusetts Mutual Life Insurance Company, Springfield.
Northampton State Hospital, Northampton.
Springfield Technical Community College, Springfield.
Stanley Home Products, Easthampton.
Stevens Elastomeric Industries, Easthampton.
Ware Industries, Ware.
Westfield State College, Westfield.
Westover Air Force Base (Building 1411), Chicopee.
University of Massachusetts, Amherst.
Mount Tom Generating Station, Holyoke.

(2) Massachusetts Regulation 310 CMR 7.05(1)(e)(3) for Pioneer Valley, as submitted on March 2, 1979, and May 5, 1981, which allows sources in Hampshire and Franklin Counties rated at less than 100 million Btu per hour heat input capacity to burn fuel oil having a sulfur content of not more than 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content) is approved for all such sources with the exception of:

Strathmore Paper Co., Montague.

(c) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) which allows a relaxation of sulfur in fuel limitations for the Central Massachusetts Air Pollution Control District, except in the City of Worcester, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil).

American Optical Company, Southbridge, Wyman Gordon Company, Grafton, James River—Massachusetts Inc., Fitchburg, Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack).

Central Massachusetts APCD

Borden, Inc., Chemical Division, Leominster (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.).
Gardner State Hospital, Gardner.
Grafton State Hospital, Grafton.
Haywood-Shuster Woolen, E. Douglas.
Cranston Prints Works, Webster.
Baldwinville products, Templeton—(conditioned upon first completing construction of new stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.).

(d) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Southeastern Massachusetts Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content.)

New England Power Company, Brayton Point Station, Somerset; Montaup Electric Company, Somerset Station, Somerset (limited to 75% capacity while burning higher sulfur fuels.) Canal Electric Company, Sandwich; Taunton Municipal Lighting Plant, Somerset Avenue, Taunton.

Southeastern Massachusetts APCD

L&O Realty Trust, Taunton.
New Bedford Gas and Electric, New Bedford.
Texas Instruments, Attleboro.
Arkwright Finishing Incorporated, Fall River.

Foster Forbes Glass Company, Milford.
Owens Illinois Inc., Mansfield.
Harodite Finishing Corporation, Dighton—(conditioned upon prior removal of raincaps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering.)
Polaroid Corporation, New Bedford.

(e) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Merrimack Valley Air Pollution Control District, excluding the City of Lawrence and the towns of Andover, Methuen, and North Andover, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulates that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content).

Hollingsworth and Vose, West Groton; James River Paper, Pepperell; Haverhill Paperboard Corp., Haverhill. Residual oil burning facilities less than 100 million Btu's per hour heat input capacity, except in the City of Lawrence, and Towns of Andover, Methuen, and North Andover.

(f) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) for the Metropolitan Boston Air Pollution Control District, which allows a relaxation of sulfur in fuel limitations under certain conditions, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources in Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown (the Boston Core Area) are limited to burn fuel with a sulfur content not in excess of 0.28 pounds per million Btu heat release potential (approximately 0.5% sulfur content residual oil; sources in the remaining APCD are limited to burn fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately 1% sulfur content residual oil).

Metropolitan Boston APCD

General Motors, Framingham.
Polaroid Corporation, Norwood.
Bird and Son, East Walpole.
Massachusetts Correctional Institute, South Walpole.
Bridgewater State College, Bridgewater.
Hanscom Field, Bedford.
Wellesley College, Wellesley.
National Tanning and Trading, Peabody.
General Tire, Reading.
General Food Corporation, Atlantic Gelatin, Woburn.
Massachusetts Correctional Institute, Bridgewater.
W. R. Grace, Acton.
Massachusetts Correctional Institute, Concord.
Danvers State Hospital, Danvers.
New England Power Company, Salem Harbor Station, Salem; Boston Edison, L Street, New Boston Station, Boston; Boston Edison, Mystic Station, Everett; Ventron Corporation, Danvers; General Electric, Lynn River Works, Lynn; U.S.M. Corporation, Beverly; Medfield State Hospital, Medfield; General Dynamics, Quincy; Hollingsworth and Vose, East Walpole; Kendal Company, Walpole; Dennison Manufacturing Company, Framingham.
Procter and Gamble Company, Quincy.
Natick Paperboard Corporation, Natick.

[38 FR 9089, Apr. 10, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1126, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1127 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The table reflects the new information presented in the approved Massachusetts plan.

Air quality control region	Pollutant					
	SO_2		PM_{10}	NO_2	CO	O_3
	Primary	Secondary				
AQCR 42: Hartford-New Haven-Springfield Interstate Area (*See* 40 CFR 81.26).	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 117: Berkshire Intrastat Area (*See* 40 CFR 81.141).	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 118: Central Mass Intrastate Area (*See* 4r0 CFR 81.142).	(a)	(b)	(a)	(a)	(a)	(d)

Air quality control region	Pollutant					
	SO_2		PM_{10}	NO_2	CO	O_3
	Primary	Secondary				
AQCR 119: Metropolitan Boston Intrastate Area (*See* 40 CFR 81.19).	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 120: Metropolitan Providence Interstate Area (*See* 40 CFR 81.31).	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 121: Merrimack Valley-Southern NH Interstate Area (*See* 40 CFR 81.81).	(a)	(b)	(a)	(a)	(a)	(d)

a. Air quality presently below primary standards or area is unclassifiabale.
b. Air quality levels presently secondary standatrds or area is unclassifiable.
c. December 31, 2003.
d. November 15, 2007.

[45 FR 61303, Sept. 16, 1980 as amended at 46 FR 33524, June 30, 1981; 66 FR 693, Jan. 3, 2001; 67 FR 7278, Feb. 19, 2002; 67 FR 72579, Dec. 6, 2002]

§52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) *Register* as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the Commonwealth.

(2) *Boston Intrastate Region* means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in §81.19 of this part.

(3) [Reserved]

(4) *Freeze area* means that portion of the Boston Intrastate Region enclosed within the following boundaries:

The City of Cambridge; that portion of the City of Boston from the Charles River and the Boston Inner Harbor on north and northeast of pier 4 on Northern Avenue; by the east side of pier 4 to B Street, B Street extension of B Street to B Street, B Street, Dorchester Avenue, and the Preble Street to Old Colony Avenue, then east to the water, then by the water's edge around Columbia Point on various courses generally easterly, southerly, and westerly to the center of the bridge on Morrissey Boulevard, on the east and southeast; then due west to Freeport Street, Freeport Street, Dorchester Avenue, Southeast Expressway, Southampton Street, Reading Street, Island Street, Chadwick Street, Carlow Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street to the Boston University Bridge on the southwest and west; and the Logan International Airport. Where a street or roadway forms a boundary the entire right-of-way of the street is within the freeze area as defined.

(5) *Boston proper* means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast, the Inner Harbor, Fort Point Channel, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast, and Massachusetts Avenue on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston proper area as here defined.

(6) *Regional Administrator* means the Administrator of Region I of the U.S. Environmental Protection Agency.

(7) *Governor* means the Governor of the Commonwealth or the head of such executive office of the Commonwealth as the Governor shall designate as responsible for carrying out specific provisions of this subpart.

(8) *Commonwealth* means the Commonwealth of Massachusetts.

[40 FR 25161, June 12, 1975]

§52.1129 Control strategy: Ozone.

(a) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 1, 1999, and supplemented on June 25, 1999 and September 9, 1999. The revisions are for the purpose of satisfying the rate of progress requirements of sections 182(b)(1) and 182(c)(2)(B) of the Clean Air Act for the Springfield, Massachusetts serious ozone nonattainment area.

(b) Approval—Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on July 27, 1998, October 1, 1998 and August 13, 1999. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act, for the Springfield (Western Massachusetts) serious ozone nonattainment area. The revision establishes an attainment date of December 31, 2003 for the Springfield, Massachusetts serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2003 of 23.77 tons per day of volatile organic compounds (VOC) and 49.11 tons per day of nitrogen oxides (NO_X) to be used in transportation conformity in the Springfield, Massachusetts serious ozone nonattainment area.

(c) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on April 10, 2002 and amended on July 26, 2002. The revisions are for the purpose of satisfying the rate of progress requirements of sections 182(b)(1) and 182(c)(2)(B) of the Clean Air Act for the Massachusetts portion of the Boston-Lawrence-Worcester serious ozone nonattainment area.

(d) Approval—Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental protection on July 27, 1998, and September 6, 2002. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)92)(A) pof the Clean Air Act, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattiainment area. The revision establishes a one-hour attainment date of November 15, 20071, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2007 of 86.7 tons per day of volatile organic compounds and 226.363 tons per day of nitrogen oxides to be used in transportation conformity in the Massachusets portion of the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area.

(e) Determination of Attainment for the One-Hour Ozone Standard. Effective May 30, 2012, EPA is determining that the Springfield (Western Massachusetts) one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of December 31, 2003, based on 2001–2003 complete, quality-assured ozone monitoring data. Separate from and independent of this determination, EPA is determining that the Springfield (Western Massachusetts) one-hour ozone nonattainment area met the one-hour ozone standard, based on 2007–2009 complete, quality-assured ozone monitoring data at all monitoring sites in the area. EPA's review of the ozone data shows that the area began attaining the one-hour ozone standard during the 2007–2009 monitoring period, and has continued attaining the one-hour standard through the 2008–2010 and 2009–2011 monitoring periods.

(f) Determination of Attainment for the One-Hour Ozone Standard. Effective June 28, 2012, EPA is determining that the Boston-Lawrence-Worcester, MA–NH one-hour ozone nonattainment area met the one-hour ozone standard, by the area's applicable attainment date of November 15, 2007, based on 2005–2007 complete, certified, quality-assured ozone monitoring data at all monitoring sites in the area.

(g) *Determination of Attainment*. (1) Determination of Attainment by Attainment Date; and

(2) *Determination of Attainment*. Effective June 28, 2012.

(i) Determination of Attainment by the Area's Attainment Date. EPA is determining that the Boston-Lawrence-Worcester, MA eight-hour ozone nonattainment area met the applicable June 15, 2010 attainment deadline for the 1997 eight-hour ozone standard.

(ii) EPA is determining that the Boston-Lawrence-Worcester, MA eight-hour ozone nonattainment area has attained the 1997 eight-hour ozone standard. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area continues to attain the 1997 eight-hour ozone standard. If EPA determines, after notice-and comment rulemaking,

that the Boston-Lawrence-Worcester, MA area no longer meets the 1997 ozone NAAQS, this determination shall be withdrawn.

[65 FR 68898, Nov. 15, 2000, as amended at 66 FR 693, Jan. 3, 2001; 67 FR 55125, Aug. 28, 2002; 67 FR 72579, Dec. 6, 2002; 77 FR 25363, Apr. 30, 2012; 77 FR 31498, May 29, 2012]

EFFECTIVE DATE NOTE: At 77 FR 36405, June 19, 2012, §52.1129 was amended by adding paragraph (h), effective July 19, 2012. For the convenience of the user, the added text is set forth as follows:

§52.1129 Control strategy: Ozone.

* * * * *

(h) Determinations of Attainment: Effective July 19, 2012.

(1) Determination of Attainment. EPA is determining that the Springfield (Western Massachusetts) 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area continues to attain the 1997 8-hour ozone standard. If EPA determines, after notice-and comment rulemaking, that the Western Massachusetts area no longer meets the 1997 ozone NAAQS, this determination shall be withdrawn.

(2) Determination of Attainment by the Area's Attainment Date. EPA has determined that the Springfield (Western Massachusetts) 8-hour ozone nonattainment area met the applicable June 15, 2010 attainment deadline for the 1997 8-hour ozone standard.

§52.1130 [Reserved]

§52.1131 Control strategy: Particulate matter.

(a) Revisions to the following regulations submitted on March 30, 1979 are disapproved:

(1) Regulation 310 CMR 7.02(8), Table 2, new facilities greater than 250 million Btu/hr input burning solid fuel.

(2) Regulation 310 CMR 7.02(9), Table 5.

[45 FR 2044, Jan. 10, 1980]

§52.1132 Control strategy: Carbon Monoxide.

(a) Approval—On November 13, 1992, the Massachusetts Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1990 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(b) Approval—On December 12, 1994, the Massachusetts Department of Environmental Protection submitted a request to redesignate the Boston Area carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes an enhanced motor vehicle inspection and maintenance program and implementation of the oxygenated fuels program. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Massachusetts Carbon Monoxide State Implementation Plan for the above mentioned area.

(c) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1996 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements

under section 172(c) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(d) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection (MADEP) submitted a request to redesignate the cities of Lowell, Springfield, Waltham, and Worcester from nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a 1996 emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2012 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(e) *Approval*—On April 14, 2010, the Massachusetts Department of Environmental Protection submitted a modification to the Lowell maintenance plan approved in paragraph (c) of this section. Massachusetts will not conduct CO monitoring in Lowell, but instead commits to continue to collect and review CO monitoring data from nearby Worcester, MA on an on-going basis. In the event the second highest CO concentration in any calendar year monitored in Worcester reaches 75 percent of the federal 1-hour or 8-hour national ambient air quality standard for CO, Massachusetts will, within 9 months of recording such concentrations, re-establish a CO monitoring site in Lowell consistent with EPA citing criteria, and resume analyzing and reporting those data. Massachusetts commits to implement its contingency program in Lowell in the event that a CO violation is monitored at the re-established Lowell monitoring site at any time during the maintenance period. If the Worcester CO monitor measures a violation of either the federal 1-hour or 8-hour NAAQS for CO, contingency measures will be implemented in Lowell as well, until a re-established CO monitor in Lowell shows that the area is in attainment of the CO standard.

[61 FR 2923, Jan. 30, 1996, as amended at 67 FR 7278, Feb. 19, 2002; 76 FR 27910, May 13, 2011]

§ 52.1133 [Reserved]

§ 52.1134 Regulation limiting on-street parking by commuters.

(a) *On-street parking* means parking a motor vehicle on any street, highway, or roadway, except for legal stops within designated loading zones or areas defined for loading purposes, at or before intersections, as caution, safety and emergencies require, whether or not a person remains in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth, the City of Boston, the City of Cambridge, and administrative bodies of any of them having jurisdiction over any streets, highways, or roadways within the City of Cambridge or Boston proper, and the principal officials and administrative bodies thereof having responsibility over parking on such streets, highways, or roadways, shall adopt all necessary administrative and enforcement procedures and regulations to effect a prohibition of on-street parking within Boston proper between the hours of 7 a.m. and 9:30 a.m., and within the City of Cambridge between the hours of 7 a.m. and 10 a.m., except Saturdays, Sundays and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than $15. The City of Boston shall at a minimum eliminate 50 percent of on-street parking during the hours specified by January 1, 1976; 66⅔ percent by September 1, 1976; and 100 percent by March 1, 1977. The City of Cambridge shall at a minimum eliminate 33⅓ percent of on-street parking during the hours specified by September 30, 1974; 66⅔ percent by July

1, 1975; and 100 percent by March 1, 1977. Any other affected entity shall at a minimum eliminate 33⅓ percent of such parking during the hours of 7 a.m. to 10 a.m. by January 1, 1976; 66⅔ percent by September 1, 1976, and 100 percent by March 1, 1977.

(c) The following classes of vehicles shall be exempt from the requirements of this section, provided that on-street parking by such vehicles is in compliance with local and state regulations:

(1) Vehicles owned by residents of that portion of Boston included within Boston proper that are registered in Boston and display a resident parking sticker for that area issued by the City of Boston;

(2) Vehicles owned by residents of Cambridge that are registered in and parked within Cambridge and display an appropriate parking sticker issued by the City of Cambridge;

(3) Vehicles owned and operated by handicapped persons with HP license plates; and

(4) Vehicles registered as ''commercial vehicles'' by the Commonwealth and displaying appropriate license plates.

(d) On or before June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within Cambridge or Boston proper except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section should, on or before April 15, 1974, submit to the Regional Administrator for his approval a detailed statement of the legal and administrative steps selected to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program;

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section;

(3) The procedures by which vehicles exempt from the requirements of this section will be marked; and

(4) A map showing which streets will be subject to the ban according to the schedule of implementation.

(f) Upon a finding that substantial hardship would otherwise be experienced by employees of employment facilities located in Cambridge, the Director of Traffic and Parking of the City of Cambridge may issue special parking stickers to such employees which shall entitle vehicles to park during the hours of the ban. Such stickers shall be valid only for those streets and areas of streets clearly identified on the face of such stickers, shall be issued with preference being given to carpools and vanpools and shall be subject to immediate revocation if the vehicle is cited for a parking violation on a street or area other than those designated. A list of all persons receiving such stickers shall be sent to the Regional Administrator on or before July 1 of each year.

(g) The ban shall not apply to any street space which is subject to metered parking with a maximum allowable time limit of one hour.

[40 FR 25162, June 12, 1975]

§52.1135 Regulation for parking freeze.

(a) Definitions:

(1) The phrase *to commence construction* means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase *to commence modification* means to engage in a continuous program of on-site modification including site clearance, grading, dredging, or land filling in preparation for a specific modification of the parking facility.

(3) The phrase *commercial parking space* means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) *Commercial parking facility* (also called *facility*) means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility, the use of which is limited exclusively to residents (and guests of residents) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) *Freeze* means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; *Provided*, That such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973, or as specifically permitted by paragraphs (n), (p) and (q) of this section; provided further that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan International Airport (''Logan Airport''). For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

(b) [Reserved]

(c) There is hereby established a freeze, as defined by paragraph (a)(6) of this section, on the availability of commercial parking facilities in the freeze area effective October 15, 1973. In the event construction in any municipality, commenced prior to October 15, 1973, results in a number of spaces which exceeds the 10 percent limit prescribed by paragraph (a)(6) of this section, then the Governor shall immediately take all necessary steps to assure that the available commercial spaces within such municipality shall be reduced to comply with the freeze. In the event that such limit is exceeded at Logan Airport, then the provisions of paragraph (m) of this section shall apply.

(d) [Reserved]

(e) After August 15, 1973, no person shall commence construction of any commercial parking facility or modification of any such existing facility in the freeze area unless and until he has obtained from the Governor or from an agency approved by the Governor a permit stating that construction or modification of such facility will be in compliance with the parking freeze established by paragraph (c) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) The Governor shall notify the Regional Administrator in writing within 10 days of approval of any agency pursuant to paragraph (e) of this section. In order for any agency to be approved by the Governor for purposes of issuing permits pursuant to paragraph (e) of this section, such agency shall demonstrate to the satisfaction of the Governor that:

(1) Requirements for permit application and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility; and

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraph (c) of this section.

(3) Agency procedures provide that no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules or procedures may provide that if no notice of intent to participate in the hearing is received

from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g)–(l) [Reserved]

(m) On or before January 30, 1975, the Massachusetts Port Authority (''Massport'') shall prepare and submit to the Governor for his approval a plan showing the manner in which the number of commercial parking spaces at Logan Airport which exceeds the number of such spaces permitted under the freeze shall be removed from use. The Governor shall approve such plan if he determines that (1) implementation of such plan would result in reducing the aggregate number of commercial parking spaces to the level of such spaces permitted by this section, (2) Massport has adequate legal authority to implement such plan and (3) adequate commitments have been made by Massport to assure the Governor that such plan will be fully implemented and maintained on and after May 1, 1976. In the event that the Governor does not approve such plan by April 1, 1976, then the owner or operator of each commercial parking facility located at Logan Airport shall, on or before July 1, 1976, reduce the number of commercial parking spaces available for use at each such facility by an amount which bears the same proportion to the number of spaces exceeding the limit imposed by this section as the number of spaces available at such facility bears the total number of such spaces which were available for use at Logan Airport on April 1, 1976.

(n) Where an agency approved by the Governor under paragraph (e) of this section to issue permits for new construction in the City of Cambridge demonstrates to the satisfaction of the Governor that (1) specific on-street parking spaces in use as of October 15, 1973, were being legally and regularly used as of such date for parking by commuters (as that term is defined in § 52.1161(a)(6)) who are not residents of Cambridge and that (2) effective measures have been implemented (including adequate enforcement) to prevent such spaces from being used by such commuters, then such approved agency may issue permits for construction of additional new commercial parking spaces equal to one-half of the number of spaces removed from regular use by such commuters and the total quantity of commercial parking spaces allowable in Cambridge under this section shall be raised accordingly.

(o) On or before July 31, 1976, and on or before each succeeding July 31, the Governor and the chief executive officer of any agency approved by the Governor under paragraph (e) of this section shall submit a report to the Regional Administrator setting forth:

(1) The names and addresses of all persons who received permits during the previous twelve-month period ending June 30 and number of spaces allocated to each such person;

(2) The number of commercial parking spaces available for use as of the June 30 prior to the date of the report;

(3) The number of commercial parking spaces which remain available for allocation by the Governor or such agency as of the June 30 prior to the date of the report, including those spaces made available because of retirement of existing commercial parking spaces as well as those spaces made available because of the effects of paragraphs (n), (p) and (q) of this section; and

(4) The location and capacity of any park-and-ride facility designated under paragraph (p) of this section.

(p) The Governor and any approved agency may issue a permit to construct a commercial parking facility which is designated by the Governor as a park-and-ride facility to be operated in conjunction with mass transit service without regard to the limitations on number of spaces imposed by this section.

(q) Where an agency approved by the Governor can demonstrate to the satisfaction of the Governor that there have been physically eliminated through permanent modification or demolition any legal on-street parking spaces within a municipality then such agency may issue permits for construction within that municipality of additional new commercial parking spaces equal

to the number of spaces thus eliminated and the total quantity of commercial parking spaces allowable for such municipality under this section shall be increased accordingly.

(r) The provisions of this regulation shall cease to be effective as to that portion of the freeze area lying within the City of Boston and not included within Boston proper or Logan Airport at such time as the City of Boston implements a program, approved by the Governor, which shall include effective measures to control the construction of additional commercial parking spaces within that area, including procedures for issuance of conditional use permits under applicable zoning regulations and for assuring compliance with all air quality requirements under state and Federal law.

[40 FR 25162, June 12, 1975, as amended at 40 FR 39863, Aug. 29, 1975]

§§ 52.1136–52.1144 [Reserved]

§ 52.1145 Regulation on organic solvent use.

(a) Definitions:

(1) *Organic solvents* include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials which exhibit a boiling point higher than 220 °F. at 0.5 millimeters of mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 °F.

(2) *Solvent of high photochemical reactivity* means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations in reference to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of total volume of solvents.

(3) *Organic materials* are chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(b) This section is applicable throughout the Boston Intrastate Region. The requirements of this section shall be in effect in accordance with § 52.1147.

(c) No person shall cause, allow, suffer, or permit the discharge into the atmosphere of more than 15 pounds of organic materials in any 1 day, nor more than 3 pounds of organic materials in any 1 hour, from any article, machine, equipment, or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced as a result of the installation of abatement controls by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(d) No person shall cause, suffer, allow, or permit the discharge into the atmosphere of more than 40 pounds of organic materials in any 1 day, nor more than 8 pounds in any 1 hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (c) of this section for employing, or applying any solvent of high photochemical reactivity or material containing such photochemically reactive solvent, unless said discharge has been

reduced as a result of the installation of abatement controls by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (c) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the clean-up with a solvent of high photochemical reactivity, or any article, machine, equipment, or other contrivance described in paragraph (c) or (d) of this section or in this paragraph, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) No person shall cause, suffer, allow, or permit during any one day disposal of a total of more than 1.5 gallons of any solvent of high photochemical reactivity, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraph (c) or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is converted to carbon dioxide, or

(2) Adsorption, or

(3) The use of other abatement control equipment determined by the Regional Administrator to be no less effective than either of the above methods.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the authority to construct, or as specified by the Regional Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Regional Administrator upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(j) The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other use of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The volatile content of such material consists only of water, and organic solvents;

(ii) The organic solvents comprise not more than 30 percent by volume of said volatile content;

(iii) The volatile content is not a solvent of high photochemical reactivity as defined in paragraph (a) of this section; and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 30 percent by volume of said material;

(ii) The volatile content is not a solvent of high photochemical reactivity; and

(iii) [Reserved]

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

(6) [Reserved]

(7) An article, machine, equipment or other contrivance described in paragraph (c), (d) or (e) of this section used exclusively for chemical or physical analyses or determination of product quality and commercial acceptance provided that—

(i) The exemption is approved in writing by the Regional Administrator;

(ii) The operator of said article, machine, equipment or contrivance is not an integral part of the production process; and

(iii) The emissions from said article, machine, equipment or other contrivance do not exceed 800 lbs. in any calendar month.

(8) Sources subject to the provisions of Massachusetts Regulation 310 CMR 7.18 which has been federally approved.

(k) [Reserved]

(l) All determinations of emission rates shall be conducted in a manner approved in writing by the Regional Administrator.

[40 FR 25165, June 12, 1975, as amended at 47 FR 28373, June 30, 1982]

§ 52.1146 [Reserved]

§ 52.1147 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to regulation under paragraph (c)(1) of § 52.1144 and § 52.1145 shall comply with the increments of progress contained in the following schedule:

(1) Final control plans for emission control systems or process modifications must be submitted on or before June 1, 1974, for sources subject to § 52.1144(c)(1) and on or before May 1, 1974 for sources subject to § 52.1145.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modifications on or before March 1, 1975, for sources subject to § 52.1144(c)(1) and on or before July 1, 1974, for sources subject to § 52.1145.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin on or before May 1, 1975, for sources subject to § 52.1144(c)(1) and on or before August 15, 1974, for sources subject to § 52.1145.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to April 15, 1975, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be February 1, 1976.

(5) Final compliance is to be achieved prior to May 31, 1975, except for sources subject to paragraph (c)(1) of § 52.1144 of this subpart. Final compliance for sources subject to paragraph (c)(1) of § 52.1144 is to be achieved by June 1, 1976.

(i) Facilities subject to paragraph (c)(1)(iii) of § 52.1144 of this subpart which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

(6) Any owner or operator of stationary sources subject to compliance schedule in this paragraph shall certify to the Administrator within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (c)(1) of § 52.1144 which installs a storage tank after October 15, 1973, shall comply with such

paragraph by March 1, 1976. Any facility subject to such paragraph which installs a storage tank after March 1, 1976 shall comply with such paragraph at the time of installation.

(b) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (d)(1) of §52.1144 shall comply with the increments of progress contained in the following compliance schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to January 1, 1975.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to March 1, 1975.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than May 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to May 1, 1977.

(5) Federal compliance is to be achieved prior to May 31, 1977.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (d)(1) of §52.1144 which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of such paragraph by May 31, 1977. Any facility subject to such paragraph which installs a gasoline dispensing system after May 31, 1977, shall comply with such paragraph at the time of installation.

(c) Paragraph (a) of this section shall not apply:

(1) To a source which is presently in compliance with all requirements of paragraph (c)(1) of §52.1144 and §52.1145 and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Commonwealth and approved by the Administrator.

(3) To a source subject to §52.1144(c)(1) whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) To a source subject to §52.1145 whose owner or operator submits to the Administrator by May 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (d)(1) of §52.1144 and which has certified such compliance to the Administrator by January 1, 1975. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (a) or (b) of this section fails to satisfy and requirements of 40 CFR 51.15 (b) and (c).

[38 FR 30970, Nov. 8, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1147, see the List of CFR

Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§§ 52.1148–52.1158 [Reserved]

§ 52.1159 Enhanced Motor Vehicle Inspection and Maintenance.

(a) Revisions submitted by the Massachusetts Department of Environmental Protection on October 20, 2000, to the motor vehicle inspection and maintenance program are approved:

(1) Letter from the Massachusetts Department of Environmental Protection dated October 20, 2000 submitting a revision to the Massachusetts State Implementation Plan.

(2) Document entitled ''Quality Assurance and Quality Control Plan For the Massachusetts Enhanced Emissions and Safety Inspection Program,'' dated October 16, 2000.

(3) Document entitled ''Program Evaluation Plans For the Enhanced Inspection and Maintenance Program,'' dated October 2000, and supporting contracts.

[65 FR 69257, Nov. 16, 2000]

§ 52.1160 Requirements for state implementation plan revisions relating to new motor vehicles.

Massachusetts' adopted LEV program must be revised to the extent necessary for the state to comply with all aspects of the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1161 Incentives for reduction in single-passenger commuter vehicle use.

(a) Definitions:

(1) *Employer* means any person or entity which employs 50 or more employees at any time during a calendar year at an employment facility located in the Boston Intrastate Region.

(2) *Educational institution* means any person or entity which has 250 or more employees and students at any time during the academic year at an educational facility offering secondary level or higher training including vocational training located in the Boston Intrastate Region.

(3) *Employee* means any person who performs work for an employer thirty-five or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

(4) *Student* means any full-time day student who does not live at the educational institution and who travels to and from classes by any mode of travel.

(5) *Affected facility* means any employment facility at which 50 or more persons are employees or any educational facility at which 250 or more persons are students and employees.

(6) *Commuter* means both an *employee* and a *student*.

(7) *Single-passenger commuter vehicle* means a motor-driven vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes and is not customarily required to be used in the course of his employment or studies.

(8) *Base date* means the date set forth in paragraph (d) of this section as of which the base number of single-passenger commuter vehicles at a particular employment facility or educational institution must be determined.

(9) *The Secretary* means the Secretary of Transportation and Construction of the Commonwealth of Massachusetts.

(b) Commencing with the effective date of this section, each employer and educational institution (except as provided below) shall diligently and expeditiously implement and thereafter continuously maintain the following mandatory measures which are designed to achieve a goal of reducing the number of single-passenger commuter vehicles customarily commuting daily to each affected facility as of its base date by 25 percent (or as adjusted pursuant to paragraph (g) of this section):

(1) Making available to commuters any pass program offered by the Massachusetts Bay Transportation Authority, if any commuter to the facility uses the mass transit facilities of such Authority as part of his daily commuting trip, including making all administrative arrangements for commuters to purchase the pass and thereby participate in the pass program and encouraging commuters to participate

by such means as publicizing the availability of the pass program and the cost advantages thereof.

(2)–(8) [Reserved]

[40 FR 25166, June 12, 1975, as amended at 47 FR 28373, June 30, 1982; 41 FR 10223, Mar. 10, 1976]

§52.1162 Regulation for bicycle use.

(a) Definitions:

(1) *Bicycle* means a two-wheel nonmotor-powered vehicle.

(2) *Bike path* means a route for the exclusive use of bicycles separated by grade or other physical barrier from motor traffic.

(3) *Bike lane* means a street lane restricted to bicycles and so designated by means of painted lanes, pavement coloring or other appropriate markings. A *peak hour* bike lane means a bike lane effective only during times of heaviest auto commuter traffic.

(4) *Bike route* means a route in which bicycles share road space with motorized vehicles.

(5) *Bikeway* means bike paths, bike lanes and bike routes.

(6) *Bicycle parking facility* means any facility for the temporary storage of bicycles which allows the frame and both wheels of the bicycle to be locked so as to minimize the risk of theft and vandalism.

(7) *Parking facility* means a lot, garage, building, or portion thereof in or of which motor vehicles are temporarily parked.

(8) *Parking space* means the area allocated by a parking facility for the temporary storage of one automobile.

(9) *MBTA* means the Massachusetts Bay Transportation Authority.

(b) *Application*. This section shall be applicable in the Boston Intrastate Region.

(c) *Study*. The Commonwealth, according to the schedule set forth in paragraph (d) of this section, shall conduct a comprehensive study of, and in that study recommend, the establishment of permanent bikeways and related facilities within the area described in paragraph (b) of this section. The study shall consider or include at least the following elements:

(1) The physical design for bikeways, intersections involving bikeways, and means of bicycle link-ups with other modes of transportation;

(2) The location of bikeways, including ascertaining high accident or pollution areas and developing means of avoiding or ameliorating those situations as well as means of providing intersection safety generally;

(3) The location of bicycle parking facilities, including bus stops;

(4) The rules of the road for bicyclists, and to the extent that present rules must be modified because of bikeways, new rules of the road for motorists. Also the feasibility of mandatory adult bicycle registration to minimize theft and increase recovery of stolen bicycles;

(5) Bicycle safety education for bicyclists, motorists, children, students, street maintenance personnel and policemen, including requiring bicycle safety principles and safe street riding skills to be taught in high school automobile driver(s) education programs;

(6) Methods for publicizing bicycles or bicycles plus mass transit as alternatives to automobile transportation, including the preparation, perhaps in conjunction with bicentennial efforts, of a master Boston area transit map, indicating the kind, extent and location of bicycle facilities, public baths, showers, toilet facilities, water fountains, as well as routes and stops for MBTA, common carriers and private bus lines, such map to be distributed by the Registry of Motor Vehicles with each automobile new registration and automobile registration renewal;

(7) Requiring or providing incentives for common carriers and mass transit carriers, especially the Blue Line of the MBTA, to provide bicycle parking facilities at their respective terminals and stations and bicycle carrying facilities on their respective vehicles;

(8) The creation of roadway zones in which all vehicles, except mass transit, emergency and service vehicles, and bicycles, would be excluded;

(9) Requiring or providing incentives for office buildings and employers to install and to provide free shower and locker facilities for cyclists;

(10) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, distance and purpose of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the numbers of employees who would use a bicycle for a significant portion of their commuting transportation were suitable facilities available to them. This section of the study shall seek to ascertain the size of the working population that would move from automobiles to mass transit and bicycles or bicycles alone as a significant form of transportation. It shall also seek to ascertain what bicycle facilities or mix thereof would produce the greatest conversion from auto use;

(11) The special problems related to the design and incorporation in the bikeway facilities described in paragraph (f) of this section of feeder bikeways to bridges, on-bridge bikeways, feeder bikeways to MBTA and railroad stations, feeder bikeways to fringe parking areas, and bicycle passage through rotaries and squares;

(12) The conversion of railroad beds, power lines, flood control channels or similar corridors to bikepaths;

(13) Removing barriers to employees bringing their bicycles into their offices;

(14) Removal or alteration of drain grates with bars so placed as to catch bicycle wheels;

(15) Bicycle rentals at appropriate locations; and

(16) The feasibility of constructing bikeways along at least each of the corridors set forth in paragraph (g) of this section.

In conducting the study, opportunity shall be given for public comments and suggestions. Input shall also be solicited from state, regional and local planning staffs, state, regional and local agencies, bicycle organizations and other interested groups and be related to comprehensive transportation planning for the area designated in paragraph (b) of this section. The study shall, using as a goal a minimum of 180 miles of bikeways, examine as large a network of facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said facilities. The study shall also propose a compliance schedule for establishing any recommended permanent bicycle facilities.

(d) The Commonwealth of Massachusetts shall submit to the Regional Administrator no later than October 1, 1975, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study;

(2) A date for initiation of the study, which date shall be no later than October 1, 1975; and

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than June 30, 1976.

(e) On or before September 1, 1976, the Administrator shall publish in the FEDERAL REGISTER his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the facility location and designs and other requirements as well as the proposed compliance schedule for permanent facilities recommended in the study, or shall designate alternative and/or additional facility locations and designs and other requirements as well as modify the proposed compliance schedule for permanent facilities. The Administrator may provide, if he deems it necessary, for a public comment period prior to the effective date of his response.

(f) *Permanent bicycle facilities.* At the conclusion of the study required by paragraph (c) of this section and the Administrator's response thereto, the Commonwealth shall, together with the municipalities and other authorities having jurisdiction over affected roadways and areas establish permanent bicycle facilities as required by the Administrator's response to the study.

(g) The potential bikeway corridors to be studied pursuant to paragraph (c)(16) are as follows:

(1) Central Square, Cambridge to Boston University;

(2) Harvard Square, Cambridge to Union Square, Allston;

(3) Union Square, Somerville to Central Square, Cambridge;

(4) Union Square, Allston to Government Center;

(5) Harvard Square, Cambridge to Government Center;

(6) Brookline Village to Government Center;

(7) Boston University to Longwood Avenue Hospital Zone;

(8) Egleston Square to Government Center;

(9) Columbus Park to Boston Common;

(10) L Street Beach to Government Center;

(11) Powder House Circle, Somerville to Harvard Square;

(12) Everett to Government Center;

(13) Porter Square, Cambridge to Columbus Park, Boston;

(14) Cleveland Circle to Government Center;

(15) Porter Square, Cambridge to Government Center;

(16) Harvard Square, Cambridge to Boston City Hospital; and

(17) Charlestown, Longfellow, Harvard, Boston University, River Street, Western Avenue, Anderson, Summer Street, and Broadway Bridges.

(h) The MBTA shall provide bicycle parking facilities at each major MBTA station adequate to meet the needs of MBTA riders within the area designated in paragraph (b) of this section. Said parking facilities shall at a minimum be located at:

(1) All stations of the Riverside portion of the Green Line;

(2) Reasonably spaced stops on other portions of the Green Line;

(3) All stations of the Red, Orange, and Blue Lines; and shall have spaces for at least six bicycles per station, except for facilities at terminal stations which shall have spaces for at least 24 bicycles.

(i) The Commonwealth shall provide for advertisement of bikeways and bicycle parking facilities in use within the area designated in paragraph (b) of this section to potential users by means of media advertisement, the distribution and posting of bikeway maps and bike safety information, as well as for a program of bicycle safety education including the motor vehicle operators license examination and public service advertisement.

[40 FR 25168, June 12, 1975]

§52.1163 Additional control measures for East Boston.

(a) On or before December 31, 1975, the Governor, the Mayor of the City of Boston, the Chairman of the Massachusetts Bay Transportation Authority, the Chairman of the Massachusetts Turnpike Authority and the Chairman of the Massachusetts Port Authority (''Massport'') shall each submit to the Regional Administrator a study or studies of various alternative strategies to minimize the number of vehicle trips to and from Logan International Airport (''Logan Airport'') and to reduce the amount of carbon monoxide in the vicinity of the Callahan and Sumner Tunnels to a level consistent with the national primary ambient air quality standards. These studies may be combined into one or more joint studies. These studies shall contain recommendations for control measures to be implemented prior to May 31, 1977. Measures to be studied shall include but need not be limited to, the following:

(1) Incentives and programs for reductions in the use of single-passenger vehicles through the Callahan and Sumner Tunnels;

(2) Alterations in traffic patterns in the tunnel area;

(3) Use of exclusive lanes for buses, carpools, taxis and limousines during peak travel hours;

(4) Reduction of parking spaces at Logan Airport and increased parking charges at remaining spaces;

(5) Construction of satellite terminal facilities for Logan Airport;

(6) Use of alternate modes of transportation for trips to and from Logan Airport, and establishment of facilities at Logan Airport to accommodate such modes;

(7) Improved transit service between the Blue Line subway stop and airline terminals at Logan Airport; and

(8) Any other measures which would be likely to contribute to achieving the required reductions.

(b) Massport shall monitor the number of vehicles entering and leaving

Logan Airport so as to provide the Secretary of Transportation for the Commonwealth (the ''Secretary'') with reports on a semi-annual basis, beginning on January 30, 1976, showing total vehicle trips per day for the six-month period ending on the previous December 31 or June 30, presented and tabulated in a manner prescribed by the Secretary.

(c) Massport shall, on or before June 30, 1976, prepare and submit to the Secretary draft legislation which, if enacted into law, would alleviate local licensing problems of bus and limousine companies in order to facilitate increased and improved bus and limousine service for travelers using Logan Airport.

(d) Massport shall negotiate with the Massachusetts Bay Transportation Authority to increase the convenience of the mass transit services currently available to travelers to Logan Airport.

(e) Massport shall, on or before June 30, 1976, establish and maintain a program (which shall include the enclosure of this information in tickets or folders mailed by airlines using Logan Airport) to publicize the advantages in costs and convenience of the use of mass transit or other available transportation services by travelers using the airport, and making known to such persons the schedules, routes, connections, and other information necessary for them to conveniently use mass transit and such other services.

(f) Massport shall, on or before October 15, 1975, establish a carpool program at Logan Airport, which shall include the elements specified in paragraphs (b)(7) (A) through (C) of § 52.1161. For the purpose of applying the requirements of § 52.1161 to the present paragraph:

(1) The definitions in § 52.1161 shall apply;

(2) Each employer with any employment facility at Logan Airport shall cooperate with Massport in the development and implementation of the program;

(3) Any such employer (including Massport) may fulfill its obligations under paragraph (b)(7) of § 52.1161 by fully cooperating with and participating in the Logan Airport carpool program (including bearing its proportional share of the program's cost); and

(g) Massport shall, on or before October 15, 1975, implement a program of systematic dissemination to employers and employees at Logan Airport of information regarding the Massachusetts Bay Transportation Authority pass program, bus and train schedules and rates, park-and-ride facilities, and other transportation programs and services available to employees at Logan Airport.

(h) Massport shall, on or before January 1, 1976, implement and maintain a program to allow all employees at Logan Airport, regardless of the size of the particular employment facility at which they work, to participate in any available pass program made available by the Massachusetts Bay Transportation Authority, including the use of Massport as a central clearinghouse for the purpose of aggregating employees and for fiscal management of such pass program.

[40 FR 25169, June 12, 1975]

§ 52.1164 Localized high concentrations—carbon monoxide.

(a) Not later than October 1, 1975, the Commonwealth shall have developed and have begun to implement a program to identify urban and suburban core areas and roadway/intersection complexes within the Boston Intrastate Region which violate the national ambient air quality standards for carbon monoxide. Once such localized areas have been identified, the Commonwealth, in cooperation with the affected local municipalities, shall develop and implement appropriate control strategies to insure that such air quality standards will be achieved at such areas. Plans shall be developed to include provisions for the entire municipality in order to insure that the implemented strategies will not create carbon monoxide violations elsewhere in the vicinity after the measures have been applied.

(b) To accomplish the requirements of paragraph (a) of this section, the Commonwealth shall do the following:

(1) Identify areas of potentially high carbon monoxide concentrations by reviewing all available traffic data, physical site data and air quality and meteorological data for all major intersections and roadway complexes within the Region. The Regional Administrator will provide general guidance on area designations to assist in the initial identification process.

(2) Areas identified under paragraph (b)(1) of this section shall be studied in further detail, including meteorological modeling, traffic flow monitoring, air quality monitoring and other measures necessary to accurately quantify the extent and actual levels of carbon monoxide in the area. A report containing the results of these analyses and identifying such areas shall be submitted to the Regional Administrator no later than March 1, 1976.

(3) If, after the completion of actions required by paragraph (b)(2) of this section, an area shows or is predicted to have violations of the carbon monoxide standard, the Commonwealth, in cooperation with the affected municipality, shall submit a plan to the Regional Administrator containing measures to regulate traffic and parking so as to reduce carbon monoxide emissions to achieve air quality standards in the area. Such plan shall include: the name of the agency responsible for implementing the plan, all technical data and analyses supporting the conclusions of the plan, all control strategies adopted as part of the plan, and other such information relating to the proposed program as may be required by the Regional Administrator. The Regional Administrator shall provide general guidance on applicable control strategies and reporting formats to assist in plan development and submittal. Such a plan shall be submitted for each municipality which contains one or more identified areas no later than October 1, 1975 for Waltham and October 1, 1976, for other areas.

(4) All measures called for in the plan submitted under paragraph (b)(3) of this section shall be subject to the approval of the Regional Administrator and shall be implemented by May 31, 1977.

(c) The Commonwealth shall annually review the effectiveness of the control strategies developed pursuant to this section and modify them as necessary to insure that such carbon monoxide standards will be attained and maintained. The results of this review and any changes in the measures which the Commonwealth recommends as a result thereof shall be reported to the Regional Administrator annually as required under §52.1160.

(d) Prior to submitting any plan to the Regional Administrator under paragraph (b)(3), the Commonwealth shall give prominent public notice of the general recommendations of such plan, shall make such plan available to the public for at least 30 days and permit any affected public agency or member of the public to comment in writing on such plan. The Commonwealth shall give the Regional Administrator timely notice of any public hearing to be held on such plan and shall make all comments received available to the Regional Administrator for inspection and copying.

[40 FR 25170, June 12, 1975]

§52.1165 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Massachusetts.

[43 FR 26410, June 19, 1978, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§52.1166 [Reserved]

§52.1167 EPA-approved Massachusetts State regulations.

The following table identifies the State regulations which have been submitted to and approved by EPA as revisions to the Massachusetts State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation consult

the plan identified in § 52.1120. To the extent that this table conflicts with § 52.1120, § 52.1120 governs.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 6.04	Standards	7/25/90	10/04/02	67 FR 62187	120	Adopt PM10 as the criteria pollutant for particulates.
310 CMR 7.00	Definitions	2/14/85	9/25/85	50 FR 38804	64	Motor vehicle fuel.
		2/21/86; 2/25/86; 6/23/86	8/31/87	52 FR 32792	73	Two new definitions and one amended definition.
	Statutory authority; legend; preamble; definitions.	11/5/86; 12/10/86	11/19/87	52 FR 44395	74	Approving the addition of definitions for synthetic organic chemical manufacturing facility, component, in gas service, light liquid, in light liquid service, leak, leaking component, monitor, repair, unit turnaround, in VOC service, quarterly, and pressure relief valve.
310 CMR 7.00	Definitions	7/18/88	5/4/89	54 FR 19184	78	Includes bulk plant and terminal, gasoline market.
310 CMR 7.00	Definitions	1/30/91	10/8/92	57 FR 46312	96	Definitions of no-build alternative, project area, project roadway, and tunnel ventilation system.
310 CMR 7.00	Definitions	05/17/90, 06/07/91	12/14/92	57 FR 58996	97	Added ''motor vehicle fuel,'' ''motor vehicle fuel dispensing facility,'' ''substantial modification,'' and ''vapor collection and control system.''

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.00	Definitions	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Approving the following amended or additional definitions: Application area, asphalt, automobile, bottom filling, bulk terminal, coating line(s), commissioner, condensate, continuous compliance, crude oil, department, end sealing compound, exterior base coat, extreme environmental conditions, flashoff area, freeboard height, freeboard ratio, halogenated organic compound, interior base coat, interior body spray, knife coating, lease custody transfer, light duty truck, manufacturing plant, miscellaneous metal parts and products, overvarnish, paper surface coating, penetrating prime coat, petroleum liquids, prime coat, publication rotogravure printing, quench area, refrigerated chiller, Reid vapor pressure, roll printing, roll coating, single coat, solids, specialty printing, splash filling, standard conditions, submerged filling, three piece can side seam spray, topcoat, transfer efficiency, two piece can exterior end coating, vinyl surface coating, volatile organic compound, waxy, heavy pour crude oil. The definitions of ''coating application system'' and ''bulk plants and terminals'' have been deleted.
310 CMR 7.00	Definitions	8/27/82, 6/22/87, 12/27/89	2/23/93	58 FR 10970	84	Approving the definitions of ''stationary source'' and ''building, structure, facility, or installation.''
310 CMR 7.00	Definitions	6/7/91	6/30/93	58 FR 34911	58	Definitions: Bulk plants, vapor balance systems.
310 CMR 7.00	Definitions	12/9/91	10/4/94	59 FR 50498	101	Definitions of baseline roadway conditions, high occupancy vehicle, high occupancy vehicle lane, peak hour, performance standard, and roadway threshold standard.
310 CMR 7.00	Definitions	11/15/93 05/11/94	2/1/95	60 FR 6030	103	Approving additional definitions for.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.00	Definitions	7/30/93	10/15/96	61 FR 53632	111	Adding or amending the following definitions: motor vehicle parking space; off-peak parking spaces; remote parking spaces; and restricted use parking.
310 CMR 7.00	Definitions	2/17/93	9/3/1999	64 FR 48303	c(117)	
310 CMR 7.00	Definitions	7/30/96	4/11/00	65 FR 19326	115	Definition of ''volatile organic compound'' revised.
310 CMR 7.00	Definitions	1/11/95 3/29/95	4/11/00	65 FR 19326	121	Definitions associated with marine vessel rule.
310 CMR 7.00	Definitions	07/25/95 08/09/00 9/11/00	12/18/00	65 FR 78976	116	Definitions associated with State II vapor recovery rule.
310 CMR 7.00 Appendix A.	Emission Offsets and Nonattainment Review.	7/15/94 and 4/14/95	10/27/00	65 FR 64363	(c)(127)	Approving 1990 CAAA revisions and general NSR permit requirements
310 CMR 7.00 Appendix B (except 310 CMR 7.00 Appendix B(3)(e)5.h).	Emissions Banking, Trading, and Averaging.	2/9/94 3/29/95	8/8/96	61 FR 41338	112	Replaces earlier emissions averaging rules with emissions banking, trading, and averaging.
310 CMR 7.00 and 7.02(12)(c).		2/14 and 5/22/85	9/25/85	50 FR 38806	64	Motor vehicle fuel tank trucks.
310 CMR 7.00	Definitions	7/25/90	10/04/02	67 FR 62187	120	Add a definition of PM10.
310 CMR 7.00	Definitions	12/13/06	07/31/08	73 FR 44654	136	Addition of the term, ''Boston Metropolitan Planning Organization.''
		12/13/06	07/31/08	73 FR 44654	136	Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.00 entitled ''Definition,'' (addition of term ''Boston Metropolitan Planning Organization,'' which appears on the replaced page 173 of the State's Code of Massachusetts Regulations.).
310 CMR 7.02	Plans and approval and emission limitations.	4/27/72	10/28/72	37 FR 23085	2	
		8/28/72	10/28/72	37 FR 23085	4	
		5/27/82 9/9/82	1/10/84	49 FR 1187	60	7.02(2)(b)(4) and 7.02(2)(5) for new source review.
		12/3/85 1/31/86 2/11/86	11/25/86	51 FR 42564	69	Adds the word ''major'' before the word ''modification'' at 7.02(2)(b).
310 CMR 7.02	Plans and approval and emission limitation.	.....	.....		.....	
		11/21/86 1/15/87	3/10/89	54 FR 10148	72	7.02(2)(b) 4, 5 and 6-new source review.
310 CMR 7.02(11)	Emission limitations for incinerators.	2/1/78	3/15/79	44 FR 15704	18	Adds an emission limitation for sewage sludge incinerators.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.02(12)	U Organic Material ...	8/17/89	1/11/93	58 FR 3495	93	310 CMR 7.02(12) has been recodified and relocated in 310 CMR 7.24, "U Organic Material Storage and Distribution." All subsections and references in 310 CMR 7.02(12) have been recodified accordingly.
310CMR 7.02(12)	U Restricted Emission Status.	6/6/94	4/5/95	60 FR 17229	105	This rule limits a source's potential to emit, therefore avoiding RACT, title V operating permits
310 CMR 7.02(12)(a)(b).	Organic material, bulk plants and terminals handling organic material.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
310 CMR 7.02(12)(a)1e.	Gasoline liquid storage in external floating roof tanks.	12/2/83	3/8/84	49 FR 8611	56	Approved for secondary seals or equivalent weather roofs.
310 CMR 7.02(12)(b)2.	Stage I vapor recovery.	5/20/77	5/25/78	43 FR 22356	15	Provisions for Pioneer APCD Stage I vapor recovery.
		12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		3/25/83	7/7/83	48 FR 31200	55	Exempt Berkshire APCD.
310 CMR 7.02(12)(b)3.	Stage I vapor recovery.	11/21/86 1/15/87	3/10/89	54 FR 10148	72	7.02(12)(b)3 is deleted.
310 CMR 7.02(12)(c) and (d).	Gasoline Tank Trucks.	2/14/85 5/22/85	9/25/85	50 FR 38804	64	Tank trucks.
310 CMR 7.02(12)(d).	Test Methods applicable to 310 CMR 7.02(12).	11/21/86 1/15/87	3/10/89	54 FR 10148	72	Requires EPA approved test methods or EPA approved alternatives.
310 CMR 7.02(12)(e).	Gasoline Volatility	7/18/88 9/15/88 4/12/89	5/4/89	54 FR 19184	78	Approves a limitation on volatility of gasoline from June 30 for Sept. 15, 1989, and May 1 to Sept. 15 in subsequent years.
310 CMR 7.03(13)	Paint spray booths ...	2/17/93	9/3/1999	64 FR 48303	c(117)	Adds the following coating operations: plastic parts surface coating, leather surface coating, wood product surface coating, and flat wood paneling surface coating.
310 CMR 7.04(5) ..	Fuel oil viscosity	12/28/78	6/17/80	45 FR 40987	29	For Cambridge Electric Light Company's Kendal Station, and Blackstone Station.
		12/28/78	10/18/80	45 FR 48131	29	Correction notice.
310 CMR 7.05	Sulfur-in-fuel	8/28/72	10/28/72	37 FR 23058	4	
		7/5/78	2/7/79	44 FR 7712	17	Approves the burning of coal/oil slurry at New England Power Company, Salem Harbor Station, MA.
310 CMR 7.05(1)(a).	Sulfur content of fuels and control thereof for Berkshire APCD.	4/14/77	3/24/78	43 FR 12324	13	Approves the burning of 1% for all but: Crane and Company Inc., and Schweitzer Division, Kimberly Clark Corporation, Columbia Mill.
		4/14/77 8/11/78 8/31/78	3/7/79	44 FR 12422	13	Approves the burning of 2.2% at Crane & Co., Inc., and Schweitzer Division, Kimberly-Clark Corp., Columbia Mill.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
		11/8/82	4/28/83	48 FR 19172	54	Approves burning of 2.2% at Esleek Manufacturing Company, Inc., provided the fuel firing rate does not exceed 137.5 gallons per hour.
310 CMR 7.05(1)(b).	Sulfur content of fuels and control thereof for Central APCD.	6/25/76	2/15/77	42 FR 9176	10	Approves the burning of 2.2% until 7/1/78 for 100 mBtu sources listed in 52.1126.
		3/29/76 5/25/76	5/19/77	42 FR 25730	11	Approves burning of 2.2% at James River Associates, Inc. and part of Fitchburg Paper Company, April through October. November through March, they are limited to burning 1% sulfur-in-fuel oil.
		6/25/76 8/22/77	6/21/78	43 FR 26573	10	Extends expiration date to 6/21/78.
		3/2/79	7/16/79	44 FR 41180	24	Permanent extension for certain sources to burn 2.2% under specified conditions.
	Sulfur content of fuels and control thereof for central APCD.	9/28/79	6/17/80	45 FR 40987	24	Approves the burning of 2.2% at Fitchburg Paper (55 Meter stacks only) for James River, Massachusetts, Inc., year round.
		3/20/80	9/10/80	45 FR 59578	31	Approves the temporary burning of 2.2% at Seaman Paper Co., Templeton.
		3/2/79 5/5/81	9/17/81	46 FR 46133	33	Approves the burning of 2.2% at Millers Falls Paper Co.
310 CMR 7.05(1)(c).	Sulfur content of fuels and control thereof for Merrimack Valley.	6/4/76	12/30/76	41 FR 56804	8	Approves the burning of 2.2% except at those sources listed in 52.1126.
		1/28/76 12/30/76	7/12/77	42 FR 35830	8	Approves burning of 1.4% at Haverhill Paperboard Corp., Haverhill, MA.
		1/28/76 8/22/77 12/30/76	6/21/78	43 FR 26573	8	Extends expiration date to 7/1/79.
		12/28/78	5/21/79	44 FR 29453	20	Permanent extension to burn 2.2%.
310 CMR 7.05(1)(d).	Sulfur content of fuels and control thereof for Metropolitan Boston APCD.	7/11/75 9/16/75	12/5/75	40 FR 56889	6	Approves burning of 1% for large electric generating facilities in certain cities and towns and 2.2% for smaller facilities. Effective 7/1/75 to 7/1/77.
		7/11/75 4/1/77	8/22/77	42 FR 42218	6	Extends expiration date from 7/1/77 to 7/1/78 except for Eastman Gelatin Corp., which must burn 1%.
		4/20/78	11/30/78	43 FR 56040	6	Extends expiration date from 7/1/78 to 7/1/79.
	Sulfur content of fuels and control thereof for Metropolitan Boston APCD.	12/28/78	5/21/79	44 FR 29453	20	Permanent extension to burn 2.2%.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
		4/25/80	1/27/81	46 FR 8476	34	Approves the burning of 2.2% at Natick Paperboard Corp.
		11/25/80	8/11/81	46 FR 40688	38	Approves the increase to 2.2% at Boston Edison Mystic Generating Station for 30 months from 8/11/81 (expires 2/11/84).
		7/14/81	12/16/81	46 FR 61123	41	Approves burning of 2.2% at Haverhill Paper Corp.
		11/27/79	12/15/80	45 FR 82251	32	Allows the burning of 2.2% at Proctor and Gamble.
		9/24/81	12/15/81	46 FR 61118	43	Approves burning of 2.2% at Eastman Gelatin Corp.
		12/7/83	9/25/84	49 FR 37592	65	Approves burning of 2.2% at Boston Edison Mystic Generating Station until 3/25/87.
310 CMR 7.05(1)(e).	Sulfur content of fuels and control thereof for Pioneer Valley APCDs.	7/22/77	2/1/77	42 FR 5957	9	Approves 2.2% except for sources listed in 52.1125.
		7/22/76 8/22/77 12/27/77	6/21/78	43 FR 26573	9	Extends expiration date to 7/1/79.
		1/3/79	5/21/79	44 FR 29453	21	Permanent extension to burn 2.2%
		3/2/80	1/19/81	45 FR 4918	33	Approves the burning of 2.2% at all sources in Franklin and Hampshire Counties rated at less than 100 mBtu except Esleek Manufacturing Co., and Millers Falls Paper Co.
		10/13/81	2/10/82	47 FR 6011	45	Approves the burning of 2.2% at Holyoke Gas and Electric Department, Holyoke, MA.
		7/18/84 4/17/85 3/16/87 11/25/87	2/15/90	55 FR 5449	77	Approves the burning of 2.2% and imposes fuel use limits at American Fiber and Finishing Co., Erving Paper Co., and Westfield River Paper Co.
310 CMR 7.05(1)(f)	Sulfur content of fuels and control thereof for Southeastern APCD.	12/30/76	9/2/77	42 FR 44235	12	Approves burning of 2.2% for sources listed in 52.1126, all others must continue to burn 1%.
		12/30/76 1/31/78	9/8/78	43 FR 40010	12	Extends expiration date from 5/1/78 to 7/1/79.
		1/31/79	5/21/79	44 FR 29453	22	Permanent extension to burn 2.2%.
310 CMR 7.05(4) ..	Ash content of fuels for Pioneer Valley for APCD.	1/3/79	5/21/79	44 FR 29453	21	
	Ash content of fuels for Metropolitan Boston APCD.	7/20/79	5/21/79	44 FR 29453	23	

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
	Ash content of fuels	12/3/85 1/31/86 2/11/86	11/25/86	51 FR 42564	69	Includes Berkshire Air Pollution Control District to 7.05(4)(b)(2) so facilities in that district can apply to burn fossil fuel with an ash content in excess of 9 pct bydry weight.
310 CMR 7.06	Visible emissions	8/28/72	10/28/72	37 FR 23085	4	
		7/5/78	2/7/79	44 FR 7712	17	Approves New England Power Company, Salem Harbor Station to burn a coal oil slurry.
		12/28/79	8/12/80	45 FR 53476	17	Extension of temporary revision to allow exceedance of 20% capacity limit at New England Power Company's Salem Harbor Station, Salem, MA Unit 1 so can burn 30% coal/70% oil mixture until 12/31/80.
310 CMR 7.07	Open burning	12/9/77	9/29/78	43 FR 44841	16	Two revisions with conditions to permit open burning of brush cane, driftwood and forest debris for 2 months of the year.
	Open burning	9/28/79	6/17/80	45 FR 40987	27	Approves open burning (as in (c) 16) from 1/15 to 5/1 in certain areas of the State.
310 CMR 7.08	Incinerators	8/28/72	10/28/72	37 FR 23085	4	
310 CMR 7.08(2), except sections: (a); the definition of ''Material Separation Plan'' in (c); (d)1; (d)2; (d)3; (d)4; (d)5; (d)6; (d)8; (f)1; (f)2; (f)5; (f)6; (f)7; (g)1; (g)2; (g)3; (g)4; (h)2.a; (h)2.b; (h)2.d; (h)2.e; (h)2.g; (h)2.h; (h)4; (h)5.a; (h)5.c; (h)5.d; (h)9; (h)10; (h)13; (i)1.b; (i)1.g; (i)2.c; (i)2.d; (i)2.e; and (k)3..	MWC NO_X requirements.	1/11/99	9/2/99	64 FR 48098	119	Only approved NO_X related requirements of state plan for MWCs. The following sections were not submitted as part of the SIP: (a), the definition of ''Material Separation Plan'' in (c), (d)1, (d)2, (d)3, (d)4, (d)5, (d)6, (d)8, (f)1, (f)2, (f)5, (f)6, (f)7, (g)1, (g)2, (g)3, (g)4, (h)2.a, (h)2.b, (h)2.d, (h)2.e, (h)2.g, (h)2.h, (h)4, (h)5.a, (h)5.c, (h)5.d, (h)9, (h)10, (h)13, (i)1.b, (i)1.g, (i)2.c, (i)2.d, (i)2.e, and (k)3.
310 CMR 7.09	Dust and odor	8/28/72	10/28/72	37 FR 23085	4	
		12/9/77	9/29/78	43 FR 44841	16	Adds a requirement that mechanized street sweeping equipment must be equipped and operated with a suitable dust collector or suppression system.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.12	Inspection Certificate Record Keeping and Reporting.	6/28/90; 9/30/92; 7/15/94	3/21/96	61 FR 11560	106	The 6/28/90 and 9/30/92 submittals deal with the permitting process. The 7/15/94 submittal develops 7.12 to comply with emission statement requirements.
310 CMR 7.14(2) ..	Continuous Emissions Monitoring.	11/21/86 1/15/85	3/10/89	54 FR 10148	72	References 40 CFR part 51, Appendix P.
310 CMR 7.14(3) ..	Continuous Emissions Monitoring.	11/21/86 1/15/87	3/10/89	54 FR 10148	72	Establishes compliance date for meeting the requirements of 7.14(2).
310 CMR 7.15	Asbestos application	8/28/72	10/28/72	37 FR 23085	4	
310 CMR 7.16	Reduction to single passenger commuter vehicle use.	5/20/77	5/25/78	43 FR 22356	15	For Pioneer Valley APCD.
		12/31/78 5/16/79	9/16/80	45 FR 61293		Reduction of single occupant commuter vehicles.
310 CMR 7.17	Coal conversion	9/7/78	5/14/79	44 FR 27991	19	Brayton Point Station, New England Power Company.
		1/22/82	6/9/82	47 FR 25007	49	Mount Tom Plant, Holyoke, MA Holyoke Water Power Company.
310 CMR 7.18(1) ..	U Applicability and Handling Requirements.	8/17/89	1/11/93	58 FR 3495	93	Approval of 310 CMR CMR 7.18(1), (a), (c), (d) and (e).
310 CMR 7.18(2) ..	U Compliance with Emission Limitations.	8/27/82; 8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Approval of 310 CMR 7.18(2), (2)(a), (2)(b), (2)(c) and (2)(e).
310 CMR 7.18(2) ..	Compliance with emission limitations.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds an exemption for coatings used in small amounts, and a section on daily weighted averaging.
310 CMR 7.18(2)(b).	Generic VOC bubble for surface coaters.	3/6/81 11/12/81	3/29/82	47 FR 13143	42	Includes surface coating of metal cans, large appliances, magnet wire insulation, automobiles, paper fabric and vinyl.
	Generic VOC bubble for surface coaters.	6/24/80	7/12/82	47 FR 30060	47	Adds metal coils.
	Generic VOC bubble for surface coaters.	3/29/95	8/8/96	61 FR 41338	112	Replaces earlier emissions averaging rules for surface coaters.
		7/21/81 3/10/81	6/2/82	47 FR 23927	48	Adds miscellaneous metal parts and products and graphic arts-rotogravure and flexography.
		9/9/82	2/3/83	48 FR 5014	53	Adds metal furniture.
310 CMR 7.18 (2)(e).	Compliance with emission limitations.	.....	3/6/89	54 FR 9213	.....	Testing requirements for plan approvals issued under 310 CMR 7.18(17).
310 CMR 7.18(3) ..	Metal furniture surface coating.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(3) ..	U Metal Furniture Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(3).
310 CMR 7.18(4) ..	Metal can surface coating.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(4) ..	U Metal Can Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(4).
310 CMR 7.18(5) ..	Large appliances surface coating.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(5) ..	U Large Appliance Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(5).

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.18(6) ..	Magnet wire insulation surface coating.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(6) ..	U Magnet Wire Insulation Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(6).
310 CMR 7.18(7) ..	Automobile surface coating.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	45 FR 51480	53	Adds test methods.
310 CMR 7.18(7) ..	Automobile Surface Coating.	8/17/89, 6/7/91	10/8/92	57 FR 46316	92	
310 CMR 7.18(7) ..	Automobile surface coating.	2/17/93	9/3/1999	64 FR 48304	c(117)	Revises a limit for primer surface coating.
310 CMR 7.18(8) ..	Solvent metal degreasing.	12/31/78 5/16/79	9/16/80	45 FR 61293	30	Conditional approval requiring controls for small solvent metal degreasers.
		8/13/83	11/9/83	48 FR 51480	53	Approves public education program for small degreasers and removes conditional approval.
310 CMR 7.18(8) ..	Solvent Metal Degreasing.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds a typographical correction.
310 CMR 7.18(8) ..	U Solvent Metal Degreasing.	8/17/89	1/11/93	58 FR 3495	93	Approval of 310 CMR 7.18(8), (8)(d), (8)(d)1., (8)(e), (8)(f) and (8)(g).
310 CMR 7.18(8) ..	U Solvent Metal Degreasing.	6/7/91	6/30/93	58 FR 34911	58	Approval of 310 CMR 7.18 (8), (8)(a), (8)(a)1., (8)(a)2., (8)(a)3., (8)(a)4., (8)(a)5., (8)(a)6., (8)(b), (8)(b)1., (8)(b)2., (8)(b)3., (8)(b)4., (8)(b)5., (8)(b)6., (8)(b)7., (8)(b)8., (8)(b)9., (8)(b)10., (8)(b)11., (8)(b)12., (8)(b)13., (8)(c), (8)(c)1., (8)(c)2., (8)(c)3., (8)(c)4., (8)(c)5., (8)(c)6., (8)(c)7., (8)(c)8., (8)(c)9., (8)(d)2., (8)(d)3.
310 CMR 7.18(9) ..	Cutback asphalt	12/31/78 5/16/79	9/16/80	45 FR 61293	30	
		9/9/82	11/9/83	48 FR 51480	53	Adds an exemption.
310 CMR 7.18(9) ..	U Cutback Asphalt ...	8/17/89	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(9).
310 CMR 7.18(10)	Surface coating of metal coils.	6/24/80	7/12/82	47 FR 30060	47	Approves and adds to 310 CMR 7.18(2)(b).
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods and removes extended compliance schedule.
310 CMR 7.18(10)	U Metal Coil Coating	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(10).
310 CMR 7.18(11)	Surface coating of miscellaneous metal parts and products.	7/21/81 3/10/82	6/2/82	47 FR 23927	48	Adds to 310 CMR 7.18(2)(b).
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(11)	Surface coating of miscellaneous metal parts and products.	2/17/93	9/3/1999	64 FR 48304	c(117)	Revises a reference.
310 CMR 7.18(11)	U Surface Coating of Miscellaneous Metal Parts and Products.	8/17/89	1/11/93	58 FR 3495	93	Approval of 310 CMR 7.18(11), (11)(b), (11)(c), (11)(d) and (11)(e).

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.18(11)	U Surface Coating of Miscellaneous Metal Parts and Products.	6/7/91	6/30/93	58 FR 34911	58	Approval of 310 CMR 7.18 (11), (11)(a), (11)(a)1., (11)(a)2., (11)(a)3.
310 CMR 7.18(12)	Graphic arts	2/17/93	9/3/1999	64 FR 48304	c(117)	Amends applicability to 50 tons per year VOC.
310 CMR 7.18(12)	Graphic arts-rotogravure and flexography.	7/21/81 3/10/82	6/2/82	47 FR 23927	48	Adds to 310 CMR 7.18(2)(b).
		9/9/82	11/9/83	48 FR 51480	53	
310 CMR 7.18(12)	U Graphic Arts	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(12).
310 CMR 7.18(13)	Perchloroethylene dry cleaning systems.	7/21/81 3/10/82	6/2/82	47 FR 23927	48	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(13)	U Dry Cleaning Systems-Percholorethylene.	8/17/89	1/11/93	58 FR 3495	93	Approval of 310 CMR 7.18(13), (13)(c), (13)(d) and (13)(e). 310 CMR 7.18(13)(a) 8. has been deleted.
310 CMR 7.18(14)	Paper surface coating.	3/6/81	3/8/82	47 FR 9836	40	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(14)	U Paper Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(14).
310 CMR 7.18(15)	Fabric surface coating.	3/6/81	3/8/82	47 FR 9836	40	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(15)	U Fabric Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(15).
310 CMR 7.18(16)	Vinyl surface coating	3/6/81	3/8/82	47 FR 9836	40	
		9/9/82	11/9/83	48 FR 51480	53	Adds test methods.
310 CMR 7.18(16)	U Vinyl Surface Coating.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(16).
310 CMR 7.18(17)	RACT	9/9/82	11/9/83	48 FR 51480	53	All 100 ton per year sources not covered by a CTG.
	RACT	.....	3/6/89	54 FR 9213	.....	Enforceability of plan approvals issued under 310 CMR 7.18(17).
		6/20/89	11/3/89	54 FR 46388	81	RACT for Cranston Print Works Company dated June 20, 1989.
		7/12/89	11/8/89	54 FR 46895	80	RACT for Spalding Corporation Plan Approval dated October 7, 1985 and amended Plan Approval dated July 12, 1989.
		8/8/89	11/8/89	54 FR 46897	82	RACT for Duro Textile Printers (SM–85–168–IF).
		6/20/89	2/21/90	55 FR 5990	79	RACT Compliance Plan Conditional Approval for Monsanto Chemical Company in Indian Orchard dated 6/20/89.
		11/17/89	8/3/90	55 FR 31590	85	RACT for Boston Whaler in Norwell. Amended Plan Approval 4P89005 dated October 19, 1989 and Plan Approval 4P89005 Correction dated Nov. 17, 1989.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
		11/17/89	8/3/90	55 FR 31593	86	RACT for Boston Whaler in Rockland. Amended Plan Approval (4P89006) dated October 19, 1989 and Plan Approval 4P89006 Correction dated November 17, 1989.
	Non-CTG RACT determination.	11/2/89	11/27/90	55 FR 34915	87	RACT for Philips Lighting Company in Lynn, MA, dated November 2, 1989.
	RACT	7/9/90	2/19/91	56 FR 6569	89	RACT for General Motors Corporation in Framingham. Amended Plan Approval dated June 8, 1990.
	RACT	6/13/90	2/27/91	56 FR 8132	88	RACT for Acushnet Company, Titleist Golf Division, Plant A in New Bedford. Amended Plan Approval dated June 1, 1990.
	RACT	10/16/90	3/20/91	56 FR 11677	90	RACT for Erving Paper Mills.
	RACT	4/22/90	10/8/91	56 FR 50660	91	RACT amendment for Erving.
310 CMR 7.18(17)	RACT	5/13/91	12/14/92	57 FR 58993	95	RACT for Dartmouth Finishing Corporation.
310 CMR 7.18(17)	U Reasonable Available Control Technology.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Approval of 310 CMR 7.18(17), (17)(a), (17)(b), (17)(c), (17)(d), (17)(e) and (17)(f).
310 CMR 7.18(17)	RACT	5/22/92	7/28/94	59 FR 38374	(99)	RACT Approval for S. Bent & Bros.
310 CMR 7.18(17)	RACT	7/19/93 1993	1/6/95	60 FR 2017	100	RACT Approval for Nichols & Stone Co.
310 CMR 7.18(17)	Reasonably Available Control Technology.	3/31/94	3/6/95	60 FR 12125	104	RACT for Brittany Dyeing and Finishing of New Bedford, MA.
310 CMR 7.18(17)	Reasonable available control technology.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds new VOC RACT requirements in the Springfield, Mass. ozone nonattainment area only.
310 CMR 7.18(17)	Reasonable Available Control Technology.	2/17/93	10/4/02	67 FR 62183	129	Approves VOC RACT requirements for the eastern Massachusetts ozone nonattainment area. (These requirements were previously approved for the western Massachusetts ozone nonattainment area.)
310 CMR 7.18(17)	Reasonable Available Control Technology.	10/7/99	10/4/02	67 FR 62183	129	VOC RACT plan approval for Gilette.
310 CMR 7.18(17)	Reasonable Available Control Technology.	10/7/99	10/4/02	67 FR 62183	129	VOC RACT plan approval for Norton.
310 CMR 7.18(17)	Reasonable Available Control Technology.	4/16/99	10/4/02	67 FR 62183	129	VOC RACT plan approval for Rex.
310 CMR 7.18(17)	Reasonable Available Control Technology.	4/16/99	10/4/02	67 FR 62183	129	VOC RACT plan Available for Barnet.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.18(18)	Polystyrene Resin Manufacture.	2/21/86; 2/25/86; 6/23/86	8/31/87	52 FR 32792	73	Regulation pursuant to Group III CTG, "Control of VOC Emissions from the Manufacture of Polystyrene Resins".
310 CMR 7.18(18)	U Polystyrene Resin Manufacturing Technology.	8/17/89; 6/7/91	1/11/93	58 FR 3495	93	Replacement of 310 CMR 7.18(18).
310 CMR 7.18(19)	Synthetic organic chemical manufacture.	11/5/86; 12/10/86	11/19/87	52 FR 44395	74	
310 CMR 7.18(20)	Emission Control Plans for implementa-tion of reasonably available control technology.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds new VOC RACT requirements.
310 CMR 7.18(21)	Surface coating of plastic parts.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for plastic parts surface coating.
310 CMR 7.18(22)	Leather surface coating.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for leather surface coating.
310 CMR 7.18(23)	Wood products surface coating.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for wood product surface coating.
310 CMR 7.18(24)	Flat wood paneling surface coating.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for flat wood paneling surface coating.
310 CMR 7.18(25)	Offset lithographic printing.	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for offset lithographic printing.
310 CMR 7.18(26)	Textile finishing	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for textile finishing.
310 CMR 7.18(27)	Coating mixing tanks	2/17/93	9/3/1999	64 FR 48304	c(117)	Adds VOC RACT for coating mixing tanks.
310 CMR 7.18(28)	Automotive Refinishing.	01/09/95	2/14/96	61 FR 5699	109	Reasonably Available Control Technology Requirement (RACT) for automotive refinishing.
310 CMR 7.18(29)	Bakeries	03/29/95	7/5/00	65 FR 41346	110	Reasonably Available Control Technology Requirement (RACT) for bakeries.
310 CMR 7.19	Interim sulfur-in-fuel limitations for fossil fuel utilization facilities pending conversion to an alternate fuel or implementation of permanent energy conservation measures.	9/12/80	3/19/81	46 FR 17551	37	Energy/environment initiative.
		12/29/81	4/13/82	47 FR 15790	46	ATF Davidson Company, Northbridge, MA temporary sulfur-in-fuel revision until 12/1/83.
		9/28/82	12/1/82	47 FR 54072	52	Polaroid Corp., Waltham, MA temporary sulfur/in/fuel relaxation until 6/1/85.
			6/2/83	48 FR 24689	52	Correction notice.
		9/29/82	11/23/82	47 FR 52704	51	Northeast Petroleum Corp., Chelsea, MA sulfur content increase from 0.28 to 0.55 lbs/mBtu heat release potential permanently.
		4/4/83	3/23/84	49 FR 11092	59	Stanley Woolen Co., Uxbridge, to burn 2.2% until 9/23/86.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
		10/31/83	3/23/84	49 FR 11091	61	Reed and Barton Silversmiths, Taunton, to burn 2.2% until 9/23/86.
		11/16/83	7/30/84	49 FR 30306	62	ATF Davidson Company, Northbridge, to burn 2.2% permanently.
		2/2/84	6/15/84	49 FR 24723	63	American Biltrite Corporation, Chelsea, to burn 1.0% until 12/15/86.
		7/11/84	9/25/84	49 FR 37591	67	James River Corporation, Hyde Park Mill, Boston to burn 2.2% until 3/25/87.
		2/8/85, 10/23/85	4/1/86	51 FR 11021	68	Phillips Academy, Andover, MA to burn 2.2% until September 1, 1988.
	Interim sulfur-in-fuel limitations for fossil fuel utilities pending conversion to an alternative fuel or implementation of permanent energy conservation measures.	2/19/86	8/12/86	51 FR 28814	70	Mary Ellen McCormick and Malverick Family Development facilities in the Boston Housing Authority, Boston to burn 2.2% until February 12, 1989.
		5/12/86	11/25/86	51 FR 42565	71	Mission Hill Extension Family Development facility, in the Boston Housing Authority, Boston, MA to burn 2.2% until May 25, 1989.
310 CMR 7.19	NO_X RACT	7/15/94	9/2/99	64 FR 48098	119	NO_X RACT regulations.
310 CMR 7.19	NO_X RACT	10/4/96	9/2/99	64 FR 48098	119	Facility specific NO_X RACT for Specialty Minerals, Incorporated.
310 CMR 7.19	NO_X RACT	12/2/96	9/2/99	64 FR 48098	119	Facility specific NO_X RACT for Monsanto Company's Indian Orchard facility.
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	64 FR 48098	119	Facility specific NO_X RACT for Turners Falls Limited Partnership/Indeck Energy Services Turners Falls, Inc., in Montague.
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	64 FR 48099	119	Facility specific NO_X RACT for Medusa Minerals Company in Lee.
310 CMR 7.19	NO_X RACT	4/16/99	9/2/99	64 FR 48099	119	Approval of the replacement of section 310 CMR 7.19(1)(c)1, (1)(c)8, (2)(b), (3)(a), (3)(c)2, (4)(a)3.b, (7)(a)4, (9), (13)(a), (13)(a)3, (13)(a)9, and (13)(a)13.
310 CMR 7.19 (2)(d).	Generic NO_X bubbling and trading for RACT sources.	3/29/95	8/8/96	61 FR 41338	112	Adds credit creation option for NO_X RACT sources.
310 CMR 7.19 (2)(g).	Generic NO_X bubbling and trading for RACT sources.	3/29/95	8/8/96	61 FR 41338	112	Adds credit use option for NO_X RACT sources.
310 CMR 7.19(13)(b).	Continuous Emissions Monitoring Systems.	11/19/99	12/27/00	65 FR 81747	124	revisions to regulatory language.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.19 (14)	Generic NO_X bubbling for RACT sources.	3/29/95	8/8/96	61 FR 41338	112	Adds quantification, testing, monitoring, record keeping, reporting, and emission control plan requirements for averaging NO_X RACT sources.
310 CMR 7.24(5)(b)2.	Revision to gasoline volatility testing regulation.	10/16/89	4/19/90	55 FR 14832	83	
310 CMR 7.24	U Organic Material Storage and Distribution.	6/7/91, 11/13/92, 2/17/93	6/30/93	58 FR 34911	58	Replacement of 310 CMR 7.24, 7.24(1), 7.24(2), 7.24(3), and 7.24(4).
310 CMR 7.24(3) ..	Distribution of motor vehicle fuel.	2/17/93	9/3/1999	64 FR 48304	c(117)	Amends distribution of motor fuel requirements, applicability, record-keeping and testing requirements.
310 CMR 7.24(6) ..	''Dispensing of Motor Vehicle Fuel'' (Stage II).	05/17/90, 06/07/91	12/14/92	57 FR 58996	97	
310 CMR 7.24(6) ..	Dispensing of motor vehicle fuel.	2/17/93	9/15/93	58 FR 48318	98	Previous version of rule approved as strengthening the Massachusetts SIP. Revised rule being approved as meeting the Clean Air Act requirements.
310 CMR 7.24(6) ..	Dispensing Motor Vehicle Fuel.	08/09/00 09/11/00	12/18/00	65 FR 78976	116	Rule revised to include annual compliance testing and certification.
310 CMR 7.24(8) ..	Marine Volatile Organic Liquid Transfer.	10/17/97	4/11/00	65 FR 19326	115	
310 CMR 7.25	Best available controls for consumer and commercial products.	11/18/94	12/19/95	60 FR 65242	108	Includes architectural & industrial maintenance coatings.
310 CMR 7.25	Best Available Controls for Consumer and Commercial Products.	7/30/96	4/11/00	65 FR 19327	115	Definition of ''waterproofing sealer'' revised.
310 CMR 7.27	NO_X Allowance Program.	12/19/97	6/2/99	64 FR 29569	(c)(118)	Approval of NOx cap and allowance trading regulations
		11/19/99	12/27/00	65 FR 81747	124	adding paragraphs 7.27(6)(m), 7.27(9)(b), 7.27(11)(o), 7.27(11)(p) and 7.27(15)(e).
310 CMR 7.28	NO_X Allowance Trading Program.	January 7, 2000	12/27/00	65 FR 81747	124	
310 CMR 7.28	NO_X Allowance Trading Program.	03/30/07	12/3/07	72 FR 67854	135	
.....	.....	03/30/07	12/3/07	72 FR 67854	135	Massachusetts Regulation Filing, dated April 19, 2007, sub-stantiating May 4, 2007, State effective date for amended 310 CMR 7.28 ''NO_X Allowance Trading Program.''
310 CMR 7.30	Massport/Logan Airport Parking Freeze.	12/26/00	March 12, 2001	66 FR 14319	130	Applies to the parking of motor vehicles on Massport property.
310 CMR 7.31	City of Boston/East Boston Parking Freeze.	12/26/00	March 12, 2001	66 FR 14319	130	Applies to the parking of motor vehicles within the area of East Boston.

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.32	Massachusetts Clean Air Interstate Rule (Mass CAIR).	03/30/07	12/3/07	72 FR 67854	135	
.....	.....	03/30/07	12/3/07	72 FR 67854	135	Mass-achusetts Regulation Filing, dated April 19, 2007, sub-stantiating May 4, 2007, State effective date for adopted 310 CMR 7.32 " Massachusetts Clean Air Interstate Rule (Mass CAIR)."
310 CMR 7.33	City of Boston/South Boston Parking Freeze.	7/30/93	10/15/96	61 FR 53633	111	Applies to the parking of motor vehicles within the area of South Boston, including Massport property in South Boston.
310 CMR 7.36	Transit system improvements regulations.	12/9/91	10/4/94	59 FR 50498	101	Transit system improvement regulation for Boston metropolitan area.
310 CMR 7.36	Transit system improvements regulation.	12/13/06	07/31/08	73 FR 44654	136	Amendments to Transit System Improvements Regulation.
	.....	12/13/06	07/31/08	73 FR 44654	136	Massachusetts Regulation Filing, dated November 16, 2006, substantiating December 1, 2006, State effective date for amended 310 CMR 7.36 entitled "Transit System Improvements."
310 CMR 7.37	High occupancy vehicle lanes regulation.	12/9/91	10/4/94	59 FR 50498	101	High occupancy vehicle lanes regulation for Boston metropolitan area.
310 CMR 7.38	Tunnel vent certification regulation.	1/30/91	10/8/92	57 FR 46312	96	Tunnel ventilation certification regulation for Boston metropolitan area.
310 CMR 7.38	Tunnel vent certification regulation.	7/12/06	2/15/08	73 FR 8818	134	Amendments to Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District.
		7/12/06	2/15/08	73 FR 8818	134	Massachusetts Regulation Filing, dated December 13, 2005, substantiating December 30, 2005, State effective date for amended 310 CMR 7.38 "Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District."
310 CMR 7.40	Low emission vehicle	11/15/93 05/11/94	2/1/95	60 FR 6030	103	Substitute for CFFP.
310 CMR 7.40	Low Emission Vehicle Program.	12/24/99	12/23/02	67 FR 78181	132	"Low Emission Vehicle Program" (LEV II) except for 310 CMR 7.40(2)(a)5, 310 CMR 7.40(2)(a)6, 310 CMR 7.40(2)(c)3, 310 CMR 7.40(10), and 310 CMR 7.40(12)

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS—Continued

[See NOTES at end of Table]

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.50	Variances, regulations for control of air pollution in the six MA APCDs.	9/14/74	10/8/76	41 FR 44395	7	
		9/14/74	2/4/77	42 FR 6812	7	Correction.
310 CMR 7.51	Hearings relative to orders and approvals.	8/28/72	10/28/72	37 FR 23085	4	
310 CMR 7.52	Enforcement provisions.	8/28/72	10/28/72	37 FR 23085	4	
310 CMR 8	Regulations for the prevention and/or abatement of air pollution episode and air pollution incident emergencies.	2/22/72	10/28/72	37 FR 23085	1	
		12/30/76	9/2/77	42 FR 44235	12	Changes significant harm and alert levels.
310 CMR 8.02	Definitions	7/25/90	10/04/02	67 FR 62187	120	Add a definition of PM10.
310 CMR 8.03	Criteria	7/25/90	10/04/02	67 FR 62187	120	Make PM10 the particulate criteria for determining emergeny episodes.
310 CMR 60.02	Regulations for the enhanced Motor Vehicle Inspection and Maintenance Program.	5/14/99	11/15/00	65 FR 68900	122	Replaces requirements for I/M tests with enhanced I/M test requirements.
540 CMR 4.00	Periodic Annual Staggered Safety and Emissions Inspection of Motor Vehicles.	5/13/99	11/15/00	65 FR 68900	122	Revises Requirements for Inspections and Enforcement of I/M Program

NOTES:
1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.
2. The regulations are effective statewide unless stated otherwise in comments or title section.

[49 FR 49454, Dec. 20, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1167, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§52.1168 Certification of no sources.

The Commonwealth of Massachusetts has certified to the satisfaction of EPA that no sources are located in the Commonwealth which are covered by the following Control Techniques Guidelines:

(a) Large Petroleum Dry Cleaners.

(b) Natural Gas/Gasoline Processing Plants.

(c) Air Oxidation Processes/SOCMI.

(d) Polypropylene/Polyethylene Manufacturing.

[52 FR 32792, Aug. 31, 1987]

§52.1168a Part D—Disapproval of Rules and Regulations.

On December 30, 1985, the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted a revision to the Massachusetts State Implementation Plan (SIP) for the automobile surface coating regulation. This revision requested an extension of the final compliance dates to implement reasonably available control technology (RACT) on topcoat and final repair applications. As a result of EPA's disapproval of this revision, the existing compliance date of December 31, 1985 specified in the automobile surface coating regulation contained in

the Massachusetts SIP will remain in effect (Massachusetts Regulation 310 CMR 7.18(7) as approved by EPA and codified at 40 CFR 52.1120(c)(30) and (53)).

[53 FR 36014, Sept. 16, 1988]

§ 52.1169 Stack height review.

The Commonwealth of Massachusetts has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on April 8, 1986. The commonwealth has further declared in a letter from Bruce K. Maillet, dated June 24, 1986, that, ''[A]s part of our new source review activities under the Massachusetts SIP and our delegated PSD authority, the Department of Environmental Quality Engineering will follow EPA's stack height regulations, as revised in the FEDERAL REGISTER on July 8, 1985 (50 FR 27892).'' Thus, the Commonwealth has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

Subpart X—Michigan

§ 52.1170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Michigan under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet National Ambient Air Quality Standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to August 1, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after August 1, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 5 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of August 1, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, IL 60604; the EPA, Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA-APPROVED MICHIGAN REGULATIONS

Michigan citation	Title	State effective date	EPA approval date	Comments
Annual Reporting				
R 336.202	Annual reports	11/11/86	3/8/94, 59 FR 10752.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
Part 1. General Provisions				
R 336.1101	Definitions; A	4/27/93	9/7/94, 59 FR 46182.	Only: actual emissions, air-dried coating, air quality standard, allowable emissions, and alternate opacity.
		2/22/85	6/11/92, 57 FR 24752.	
R 336.1102	Definitions; B	5/27/02	2/24/03, 68 FR 8550.	
R 336.1103	Definitions; C	4/27/93	9/7/94, 59 FR 46182.	Only: coating category, calendar day, class II hardboard paneling finish, coating line, coating of automobiles and light duty trucks, coating of fabric, coating of large appliances, coating of paper, coating of vinyl, component, component in field gas service, component in gaseous volatile organic compound service, component in heavy liquid service, component in light liquid service, component in liquid volatile organic compound service, condenser, conveyorized vapor degreaser, and creditable.
		2/22/85	6/11/92, 57 FR 24752.	
R 336.1104	Definitions; D	5/27/02	2/24/03, 68 FR 8550.	
R 336.1105	Definitions; E	5/27/02	2/24/03, 68 FR 8550.	
R 336.1106	Definitions; F	2/22/85	6/11/92, 57 FR 24752.	
R 336.1107	Definitions; G	5/27/02	2/24/03, 68 FR 8550.	
R 336.1108	Definitions; H	5/27/02	2/24/03, 68 FR 8550.	
R 336.1109	Definitions; I	8/21/81	7/26/82, 47 FR 32116.	
R 336.1112	Definitions; L	1/18/80	5/6/80, 45 FR 29790.	
R 336.1113	Definitions; M	5/27/02	2/24/03, 68 FR 8550.	
R 336.1114	Definitions; N	8/21/81	7/26/82, 47 FR 32116.	
R 336.1115	Definitions; O	8/21/81	7/26/82, 47 FR 32116.	
R 336.1116	Definitions; P	4/27/93	9/7/94, 59 FR 46182.	Only: packaging rotogravure printing, printed interior panel, process unit turnaround, publication rotogravure printing, and pushside Removed: pneumatic rubber tire manufacturing.
		2/22/85	6/11/92, 57 FR 24752.	All except pneumatic rubber tire manufacturing, which was removed 9/7/94.
R 336.1118	Definitions; R	5/27/02	2/24/03, 68 FR 8550.	
R 336.1119	Definitions; S	2/22/85	6/11/92, 57 FR 24752.	
R 336.1120	Definitions; T	5/27/02	2/24/03, 68 FR 8550.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1121	Definitions; U	4/20/89	9/15/94, 59 FR 47254.	
R 336.1122	Definitions; V	3/13/03	2/9/04, 69 FR 5932.	
R 336.1123	Definitions; W	8/21/81	7/26/82, 47 FR 32116.	
R 336.1127	Terms defined in the act	1/18/80	5/6/80, 45 FR 29790.	
Part 2. Air Use Approval				
R 336.1201	Permits to install	1/18/80	5/6/80, 45 FR 29790.	
R 336.1202	Waivers of approval	1/18/80	5/6/80, 45 FR 29790.	
R 336.1203	Information required	1/18/80	5/6/80, 45 FR 29790.	
R 336.1204	Authority of agents	1/18/80	5/6/80, 45 FR 29790.	
R 336.1206	Processing of applications for other facilities.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1207	Denial of permits to install	1/18/80	5/6/80, 45 FR 29790.	
R 336.1208	Permits to operate	1/18/80	5/6/80, 45 FR 29790.	
R 336.1220	Construction of sources of volatile organic compounds in ozone nonattainment areas; conditions for approval.	8/21/81	1/27/82, 47 FR 3764.	
R 336.1221	Construction of sources of particulate matter, sulfur dioxide, or carbon monoxide in or near nonattainment areas; conditions for approval.	7/17/80	1/12/82, 47 FR 1292.	
R 336.1240	Required air quality models	1/18/80	5/6/80, 45 FR 29790.	
R 336.1241	Air quality modeling demonstration requirements.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1280	Permit system exemptions; cooling and ventilation equipment.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1281	Permit system exemptions; cleaning, washing and drying equipment.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1282	Permit system exemptions; cooling and ventilation equipment.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1283	Permit system exemptions; testing and inspection equipment.	7/17/80	8/28/81, 46 FR 43422.	
R 336.1284	Permit system exemptions; containers.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1285	Permit system exemptions; miscellaneous.	1/18/80	5/6/80, 45 FR 29790.	
Part 3. Emission Limitations and Prohibitions—Particulate Matter				
R 336.1301	Standards for density of emissions.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1303	Grading visible emissions	3/19/02	6/1/06, 71 FR 31093.	
R 336.1310	Open burning	2/3/99	6/28/02, 67 FR 43548.	
R 336.1330	Electrostatic precipitation control systems.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1331	Emissions of particulate matter.	3/19/02	6/1/06, 71 FR 31093.	All except Table 31, section C.8.
		1/18/80	5/22/81, 46 FR 27923.	Only Table 31 Section C.7, preheater equipment.

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1349	Coke oven compliance date	2/22/85	6/11/92, 57 FR 24752.	
R 336.1350	Emissions from larry-car charging of coke ovens.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1351	Charging hole emissions from coke ovens.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1352	Pushing operation fugitive emissions from coke ovens.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1353	Standpipe assembly emissions during coke cycle from coke ovens.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1354	Standpipe assembly emissions during decarbonization from coke ovens.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1355	Coke oven gas collector main emissions from slot-type coke ovens.	1/18/80	5/55/81, 46 FR 27923.	
R 336.1356	Coke oven door emissions from coke ovens; doors that are 5 meters or shorter.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1357	Coke oven door emissions from coke oven doors; doors that are taller than 5 meters.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1358	Roof monitor visible emissions at steel manufacturing facilities from electric arc furnaces and blast furnaces.	4/30/98	6/1/06, 71 FR 31093.	
R 336.1359	Visible emissions from scarfer operation stacks at steel manufacturing facilities.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1360	Visible emissions from coke oven push stacks.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1361	Visible emissions from blast furnace casthouse operations at steel manufacturing facilities.	4/30/98	6/1/06, 71 FR 31093.	
R 336.1362	Visible emissions from electric arc furnace operations at steel manufacturing facilities.	4/30/98	6/1/06, 71 FR 31093.	
R 336.1363	Visible emissions from argon-oxygen decarburization operations at steel manufacturing facilities.	4/30/98	6/1/06, 71 FR 31093.	
R 336.1364	Visible emissions from basic oxygen furnace operations.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1365	Visible emissions from hot metal transfer operations at steel manufacturing facilities.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1366	Visible emissions from hot metal desulphurization operations at steel manufacturing facilities.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1367	Visible emissions from sintering operations.	2/22/85	6/11/92, 57 FR 24752.	
R 336.1370	Collected air contaminants	2/17/81	11/15/82, 47 FR 51398.	
R 336.1371	Fugitive dust control programs other than areas listed in Table 36.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1372	Fugitive dust control program; required activities; typical control methods.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1374	Particulate matter contingency measures: Areas listed in Table 37.	3/19/02	6/1/06, 71 FR 31093.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
Part 4. Emission Limitations and Prohibitions—Sulfur-Bearing Compounds				
R 336.1401	Emissions of sulfur dioxide from power plants.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1402	Emission of sulfur dioxide from fuel-burning sources other than power plants.	1/18/80	5/6/80, 45 FR 29790.	
R 336.1403	Oil- and natural gas-producing or transporting facilities and natural gas-processing facilities; emissions; operation.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1404	Emissions of sulfuric acid mist from sulfuric acid plants.	1/18/80	5/6/80, 45 FR 29790.	
Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions				
R 336.1601	Definitions	3/19/02	6/1/06, 71 FR 31093.	
R 336.1602	General provisions for existing sources of volatile organic compound emissions.	4/10/00	6/28/02, 67 FR 43548.	
R 336.1604	Storage of organic compounds having a true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000 gallon capacity.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1605	Storage of organic compounds having a true vapor pressure of 11 or more psia in existing stationary vessels of more than 40,000 gallon capacity.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1606	Loading gasoline into existing stationary vessels of more than 2,000 gallon capacity at dispensing facilities handling 250,000 gallons per year.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1607	Loading gasoline into existing stationary vessels of more than 2,000 capacity at loading facilities.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1608	Loading gasoline into existing delivery vessels at loading facilities handling less than 5,000,000 gallons per year.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1609	Loading existing delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at existing loading facilities handling 5,000,000 or more gallons of such compounds per year.	4/20/89	9/15/94, 59 FR 47254.	
R 336.1610	Existing coating lines; emission of volatile organic compounds from existing automobile, light-duty truck, and other product and material coating lines.	4/27/93	9/7/94, 59 FR 46182.	
R 336.1611	Existing cold cleaners	6/13/97	7/21/99, 64 FR 39034.	
R 336.1612	Existing open top vapor degreasers.	6/13/97	7/21/99, 64 FR 39034.	
R 336.1613	Existing conveyorized cold cleaners.	6/13/97	7/21/99, 64 FR 39034.	
R 336.1614	Existing conveyorized vapor degreasers.	6/13/97	7/21/99, 64 FR 39034.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1615	Existing vacuum-producing system at petroleum refineries.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1616	Process unit turnarounds at petroleum refineries.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1617	Existing organic compound-water separators at petroleum refineries.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1618	Use of cutback paving asphalt	3/19/02	6/1/06, 71 FR 31093.	
R 336.1619	Perchloroethylene; emission from existing dry cleaning equipment; disposal.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1620	Emission of volatile organic compounds from the coating of flat wood paneling from existing coating lines.	4/27/93	9/7/94, 59 FR 46182.	
R 336.1621	Emission of volatile organic compounds from the coating of metallic surfaces from existing coating lines.	4/27/93	9/7/94, 59 FR 46182.	
R 336.1622	Emission of volatile organic compound from existing component of a petroleum refinery; refinery monitoring program.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1623	Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000 gallon capacity.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1624	Emission of volatile organic compound from an existing graphic arts line.	11/18/93	9/7/94, 59 FR 46182.	
R 336.1625	Emission of volatile organic compound from existing equipment utilized in the manufacturing of synthesized pharmaceutical products.	11/30/00	6/1/06, 71 FR 31093.	
R 336.1627	Delivery Vessels; Vapor Collection Systems.	2/22/06	8/3/07, 72 FR 43169.	
R 336.1628	Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1629	Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1630	Emission of volatile organic compounds from existing paint manufacturing processes.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1631	Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene of other organic resins.	3/19/02	6/1/06, 71 FR 31093.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1632	Emission of volatile organic compounds form existing automobile, truck, and business machine plastic part coating lines.	4/27/93	9/7/94, 59 FR 46182.	
R 336.1651	Standards for degreasers	6/13/97	7/21/99, 64 FR 39034.	
R 336.1660	Standards for Volatile Organic Compounds Emissions from Consumer Products.	10/3/07	5/22/09, 74 FR 23952.	
R 336.1661	Definitions for Consumer Products.	11/3/07	5/22/09, 74 FR 23952.	
Part 7. Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions				
R 336.1702	General provisions for new sources of volatile organic compound emissions.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1705	Loading gasoline into delivery vessels at new loading facilities handling less than 5,000,000 gallons per year.	3/19/02	6/1/06, 71 FR 31093.	
R 336.1706	Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at new loading facilities handling 5,000,000 or more gallons of such compounds per year.	6/13/97	7/21/99, 64 FR 39034.	
R 336.1707	New cold cleaners	6/13/97	7/21/99, 64 FR 39034.	
R 336.1708	New open top vapor degreasers.	6/13/97	7/21/99, 64 FR 39034.	
R 336.1709	New conveyorized cold cleaners.	6/13/97	7/21/99, 64 FR 39034.	
R 336.1710	New conveyorized vapor degreasers.	6/13/97	7/21/99, 64 FR 39034.	
Part 8. Emission Limitations and Prohibitions—Oxides of Nitrogen				
R 336.1801	Emission of oxides of nitrogen from non-sip call stationary sources.	5/28/09	8/18/09. 74 FR 41637.	
R 336.1802	Applicability under oxides of nitrogen budget trading program.	5/20/04	12/23/04, 69 FR 76848.	
R 336.1802a	Adoption by reference	5/28/09	8/18/09, 74 FR 41637..	
R 336.1803	Definitions	5/28/09	8/18/09, 74 FR 41637..	
R 336.1804	Retired unit exemption from oxides of nitrogen budget trading program.	5/20/04	12/23/04, 69 FR 76848.	
R 336.1805	Standard requirements of oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1806	Computation of time under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1807	Authorized account representative under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1808	Permit requirements under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1809	Compliance certification under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.1810	Allowance allocations under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1811	New source set-aside under oxides of nitrogen budget trading program.	5/20/04	12/23/04, 69 FR 76848.	
R 336.1812	Allowance tracking system and transfers under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1813	Monitoring and reporting requirements under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1814	Individual opt-ins under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1815	Allowance banking under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1816	Compliance supplement pool under oxides of nitrogen budget trading program.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1817	Emission limitations and restrictions for Portland cement kilns.	12/4/02	12/23/04, 69 FR 76848.	
R 336.1818	Emission limitations for stationary internal combustion engines.	11/20/06	1/29/08, 73 FR 5101.	
R 336.1821	CAIR NO_X ozone and annual trading programs; applicability determinations.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1822	CAIR NO_X ozone season trading program; allowance allocations.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1823	New EGUs, new non-EGUs, and newly affected EGUs under CAIR NO_X ozone season trading program; allowance allocations.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1824	CAIR NO_X ozone season trading program; hardship set-aside.	6/25/07	8/18/09, 74 FR 41637..	
R 336.1825	CAIR NO_X ozone season trading program; renewable set-aside.	6/25/07	8/18/09, 74 FR 41637..	
R 336.1826	CAIR NO_X ozone season trading program; opt-in provisions.	6/25/07	8/18/09, 74 FR 41637..	
R 336.1830	CAIR NO_X annual trading program; allowance allocations.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1831	New EGUs under CAIR NO_X annual trading program; allowance allocations.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1832	CAIR NO_X annual trading program; hardship set-aside.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1833	CAIR NO_X annual trading program; compliance supplement pool.	5/28/09	8/18/09, 74 FR 41637..	
R 336.1834	Opt-in provisions under the CAIR NO_X annual trading program.	6/25/07	8/18/09, 74 FR 41637..	
Part 9. Emission Limitations and Prohibitions—Miscellaneous				
R 339.1901	Air contaminant or water vapor, when prohibited.	1/18/80	5/6/80, 45 FR 29790.	
R 339.1906	Diluting and concealing emissions.	3/19/02	6/1/06, 71 FR 31093.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 339.1910	Air-cleaning devices	1/18/80	5/6/80, 45 FR 29790.	
R 339.1911	Malfunction abatement plans	3/19/02	6/1/06, 71 FR 31093.	
R 336.1912	Abnormal conditions, start-up, shutdown, and malfunction of a source, process, or process equipment, operating, notification, and reporting requirements.	7/26/95, as corrected 6/1/07	10/26/07, 72 FR 60783.	
R 339.1915	Enforcement discretion in instances of excess emission resulting from malfunction, start-up, or shutdown.	5/27/02	2/24/03, 68 FR 8550.	
R 339.1916	Affirmative defense for excess emissions during start-up or shutdown.	5/27/02	2/24/03, 68 FR 8550.	
R 339.1930	Emission of carbon monoxide from ferrous cupola operations.	3/19/02	6/1/06, 71 FR 31093.	
Part 10. Intermittent Testing and Sampling				
R 336.2001	Performance tests by owner	3/19/02	6/1/06, 71 FR 31093, 6/1/06 71 FR 31093.	
R 336.2002	Performance tests by commission.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2003	Performance test criteria	3/19/02	6/1/06, 71 FR 31093.	
R 336.2004	Appendix A; reference test methods; adoption of federal reference test methods.	2/22/06	8/3/07, 72 FR 43169.	
R 336.2005	Reference test methods for state-requested tests of delivery vessels.	2/22/06	8/3/07, 72 FR 43169.	
R 336.2006	Reference test method serving as alternate version of federal reference test method 25 by incorporating Byron analysis.	4/27/93	9/7/94, 59 FR 46182.	
R 336.2007	Alternate version of procedure L, referenced in R 336.2040(10).	3/19/02	6/1/06, 71 FR 31093.	
R 336.2011	Reference test method 5B	4/29/05	6/1/06, 71 FR 31093.	
R 336.2012	Reference test method 5C	10/15/04	6/1/06, 71 FR 31093.	
R 336.2013	Reference test method 5D	3/19/02	6/1/06, 71 FR 31093.	
R 336.2014	Reference test method 5E	10/15/04	6/1/06, 71 FR 31093.	
R 336.2021	Figures	3/19/02	6/1/06, 71 FR 31093.	
R 336.2030	Reference test method 9A	2/22/85	6/11/92, 57 FR 24752.	
R 336.2031	Reference test method 9B	2/22/85	6/11/92, 57 FR 24752.	
R 336.2032	Reference test method 9C	2/22/85	6/11/92, 57 FR 24752.	
R 336.2033	Test methods for coke oven quench towers.	2/22/85	6/11/92, 57 FR 24752.	
R 336.2040	Method for determination of volatile organic compound emissions from coating lines and graphic arts lines.	3/19/02	6/1/06, 71 FR 31093.	All except sections (9) and (10).
R 336.2041	Recording requirements for coating lines and graphic arts lines.	4/27/93	9/7/94, 59 FR 46182.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
Part 11. Continuous Emission Monitoring				
R 336.2101	Continuous emission monitoring, fossil fuel-fired steam generators.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2102	Continuous emission monitoring, sulfuric acid-producing facilities.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2103	Continuous emission monitoring, fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2150	Performance specifications for continuous emission monitoring systems.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2151	Calibration gases for continuous emission monitoring systems.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2152	Cycling time for continuous emission monitoring systems.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2153	Zero and drift for continuous emission monitoring systems.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2154	Instrument span for continuous emission monitoring systems.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2155	Monitor location for continuous emission monitoring systems.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2159	Alternative continuous emission monitoring systems.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2170	Monitoring data reporting and recordkeeping.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2175	Data reduction procedures for fossil fuel-fired steam generators.	11/15/04	6/1/06, 71 FR 31093.	
R 336.2176	Data reduction procedures for sulfuric acid plants.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2189	Alternative data reporting or reduction procedures.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2190	Monitoring System Malfunctions.	3/19/02	6/1/06, 71 FR 31093.	
R 336.2199	Exemptions from continuous emission monitoring requirements.	1/18/80	11/2/88, 53 FR 44189.	All except section (c).
Part 16. Organization, Operation and Procedures				
R 336.2606	Declaratory rulings requests ..	1/18/80	11/2/88, 53 FR 44189.	
R 336.2607	Consideration and disposition of declaratory rulings requests.	1/18/80	11/2/88, 53 FR 44189.	
Part 17. Hearings				
R 336.2701	Procedures from Administrative Procedures Act.	4/10/00	6/28/02, 67 FR 43548.	
R 336.2702	Service of notices and orders; appearances.	4/10/00	6/28/02, 67 FR 43548.	
R 336.2704	Hearing commissioner's hearings.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2705	Agency files and records, use in connection with hearings.	1/18/80	11/2/88, 53 FR 44189.	
R 336.2706	Commission hearings after hearing commissioner hearings.	1/18/80	11/2/88, 53 FR 44189.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
Executive Orders				
1991–31	Commission of Natural Resources, Department of Natural Resources, Michigan Department of Natural Resources, Executive Reorganization.	1/7/92	11/6/97, 62 FR 59995.	Introductory and concluding words of issuance; Title I: General, Part A Sections 1, 2, 4 & 5 and Part B; Title III: Environmental Protection, Part A Sections 1 & 2 and Part D; Title IV: Miscellaneous, Parts A & B, Part C Sections 1, 2 & 4 and Part D.
1995–18	Michigan Department of Environmental Quality, Michigan Department of Natural Resources, Executive Reorganization.	9/30/95	11/6/97, 62 FR 59995.	Introductory and concluding words of issuance; Paragraphs 1, 2, 3(a) & (g), 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18.
State Statutes				
Act 250 of 1965, as amended	Tax Exemption Act	1972	5/31/72, 37 FR 10841.	
Act 348 of 1965, as amended	Air Pollution Act	1972	5/31/72, 37 FR 10841.	
Act 348 of 1965, as amended	Air Pollution Act	1986	2/17/88, 53 FR 4622.	Only section 7a.
Act 348 of 1965, as amended	Air Pollution Act	1990	3/8/94, 59 FR 10752.	Only sections 5 and 14a.
Act 127 of 1970	Michigan Environmental Protection Act.	7/27/70	5/31/72, 37 FR 10841.	
Act 283 of 1964, as amended	Weights and Measures Act	8/28/64	5/5/97, 62 FR 24341.	Only chapter 290, sections 613 and 615.
Act 44 of 1984, as amended	Michigan Motor Fuels Quality Act.	11/13/93	5/5/97, 62 FR 24341.	Only chapter 290, sections 642, 643, 645, 646, 647, and 649.
Act 12 of 1993	Small Business Clean Air Assistance Act.	4/1/93	6/3/94, 59 FR 28785.	
Act 451 of 1994, as amended	Natural Resources and Environmental Protection Act.	3/30/95	2/10/98, 63 FR 6650.	Only sections 324.5524 and 324.5525.
House Bill 4165	Motor Vehicle Emissions Inspection and Maintenance Program Act.	11/13/93	2/21/96, 61 FR 31831.	
House Bill 4898	An Act to amend section 3 of Act 44 of 1984.	11/13/93	10/11/94, 59 FR 51379.	
House Bill 5016	Motor Vehicle Emissions Testing Program Act.	11/13/93	3/7/95, 60 FR 12459.	
House Bill 5508	Amendment to Motor Fuels Quality Act, Act 44 of 1984.	4/06/06	3/2/07, 72 FR 4432.	
Senate Bill 726	An Act to amend sections 2, 5, 6, 7, and 8 of Act 44 of 1984.	11/13/93	9/7/94, 59 FR 46182.	
Local Regulations				
City of Grand Rapids Ordinance 72–34.	City of Grand Rapids Air Pollution Control Regulations.	1972	5/31/72, 57 FR 10841.	Ordinance amends sections 9.35 and 9.36 of article 4, Chapter 151 Title IX of the Code of the City of Grand Rapids.
Muskegon County Air Pollution Control Rules.	Muskegon County Air Pollution Control Rules and Regulations, as amended.	3/27/73	5/16/84, 49 FR 20650.	Only article 14, section J.
Wayne County Air Pollution Control Regulations.	Wayne County Air Pollution Control Regulations.	3/20/69	5/16/80, 45 FR 29790.	
Wayne County variance	Minutes from 1981 board meeting.	9/18/81	5/16/80, 45 FR 29790.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
Wayne County Air Pollution Control Ordinance.	Wayne County Air Pollution Control Ordinance.	11/18/85	5/13/93, 58 FR 28359.	Only: chapters 1, 2, 3, 5 (except for the portions of section 501 which incorporate by reference the following parts of the state rules: the quench tower limit in R 336.1331, Table 31, section C.8; the deletion of the limit in R 336.1331 for coke oven coal preheater equipment; and R 336.1355), 8 (except section 802), 9, 11, 12, 13, and appendices A and D.
Part 18. Prevention of Significant Deterioration of Air Quality				
R 336.2801	Definitions	December 4, 2006	March 25, 2010, 75 FR 14352.	All sections except for (j) and (ff), [reserved in original rule].
R 336.2801	Definitions	September 11, 2008	March 25, 2010, 75 FR 14352.	Sections (hh) and (r)(ii).
R 336.2801	Definitions	September 11, 2008	September 27, 2010, 75 FR 59081.	Section (ee).
R 336.2802	Applicability	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2803	Ambient Air Increments	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2804	Ambient Air Ceilings	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2805	Restrictions on Area Classifications.	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2806	Exclusions from Increment Consumption.	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2807	Redesignation	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2808	Stack Heights	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2809	Exemptions	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2810	Control Technology Review	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2811	Source Impact Analysis	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2812	Air Quality Models	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2813	Air Quality Analysis	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2814	Source Information	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2815	Additional Impact Analyses	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2817	Public Participation	December 4, 2006	March 25, 2010, 75 FR 14352.	

EPA-APPROVED MICHIGAN REGULATIONS—Continued

Michigan citation	Title	State effective date	EPA approval date	Comments
R 336.2818	Source Obligation	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2818	Source Obligation	September 11, 2008	September 27, 2010, 75 FR 59081.	Section (3).
R 336.2819	Innovative Control Technology.	December 4, 2006	March 25, 2010, 75 FR 14352.	
R 336.2823	Actuals Plantwide Applicability Limits (PALs).	December 4, 2006	March 25, 2010, 75 FR 14352.	Only sections (1) through (14).

(d) *EPA approved state source-specific requirements.*

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS

Name of source	Order No.	State effective date	EPA approval date	Comments
Allied Signal, Inc., Detroit Tar Plant, Wayne County.	4–1993	10/12/94	1/17/95, 60 FR 3346.	
American Colloid Plant	Permit 341–79	12/18/79	9/15/83, 48 FR 41403.	
American Colloid Plant	Permit 375–79	11/23/79	9/15/83, 48 FR 41403.	
Asphalt Products Company, Plant 5A, Wayne County.	5–1993	10/12/94	1/17/95, 60 FR 3346.	
Clark Oil and Refining Corporation, Calhoun County.	6–1981	6/24/82	12/13/82, 47 FR 55678.	
Clawson Concrete Company, Plant #1, Wayne County.	6–1993	10/12/94	1/17/95, 60 FR 3346.	
Conoco, Inc., Berrien County	17–1981	9/28/81	2/17/82, 47 FR 6828.	
Consumers Power Company, B. C. Cobb Plant, Muskegon County.	6–1979	12/10/79	5/1/81, 46 FR 24560.	
Consumers Power Company, J.H. Campbell Plant, Units 1 and 2, Ottawa County.	12–1984	10/1/84	1/12/87, 52 FR 1183.	
Continental Fibre Drum, Inc., Midland County.	14–1987	12/9/87	6/11/92, 57 FR 24752.	
Cummings-Moore Graphite Company, Wayne County.	7–1993	10/12/94	1/17/95, 60 FR 3346.	
CWC Castings Division of Textron, Muskegon County.	12–1979	2/15/80	5/16/84, 49 FR 20650.	
Delray Connecting Railroad Company, Wayne County.	8–1993	10/12/94	1/17/95, 60 FR 3346.	
Detroit Edison Company, Boulevard Heating Plant, Wayne County.	7–1981	4/28/81	5/4/82, 47 FR 19133.	
Detroit Edison Company, City of St. Clair, St. Clair County.	4–1978	11/14/78	8/25/80, 45 FR 56344.	
Detroit Edison Company, Monroe County.	9–1977	7/7/77	12/21/79, 44 FR 75635 (correction: 3/20/80, 45 FR 17997).	
Detroit Edison Company, River Rouge Power Plant, Wayne County.	9–1993	10/12/94	1/17/95, 60 FR 3346.	
Detroit Edison Company, Sibley Quarry, Wayne County.	10–1993	10/12/94	1/17/95, 60 FR 3346.	
Detroit Water and Sewerage Department, Wastewater Treatment Plant, Wayne County.	11–1993	10/12/94	1/17/95, 60 FR 3346.	
Diamond Crystal Salt Company, St. Clair County.	13–1982	9/8/82	3/14/83, 48 FR 9256.	

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

Name of source	Order No.	State effective date	EPA approval date	Comments
Dow Chemical Company, Midland County.	12–1981	6/15/81	3/24/82, 47 FR 12625.	
Dow Chemical Company, West Side and South Side Power Plants, Midland County.	19–1981	7/21/81	3/24/82, 47 FR 12625.	Only sections A(3), B, C, D, and E.
Dundee Cement Company, Monroe County.	8–1979	10/17/79	8/11/80, 45 FR 53137.	
Dundee Cement Company, Monroe County.	16–1980	11/19/80	12/3/81, 46 FR 58673.	
Eagle Ottawa Leather Company, Ottawa County.	7–1994	7/13/94	10/23/95, 60 FR 54308.	
Edward C. Levy Company, Detroit Lime Company, Wayne County.	15–1993	10/12/94	1/17/95, 60 FR 3346.	
Edward C. Levy Company, Plant #1, Wayne County.	16–1993	10/12/94	1/17/95, 60 FR 3346.	
Edward C. Levy Company, Plant #3, Wayne County.	17–1993	10/12/94	1/17/95, 60 FR 3346.	
Edward C. Levy Company, Plant #4 and 5, Wayne County.	19–1993	10/12/94	1/17/95, 60 FR 3346.	
Edward C. Levy Company, Plant #6, Wayne County.	18–1993	10/12/94	1/17/95, 60 FR 3346.	
Edward C. Levy Company, Scrap Up-Grade Facility, Wayne County.	20–1993	10/12/94	1/17/95, 60 FR 3346.	
Enamalum Corporation, Oakland County.	6–1994	6/27/94	2/21/96, 61 FR 6545.	
Ferrous Processing and Trading Company, Wayne County.	12–1993	10/12/94	1/17/95, 60 FR 3346.	
Ford Motor Company, Rouge Industrial Complex, Wayne County.	13–1993	10/12/94	1/17/95, 60 FR 3346.	
Ford Motor Company, Utica Trim Plant, Macomb County.	39–1993	11/12/93	9/7/94, 59 FR 46182.	
Ford Motor Company, Vulcan Forge, Wayne County.	14–1993	10/12/94	1/17/95, 60 FR 3346.	
General Motors Corporation, Warehousing and Distribution Division, Genesee County.	18–1981	7/28/83	5/16/84, 49 FR 20649.	Original order effective 12/1/81, as altered effective 7/28/83.
General Motors Corporation, Buick Motor Division Complex, Flint, Genesee County.	10–1979	5/5/80	2/10/82, 47 FR 6013.	
General Motors Corporation, Buick Motor Division, Genesee County.	8–1982	4/2/84	8/22/88, 53 FR 31861.	Original order effective 7/12/82, as altered effective 4/2/82.
General Motors Corporation, Cadillac Motor Car Division, Wayne County.	12–1982	7/22/82	7/5/83, 48 FR 31022.	
General Motors Corporation, Central Foundry Division, Saginaw Malleable Iron Plant, Saginaw County.	8–1983	6/9/83	12/13/85, 50 FR 50907.	Supersedes paragraph 7.F of order 6–1980.
General Motors Corporation, Central Foundry Division, Saginaw Malleable Iron Plant, Saginaw County.	6–1980	7/30/82	8/15/83, 48 FR 36818.	Paragraph 7.F superseded by order 8–1983. Original order effective 6/3/80, as altered effective 7/30/82.
General Motors Corporation, Chevrolet Flint Truck Assembly, Genesee County.	10–1982	7/12/82	7/5/83, 48 FR 31022.	
General Motors Corporation, Chevrolet Motor Division, Saginaw Grey Iron Casting Plant and Nodular Iron Casting Plant, Saginaw County.	1–1980	4/16/80	2/10/82, 47 FR 6013.	
General Motors Corporation, Fisher Body Division, Fleetwood, Wayne County.	11–1982	7/22/82	7/5/83, 48 FR 31022.	

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

Name of source	Order No.	State effective date	EPA approval date	Comments
General Motors Corporation, Fisher Body Division, Flint No. 1, Genesee County.	9–1982	7/12/82	7/5/83, 48 FR 31022.	
General Motors Corporation, GM Assembly Division, Washtenaw County.	5–1983	5/5/83	12/13/84, 49 FR 5345.	
General Motors Corporation, Hydra-Matic Division, Washtenaw County.	3–1982	6/24/82	3/4/83, 48 FR 9256.	
General Motors Corporation, Oldsmobile Division, Ingham County.	4–1983	5/5/83	12/13/84, 49 FR 5345.	
Hayes-Albion Corporation Foundry, Calhoun County.	2–1980	2/2/82	48 FR 41403 ..	Original order effective 2/15/80, as altered effective 2/2/82.
J. H. Campbell Plant, Ottawa County.	5–1979	2/6/80	12/24/80, 45 FR 85004 (correction: 3/16/81 46 FR 16895).	Original order effective 6/25/79, as altered effective 2/6/80.
Keywell Corporation, Wayne County.	31–1993	10/12/94	1/17/95, 60 FR 3346.	
Lansing Board of Water and Light.	4–1979	5/23/79	12/17/80, 45 FR 82926.	All except sections 7 A, B, C1, D, E, F, and section 8.
Marathon Oil Company, Muskegon County.	16–1981	7/31/81	2/22/82, 47 FR 7661.	
Marblehead Lime Company, Brennan Avenue Plant, Wayne County.	21–1993	10/12/94	1/17/95, 60 FR 3346.	
Marblehead Lime Company, River Rouge Plant, Wayne County.	22–1993	10/12/94	1/17/95, 60 FR 3346.	
McLouth Steel Company, Trenton Plant, Wayne County.	23–1993	10/12/94	1/17/95, 60 FR 3346.	
Michigan Foundation Company, Cement Plant, Wayne County.	24–1993	10/12/94	1/17/95, 60 FR 3346.	
Michigan Foundation Company, Sibley Quarry, Wayne County.	25–1993	10/12/94	1/17/95.60 FR 3346.	
Monitor Sugar Company, Bay County.	21–1981	10/29/81	5/19/82, 47 FR 21534.	
Morton International, Inc., Morton Salt Division, Wayne County.	26–1993	10/12/94	1/17/95, 60 FR 3346.	
National Steel Corporation, Great Lakes Division, Wayne County.	27–1993	10/12/94	1/17/95, 60 FR 3346.	
National Steel Corporation, Transportation and Materials Handling Division, Wayne County.	28–1993	10/12/94	1/17/95, 60 FR 3346.	
New Haven Foundry, Inc., Macomb County.	12–1980	8/14/80	2/10/82, 47 FR 6013.	
Northern Michigan Electric Cooperative Advance Steam Plant, Charlevoix County.	16–1979	1/10/80	46 FR 34584.	
Packaging Corporation of America, Manistee County.	23–1984	7/8/85	5/4/87, 52 FR 16246.	
Peerless Metal Powders, Incorporated, Wayne County.	29–1993	10/12/94	1/17/95, 60 FR 3346.	
Rouge Steel Company, Wayne County.	30–1993	10/12/94	1/17/95, 60 FR 3346.	
S. D. Warren Company, Muskegon.	9–1979	10/31/99	1/27/81, 46 FR 8476.	
St. Marys Cement Company, Wayne County.	32–1993	10/12/94	1/17/95, 60 FR 3346.	
Traverse City Board of Light and Power, Grand Traverse County.	23–1981	1/4/82	5/19/82, 47 FR 21534.	

EPA-APPROVED MICHIGAN SOURCE-SPECIFIC PROVISIONS—Continued

Name of source	Order No.	State effective date	EPA approval date	Comments
Union Camp Corporation, Monroe County.	14–1979	1/3/80	5/14/81, 46 FR 26641.	
United States Gypsum Company, Wayne County.	33–1993	10/12/94	1/17/95, 60 FR 3346.	
VCF Films, Inc., Livingston County.	3–1993	6/21/93	9/7/94, 59 FR 46182.	
Woodbridge Corporation, Washtenaw County.	40–1993	11/12/93	9/7/94, 59 FR 46182.	
Wyandotte Municipal Power Plant, Wayne County.	34–1993	10/12/94	1/17/95, 60 FR 3346.	

(e) *EPA approved nonregulatory and quasi-regulatory provisions.*

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Implementation plan for the control of suspended particulates, sulfur oxides, carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants in the state of Michigan.	Statewide	2/3/72	5/31/72, 37 FR 10841	Sections include: Air quality control regions, legal authority, air quality data, emission data, control strategy, control regulations, compliance plans and schedules, prevention of air pollution emergency episodes, air quality surveillance program, control of emission sources, organization and resources, and intergovernmental cooperation.
Reevaluation of control strategies.	Berrien and Ingham Counties.	3/3/72	10/28/72, 37 FR 23085.	
Reasons and justifications.	Statewide	7/12/72	10/28/72, 37 FR 23085.	Concerning general requirements of control strategy for nitrogen dioxide, compliance schedules, and review of new sources and modifications.
Public availability of emissions data.	Statewide	7/24/72	10/28/72, 37 FR 23085.	
Compliance schedules.	Alpena, Baraga, Charlevoix, Huron, Ionia, Marquette, Midland, Muskegon, Oakland, Otsego, and St. Clair Counties.	5/4/73, 9/19/73, 10/23/73, and 12/13/73	8/5/74, 39 FR 28155.	
Compliance schedules.	Allegan, Eaton, Emmet, Genesee, Huron, Ingham, Macomb, Monroe, Ottawa, Saginaw, and St. Clair Counties.	2/16/73 and 5/4/73	9/10/74, 39 FR 32606.	
Air quality maintenance area identifications for particulate matter.	Macomb, Oakland, Wayne and Monroe Counties.	6/27/74 and 10/18/74	6/2/75, 40 FR 23746.	
Carbon monoxide control strategy.	Saginaw area	4/25/79	5/6/80, 45 FR 29790.	

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Ozone attainment demonstrations and transportation control plans.	Flint, Lansing and Grand Rapids urban areas.	4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79	6/2/80, 45 FR 37188.	
Transportation control plans.	Detroit urban area	4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79	6/2/80, 45 FR 37188.	
Ozone control strategy for rural ozone nonattainment areas.	Marquette, Muskegon, Gratiot, Midland, Saginaw, Bay, Tuscola, Huron, Sanilac, Ottawa, Ionia, Shiawassee, Lapeer, Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Jackson, Berrien, Cass, Branch, Hillsdale, and Lenawee Counties.	4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79	6/2/80, 45 FR 37188.	
Carbon monoxide and ozone demonstrations of attainment and I/M program.	Detroit urban area	4/25/79, 7/25/79, 10/12/79, 10/26/79, 11/8/79, 12/26/79, 3/20/80, 5/12/80, and 5/21/80	6/2/80, 45 FR 37192.	
Ambient air quality monitoring, data reporting, and surveillance provisions.	Statewide	12/19/79	3/4/81, 46 FR 15138.	
Transportation control plan.	Niles	4/25/79, 10/26/79, 11/8/79, 12/26/79, 8/4/80, and 8/8/80	4/17/81, 46 FR 22373.	
Provisions addressing sections 110(a)(2)(K), 126(a)(2), 127, and 128 of the Clean Air Act as amended in 1977.	Statewide	4/25/79 and 10/12/79	6/5/81, 46 FR 30082	Concerns permit fees, interstate pollution, public notification, and state boards.
Section 121, intergovernmental consultation.	Statewide	5/25/79	11/27/81, 46 FR 57893.	
Total suspended particulate studies.	Detroit area	3/7/80 and 4/21/81	2/18/82, 47 FR 7227.	
Lead plan	Statewide	12/27/79 and 2/9/81	4/13/82, 47 FR 15792.	
Reduction in size of Detroit ozone area.	Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair, and Washtenaw Counties.	9/1/82	7/7/83, 48 FR 31199.	
Negative declarations	Wayne, Oakland and Macomb Counties.	10/10/83, 5/17/85, and 6/12/85	11/24/86, 51 FR 42221.	Includes large petroleum dry cleaners, high-density polyethylene, polypropylene, and polystyrene resin manufacturers, and synthetic organic chemical manufacturing industry—oxidation.
Information relating to order 8–1982: letter dated 9/6/84 from Michigan Department of Natural Resources to EPA.	Genesee County	9/6/84	8/22/88, 53 FR 31861.	

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Information relating to order 14–1987: letter dated 12/17/87 from Michigan Department of Natural Resources to EPA.	Midland County	12/17/87	10/3/89, 54 FR 40657.	
Appendices A and D of Wayne County Air Pollution Control Ordinance.	Wayne County	10/10/86	5/13/93, 58 FR 28359	Effective 11/18/85.
Information supporting emissions statement program.	Statewide	11/16/92, 10/25/93, and 2/7/94	3/8/94, 59 FR 10752.	
1990 base year emissions inventory.	Grand Rapids and Muskegon areas.	1/5/93	7/26/94, 59 FR 37944.	
Section 182(f) NO_X exemption.	Detroit-Ann Arbor area.	11/12/93	8/10/94, 59 FR 40826.	
Negative declarations	Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, Wayne, Kent, Ottawa, and Muskegon Counties.	3/30/94	9/7/94, 59 FR 46182	Includes: Large petroleum dry cleaners, SOCMI air oxidation processes, high-density polyethylene and polypropylene resin manufacturing and pneumatic rubber tire manufacturing.
I/M program	Grand Rapids and Muskegon areas.	11/12/93 and 7/19/94	10/11/94, 59 FR 51379.	Includes: document entitled ''Motor Vehicle Emissions Inspection and Maintenance Program for Southeast Michigan, Grand Rapids MSA, and Muskegon MSA Moderate Nonattainment Areas,'' RFP, and supplemental materials.
1990 base year emissions inventory and 1-hour ozone maintenance plan.	Detroit-Ann Arbor area (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties).	11/12/93	3/7/95, 60 FR 12459.	
Section 182(f) NO_X exemptions.	Clinton, Ingham, Eaton, and Genesee Counties.	7/1/94 and 7/8/94	4/27/95, 60 FR 20644.	
Section 182(f) NO_X exemptions.	Kent, Ottawa, Muskegon, Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Genesee, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, Midland, Montcalm, St. Joseph, Saginaw, Shiawassee, and Van Buren Counties.	7/13/94	1/26/96, 61 FR 2428.	
1-hour ozone maintenance plan.	Grand Rapids area	3/9/95	6/21/96, 61 FR 31831.	
PM–10 maintenance plan.	Wayne County	7/24/95	8/5/96, 61 FR 40516.	
General conformity	Statewide	11/29/94	12/18/96, 61 FR 66607.	

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Transportation conformity.	Statewide	11/24/94	12/18/96, 61 FR 66609.	
7.8 psi Reid vapor pressure gasoline-supplemental materials.	Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe Counties.	5/16/96, 1/5/96, and 5/14/96	5/5/97, 62 FR 24341	Includes: letter from Michigan Governor John Engler to Regional Administrator Valdas Adamkus, dated 1/5/96, letter from Michigan Director of Environmental Quality Russell Harding to Regional Administrator Valdas Adamkus, dated 5/14/96, and state report entitled ''Evaluation of Air Quality Contingency Measures for Implementation in Southeast Michigan''.
Section 182(f) NO_X exemption.	Muskegon County	11/22/95	9/26/97, 62 FR 50512.	
Carbon monoxide maintenance plan.	Detroit area (portions of Wayne, Oakland, and Macomb Counties).	3/18/99	6/30/99, 64 FR 35017.	
1-hour ozone maintenance plan.	Muskegon County	3/9/95	8/30/00, 65 FR 52651.	
1-hour ozone maintenance plan.	Allegan County	9/1/00 and 10/13/00	11/24/00, 65 FR 70490.	
1-hour ozone maintenance plan.	Genesee, Bay Midland, and Saginaw Counties.	5/9/00	11/13/00, 65 FR 67629.	
1-hour ozone maintenance plan revision.	Muskegon County	3/22/01	8/6/01, 66 FR 40895	Revision to motor vehicle emission budgets.
8-hour ozone maintenance plan.	Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Benzie County, Huron County, and Mason County.	5/9/06, 5/26/06, and 8/25/06	5/16/2007.	
8-hour ozone maintenance plan.	Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County.	6/13/06, 8/25/06, and 11/30/06	5/16/2007	
8-hour ozone maintenance plan.	Detroit-Ann Arbor (Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties).	3/6/2009	6/29/2009.	
Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	12/6/07, 7/19/08, and 4/6/11	7/13/11, 76 FR 41075	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS.	Statewide	12/6/07, 7/19/08, and 4/6/11	7/13/11, 76 FR 41075	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[71 FR 52469, Sept. 6, 2006, as amended at 72 FR 4435, Jan. 31, 2007; 72 FR 43172, Aug. 3, 2007; 72 FR 72262, Dec. 20, 2007; 72 FR 60783, 60786, Dec. 26, 2007; 73 FR 5104, Jan. 29, 2008; 74 FR 30952, June 29, 2009; 74 FR 23954, May 22, 2009; 74 FR 41640, Aug. 18, 2009; 75 FR 14354, Mar. 25, 2010; 75 FR 59083, Sept. 27, 2010; 76 FR 41085, July 13, 2011]

§52.1171 Classification of regions.

The Michigan plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Metropolitan Detroit-Port Huron Intrastate	I	I	III	III	III
Metropolitan Toledo Interstate	I	I	III	III	I
South Central Michigan Intrastate	II	II	III	III	III
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate	I	IA	III	III	III
Central Michigan Intrastate	II	III	III	III	III
Upper Michigan Intrastate	III	III	III	III	III

[37 FR 10873, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 29801, May 6, 1980]

§52.1172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Michigan's plan for the attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittalof RACT requirements by July 1, 1980 for the sources covered by CTGs between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

[45 FR 29801, May 6, 1980]

§52.1173 Control strategy: Particulates.

(a) *Part D—Disapproval.* The following specific revisions to the Michigan Plan are disapproved:

(1) Rule 336.1331, Table 31, Item C: Emission limits for Open Hearth Furnaces, Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces, Heating and Reheating Furnaces.

(2) Rules 336.1371 (Fugitive dust control programs other than areas listed in table 36.), 336.1372 (Fugitive dust control programs; required activities; typical control methods.) and 336.1373 (Fugitive dust control programs; areas listed in table 36.) for control of industrial fugitive particulate emissions sources.

(b) Part D—Conditional Approval—The Michigan overall Plan for primary and secondary nonattainment areas is approved provided that the following conditions are satisfied:

(1) The State officially adopts final industrial fugitive regulations that

represent RACT for traditional sources and submits these finally effective regulations to USEPA by January 31, 1981.

(2) The State adopts and submits regulations reflecting RACT for Basic Oxygen Furnaces, Electric Arc Furnaces, Sintering Plants, Blast Furnaces and Heating and Reheating Furnaces.

(3) Rule 336.1331, Table 31, Item C: Coke Oven Preheater Equipment Effective After July 1, 1979—The State clarifies the compliance test method to include measurement of the whole train.

(4) Rule 336.1349—The State submits consent orders containing enforceable increments insuring reasonable further progress for each source subject to Rules 336.1350 through 336.1357.

(5) Rule 336.1350—The State adopts and submits an acceptable inspection method for determining compliance with the rule.

(6) Rule 336.1352—The State adopts and submits the following clarifications to the rule: (a) The rule regulates emissions from the receiving car itself during the pushing operation; (b) in the phrase ''eight consecutive trips,'' ''consecutive'' is defined as ''consecutively observed trips''; (c) the word ''trips'' is defined as ''trips per battery'' or ''trips per system''; (d) the 40% opacity fugitive emissions limitation refers to an instantaneous reading and not an average; (e) the method of reading opacity is defined.

(7) Rule 336.1353—The State adopts and submits: (a) An acceptable test methodology for determining compliance with the rule; and (b) a clarification that the exception to the visible emission prohibition of 4% of standpipe emission points refers to ''operating'' ovens.

(8) Rule 336.1356—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(9) Rule 336.1357—The State adopts and submits a clarification of the test methodology to determine compliance with the rule.

(10) The State adopts and submits a regulation reflecting RACT for coke battery combustion stacks.

(11) The State adopts and submits an acceptable test method for application of Rule 336.1331, Table 32 to quench towers, or, in the alternative, adopts and submits a limitation reflecting RACT for quench tower emissions based on the quantity of total dissolved solids in the quench water.

(12) The State adopts and submits rules requiring RACT for scarfing emissions.

(13) Part 10 Testing—The State adopts and submits the following clarifications to the test methods: (a) Testing of fugitive emissions from blast furnaces are conducted during the cast; (b) the starting and ending period is specified for basic oxygenfurnaces (for both primary and secondary emissions generating operations), electric arc furnaces and for each of the three emission points at sinter plants.

(14) The State conducts additional particulate studies in the Detroit area by September, 1980.

(c) *Disapprovals.* EPA disapproves the following specific revisions to the Michigan Plan:

(1) The State submitted Consent Order No. 16–1982 on June 24, 1982, Great Lakes Steel, a Division of the National Steel Corporation as a revision to the Michigan State Implementation Plan. EPA disapproves this revision, because it does not satisfy all the requirements of EPA's proposed Emission Trading Policy Statement of April 7, 1982 (47 FR 15076).

(d) Approval—On April 29, 1988, the State of Michigan submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}) for Michigan's Group II areas. The Group II areas of concern are in the City of Monroe and an area surrounding the City of Carrollton. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM_{10} at 52 FR 24681.

(e) [Reserved]

(f) On July 24, 1995, the Michigan Department of Natural Resources requested the redesignation of Wayne County to attainment of the National Ambient Air Quality Standard for particulate matter. The State's maintenance plan is complete and the redesignation satisfies all of the requirements of the Act.

(g) Approval—On November 29, 1994, the Michigan Department of Natural

Resources submitted a revision to the particulate State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

[46 FR 27931, May 22, 1981, as amended at 49 FR 11834, Mar. 28, 1984; 50 FR 33540, Aug. 20, 1985; 55 FR 17752, Apr. 27, 1990; 61 FR 40519, Aug. 5, 1996; 61 FR 66609, Dec. 18, 1996]

§52.1174 Control strategy: Ozone.

(a) Part D—Conditional Approval—Michigan Rules 336.1603 and 336.1606 are approved provided that the following conditions are satisfied:

(1) *Rule 336.1606*—The State either promulgates a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities for sources located in Wayne, Macomb and Oakland Counties. The State must either submit the rule to USEPA or demonstrate that the allowable emissions resulting from the application of its existing rule with 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm. The State must comply with this condition by May 6, 1981, and any necessary regulations must be finally promulgated by the State and submitted to USEPA by September 30, 1981.

(b) Approval—On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965. These rules have been incorporated by reference at 40 CFR 52.1170(c)(93). On October 25, 1993, the State submitted the 1993 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions, along with an implementation strategy for the State's emission statement program.

(c)(1) Approval—On January 5, 1993, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan (SIP) for the 1990 base year inventory. The inventory was submitted by the State of Michigan to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990 (the Act), as a revision to the ozone SIP for the Grand Rapids and Muskegon areas in Michigan designated nonattainment, classified as moderate. These areas include counties of Muskegon, and the two county Grand Rapids area (which are the counties of Kent and Ottawa).

(2) Approval—On November 12, 1993, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the Detroit-Ann Arbor ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity, inspection and maintenance, reasonably available control technology, and new source review. These are required by sections 176(c), 182(b)(4), and 182(f) of the 1990 amended Clean Air Act, respectively.

(d) In a letter addressed to David Kee, EPA, dated March 30, 1994, Dennis M. Drake, State of Michigan, stated:

(1) Michigan has not developed RACT regulations for the following industrial source categories, which have been addressed in Control Techniques Guidance (CTG) documents published prior to the Clean Air Act Amendments of 1990, because no affected sources are located in the moderate nonattainment counties:

(i) Large petroleum dry cleaners;

(ii) SOCMI air oxidation processes;

(iii) High-density polyethylene and polypropylene resin manufacturing; and

(iv) Pneumatic rubber tire manufacturing.

(2) (Reserved)

(e) Approval—On July 1, 1994, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the East Lansing ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity and new source review. Theses are required by sections 176(c) and 182(f) of the 1990 amended Clean Air Act, respectively. If a violation of the ozone standard occurs in the East Lansing ozone nonattainment area, the exemption shall no longer apply.

(f) Approval—On July 8, 1994, the Michigan Department of Natural Resources submitted a petition for exemption from the oxides of nitrogen requirements of the Clean Air Act for the Genesee County ozone nonattainment area. The submittal pertained to the exemption from the oxides of nitrogen requirements for conformity and new source review. These are required by sections 176(c) and 182(f) of the 1990 amended Clean Air Act, respectively. If a violation of the ozone standard occurs in the Genesee County ozone nonattainment area, the exemption shall no longer apply.

(g) [Reserved]

(h) Approval—On January 5, 1993, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan for the 1990 base year emission inventory. The inventory was submitted by the State of Michigan to satisfy Federal requirements under section 182(a)(1) of the Clean Air Act as amended in 1990, as a revision to the ozone State Implementation Plan for the Detroit-Ann Arbor moderate ozone nonattainment area. This area includes Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties.

(i) Approval—On November 12, 1993, the Michigan Department of Natural Resources submitted a request to redesignate the Detroit-Ann Arbor (consisting of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties) ozone nonattainment area to attainment for ozone. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for NO_X and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories (including interim years) to the year 2005 for NO_X and VOC, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. Appropriateness of a contingency measure will be determined by an urban airshed modeling analysis. The Governor or his designee will select the contingency measure(s) to be implemented based on the analysis and the MDNR's recommendation. The menu of contingency measures includes basic motor vehicle inspection and maintenance program upgrades, Stage I vapor recovery expansion, Stage II vapor recovery, intensified RACT for degreasing operations, NO_X RACT, and RVP reduction to 7.8 psi. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Michigan Ozone State Implementation Plan for the above mentioned counties.

(j) [Reserved]

(k) Determination—USEPA is determining that, as of July 20, 1995, the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the areas for so long as the areas do not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in either the Grand Rapids or Muskegon ozone nonattainment area, the determination shall no longer apply for the area that experiences the violation.

(l) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO_X) reasonably available control technology (RACT), new source review (NSR), vehicle inspection/maintenance (I/M), and general conformity exemptions for the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County) moderate nonattainment areas as requested by the States of Illinois, Indiana, Michigan, and Wisconsin in a July 13, 1994 submittal. This approval also covers the exemption of NO_X transportation and general conformity requirements of section 176(c) for the Counties of Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Genesee, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, Midland, Montcalm, St. Joseph, Saginaw, Shiawasse, and Van Buren.

(m) Approval—On November 24, 1994, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan. The submittal pertained to a plan for the implementation and enforcement of the Federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act.

(n) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the ozone State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

(o) Approval—On March 9, 1996, the Michigan Department of Environmental Quality submitted a request to redesignate the Grand Rapids ozone nonattainment area (consisting of Kent and Ottawa Counties) to attainment for ozone. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include an attainment emission inventory for NO_X and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for NO_X and VOC, a plan to verify continued attainment, a contingency plan, and a commitment to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If a violation of the ozone NAAQS, determined not to be attributable to transport from upwind areas, is monitored, Michigan will implement one or more appropriate contingency measure(s) contained in the contingency plan. Once a violation of the ozone NAAQS is recorded, the State will notify EPA, review the data for quality assurance, and conduct a technical analysis, including an analysis of meteorological conditions leading up to and during the exceedances contributing to the violation, to determine local culpability. This preliminary analysis will be submitted to EPA and subjected to public review and comment. The State will solicit and consider EPA's technical advice and analysis before making a final determination on the cause of the violation. The Governor or his designee will select the contingency measure(s) to be implemented within 6 months of a monitored violation attributable to ozone and ozone precursors from the Grand Rapids area. The menu of contingency measures includes a motor vehicle inspection and maintenance program, Stage II vapor recovery, RVP reduction to 7.8 psi, RACT on major non-CTG VOC sources in the categories of coating of plastics, coating of wood furniture, and industrial cleaning solvents. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Michigan Ozone State Implementation Plan for the above mentioned counties.

(p) Approval—On November 22, 1995 the Michigan Department of Natural

Resources submitted a petition for exemption from transportation conformity requirements for the Muskegon ozone nonattainment area. This approval exempts the Muskegon ozone nonattainment area from transportation conformity requirements under section 182(b)(1) of the Clean Air Act. If a violation of the ozone standard occurs in the Muskegon County ozone nonattainment area, the exemption shall no longer apply.

(q) Correction of approved plan—Michigan air quality Administrative Rule, R336.1901 (Rule 901)—Air Contaminant or Water Vapor, has been removed from the approved plan pursuant to section 110(k)(6) of the Clean Air Act (as amended in 1990).

(r) Approval—On March 9, 1995, the Michigan Department of Environmental Quality submitted a request to redesignate the Muskegon County ozone nonattainment area to attainment. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes a motor vehicle inspection and maintenance program, stage II vapor recovery, a low Reid vapor pressure gasoline program, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(s) Approval—On May 9, 2000, the State of Michigan submitted a revision to the Michigan State Implementation Plan for ozone containing a section 175A maintenance plan for the Flint and Saginaw-Midland-Bay City areas as part of Michigan's request to redesignate the areas from nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will adopt, submit to EPA, and implement one or more appropriate contingency measure(s) which are in the contingency plan and will submit a full maintenance plan under section 175A of the Clean Air Act. The menu of contingency measures includes a low Reid vapor pressure gasoline program, stage I gasoline vapor recovery, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(t) Approval—On March 9, 1995, the Michigan Department of Environmental Quality submitted a request to redesignate the Allegan County ozone nonattainment area to attainment. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes rules for plastic parts coating, wood furniture coating, and gasoline loading (Stage I vapor recovery).

(u) Approval—On March 22, 2001, Michigan submitted a revision to the ozone maintenance plan for the Muskegon County area. The revision consists of allocating a portion of the Muskegon County area's Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X) safety margin to the transportation conformity Motor Vehicle Emission Budget (MVEB). The MVEB for transportation conformity purposes for the Muskegon County area are now: 8.5 tons per day of VOC emissions and 10.2 tons per day of NO_X emissions for the year 2010. This approval only changes the VOC and NO_X transportation conformity MVEB for Muskegon County.

(v) Approval—On December 19, 2003, Michigan submitted an update to the Section 175(A) maintenance plan for the Southeast Michigan 1-hour ozone maintenance area, which consists of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties. This update addresses the second 10-year period of maintenance of the ozone standard in Southeast Michigan, which spans the years 2005 through 2015. The maintenance plan also revises the Motor Vehicle Emissions Budget (MVEB). For the year 2005, the MVEB for VOC is 218.1 tons per day (tpd), and the MVEB for NO_X is 412.9 tpd. For the year 2015, the MVEB for VOC is 172.8 tpd, and the MVEB for NO_X is 412.9 tpd.

(w) Approval—On June 17, 2005, the Michigan Department of Environmental Quality submitted a petition requesting the exemption from Clean Air Act oxides of nitrogen control requirements in six 8-hour ozone nonattainment areas. The Grand Rapids, Kalamazoo/Battle Creek, Lansing/East Lansing, Benzie County, Huron County, and Mason County nonattainment areas each receive an exemption. Section 182(f) of the 1990 amended Clean Air Act authorizes the exceptions. The exemption will no longer apply in an area if it experiences a violation of the 8-hour ozone standard.

(x) Approval—On May 9, 2006, Michigan submitted requests to redesignate the Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Benzie County, Huron County, and Mason County areas to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The State supplemented its redesignation requests on May 26, 2006, and August 25, 2006. As part of its redesignation requests, the State submitted maintenance plans as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Lower Reid vapor pressure gasoline requirements; reduced volatile organic compound (VOC) content in architectural, industrial, and maintenance coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing rule; transit improvements; diesel retrofit program; reduced VOC content in commercial and consumer products rule; and a program to reduce idling. Also included in the Michigan's submittal were motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the areas. For the Grand Rapids area, the 2018 MVEBs are 40.70 tpd for VOC and 97.87 tpd for oxides of nitrogen (NO_X). For the Kalamazoo-Battle Creek area, the 2018 MVEBs are 29.67 tpd for VOC and 54.36 tpd for NO_X. For the Lansing-East Lansing area, the 2018 MVEBs are 28.32 tpd for VOC and 53.07 tpd for NO_X. For the Benzie County area, the 2018 MVEBs are 2.24 tpd for VOC and 1.99 tpd for NO_X. For the Huron County area, the 2018 MVEBs are 2.34 tpd for VOC and 7.53 tpd for NO_X. For the Mason County area, the 2018 MVEBs are 1.81 tpd for VOC and 2.99 tpd for NO_X.

(y) Approval—On June 13, 2006, Michigan submitted requests to redesignate the Flint (Genesee and Lapeer Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), and Cass County areas to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The State supplemented its redesignation requests on August 25, 2006, and November 30, 2006. As part of its redesignation requests, the State submitted maintenance plans as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Lower Reid vapor pressure gasoline requirements; reduced

volatile organic compound (VOC) content in architectural, industrial, and maintenance coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing rule; transit improvements; diesel retrofit program; reduced VOC content in commercial and consumer products rule; and a program to reduce idling. Also included in the Michigan's submittal were motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the areas. For the Flint area, the 2018 MVEBs are 25.68 tpd for VOC and 37.99 tpd for oxides of nitrogen (NO_X). For the Muskegon area, the 2018 MVEBs are 6.67 tpd for VOC and 11.00 tpd for NO_X. For the Benton Harbor area, the 2018 MVEBs are 9.16 tpd for VOC and 15.19 tpd for NO_X. For the Cass County area, the 2018 MVEBs are 2.76 tpd for VOC and 3.40 tpd for NO_X.

(z) Approval—On March 6, 2009, Michigan submitted a request to redesignate the Detroit-Ann Arbor area (Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties) to attainment of the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). As part of its redesignation requests, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit subsequent maintenance plan revisions in 8 years as required by the Clean Air Act. If monitors in any of these areas record a violation of the 8-hour ozone NAAQS, Michigan will adopt and implement one or more contingency measures. The list of possible contingency measures includes: Reduced VOC content in architectural, industrial, and maintenance (AIM) coatings rule; auto body refinisher self-certification audit program; reduced VOC degreasing/solvent cleaning rule; diesel retrofit program; reduced idling program; portable fuel container replacement rule; and, food preparation flame broiler control rule. Also included in the Michigan's submittal were a 2005 base year emissions inventory and motor vehicle emission budgets (MVEBs) for use to determine transportation conformity in the area. For the Detroit-Ann Arbor area, Michigan has established separate MVEBS for the Southeast Michigan Council of Governments (SEMCOG) region (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties) and for Lenawee County. MDEQ has determined the 2020 MVEBs for the SEMCOG region to be 106 tons per day for VOC and 274 tpd for NO_X. MDEQ has determined the 2020 MVEBs for Lenawee County to be 2.1 tpd for VOC and 4.4 tpd for NO_X.

[45 FR 58528, Sept. 4, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1174, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1175 Compliance schedules.

(a) The requirements of § 51.15(a)(2) of this chapter as of May 31, 1972, (36 FR 22398) are not met since Rule 336.49 of the Michigan Air Pollution Control Commission provides for individual compliance schedules to be submitted to the State Agency by January 1, 1974. This would not be in time for submittal to the Environmental Protection Agency with the first semiannual report.

(b) [Reserved]

(c) The requirements of § 51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(d) *Federal compliance schedules.* (1) Except as provided in paragraph (d)(3) of this section, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the applicable compliance schedule in paragraph (d)(2) of this section: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) *Compliance schedules.* (i) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR (as defined in part 81 of this title) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize

either low-sulfur fuel or stack gas desulfurization to comply with the limitations effective July 1, 1975, in Table 3 or Table 4 of Rule 336.49.

(ii) Any owner or operator of a stationary source subject to paragraph (d)(2)(i) of this section who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1975, and for at least one year thereafter.

(*b*) December 31, 1973—Sign contracts with fuel suppliers for projected fuel requirements.

(*c*) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*d*) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(*e*) June 15, 1974—Initiate onsite modifications, if applicable.

(*f*) March 31, 1975—Complete onsite modifications, if applicable.

(*g*) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(iii) Any owner or operator of a stationary source subject to paragraph (d)(2)(i) of this section who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the dates specified.

(*a*) November 1, 1973—Let necessary contracts for construction.

(*b*) March 1, 1974—Initiate onsite construction.

(*c*) March 31, 1975—Complete onsite construction.

(*d*) July 1, 1975—Achieve final compliance with the applicable July 1, 1975, emission limitation listed in Table 4 of Rule 336.49.

(*e*) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1975. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR. South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitation effective July 1, 1978, in Table 3 or Table 4 of Rule 336.49.

(v) Any owner or operator of a stationary source subject to paragraph (d)(2)(iv) of this section who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(*a*) October 15, 1976—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1978, and for at least one year thereafter.

(*b*) December 31, 1976—Sign contracts with fuel suppliers for projected fuel requirements.

(*c*) January 31, 1977—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(*d*) March 15, 1977—Let contracts for necessary boiler modifications, if applicable.

(*e*) June 15, 1977—Initiate onsite modifications, if applicable.

(*f*) March 31, 1978—Complete onsite modifications, if applicable.

(*g*) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(vi) Any owner or operator of a stationary source subject to paragraph (d)(2)(iv) of this section who elects to utilize stack gas desulfurization shall take the following actions with regard to the source no later than the dates specified.

(*a*) November 1, 1976—Let necessary contracts for construction.

(*b*) March 1, 1977—Initiate onsite construction.

(*c*) March 31, 1978—Complete onsite construction.

(*d*) July 1, 1978—Achieve final compliance with the applicable July 1, 1978, mission limitation listed in Table 4 of Rule 336.49.

(*e*) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3)(i) Paragraphs (d) (1) and (2) of this section shall not apply to a source which is presently in compliance with Table 3 or Table 4 of Rule 336.49 and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (d)(2) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

[See footnotes at end of table]

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
BERRIEN COUNTY				
Conoco, Inc.	Berrien	R336.1603, R336.1609.	Sept. 26, 1981	Dec. 31, 1982.
CALHOUN COUNTY				
Clark Oil and Refining Corp	Calhoun	R336.1603 R336.1609.	May 14, 1982	Dec. 31, 1982.
CHARLEVOIX COUNTY				
Northern Michigan Electric Cooperative Advance Steam Plant.	Boyne City	336.1401 (336.49).	Jan. 10, 1980	Jan. 1, 1985.
GENESEE COUNTY				
Buick Motor Division	City of Flint	R336.1301	May 5, 1980	Dec. 31, 1982.
GM Warehousing Dist. Div. Boilers 1 and 2	Genesee	R336.1331	Dec. 31, 1981	Oct. 15, 1983.
GM Warehousing Dist. Div. Boilers 3 and 4	do	R336.1331	Dec. 1, 1981	Oct. 15, 1981.
MACOMB COUNTY				
New Haven Foundry	Macomb County.	R336.1301, R336.1331, R336.1901.	Aug. 14, 1980	June 30, 1985.

MICHIGAN—Continued

[See footnotes at end of table]

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
MIDLAND COUNTY				
Dow Chemical	Midland	R336.1301 and R336.1331.	July 21, 1982	Dec. 31, 1985.
MONROE COUNTY				
Detroit Edison (Monroe plant)	Monroe	336.49	July 7, 1977	Jan. 1, 1985.
Dundee Cement Company	Dundee	336.41, 44 (336.1301, 336.1331).	Oct. 17, 1979	Dec. 31, 1983.
Union Camp	Monroe	336.1401 (336.49)	Jan. 3, 1980	Jan. 1, 1985.
MUSKEGON COUNTY				
Consumers Power Company (B. C. Cobb)	Muskegon	336.1401 (336.49)	Dec. 10, 1979	Jan. 1, 1985.
S. D. Warren Co	Muskegon	336.49 (336.1401).	Oct. 31, 1979	Nov. 1, 1984.
Marathon Oil	.....do	336.1603	July 31, 1981	Dec. 31, 1982.
SAGINAW COUNTY				
Grey Iron Casting and Nodular Iron Casting Plants	Saginaw	R336.1301	Apr. 16, 1980	Dec. 31, 1982.
WAYNE COUNTY				
Boulevard Heating Plant	Wayne	R336.1331	Apr. 28, 1981	Dec. 31, 1982.

Footnotes:
[1] For the attainment of the primary standard.
[2] For the attainment of the secondary standard.
[3] For the maintenance of the secondary standard.

(f) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of §51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

Source	Location	Regulation involved	Date schedule adopted
BAY COUNTY			
Consumer Power (Karn Plant)	Essexville	336.44	Sept. 18, 1973.
OTTAWA COUNTY			
Consumer Power Co. (Campbell Plant Units 1, 2)	West Olive	336.44	Sept. 18, 1973.

[37 FR 10873, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1175, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1176 Review of new sources and modifications. [Reserved]

§§ 52.1177–52.1178 [Reserved]

§ 52.1179 Control strategy: Carbon monoxide.

(a) Approval—On March 18, 1999, the Michigan Department of Environmental Quality submitted a request to redesignate the Detroit CO nonattainment area (consisting of portions of Wayne, Oakland and Macomb Counties) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990.

(b) Approval—On December 19, 2003, Michigan submitted a request to revise its plan for the Southeast Michigan CO maintenance area (consisting of portions of Wayne, Oakland and Macomb Counties). The submittal contains updated emission inventories for 1996 and 2010, and an update to the 2010 motor vehicle emissions budget (MVEB). The 2010 MVEB is 3,842.9 tons of CO per day.

[70 FR 4023, Jan. 28, 2005]

§ 52.1180 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Michigan.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Michigan shall be submitted to the state agency, Michigan Department of Natural Resources and Environment, Air Quality Division, P.O. Box 30028, Lansing, Michigan 48909, rather than to EPA's Region 5 office.

[45 FR 8299, Feb. 7, 1980; 45 FR 52741, Aug. 7, 1980, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003; 75 FR 55275, Sept. 10, 2010]

§ 52.1181 Interstate pollution.

(a) The requirements of Section 126(a)(1) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may contribute significantly to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

[46 FR 30084, June 5, 1981]

§ 52.1182 State boards.

(a) The requirements of Section 128 of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the measures on which the state is relying to insure that the Air Pollution Control Commission contains a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act and that the board members adequately disclose any potential conflicts of interest.

[46 FR 30084, June 5, 1981]

§ 52.1183 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Michigan.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Michigan.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

EFFECTIVE DATE NOTE: At 77 FR 33657, June 7, 2012, § 52.1183 was amended by revising paragraph (a) and adding new paragraphs (d), (e), and (f), effective Aug. 6, 2012. For the convenience of the user, the added and revised text is set forth as follows:

§ 52.1183 Visibility protection.

(a) *Reasonably Attributable Visibility Impairment*. The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable measures for meeting the requirements of 40 CFR 51.302, 51.305, and 51.307 for protection of visibility in mandatory Class I Federal areas.

* * * * *

(d) *Regional Haze*. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Michigan on November 5, 2010, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(e) *Measures Addressing Limited Disapproval Associated With NO_X*. The deficiencies associated with NO_X identified in EPA's limited disapproval of the regional haze plan submitted by Michigan on November 5, 2010, are satisfied by § 52.1186.

(f) *Measures Addressing Limited Disapproval Associated With SO_2*. The deficiencies associated with SO_2 identified in EPA's limited disapproval of the regional haze plan submitted by Michigan on November 5, 2010, are satisfied by § 52.1187.

§ 52.1184 Small business stationary source technical and environmental compliance assistance program.

The Michigan program submitted on November 13, 1992, January 8, 1993, and November 12, 1993, as a requested revision to the Michigan State Implementation Plan satisfies the requirements of section 507 of the Clean Air Act Amendments of 1990.

[59 FR 28788, June 3, 1994]

§ 52.1185 Control strategy: Carbon monoxide.

(a) Approval—On November 24, 1994, the Michigan Department of Natural Resources submitted a revision to the carbon monoxide State Implementation Plan. The submittal pertained to a plan for the implementation and enforcement of the Federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act.

(b) Approval—On November 29, 1994, the Michigan Department of Natural Resources submitted a revision to the carbon monoxide State Implementation Plan for general conformity rules. The general conformity SIP revisions enable the State of Michigan to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

[61 FR 66609, 66611, Dec. 18, 1996]

§ 52.1186 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source located within the State of Michigan and for which requirements are set forth under the Federal CAIR NO_X Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to

comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Michigan State Implementation Plan (SIP) as meeting the requirements of CAIR for $PM_{2.5}$ relating to NO_X under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_X allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_X allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_X allowances for those years.

(b)(1) The owner and operator of each NO_X source located within the State of Michigan and for which requirements are set forth under the Federal CAIR NO_X Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Michigan State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO_X under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_X Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_X Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_X Ozone Season allowances for those years.

(c) Notwithstanding any provisions of paragraphs (a) and (b) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions in paragraphs (a) and (b) of this section relating to NO_X annual or ozone season emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter;

(2) The Administrator will not deduct for excess emissions any CAIR NO_X allowances or CAIR NO_X Ozone Season allowances allocated for 2012 or any year thereafter;

(3) By November 7, 2011, the Administrator will remove from the CAIR NO_X Allowance Tracking System accounts all CAIR NO_X allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_X allowances will be required with regard to emissions or excess emissions for such control periods; and

(4) By November 7, 2011, the Administrator will remove from the CAIR NO_X Ozone Season Allowance Tracking System accounts all CAIR NO_X Ozone Season allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_X Ozone Season allowances will be required with regard to emissions or excess emissions for such control periods.

(d)(1) The owner and operator of each source and each unit located in the State of Michigan and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's State Implementation Plan (SIP) as correcting in part

the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's SIP.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, if, at the time of the approval of Michigan's SIP revision described in paragraph (d)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(e)(1) The owner and operator of each source and each unit located in the State of Michigan and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's SIP.

(2) Notwithstanding the provisions of paragraph (e)(1) of this section, if, at the time of the approval of Michigan's SIP revision described in paragraph (e)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62350, Nov. 2, 2007, as amended at 76 FR 48367, Aug. 8, 2011; 76 FR 80774, Dec. 27, 2011]

§52.1187 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO_2 source located within the State of Michigan and for which requirements are set forth under the Federal CAIR SO_2 Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Michigan State Implementation Plan as meeting the requirements of CAIR for $PM_{2.5}$ relating to SO_2 under §51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under §51.124(r) of this chapter.

(b) Notwithstanding any provisions of paragraph (a) of this section and subparts AAA through III of part 97 of this chapter and any State's SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions of paragraph (a) of this section relating to SO_2 emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR SO_2 allowances allocated for 2012 or any year thereafter.

(c)(1) The owner and operator of each source and each unit located in the State of Michigan and Indian country within the borders of the State and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Michigan's SIP.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of Maryland's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62350, Nov. 2, 2007, as amended at 76 FR 48368, Aug. 8, 2011]

§ 52.1188 [Reserved]

§ 52.1190 Original Identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Michigan'' and all revisions submitted by Michigan that were federally approved prior to August 1, 2006.

(b) The plan was officially submitted on February 3, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Re-evaluation of control strategies for Berrien and Ingham Counties were submitted on March 3, 1972, by the State Air Pollution Office.

(2) Amendments to the Michigan air pollution rules for the control of SO_2 emissions (Part 3) and the prevention of air pollution episodes (Part 6) submitted by the Governor on March 30, 1972.

(3) An amendment to the Grand Rapids air pollution ordinance (section 9.35 and section 9.36) was submitted on May 4, 1972, by the Grand Rapids Department of Environmental Protection.

(4) Reasons and justifications concerning general requirements of control strategy for nitrogen dioxide, compliance schedules, and review of new sources and modifications submitted on July 12, 1972, by the Governor.

(5) A letter from the State Department of Public Health submitted on July 24, 1972, described how emissions data would be made available to the public.

(6) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on February 16, 1973.

(7) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on May 4, 1973.

(8) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on September 19, 1973.

(9) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on October 23, 1973.

(10) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on December 13, 1973.

(11) Air Quality Maintenance Area identifications were submitted on June 27, 1974, by the State of Michigan Department of Natural Resources.

(12) Air Quality Maintenance Area identifications were submitted on October 18, 1974, by the State of Michigan Department of Natural Resources.

(13) Provisions to disapprove an installation permit if the applicant source would interfere with the attainment or maintenance of national air quality standards were submitted by the Governor on January 25, 1974.

(14) Order extending the final compliance dates for meeting the sulfur dioxide emission limitation was submitted by the Michigan Department of Natural Resources for the Karn, Weadock and Cobb Plant Units of the Consumers Power Co.

(15) Order extending compliance date for meeting the sulfur dioxide emission limitation was submitted by the State of Michigan Department of Natural Resources for the Detroit Edison Company, Monroe County Plant on December 12, 1977.

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation and new source review, plus a copy of Michigan's existing and proposed regulations. USEPA is not taking action at this time to include in the federally approved SIP certain portions of the submittal: Provisions in R 336.1310 concerning open burning; 336.1331, insofar as it may pertain to process sources in the iron and steel category and site specific revisions; 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356 and 1357 as they pertain to specific iron and steel source operations; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 17, Hearings.

(17) On October 12, 1979, the State submitted comments and commitments in response to USEPA's notice of proposed rulemaking.

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the Commission. These rules became fully effective on January 18, 1980. These finally adopted rules are identical to the rules submitted on April 25, 1979, as part of Michigan's Part D nonattainment area plan except for a modification in the numbering system. Paragraph (c)(16) of this subpart identifies those rules on which USEPA has not taken action.

(19) On February 6, 1980, the State submitted the visible emission test method for stationary sources referenced in Rule 336.1303 as being on file with the Michigan Air Pollution Control Commission. On March 7, 1980, the State submitted clarifications to the visible emissions test method.

(20) On March 31, 1980, the State submitted revisions to the conditional approval schedules for total suspended particulates.

(21) On July 25, 1979, the State submitted the official ozone attainment plan as part of the State Implementation Plan.

(22) On October 26, 1979, the State submitted comments and revisions to the transportation plans and vehicle inspection/maintenance portions of the State Implementation Plan for ozone in response to USEPA's notice of proposed rulemaking (45 FR 47350).

(23) On November 8, 1979, the State submitted revisions to the ozone attainment plan.

(24) On December 26, 1979, the State submitted comments and additional information from the lead local agencies on the transportation control plans for the Flint, Lansing, Grand Rapids and Detroit urban areas.

(25) On May 12, 1980, the State submitted corrections and comments in response to USEPA's notice of proposed rulemaking (45 FR 25087).

(26) On March 20, 1980, the State submitted commitments and additional revisions to the Inspection/Maintenance program for the Detroit urban area.

(27) On February 23, 1979, compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA for the Detroit

Edison, St. Clair Power Plant. Additional material concerning the Final Order issued to the Detroit Edison, St. Clair Power Plant was submitted on June 17, 1979 and August 14, 1979.

(28) On August 22, 1979, the State of Michigan submitted to USEPA an Administrative Order, for the Lansing Board of Water and Light (Order No. 4–1979, adopted May 23, 1979). In letters dated February 13, 1980 and April 1, 1980, the State of Michigan withdrew certain paragraphs (sections A, B, C1, D, E, F, and G) of the Order from consideration by USEPA.

(29) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA on October 26, 1979, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 08–1979, adopted October 17, 1979).

(30) On July 26, 1979, the State of Michigan submitted to USEPA a revision to Rule 336.49 for the Consumers Power Company's J. H. Campbell Plant. The revision is a Final Order (No. 05–1979) extending the compliance date until January 1, 1985 for the Campbell Plant to meet the sulfur dioxide emission limitations in Rule 336.49. On February 14, 1980, the State of Michigan submitted to USEPA an amendment to Order No. 05–1979.

(31) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources to USEPA on November 13, 1979, for the S. D. Warren Company, Muskegon County (Michigan Final Order, No. 09–1979, adopted October 31, 1979).

(32) On December 19, 1979, the State of Michigan submitted a revision to provide for modification of the existing air quality surveillance network.

(33) On December 10, 1979, the State of Michigan submitted to USEPA a Final Order (APC No. 6–1979) issued by the Michigan Air Pollution Control Commission to the Consumers Power Company B.C. Cobb Plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitation in Michigan Rule 336.1401.

(34) On January 8, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 14–1979) requested of the Michigan Air Pollution Control Commission (MAPCC) by the Union Camp Corporation in Monroe County, Michigan. The Order permitted the Union Camp Corporation to burn 2.7% sulfur fuel on an annual average and 4.0% sulfur fuel on a daily average between January 1, 1980 and July 1, 1980. Beginning July 1, 1980 until July 1, 1982 the Company is permitted to burn 2.5% sulfur fuel on an annual average and 4.0% sulfur fuel daily average. Beginning July 1, 1982 until January 1, 1985, the Company is allowed to burn 2.2% sulfur fuel annual average and 3.5% sulfur fuel daily average. After January 1, 1985; the Company has agreed to comply with the SO_2 emission limitations of 1.5% sulfur fuel required in Michigan Rule 336.1401.

(35) On August 4, 1980 and August 8, 1980, the State of Michigan submitted to EPA additional information on the transportation control plan for the Niles, Michigan urbanized area.

(36) On January 10, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 16–1979) issued by the Michigan Air Pollution Control Commission to the Northern Michigan Electric Cooperative Advance Steam Plant. The Order allows the source to continue burning 2.0% sulfur coal (maximum daily average) until January 1, 1985 when the Company must meet the sulfur dioxide (S02) emission limitations in Michigan Rule 336.1401.

(37) On November 26, 1980, the State submitted a schedule to correct plan deficiencies cited by USEPA in its September 9, 1980 notice of proposed rulemaking on a portion of Michigan's Part D TSP control strategy pertaining to iron and steel sources. On April 1, 1981, the State submitted a revised schedule. USEPA has not taken action on the schedule submitted by the State.

(38) On April 10, 1981 the Governor of Michigan committed to annually administer and submit the questionnaire developed for the purposes of section 128.

(39) On July 28, 1980, the State of Michigan submitted to EPA, as revisions to the Michigan SIP, amendments to Rules 283 and 610 of the Michigan Air Pollution Control Commission.

(40) Revised compliance schedules were submitted by the State of Michigan, Department of Natural Resources (MDNR) to EPA on January 14, 1981, for the Dundee Cement Company, Monroe County (Michigan Final Order, APC No. 16—1980, adopted November 19, 1980). The revised Order provides an earlier final compliance date of December 31, 1980 for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases and December 31, 1981 for visible emission reductions from the Company's cement kilns.

(41) On April 25, 1979, the State submitted materials which satisfy the intergovernmental consultation process.

(42) On July 28, 1980, the State submitted an amendment to Michigan Air Pollution Control Commission Rule 221 which exempts minor sources of particulate matter and sulfur dioxide from the offset requirements.

(43) On August 25, 1981, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA Consent Order No. 16–1981 for the Marathon Oil Company in Muskegon County. Consent Order No. 16–1981 satisfies USEPA's conditional approval of R336.1603 by providing detailed compliance schedules containing the increments of progress required by 40 CFR 51.15.

(44) On September 1, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted to USEPA a revision to its R336.1220 requiring offsets in ozone nonattainment areas to exempt the same compounds listed in EPA's FEDERAL REGISTER of July 22, 1980 (45 FR 48941). The revised R336.1220 also allows offsets of emissions for new sources in any of the seven counties in the southeastern Michigan ozone nonattainment area to be obtained from any of those counties, not just the county in which the new source is locating (Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe).

(45) On May 24, 1980, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 10–1979 for the Buick Motor Division Complex (BMDC) of the Buick Motors Division, General Motors Corporation. The BMDC is located in the City of Flint, Genesee County, a primary nonattainment area. On December 2, 1980, supplementary information was submitted by MDNR. The Consent Order contains enforceable emission limitations and control measures for the attainment of the primary TSP standards in Genesee County by December 31, 1982.

(46) On July 17, 1980, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 01–1980 for the Grey Iron Casting Plant and the Nodular Iron Casting Plant, of the Chevrolet Motor Division, General Motors Corporation. The two plants are located in Saginaw County, a primary nonattainment area. On September 5, 1980 and February 6, 1981, supplementary information was submitted by MDNR. The Consent Order contains enforceable emission limitations and control measures for the attainment of the primary TSP standards in Saginaw County by December 31, 1982.

(47) On March 4, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted Consent Order APC No. 12–1980 for the New Haven Foundry located in Macomb County, a secondary nonattainment area. The Consent Order contains enforceable emission reductions to achieve the secondary TSP standards by June 30, 1985.

(48) On May 1, 1981, the State of Michigan, through the Department of Natural Resources, submitted Consent Order 07–1981 for the Detroit Edison Company, Boulevard Heating Plant located in the City of Detroit, Wayne County. Under Michigan Rule 336.1331(1)(a), the plant was restricted to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds flue gas or an equivalent of 410 tons per year. The Consent Order, pursuant to Michigan Rule 333.1331(1)(d), establishes a new limitation for the Boulevard Plant of 0.65 pounds per 1000 pounds of flue gas with a daily limit of 0.9 tons per day and 10 tons per year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that the

attached rule will not have a significant economic impact on a substantial number of small entities.

(49) On March 7, 1980 and April 21, 1981 the State of Michigan submitted particulate studies for the Detroit area. These studies satisfy EPA's conditional approval and the State's commitment.

(50) On October 22, 1981, the State of Michigan submitted as a SIP revision Consent Order No. 17–1981, between Conoco, Inc., and the Michigan Air Pollution Control Commission. The Consent Order establishes a compliance schedule for Conoco, Inc. to achieve the Volatile Organic Compounds (VOC) limitations in R336.1609 by December 31, 1982.

(51) On December 27, 1979, the State of Michigan, Department of Natural Resources (MDNR), submitted to EPA a revision to the State Implementation Plan (SIP) for Lead. On February 9, 1981, the State of Michigan submitted a letter clarifying provisions of its Lead SIP. The SIP provides for the implementation of measures for controlling lead emissions for the attainment and maintenance of the national ambient air quality standards for lead in Michigan by October 31, 1982.

(52) On June 26, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order No. 12–1981 for controlling particulate emissions from the liquid waste incinerator in Building 830 at the Dow Chemical Company's Midland plant. The Consent Order provides a schedule which establishes a final particulate emissions compliance date of October 1, 1982.

(53) On August 24, 1981, the State of Michigan, Department of Natural Resources, submitted to EPA Consent Order APC No. 19–1981 for controlling particulate emissions from Dow's West Side and South Side powerplants. On October 16, 1981, the State of Michigan submitted a letter to EPA clarifying specific sections intended for EPA's rulemaking action. All particulate emission sources at Dow must comply with various parts of Michigan's SIP by December 31, 1985. The Consent Order does not interfere with the attainment of the primary particulate NAAQS standard by December 31, 1982 or the secondary particulate NAAQS by October 1, 1984.

(54) On December 16, 1981, the State of Michigan submitted to EPA Consent Order APC No. 21–1981 for the Monitor Sugar Company. Consent Order APC No. 21–1981 provides for additional controls on its coal-fired boilers, 1, 2, 3, and 4 and establishes a final compliance date of October 15, 1982 for attaining the primary National Ambient Air Quality Standards.

(55) On January 7, 1982, the State of Michigan submitted to EPA Consent Order APC No. 23–1981 for the Traverse City Board of Light and Power. Consent Order APC No. 23–1981 limits the company's operation of its No. 1 and No. 2 coal-fired boilers after December 31, 1982; provides for additional controls on its No. 4 coal-fired boiler; and establishes a final compliance date of December 31, 1982.

(56) On September 2, 1981, the State of Michigan submitted a revision to the ozone plan consisting of RACT requirements for the control of volatile organic compound emissions from stationary industrial sources (Group II) referenced in Rules R336.1101–3, 5–9, 14–16, 18–21, 23; R336.1601, 3–4, 10, 19–27; and R336.2005.

(57) On March 3, 1982, the State of Michigan submitted a modification to its schedule for submitting by December 31, 1982 regulations developed to correct the State's deficiencies in its Part D State Implementation Plan for the attainment of the total suspended particulate air quality standards in its nonattainment areas containing iron and steel sources.

(58) On December 16, 1981, the State of Michigan submitted as a SIP revision consent order APC No. 18–1981 between General Motors Warehousing and Distribution Division and the Michigan Air Pollution Control Commission. On March 16, 1982, Michigan submitted an amendment to consent order APC No. 18–1981. The Consent Order provides a one year extension from October 15, 1982 until October 15, 1983 for the Company's No. 1 and No. 2 boilers and establishes a compliance date of October 15, 1981, for boilers 3 and 4. The Consent Order contains a schedule for compliance which specifies

emission limits of 0.45 pounds of particulate per 1,000 pounds of gas as required in Michigan's rule 336.1331(c) Table 31.

(59) [Reserved]

(60) On April 5, 1982, the State of Michigan submitted Consent Order APC No. 02–1980 along with alterations to Section 5(D) of the Consent Order for the Hayes-Albion foundry in Calhoun County. The Consent Order contains control measures beyond the present requirements of Michigan's R336.1301 and R336.1331 for Total Suspended Particulate (TSP) emissions and evaluation methods for determining significant particulate emission sources from the foundry. On June 18, 1982, the State of Michigan also submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for the Hayes-Albion foundry. On September 21, 1982, the State of Michigan formally submitted Permits 314–79 and 375–79 for the American Colloid Plant.

(61) On March 6, 1981, the State of Michigan submitted as a SIP revision general rules for fugitive dust control. These rules were approved by the Michigan Air Pollution Control Commission on January 20, 1981, and became effective at the State level on February 17, 1981. On January 25, 1982, May 3, 1982, and August 24, 1982, Michigan submitted additional information and commitments. The submittal of March 6, 1981, along with the additional information and commitments satisfies the State's commitment to submit industrial fugitive dust regulations that represent reasonably available control techniques for industrial fugitive dust sources.

(62) On July 28, 1982, the State of Michigan submitted Consent Order No. 06–1981 for the Clark Oil and Refining Corporation for volatile organic compound (VOC) emissions. This revision is a detailed compliance schedule containing increments of progress with a final compliance date of December 31, 1982 and an emission limitation of 0.7 pound of organic vapor per 1000 gallons of organic compound load.

(63) On September 8, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 03–1982, between the Hydra-Matic Division, General Motors Corporation and the Michigan Air Pollution Control Commission. The Consent Order establishes a compliance schedule containing increments of progress dates and a final date of November 1, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

(64) On September 21, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 13–1982, between the Diamond Crystal Salt and the Michigan Air Pollution Control Commission, the Consent Order establishes a compliance schedule containing increments of progress dates and a final date of December 18, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

(65) [Reserved]

(66) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision consent order No. 08–1982, between the General Motors, Buick Motor Division and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the final compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(67) On September 8, 1982, the State of Michigan submitted Consent Order No. 09–1982, between the General Motors, Fisher Body Division and the Michigan Air Pollution Control Commission as a State Implementation Plan (SIP) revision. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(68) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 10–1982, between Chevrolet Truck Assembly and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and 336.1610,

and extends the compliance date for surface coating operations until December 31, 1987. On November 29, 1982, and March 10, 1983, the State submitted additional information.

(69) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 11–1982, between the General Motors Fisher Body Division, Fleetwood Plant and the Michigan Air Pollution Control Commission. On March 10, 1983, the State submitted additional information for this SIP revision. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rules 336.1603 and 336.1610, and extends the final compliance date for surface coating operations until December 31, 1987.

(70) On September 8, 1982, the State of Michigan submitted as a State Implementation Plan (SIP) revision Consent Order No. 12–1982, between the General Motors, Cadillac Motors Car Division and the Michigan Air Pollution Control Commission. On March 10, 1983, the State submitted additional information for this SIP revision. The Consent Order establishes a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and R336.1610, and extends the compliance date for surface coating operations until December 31, 1987.

(71) On September 1, 1982, the State of Michigan submitted a request to reduce the size of the ozone demonstration area for Southeast Michigan from the seven-county area of Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair and Washtenaw to a three-county area consisting of Wayne, Oakland, and Macomb Counties.

(72) On November 18, 1982, the State of Michigan submitted Consent Order APC No. 06–1980, along with alterations for the General Motors Corporation (GMC) Central Foundry Division, Saginaw Malleable Iron Plant in the City of Saginaw, County of Saginaw as a revision to the Michigan SIP. Consent Order No. 06–1980, as amended, reflects an interim and final particulate emission limit more stringent than Michigan's rule 336.1331; extends the final date of compliance with Michigan's Rule 336.1301 for opacity on the oil quench facilities from December 31, 1982, to December 15, 1983, which is as expeditiously as practicable and before the July 31, 1985, attainment date for the secondary TSP NAAQS in Michigan.

(73) On June 30, 1983, the State of Michigan submitted as a State Implementation Plan (SIP) revision. Consent Order No. 4–1983 between the General Motors Corporation's Oldsmobile Division and the Michigan Air Pollution Control Commission. The Consent Order establishes a Volatile Organic Compound (VOC) emissions compliance schedule as required under Michigan's Rule 336.1603 and 336.1610, and extends the final compliance dates for prime, primer-surfacer, topcoat, and final repair operations until December 31, 1987.

(74) On June 30, 1983, the State of Michigan submitted as a State Implementation Plan (SIP) revision. Consent Order No. 5–1983, between the General Motors Corporation's Assembly Division and the Michigan Air Pollution Control Commission. The Consent Order established a Volatile Organic Compound (VOC) emission compliance schedule as required under Michigan's Rule 336.1603 and R336.1610, and provides interim compliance limits to be achieved by December 31, 1984, and extends the final compliance dates for topcoating and final repair coating operations until December 31, 1987.

(75) On October 4, 1983, the State of Michigan submitted: (1) A revised Consent Order APC No. 12–1979 between CWC Castings Division of Textron and the Michigan Air Pollution Control Commission and (2) Article 14, Section J of the Muskegon County APC Rules. Consent Order APC No. 12–1979 requires reductions of point source emissions and fugitive emissions and extends the installation schedule of specified control devices to December 31, 1984. Article 14, Section J, provides a ban on open residential and leaf burning in Muskegon County. EPA approves the additional control measures contained in Consent Order APC No. 12–1979 and the open burning ban. EPA takes no action on the overall approval of Michigan's Part D secondary nonattainment area for Muskegon County.

(76) On August 24, 1983, the State of Michigan submitted a State Implementation Plan (SIP) revision request for an extension of the compliance date for Boiler No. 2 for the General Motors Corporation Warehousing and Distribution Division, in Swartz Creek County. Consent Order No. 18–1981 extends the compliance date until October 15, 1985 for GMC to install mechanical collectors on Boiler No. 2.

(77) On March 8, 1984, the State of Michigan submitted a report which demonstrated that Rule 336.1606 contains emission limits equivalent to Reasonable Available Control Technology (RACT) for Wayne, Oakland and Macomb Counties. Therefore, USEPA remove its conditional approval of Rule 336.1606 and fully approves the State's rule.

(78) On September 6, 1984, the State of Michigan submitted a revision to the Michigan State Implementation Plan for the General Motors Corporation Buick Motor Division in the form of an Alteration of Stipulation for Entry of Consent Order and Final Order, No. 8–1982. The original Consent Order No. 8–1982 was federally approved on July 6, 1983. This alteration revises Consent Order No. 8–1982, in that it accelerates the final compliance dates for prime and prime-surfacer operations and extends an interim compliance date for topcoat operations.

(i) Incorporation by reference.

(A) State of Michigan, Air Pollution Control Commission, Alteration of Stipulation for Entry Consent Order and Final Order SIP No. 8–1983, which was approved by the Air Pollution Control Commission on April 2, 1984.

(B) Letter of September 6, 1984, from the State of Michigan, Department of Natural Resources, to EPA.

(79) On December 2, 1983, USEPA proposed to withdraw its approval of Michigan's fugitive dust regulations. On April 25, 1985, the State of Michigan submitted revised Rule 336.1371, existing Rule 336.1372, and new Rule 336.1373. However, they did not meet the requirements of Part D of section 172(b); and USEPA, therefore, withdrew its approval of these submittals, disapproved these submittals, and instituted new source restrictions for major sources in the Michigan primary Total Suspended Particulate (TSP) nonattainment areas on August 20, 1985. USEPA incorporates revised Rule 336.1371 and newly submitted Rule 336.1373 into the Michigan State Implementation Plan because they provide a framework for the development of fugitive dust control programs at the State level in Michigan. USEPA retains Rule 336.1372, which is already incorporated into the Michigan SIP, insofar as it applies to sources in TSP attainment areas. This paragraph supercedes paragraph (C)(61) of this section.

(i) Incorporation by reference.

(A) Michigan Department of Natural Resources Rules 336.1371 and 336.1373 (Fugitive Dust Regulations), as adopted on April 23, 1985.

(80) On July 27, 1983, the State of Michigan submitted Consent Order No. 08–1983 for the General Motors Corporation Central Foundry Division's Saginaw Malleable Iron Plant, as a revision to the Michigan State Implementation Plan for Total Suspended Particulates. Consent Order No. 08–1983 amends control strategy provisions of federally approved (November 18, 1982 and August 15, 1983) Consent Order No. 06–1980 and its alteration.

(i) Incorporation by reference.

(A) Stipulation for Entry of Consent Order and Final Order No. 08–1983 for the General Motors Corporation Central Foundry Division's Saginaw Malleable Iron Plant amending Control Strategy Provisions issued June 9, 1983.

(81) On October 1, 1984, the State of Michigan submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, between the Consumer Power Company's J.H. Campbell and the Michigan Air Pollution Control Commission as a revision to the Michigan SO_2 SIP. Consent Order No. 12–1984 provides a 3-year compliance date extension (January 1, 1985, to December 31, 1987) for the J.H. Campbell Units 1 and 2 to emit SO_2 at an allowable rate on a daily basis of 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986, and 4.68 lbs/MMBTU in 1987.

(i) Incorporation by reference.

(A) October 1, 1984, Stipulation for Entry of Consent Order and Final

Order, SIP No. 12–1984, establishing interim daily average SO_2 emission limitations and quarterly average limits on percent sulfur is fuel fired.

(82) The State of Michigan submitted negative declarations for several volatile organic compound source categories, as follows:

October 10, 1983—Large petroleum dry cleaners;

May 17, 1985—High-density polyethylene, polypropylene, and polystyrene resin manufacturers;

June 12, 1985—Synthetic organic chemical manufacturing industry sources (SOCMI) oxidation.

(i) Incorporation by reference.

(A) Letters dated October 10, 1983, May 17, 1985, and June 12, 1985, from Robert P. Miller, Chief, Air Quality Division, Michigan Department of Natural Resources. The letter dated June 12, 1985, includes pages 2–119 and 2–120 from the revised 1982 Air Quality Implementation Plan for Ozone and Carbon Monoxide in Southeast Michigan.

(83) On September 16, 1985, the State of Michigan submitted a SIP revision requesting alternate opacity limits for the Packaging Corporation of America (PCA) bark boiler. The request is in the form of a Stipulation for Entry of Consent Order and Final Order (No. 23–1984). The Consent Order contains an extended schedule for the PCA's bark boiler to comply with Michigan's Rule 336.1301.

(i) Incorporation by reference.

(A) Stipulation for Entry of Consent Order and Final Order No. 23–1984 for the Packaging Corporation of America, approved on July 8, 1985.

(84) On April 29, 1986, the State of Michigan submitted a revision to the Michigan State Implementation Plan (SIP) for total suspended particulates (TSP). The revision, in the form of Air Pollution Control Act (APCA) No. 65, revises the State's 1965 APCA No. 348 contained in the TSP portion of the Michigan SIP with respect to: car ferries having the capacity to carry more than 110 motor vehicles; and coal-fired trains used in connection with tourism.

(i) Incorporation by reference.

(A) Act No. 65 of the Public Acts of 1986, as approved by the Governor of Michigan on March 30, 1986.

(85) On April 25, 1979, the State of Michigan submitted as revisions to the Air Quality Implementation Plan, Michigan Department of Natural Resources Air Pollution Control Commission General Rules for Open Burning; Continuous Emission Monitoring; Air Pollution Episodes; Organization, Operation and Procedures; and Hearings.

(i) Incorporation by reference.

(A) R 336.1310, Open Burning, effective January 18, 1980.

(B) R 336.2101–3, R 336.2150–5, R 336.336–2159, R 336.2170, R336.2175–6, R 336.2189–90, and R 336.2199; Continuous Emission Monitoring, effective January 18, 1980.

(C) R 336.2301–8, Air Pollution Episodes, effective January 18, 1980.

(D) R 336.2601–8, Organization, Operating, and Procedures, effective January 18, 1980.

(E) R 336.2701–6, Hearings, effective January 18, 1980.

(86) On May 25, 1988, the State of Michigan submitted an SIP revision in the form of an addendum to the State's Rule 336.1122, effective at the State level on May 20, 1988. The amendment will allow coating companies to exclude methyl chloroform from the VOC emission calculation when it is not technically or economically reasonable. This exemption applies only to the surface coating operations that are subject to Part 6 (Emission Limitations and Prohibitions—Existing Sources of VOC Emissions) or Part 7 (Emission Limitations and Prohibitions—New Sources of VOC Emissions) of the State's regulations.

(i) Incorporation by reference.

(A) R336.1122, Methyl Chloroform; effective at the State level on May 20, 1988.

(87)–(89) [Reserved]

(90) On December 17, 1987, the State of Michigan submitted to USEPA a revision to the Michigan State Implementation Plan for the Continental Fiber Drum, Inc., which limits volatile organic compound emissions from the surface coating operations at the facility.

(i) Incorporation by reference.

(A) State of Michigan, Air Pollution Control Commission, Stipulation for Entry of Consent Order and Final

Order No. 14–1987, which was adopted by the State on December 9, 1987.

(B) Letter of December 17, 1987, from the State of Michigan, Department of Natural Resources to USEPA.

(91) On May 17, 1985, the State submitted revised rules for the control of particulate matter from iron and steel sources and from other sources in Michigan. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923 of the State's part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA is approving these revised rules in the Michigan submittal except for the following provisions: The quench tower limit in rule 336.1331, Table 31, Section C.8, because allowing water quality limits to apply only to makeup water is a relaxation; the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it is a relaxation, and rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

(i) Incorporation by reference.

(A) Revision to parts 1, 3, and 10 of Michigan's administrative rules for air pollution control (Act 348 of 1967, as amended) as adopted by the Michigan Air Pollution Control Commission on December 18, 1984. These rules became effective in Michigan on February 22, 1985.

(92) On October 10, 1986, the State of Michigan supported portions of the revised Wayne County Air Pollution Control Division Air Pollution Control Ordinance as approved by Wayne County on September 19, 1985, as a revision to the Michigan State Implementation Plan.

(i) Incorporation by reference.

(A) Chapters 1, 2, 3, 5 (except for the portions of Chapter 5, section 501, of the Wayne County Ordinance which incorporate by reference the following parts of the State rules: The quench tower limit in Rule 336.1331, Table 31, Section C.8; the deletion of the limit in Rule 336.1331 for coke oven coal preheater equipment; and Rule 336.1355), 8 (except section 802), 9, 11, 12, 13 and appendices A and D of the Wayne County Air Pollution Control Division (WCAPCD) Air Pollution Control Ordinance as approved by WCAPCD on September 19, 1985.

(93) On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

(i) Incorporation by reference.

(A) Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

(94) On November 13, 1992, January 8, 1993, and November 12, 1993, the State of Michigan submitted a Small Business Stationary Source Technical and Environmental Assistance Program for incorporation in the Michigan State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Small Business Clean Air Assistance Act, Act No. 12, Public Acts of 1993, approved by the Governor on April 1, 1993, and effective upon approval.

(95) On November 15, 1993, the State of Michigan requested revision to the Michigan State Implementation Plan (SIP) to incorporate miscellaneous technical rule changes that the State had made effective April 20, 1989.

(i) Incorporation by reference.

(A) Michigan Air Pollution Control Rules: R 336.1107 (except paragraph (c)); R 336.1121, R 336.1403. R 336.1606, R 336.1607, R 336.1608, R 336.1609, R 336.1616, R 336.1626 (deleted), and R 336.1705, effective April 20, 1989.

(96) Revisions to the Michigan Regulations submitted on June 12, 1993 and November 12, 1993 by the Michigan Department of Natural Resources:

(i) Incorporation by reference.

(A) Revisions to the following provisions of the Michigan Air Pollution Control Commission General Rules filed with the Secretary of State on

April 12, 1993 and effective on April 27, 1993:

(*1*) R 336.1101 Definitions; A—Revised definitions of the following terms: actual emissions, air-dried coating, air quality standard, allowable emissions and alternate opacity.

(*2*) R 336.1103 Definitions; C—Added definition of coating category. Revised definitions of the following terms: calendar day, class II hardboard paneling finish, coating line, coating of automobiles and light-duty trucks coating of fabric, coating of large appliances, coating of paper, coating of vinyl, component, component in field gas service, component in gaseous volatile organic compound service, component in heavy liquid service, component in light liquid service, component in liquid volatile organic compound service, condenser, conveyorized vapor degreaser, and creditable.

(*3*) R 336.1105 Definitions; E—Added definition of the term extreme environmental conditions. Revised definitions of the following terms: electrostatic prep coat, equivalent method and extreme performance coating.

(*4*) R 336.1116 Definitions; P—Revised definitions of the following terms: packaging rotogravure printing, printed interior panel, process unit turnaround, publication rotogravure printing and pushside. Deleted definition of the term pneumatic rubber tire manufacturing.

(*5*) R 336.1122 Definitions; V—Added definition of the term vapor collection system. Revised definitions of the following terms: very large precipitator and volatile organic compound.

(*6*) R 336.1602 General provisions for existing sources of volatile organic compound emissions (entire rule).

(*7*) R 336.1610 Existing coating lines; emission of volatile organic compounds from exiting automobile, light-duty truck, and other product and material coating lines (entire rule).

(*8*) R 336.1611 Existing cold cleaners (entire rule).

(*9*) R 336.1619 Perchloroethylene; emission from existing dry cleaning equipment (entire rule).

(*10*) R 336.1620 Emission of volatile organic compounds from existing flat wood paneling coating lines (entire rule).

(*11*) R 336.1621 Emission of volatile organic compounds from existing metallic surface coating lines (entire rule).

(*12*) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program (entire rule).

(*13*) R 336.1623 Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia, but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000-gallon capacity (entire rule).

(*14*) R 336.1625 Emission of volatile organic compounds from existing equipment utilized in manufacturing synthesized pharmaceutical products (entire rule).

(*15*) R 336.1627 Delivery vessels; vapor collection systems (entire rule).

(*16*) R 336.1630 Emission of volatile organic compounds from existing paint manufacturing processes (entire rule).

(*17*) R 336.1631 Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene or other organic resins (entire rule).

(*18*) R 336.1632 Emission of volatile organic compounds from existing automobile, truck, and business machine plastic part coating lines (entire rule).

(*19*) R 336.1702 General provisions of new sources of volatile organic compound emissions (entire rule).

(*20*) R 336.2004 Appendix A; reference test methods; adoption of federal reference test methods (entire rule).

(*21*) R 336.2006 Reference test method serving as alternate version of federal reference test method 25 by incorporating Byron analysis (entire rule).

(*22*) R 336.2007 Alternate version of procedure L, referenced in R 336.2040(10) (entire rule).

(*23*) R 336.2040 Method for determination of volatile organic compound emissions from coating lines and graphic arts lines (except R 336.2040(9) and R 336.2040(10)).

(*24*) R 336.2041 Recordkeeping requirements for coating lines and graphic arts lines (entire rule).

(B) Revisions to the following provisions of the Michigan Air Pollution Control Commission General Rules filed with the Secretary of State on November 3, 1993 and effective on November 18, 1993:

(*1*) R 336.1601 Definitions—Added definition of the term person responsible.

(*2*) R 336.1602 General provisions for existing sources of volatile organic compound emissions—Addition of provisions requiring submittal of site-specific SIP revisions to EPA for the use of equivalent control methods allowed under rules 336.1628(1) and 336.1629(1).

(*3*) R 336.1624 Emission of volatile organic compounds from existing graphic arts lines (entire rule).

(*4*) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program (entire rule).

(*5*) R 336.1629 Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program (entire rule).

(C) Senate Bill No. 726 of the State of Michigan 87th Legislature for Stage I controls signed and effective on November 13, 1993.

(D) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 39–1993 which was adopted by the State on November 12, 1993.

(E) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 40–1993 which was adopted by the State on November 12, 1993.

(F) State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 3–1993 which was adopted by the State on June 21, 1993.

(97) On November 12, 1993, the State of Michigan submitted a revision to the State Implementation Plan (SIP) for the implementation of a motor vehicle inspection and maintenance (I/M) program in the Grand Rapids and Muskegon ozone nonattainment areas. This revision included House Bill No. 4165 which establishes an I/M program in Western Michigan, SIP narrative, and the State's Request for Proposal (RFP) for implementation of the program. House Bill No. 4165 was signed and effective on November 13, 1993.

(i) Incorporation by reference.

(A) House Bill No. 4165; signed and effective November 13, 1993.

(ii) Additional materials.

(A) SIP narrative plan titled ''Motor Vehicle Emissions Inspection and Maintenance Program for Southeast Michigan, Grand Rapids MSA, and Muskegon MSA Moderate Nonattainment Areas,'' submitted to the EPA on November 12, 1993.

(B) RFP, submitted along with the SIP narrative on November 12, 1993.

(C) Supplemental materials, submitted on July 19, 1994, in a letter to EPA.

(98) [Reserved]

(99) On July 13, 1994, the State of Michigan requested a revision to the Michigan State Implementation Plan (SIP). The State requested that a consent order for the Eagle-Ottawa Leather Company of Grand Haven be included in the SIP.

(i) Incorporation by reference. State of Michigan, Department of Natural Resources, Stipulation for Entry of Consent Order and Final Order No. 7–1994 which was adopted on July 13, 1994.

(100) On June 11, 1993 the Michigan Department of Natural Resources (MDNR) submitted a plan, with revisions submitted on April 7, 1994 and October 14, 1994 for the purpose of bringing about the attainment of the National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM) in the Wayne County moderate PM nonattainment area.

(i) Incorporation by reference.

(A) Consent Order 4–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Allied Signal, Inc., Detroit Tar Plant.

(B) Consent Order 5–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Asphalt Products Company, Plant 5A.

(C) Consent Order 6–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Clawson Concrete Company, Plant #1.

(D) Consent Order 7–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Cummings-Moore Graphite Company.

(E) Consent Order 8–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Delray Connecting Railroad Company.

(F) Consent Order 9–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Detroit Edison Company, River Rouge Plant.

(G) Consent Order 10–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Detroit Edison Company, Sibley Quarry.

(H) Consent Order 11–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the city of Detroit, Detroit Water and Sewage Department, Wastewater Treatment Plant.

(I) Consent Order 12–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ferrous Processing and Trading Company.

(J) Consent Order 13–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ford Motor Company, Rouge Industrial Complex.

(K) Consent Order 14–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Ford Motor Company, Vulcan Forge.

(L) Consent Order 15–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Detroit Lime Company.

(M) Consent Order 16–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #1.

(N) Consent Order 17–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #3.

(O) Consent Order 18–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant #6.

(P) Consent Order 19–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant 4 and 5.

(Q) Consent Order 20–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Edward C. Levy Company, Plant Scrap Up-Grade Facility.

(R) Consent Order 21–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Marblehead Lime, Brennan Avenue Plant.

(S) Consent Order 22–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Marblehead Lime, River Rouge Plant.

(T) Consent Order 23–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the McLouth Steel Company, Trenton Plant.

(U) Consent Order 24–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Michigan Foundation Company, Cement Plant.

(V) Consent Order 25–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Michigan Foundation Company, Sibley Quarry.

(W) Consent Order 26–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Morton International, Inc., Morton Salt Division.

(X) Consent Order 27–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the National Steel Corporation, Great Lakes Division.

(Y) Consent Order 28–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the National Steel Corporation, Transportation and Materials Handling Division.

(Z) Consent Order 29–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Peerless Metals Powders, Incorporated.

(AA) Consent Order 30–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Rouge Steel Company.

(BB) Consent Order 31–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Keywell Corporation.

(CC) Consent Order 32–1993 effective October 12, 1994 issued by the MDNR.

This Order limits the PM emissions for the St. Marys Cement Company.

(DD) Consent Order 33–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the United States Gypsum Company.

(EE) Consent Order 34–1993 effective October 12, 1994 issued by the MDNR. This Order limits the PM emissions for the Wyandotte Municipal Power Plant.

(101) On November 15, 1993, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a motor vehicle inspection and maintenance program for the Detroit-Ann Arbor area. Michigan submitted House Bill No. 5016, signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 5016 signed by the Governor and effective on November 13, 1993.

(102) On November 12, 1993, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a section 175A maintenance plan for the Detroit-Ann Arbor area as part of Michigan's request to redesignate the area from moderate nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include a base year (1993 attainment year) emission inventory for NO_X and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories (including interim years) to the year 2005 for NO_X and VOC, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the ozone NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. Appropriateness of a contingency measure will be determined by an urban airshed modeling analysis. The Governor or his designee will select the contingency measure(s) to be implemented based on the analysis and the MDNR's recommendation. The menu of contingency measures includes basic motor vehicle inspection and maintenance program upgrades, Stage I vapor recovery expansion, Stage II vapor recovery, intensified RACT for degreasing operations, NO_X RACT, and RVP reduction to 7.8 psi. Michigan submitted legislation or rules for basic I/M in House Bill No 5016, signed by Governor John Engler on November 13, 1993; Stage I and Stage II in Senate Bill 726 signed by Governor John Engler on November 13, 1993; and RVP reduction to 7.8 psi in House Bill 4898 signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 5016 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan Senate Bill 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(103) On August 26, 1994 Michigan submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order determines Reasonably Available Control Technology (RACT) specifically for the Enamalum Corporation Novi, Michigan facility for the emission of volatile organic compounds (VOCs).

(i) Incorporation by reference. The following Michigan Stipulation for Entry of Final Order By Consent.

(A) State of Michigan, Department of Natural Resources, Stipulation for Entry of Final Order By Consent No. 6–1994 which was adopted by the State on June 27, 1994.

(104) On July 13, 1995, the Michigan Department of Natural Resources (MDNR) submitted a contingency measures plan for the Wayne County particulate matter nonattainment area.

(i) Incorporation by reference.

(A) State of Michigan Administrative Rule 374 (R 336.1374), effective July 26, 1995.

(105) [Reserved]

(106) On March 9, 1995, the State of Michigan submitted as a revision to the Michigan State Implementation Plan for ozone a State Implementation Plan for a section 175A maintenance plan for the Grand Rapids area as part of Michigan's request to redesignate

the area from moderate nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include an attainment emission inventory for NO_X and VOC, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2007 for NO_X and VOC, a plan to verify continued attainment, a contingency plan, and a commitment to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If a violation of the ozone NAAQS, determined not to be attributable to transport from upwind areas, is monitored, Michigan will implement one or more appropriate contingency measure(s) contained in the contingency plan. Once a violation of the ozone NAAQS is recorded, the State will notify EPA, review the data for quality assurance, and conduct a technical analysis, including an analysis of meteorological conditions leading up to and during the exceedances contributing to the violation, to determine local culpability. This preliminary analysis will be submitted to EPA and subjected to public review and comment. The State will solicit and consider EPA's technical advice and analysis before making a final determination on the cause of the violation. The Governor or his designee will select the contingency measure(s) to be implemented within six months of a monitored violation attributable to ozone and ozone precursors from the Grand Rapids area. The menu of contingency measures includes a motor vehicle inspection and maintenance program, Stage II vapor recovery, gasoline RVP reduction to 7.8 psi, RACT on major non-CTG VOC sources in the categories of coating of plastics, coating of wood furniture, and industrial cleaning solvents. Michigan submitted legislation or rules for I/M in House Bill No 4165, signed by Governor John Engler on November 13, 1993; Stage II in Senate Bill 726 signed by Governor John Engler on November 13, 1993; and RVP reduction to 7.8 psi in House Bill 4898 signed by Governor John Engler on November 13, 1993.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 4165 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan Senate Bill 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(107) [Reserved]

(108) On May 16, 1996, the State of Michigan submitted a revision to the Michigan State Implementation Plan (SIP). This revision is for the purpose of establishing a gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in Wayne, Oakland, Macomb, Washtenaw, Livingston, St. Clair, and Monroe counties in Michigan.

(i) Incorporation by reference.

(A) House Bill No. 4898; signed and effective November 13, 1993.

(B) Michigan Complied Laws, Motor Fuels Quality Act, Chapter 290, Sections 642, 643, 645, 646, 647, and 649; all effective November 13, 1993.

(C) Michigan Complied Laws, Weights and Measures Act of 1964, Chapter 290, Sections 613, 615; all effective August 28, 1964.

(ii) Additional materials.

(A) Letter from Michigan Governor John Engler to Regional Administrator Valdas Adamkus, dated January 5, 1996.

(B) Letter from Michigan Director of Environmental Quality Russell Harding to Regional Administrator Valdas Adamkus, dated May 14, 1996.

(C) State report titled ''Evaluation of Air Quality Contingency Measures for Implementation in Southeast Michigan,'' submitted to the EPA on May 14, 1996.

(109) On December 13, 1994 and January 19, 1996, Michigan submitted correspondence and Executive Orders 1991–31 and 1995–18 which indicated that the executive branch of government had been reorganized. As a result of the reorganization, delegation of the Governor's authority under the Clean Air Act was revised. The Environmental Protection Agency's approval of these Executive Orders is limited to those provisions affecting air pollution control. The Air Pollution Control Commission was abolished and its authority was initially transferred to the Director of the Michigan Department of Natural Resources (DNR). Subsequently, the Michigan Department of

Natural Resources of Environmental Quality (DEQ) was created by elevating eight program divisions and two program offices previously located within the DNR. The authority then earlier vested to the Director of the Michigan DNR was then transferred to the Director of the Michigan DEQ with the exception of some administrative appeals decisions.

(i) Incorporation by reference.

(A) State of Michigan Executive Order 1991–31 Commission of Natural Resources, Department of Natural Resources, Michigan Department of Natural Resources Executive Reorganization. Introductory and concluding words of issuance and Title I: General; Part A: Sections 1, 2, 4 and 5, Part B. Title III: Environmental Protection; Part A: Sections 1 and 2, Part B. Title IV: Miscellaneous; Parts A and B, Part C: Sections 1, 2, 4, Part D. Signed by John Engler, Governor, November 8, 1991. Filed with the Secretary of State November 8, 1991. Effective January 7, 1992.

(B) State of Michigan Executive Order No. 1995–18 Michigan Department of Environmental Quality, Michigan Department of Natural Resources Executive Reorganization. Introductory and concluding words of issuance. Paragraphs 1, 2, 3(a) and (g), 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18. Signed by John Engler, Governor, July 31, 1995. Filed with the Secretary of State on August 1, 1995. Effective September 30, 1995.

(110) A revision to Michigan's State Implementation Plan (SIP), containing part of Michigan's Natural Resources and Environmental Protection Act, was submitted by the Michigan Department of Environmental Quality (MDEQ) on May 16, 1996, and supplemented on September 23, 1997. On December 30, 1997, MDEQ withdrew much of the original submittal. The revision incorporated below contains control requirements and applicable definitions for fugitive dust sources.

(i) Incorporation by reference. The following sections of Part 55 of Act 451 of 1994, the Natural Resources and Environmental Protection Act are incorporated by reference.

(A) 324.5524 Fugitive dust sources or emissions, effective March 30, 1995.

(B) 324.5525 Definitions, effective March 30, 1995.

(111) On March 18, 1999, the State of Michigan submitted a revision to the Michigan State Implementation Plan for carbon monoxide containing a section 175A maintenance plan for the Detroit area as part of Michigan's request to redesignate the area from nonattainment to attainment for carbon monoxide. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program.

(112) The Michigan Department of Environmental Quality (MDEQ) submitted a revision to Michigan's State Implementation Plan (SIP) on August 20, 1998, and supplemented it on November 3, 1998. The revision removed from the SIP the following rules, which the State rescinded effective May 28, 1997: R 336.91 Purpose; R 336.92 Suspension of enforcement; requests by local agencies; R 336.93 Local agency requirements prior to suspension of enforcement; R 336.94 Commission public hearings on applications; R 336.95 Suspension of enforcement; procedures and public notice; R 336.96 Suspension of enforcement; conditions; R 336.97 Commission review of local agency programs; renewal of suspended enforcement; R 336.601 Affected counties and areas; R 336.602 Attainment of national ambient air quality standards; exemption from inspection and maintenance program requirements; R 336.603 Ozone and carbon monoxide attainment status determination; R 336.1373 Fugitive dust control requirements; areas listed

in table 36; R 336.1501 Emission limits; extension of compliance date past January 1, 1980, generally; R 336.1502 Application; copies; R 336.1503 Application; contents; R 336.1504 Denial of request for extension past January 1, 1980; R 336.1505 Grant of extension past January 1, 1980; R 336.1506 Receipt of full and complete application; public notice; inspection; public hearing; R 336.1507 Modification or revocation of order granting extension; immediate effect; R 336.1603 Compliance program; R 336.2010 Reference test method 5A; R 336.2199(c); R 336.2601 Organization; R 336.2602 Offices and meetings; R 336.2603 Documents available for inspection and copying; R 336.2604 Document inspection and copying procedures; tape recording transcriptions; R 336.2605 Functions; R 336.2608 Hearings and informal conferences; R 336.2301 Definition of air pollution episode; R 336.2302 Definition of air pollution forecast; R 336.2303 Definition of air pollution alert; R 336.2304 Definition of air pollution warning; R 336.2305 Definition of air pollution emergency; R 336.2306 Declaration of air pollution episodes; R 336.2307 Episode emission abatement programs; and R 336.2308 Episode orders. The rules incorporated below contain revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical manufacturing, and delivery vessel loading rules.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1611 Existing cold cleaners, effective June 13, 1997.

(B) R336.1612 Existing open top vapor degreasers, effective June 13, 1997.

(C) R 336.1613 Existing conveyorized cold cleaners, effective June 13, 1997.

(D) R 336.1614 Existing conveyorized vapor degreasers, effective June 13, 1997.

(E) R 336.1619 Standards for perchloroethylene dry cleaning equipment, effective June 13, 1997.

(F) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program, effective June 13, 1997.

(G) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program, effective June 13, 1997.

(H) R 336.1651 Standards for Degreasers, effective June 13, 1997.

(I) R 336.1706 Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at new loading facilities handling 5,000,000 or more gallons of such compounds per year, effective June 13, 1997.

(J) R 336.1707 New cold cleaners, effective June 13, 1997.

(K) R 336.1708 New open top vapor degreasers, effective June 13, 1997.

(L) R 336.1709 New conveyorized cold cleaners, effective June 13, 1997.

(M) R 336.1710 New conveyorized vapor degreasers, effective June 13, 1997.

(113) On March 9, 1995, the State of Michigan submitted a revision to the Michigan State Implementation Plan for ozone containing a section 175A maintenance plan for the Muskegon County area as part of Michigan's request to redesignate the area from nonattainment to attainment for ozone. Elements of the section 175A maintenance plan include a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the 1-hour ozone NAAQS, determined not to be attributable to transport from upwind areas, Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes a motor vehicle inspection and maintenance program, stage II vapor recovery, a low Reid vapor pressure gasoline program, and rules for industrial cleanup solvents, plastic parts coating, and wood furniture coating.

(i) Incorporation by reference.

(A) State of Michigan House Bill No. 4165 signed by the Governor and effective on November 13, 1993.

(B) State of Michigan House Bill No. 726 signed by the Governor and effective on November 13, 1993.

(C) State of Michigan House Bill No. 4898 signed by the Governor and effective on November 13, 1993.

(114)–(115) [Reserved]

(116) The Michigan Department of Environmental Quality submitted revisions to Michigan's State Implementation Plan (SIP) on July 7, 2000 and supplemented them with letters dated January 29, 2001, and February 6, 2002. They include revisions to definitions, open burning rules, general volatile organic compound provisions, and administrative procedures. The revision removed from the SIP rules R 336.1320 and R 336.2703, which the State rescinded effective April 10, 2000.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1104 Definitions; D, effective April 10, 2000.

(B) R 336.1310, Open burning, effective February 3, 1999.

(C) R 336.1602 General provisions for existing sources of volatile organic compound emissions, effective April 10, 2000.

(D) R 336.2701 Petitions for review and for contested case hearings; hearing procedure; ''duly authorized agent'' defined, effective April 10, 2000.

(E) R 336.2702 Appearances, effective April 10, 2000.

(117) [Reserved]

(118) The Michigan Department of Environmental Quality submitted revisions to Michigan's State Implementation Plan (SIP) on September 23, 2002. They include rules to address excess emissions occurring during startup, shutdown or malfunction as well as revisions to definitions.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1102 Definitions; B, effective May 27, 2002.

(B) R 336.1104 Definitions; D, effective May 27, 2002.

(C) R 336.1105 Definitions; E, effective May 27, 2002.

(D) R 336.1107 Definitions; G, effective May 27, 2002.

(E) R 336.1108 Definitions; H, effective May 27, 2002.

(F) R 336.1113 Definitions; M, effective May 27, 2002.

(G) R 336.1118 Definitions; R, effective May 27, 2002.

(H) R 336.1120 Definitions; T, effective May 27, 2002.

(I) R 336.1915 Enforcement discretion in instances of excess emissions resulting from malfunction, start-up, or shutdown, effective May 27, 2002.

(J) R 336.1916 Affirmative defense for excess emissions during start-up or shutdown, effective May 27, 2002.

(119) The Michigan Department of Environmental Quality submitted a revision to Michigan's State Implementation Plan for ozone on April 25, 2003. This submittal contained a revised definition of volatile organic compound.

(i) Incorporation by reference.

(A) R 336.1122 Definitions; V, effective March 13, 2003.

(120) [Reserved]

(121) On April 3, 2003, the Michigan Department of Environmental Quality (MDEQ) submitted regulations restricting emissions of oxides of nitrogen (NO_X) to address the Phase I NO_X SIP Call requirements. EPA conditionally approved Michigan's April 3, 2003, SIP revision on April 16, 2004. On May 27, 2004 and August 5, 2004, Michigan subsequently submitted for EPA approval SIP revisions to address the requirements found in EPA's conditional approval. These additional submittals, in combination with the original SIP revision, fulfill the Phase I NO_X SIP Call requirements.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R336.1802 Applicability under oxides of nitrogen budget trading program, effective May 20, 2004.

(B) R336.1803 Definitions for oxides of nitrogen budget trading program, effective December 4, 2002.

(C) R336.1804 Retired unit exemption from oxides of nitrogen budget trading program, effective May 20, 2004.

(D) R336.1805 Standard requirements of oxides of nitrogen budget trading program, effective December 4, 2002.

(E) R336.1806 Computation of time under oxides of nitrogen budget trading program, effective December 4, 2002.

(F) R336.1807 Authorized account representative under oxides of nitrogen budget trading program, effective December 4, 2002.

(G) R336.1808 Permit requirements under oxides of nitrogen budget trading program, effective December 4, 2002.

(H) R336.1809 Compliance certification under oxides of nitrogen budget trading program, effective December 4, 2002.

(I) R336.1810 Allowance allocations under oxides of nitrogen budget trading program, effective December 4, 2002.

(J) R336.1811 New source set-aside under oxides of nitrogen budget trading program, effective May 20, 2004.

(K) R336.1812 Allowance tracking system and transfers under oxides of nitrogen budget trading program, effective December 4, 2002.

(L) R336.1813 Monitoring and reporting requirements under oxides of nitrogen budget trading, effective December 4, 2002.

(M) R336.1814 Individual opt-ins under oxides of nitrogen budget trading program, effective December 4, 2002.

(N) R336.1815 Allowance banking under oxides of nitrogen budget trading program, effective December 4, 2002.

(O) R336.1816 Compliance supplement pool under oxides of nitrogen budget trading program, effective December 4, 2002.

(P) R336.1817 Emission limitations and restrictions for Portland cement kilns, effective December 4, 2002.

(122) On April 3, 2003, May 28, 2003, September 17, 2004, October 25, 2004 and June 8, 2005, Michigan submitted revisions to the State Implementation

Plan which affect the following sections of the Michigan Administrative Code: Part 3: Emission Limitations and Prohibitions—Particulate Matter; Part 4: Emission Limitations and Prohibitions—Sulfur-bearing Compounds; Part 6: Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions; Part 7: Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; Part 9: Emission Limitations and Prohibitions—Miscellaneous; Part 10: Intermittent Testing and Sampling; and Part 11: Continuous Emission Monitoring.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) Revisions to the following provisions of the Michigan Administrative Code, effective April 30, 1998:

(*1*) R 336.1358 Roof monitor visible emissions at steel manufacturing facilities from electric arc furnaces and blast furnaces.

(*2*) R 336.1361 Visible emissions from blast furnace casthouse operations at steel manufacturing facilities.

(*3*) R 336.1362 Visible emissions from electric arc furnace operations at steel manufacturing facilities.

(*4*) R 336.1363 Visible emissions from argon-oxygen decarburization operations at steel manufacturing facilities.

(B) R 336.1625 Emission of volatile organic compound from existing equipment utilized in manufacturing synthesized pharmaceutical products, filed with the Secretary of State on November 14, 2000 and effective November 30, 2000.

(C) Revisions to the following provisions of the Michigan Administrative Code, filed with the Secretary of State March 11, 2002 and effective March 19, 2002:

(*1*) R 336.1301 Standards for density of emissions.

(*2*) R 336.1303 Grading visible emissions.

(*3*) R 336.1330 Electrostatic precipitator control systems.

(*4*) R 336.1331 Emission of particulate matter, except C8 of Table 31.

(*5*) R 336.1371 Fugitive dust control programs other than areas listed in table 36.

(*6*) R 336.1372 Fugitive dust control program; required activities; typical control methods.

(*7*) R 336.1374 Particulate matter contingency measures; area listed in table 37.

(*8*) R 336.1401 Emission of sulfur dioxide from power plants.

(*9*) R 336.1403 Oil- and natural gas-producing or transporting facilities and natural gas-processing facilities; emissions; operation.

(*10*) R 336.1601 Definitions.

(*11*) R 336.1604 Storage of organic compounds having true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000-gallon capacity.

(*12*) R 336.1605 Storage of organic compounds having true vapor pressure of 11 or more psia in existing stationary vessels of more than 40,000-gallon capacity.

(*13*) R 336.1606 Loading gasoline into existing stationary vessels of more than 2,000-gallon capacity at dispensing facilities handling 250,000 or more gallons per year.

(*14*) R 336.1607 Loading gasoline into existing stationary vessels of more than 2,000-gallon capacity at loading facilities.

(*15*) R 336.1608 Loading gasoline into delivery vessels at existing loading facilities handling less than 5,000,000 gallons per year.

(*16*) R 336.1615 Existing vacuum-producing systems at petroleum refineries.

(*17*) R 336.1616 Process unit turnarounds at petroleum refineries.

(*18*) R 336.1617 Existing organic compound-water separators at petroleum refineries.

(*19*) R 336.1618 Use of cutback paving asphalt.

(*20*) R 336.1619 Standards for perchloroethylene dry cleaning equipment; adoption of standards by reference.

(*21*) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program.

(*22*) R 336.1623 Storage of petroleum liquids having a true vapor pressure of more than 1.0 psia, but less than 11.0 psia, in existing external floating roof stationary vessels of more than 40,000-gallon capacity.

(*23*) R 336.1627 Delivery vessels; vapor collection systems.

(*24*) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program.

(*25*) R 336.1629 Emission of volatile organic compounds from components of existing process equipment used in processing natural gas; monitoring program.

(*26*) R 336.1630 Emission of volatile organic compounds from existing paint manufacturing processes.

(*27*) R 336.1631 Emission of volatile organic compounds from existing process equipment utilized in manufacture of polystyrene or other organic resins.

(*28*) R 336.1702 New sources of volatile organic compound emissions generally.

(*29*) R 336.1705 Loading gasoline into delivery vessels at new loading facilities handling less than 5,000,000 gallons per year.

(*30*) R 336.1906 Diluting and concealing emissions.

(*31*) R 336.1911 Malfunction abatement plans.

(*32*) R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

(*33*) R 336.2001 Performance tests by owner.

(*34*) R 336.2002 Performance tests by department.

(*35*) R 336.2003 Performance test criteria.

(*36*) R 336.2004 Appendix A; reference test methods; adoption of Federal reference test methods.

(*37*) R 336.2005 Reference test methods for delivery vessels.

(*38*) R 336.2007 Alternate version of procedure L, referenced in R 336.2040(10).

(*39*) R 336.2013 Reference test method 5D.

(*40*) R 336.2021 Figures.

(*41*) R 336.2040 Method for determination of volatile organic compound emissions from coating lines and graphic arts lines, except subrules (9) and (10).

(*42*) R 336.2101 Continuous emission monitoring, fossil fuel-fired steam generators.

(*43*) R 336.2150 Performance specifications for continuous emission monitoring systems.

(*44*) R 336.2155 Monitor location for continuous emission monitoring systems.

(*45*) R 336.2159 Alternative continuous emission monitoring systems.

(*46*) R 336.2170 Monitoring data reporting and recordkeeping.

(*47*) R 336.2189 Alternative data reporting or reduction procedures.

(*48*) R 336.2190 Monitoring system malfunctions.

(D) Revisions to the following provisions of the Michigan Administrative Code, effective October 15, 2004:

(*1*) R 336.2012 Reference test method 5C.

(*2*) R 336.2014 Reference test method 5E.

(*3*) R 336.2175 Data reduction procedures for fossil fuel-fired steam generators.

(E) R 336.2011 Reference test method 5B, filed with the Secretary of State on April 21, 2005 and effective April 29, 2005.

[37 FR 10873, May 31, 1972. Redesignated and amended at 71 FR 52469, Sept. 6, 2006]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1190 (formerly § 52.1170), see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart Y—Minnesota

§ 52.1219 Identification of plan—conditional approval.

(a) On November 12, 1993, the Minnesota Pollution Control Agency submitted a revision request to Minnesota's carbon monoxide SIP for approval of the State's basic inspection and maintenance (I/M) program. The basic I/M program requirements apply to sources in the State's moderate nonattainment areas for carbon monoxide and includes the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties. The USEPA is conditionally approving Minnesota's basic I/M program provided that the State adopt specific enforceable measures as outlined in its July 5, 1994 letter from Charles W. Williams, Commissioner, Minnesota Air Pollution Control Agency.

(i) Incorporation by reference.

(A) Minnesota Rules relating to Motor Vehicle Emissions parts 7023.1010 to 7023.1105, effective January 8, 1994.

(ii) Additional material.

(A) Letter from the State of Minnesota to USEPA dated July 5, 1994.

(b) On February 9, 1996, the State of Minnesota submitted a request to revise its particulate matter (PM) State Implementation Plan (SIP) for the Saint Paul area. This SIP submittal contains administrative orders which include control measures for three companies located in the Red Rock Road area—St. Paul Terminals, Inc., Lafarge Corporation and AMG Resources Corporation. Recent exceedances were attributed to changes of emissions/operations that had occurred at particular sources in the area. The results from the modeling analysis submitted with the Red Rock Road SIP revision, preliminarily demonstrate protection of the PM National Ambient Air Quality Standards (NAAQS). However, due to the lack of emission limits and specific information regarding emission distribution at Lafarge Corporation following the installation of the pneumatic unloader, EPA is conditionally approving the SIP revision at this time. Final approval will be conditioned upon EPA receiving a subsequent modeled attainment demonstration with specific emission limits for Lafarge Corporation, corrected inputs for Peavey/Con-Agra, and consideration of the sources in the 2–4 km range which have experienced emission changes that may impact the Red Rock Road attainment demonstration.

[59 FR 51863, Oct. 13, 1994, as amended at 62 FR 39123, July 22, 1997]

§ 52.1220 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Minnesota under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet National Ambient Air Quality Standards.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 2004, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with the EPA approval dates after December 1, 2004, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 5 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which

have been approved as part of the SIP as of December 1, 2004.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, IL 60604; the EPA, Air and Radiation Docket and Information Center, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA—APPROVED MINNESOTA REGULATIONS

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
CHAPTER 7001 PERMITS AND CERTIFICATIONS				
7001.0020	Scope	08/10/93	05/02/95, 60 FR 21447.	Only items I and J.
7001.0050	Written application	08/10/93	05/02/95, 60 FR 21447.	Only item I.
7001.0140	Final determination	08/10/93	05/02/95, 60 FR 21447.	Only Subp. 2F.
7001.0180	Justification to commence revocation without reissuance of permit.	08/10/93	05/02/95, 60 FR 21447.	Only item D.
7001.0550	Contents of part a of application	08/10/93	05/02/95, 60 FR 21447.	Only items E and J(3).
7001.3050	Permit requirements	08/10/93	05/02/95, 60 FR 21447.	Only Subp. 3E.
CHAPTER 7002 PERMIT FEES				
7002.0005	Scope	08/10/93	05/02/95, 60 FR 21447.	
7002.0015	Definitions	08/10/93	05/02/95, 60 FR 21447.	Only Subp. 1 and 2.
CHAPTER 7005 DEFINITIONS AND ABBREVIATIONS				
7005.0100	Definitions	11/19/07	08/10/11, 76 FR 49303.	
7005.0110	Abbreviations	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
CHAPTER 7007 AIR EMISSION PERMITS				
7007.0050	Scope	08/10/93	05/02/95, 60 FR 21447.	
7007.0100	Definitions	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 9a, 12a, 12b, 17, 18a, and 28.
7007.0150	Permit required	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 2 and 4.
7007.0200	Sources required or allowed to obtain a part 70 permit.	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 1.
7007.0250	Sources required to obtain a state permit.	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 1 and 7.
7007.0300	Sources not required to obtain a permit	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 1.
7007.0350	Existing source application deadlines and source operation during transition.	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 1A.

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7007.0400	Permit reissuance applications after transition; new source and permit amendment applications; applications for sources newly subject to a Part 70 or State permit requirement.	08/10/93 12/27/94	05/02/95, 60 FR 21447. 05/18/99, 64 FR 26880. Revised Subp. 1 and 4..	
7007.0450	Permit reissuance applications and continuation of expiring permits.	08/10/93 12/27/94	05/02/95, 60 FR 21447. 05/18/99, 64 FR 26880. Revised Subp. 2C..	
7007.0500	Content of permit application	08/10/93	05/02/95, 60 FR 21447.	
7007.0550	Confidential information	08/10/93	05/02/95, 60 FR 21447.	
7007.0600	Complete application and supplemental information requirements.	08/10/93	05/02/95, 60 FR 21447.	
7007.0650	Who receives an application	08/10/93	05/02/95, 60 FR 21447.	
7007.0700	Completeness review	08/10/93	05/02/95, 60 FR 21447.	
7007.0750	Application priority and issuance timelines.	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 5.
7007.0800	Permit content	08/10/93	05/02/95, 60 FR 21447.	
		02/28/95	10/14/97, 62 FR 53239.	Revised Subp. 6.C(5).
7007.0850	Permit application notice and comment	08/10/93	05/02/95, 60 FR 21447.	
7007.0900	Review of part 70 permits by affected states.	08/10/93	05/02/95, 60 FR 21447.	
7007.0950	EPA review and objection	08/10/93	05/02/95, 60 FR 21447.	
7007.1000	Permit issuance and denial	08/10/93	05/02/95, 60 FR 21447.	
7007.1050	Duration of permits	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 3a.
7007.1100	General permits	08/10/93	05/02/95, 60 FR 21447.	
7007.1110	Registration permit general requirements.	12/27/94	05/18/99, 64 FR 26880.	
7007.1115	Registration permit option a	12/27/94	05/18/99, 64 FR 26880.	
7007.1120	Registration permit option b	12/27/94	05/18/99, 64 FR 26880.	
7007.1130	Registration permit option d	12/27/94	05/18/99, 64 FR 26880.	
7007.1150	When a permit amendment is required	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. (C).
7007.1200	Calculating emission changes for permit amendments.	12/27/94	05/18/99, 64 FR 26880.	
7007.1250	Insignificant modifications	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 1.
7007.1251	Hazardous air pollutant thresholds	12/27/94	05/18/99, 64 FR 26880.	
7007.1300	Insignificant activities list	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 2, 3, and 4.
7007.1350	Changes which contravene certain permit terms.	08/10/93	05/02/95, 60 FR 21447.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7007.1400	Administrative permit amendments	08/10/93	05/02/95, 60 FR 21447.	
7007.1450	Minor and moderate permit amendments.	08/10/93	05/02/95, 60 FR 21447.	
		12/27/94	05/18/99, 64 FR 26880.	Revised Subp. 2.
7007.1500	Major permit amendments	08/10/93	05/02/95, 60 FR 21447.	
7007.1600	Permit reopening and amendment by agency.	08/10/93	05/02/95, 60 FR 21447.	
7007.1650	Reopenings for cause by EPA	08/10/93	05/02/95, 60 FR 21447.	
7007.1700	Permit revocation by agency	08/10/93	05/02/95, 60 FR 21447.	
7007.1750	Federal enforceability	08/10/93	05/02/95, 60 FR 21447.	
7007.1800	Permit shield	08/10/93	05/02/95, 60 FR 21447.	
7007.1850	Emergency provision	08/10/93	05/02/95, 60 FR 21447.	
	Offsets			
7007.4000	Scope	10/18/93	05/24/95, 60 FR 27411.	
7007.4010	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7007.4020	Conditions for permit	10/18/93	05/24/95, 60 FR 27411.	
7007.4030	Limitation on use of offsets	10/18/93	05/24/95, 60 FR 27411.	
	CHAPTER 7009 AMBIENT AIR QUALITY STANDARDS			
7009.0010	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7009.0020	Prohibited emissions	10/18/93	5/24/95, 60 FR 27411.	
7009.0050	Interpretation and measurement methodology, except for hydrogen sulfide.	6/1/99	8/10/11, 76 FR 49303.	
7009.0060	Measurement methodology for hydrogen sulfide.	07/94–06/95	08/10/11, 76 FR 49303.	19 SR 550.
7009.0070	Time of compliance	10/18/93	05/24/95, 60 FR 27411.	7.
7009.0080	State ambient air quality standards	06/01/99	08/10/11, 76 FR 49303.	
	Air Pollution Episodes			
7009.1000	Air pollution episodes	03/18/96	08/10/11, 76 FR 49303.	
7009.1010	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7009.1020	Episode levels	10/18/93	05/24/95, 60 FR 27411.	
7009.1030	Episode declaration	10/18/93	05/24/95, 60 FR 27411.	
7009.1040	Control actions	01/12/98	08/10/11, 76 FR 49303.	
7009.1050	Emergency powers	10/18/93	05/24/95, 60 FR 27411.	
7009.1060	Table 1	10/18/93	05/24/95, 60 FR 27411	
7009.1070	Table 2: emission reduction objectives for particulate matter.	10/18/93	05/24/95, 60 FR 27411.	
7009.1080	Table 3: emission objectives for sulfur oxides.	10/18/93	05/24/95, 60 FR 27411.	
7009.1090	Table 4: emission reduction objectives for nitrogen oxides.	10/18/93	05/24/95, 60 FR 27411.	
7009.1100	Table 5: emission reduction objectives for hydrocarbons.	10/18/93	05/24/95, 60 FR 27411.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7009.1110	Table 6: emission reduction objectives for carbon monoxide.	10/18/93	05/24/95, 60 FR 27411.	
Adoption of Federal Regulations				
7009.9000	Determining conformity of general Federal actions to state or Federal implementation plans.	11/20/95	04/23/97, 62 FR 19674.	
CHAPTER 7011 STANDARDS FOR STATIONARY SOURCES				
7011.0010	Applicability of standards of performance.	06/01/99	08/10/11, 76 FR 49303.	
7011.0020	Circumvention	10/18/93	05/24/95, 60 FR 27411.	
Control Equipment				
7011.0060	Definitions	11/19/07	08/10/11, 76 FR 49303.	
7011.0061	Incorporation by reference	11/19/07	08/10/11, 76 FR 49303.	
7011.0065	Applicability	11/19/07	08/10/11, 76 FR 49303.	
7011.0070	Listed control equipment and control equipment efficiencies.	11/19/07	08/10/11, 76 FR 49303.	
7011.0072	Requirements for certified hoods	11/19/07	08/10/11, 76 FR 49303.	
7011.0075	Listed control equipment general requirements.	11/19/07	08/10/11, 76 FR 49303.	
7011.0080	Monitoring and record keeping for listed control equipment.	11/19/07	08/10/11, 76 FR 49303.	
Emission Standards for Visible Air Contaminants				
7011.0100	Scope	10/18/93	05/24/95, 60 FR 27411.	
7011.0105	Visible emission restrictions for existing facilities.	07/13/98	08/10/11, 76 FR 49303.	
7011.0110	Visible emission restrictions for new facilities.	01/12/98	08/10/11, 76 FR 49303.	
7011.0115	Performance tests	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
Control of Fugitive Pariculate Matter				
7011.0150	Preventing particulate matter from becoming airborne.	03/18/96	08/10/11, 76 FR 49303.	
Indirect Heating Fossil-Fuel-Burning Equipment				
7011.0500	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.0505	Determination of applicable standards of performance.	10/18/93	05/24/95, 60 FR 27411.	
7011.0510	Standards of performance for existing indirect heating equipment.	07/13/98	08/10/11, 76 FR 49303.	
7011.0515	Standards of performance for new indirect heating equipment.	07/13/98	08/10/11, 76 FR 49303.	
7011.0520	Allowance for stack height for indirect heating equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0525	High heating value	10/18/93	05/24/95, 60 FR 27411.	
7011.0530	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.0535	Performance test procedures	01/12/98	08/10/11, 76 FR 49303.	
7011.0540	Derate	10/18/93	05/24/95, 60 FR 27411.	
7011.0545	Table I: existing indirect heating equipment.	10/18/93	05/24/95, 60 FR 27411.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.0550	Table II: new indirect heating equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0551	Record keeping and reporting for indirect heating units combusting solid waste.	05/11/98	08/10/11, 76 FR 49303.	
7011.0553	Nitrogen oxides emission reduction requirements for affected sources.	07/94–06/95	08/10/11, 76 FR 49303.	19 SR 1666.
Direct Heating Fossil-Fuel-Burning Equipment				
7011.0600	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.0605	Determination of applicable standards of performance.	10/18/93	05/24/95, 60 FR 27411.	
7011.0610	Standards of performance for fossil-fuel-burning direct heating equipment.	07/13/98	08/10/11, 76 FR 49303.	
7011.0615	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.0620	Performance test procedures	01/12/98	08/10/11, 76 FR 49303.	
7011.0625	Record keeping and reporting for direct heating units combusting solid waste.	05/11/98	08/10/11, 76 FR 49303.	
Industrial Process Equipment				
7011.0700	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.0705	Scope	10/18/93	05/24/95, 60 FR 27411.	
7011.0710	Standards of performance for pre-1969 industrial process equipment.	07/13/98	08/10/11, 76 FR 49303.	
7011.0715	Standards of performance for post-1969 industrial process equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0720	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.0725	Performance test procedures	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
7011.0730	Table 1	11/19/07	08/10/11, 76 FR 49303.	
7011.0735	Table 2	10/18/93	05/24/95, 60 FR 27411.	
Concrete Manufacturing Plant Standards Of Performance				
7011.0850	Definitions	04/21/03	08/10/11, 76 FR 49303.	
7011.0852	Standards of performance for concrete manufacturing plants.	11/23/98	08/10/11, 76 FR 49303.	
7011.0854	Concrete manufacturing plant control equipment requirements.	11/23/98	08/10/11, 76 FR 49303.	
7011.0857	Preventing particulate matter from becoming airborne.	11/23/98	08/10/11, 76 FR 49303.	
7011.0858	Noise	11/23/98	08/10/11, 76 FR 49303.	
7011.0859	Shutdown and breakdown procedures	11/23/98	08/10/11, 76 FR 49303.	
7011.0865	Incorporations by reference	04/21/03	08/10/11, 76 FR 49303.	
7011.0870	Stage-one vapor recovery	04/21/03	08/10/11, 76 FR 49303.	
Hot Mix Asphalt Plants				
7011.0900	Definitions	06/01/99	08/10/11, 76 FR 49303.	
7011.0903	Compliance with ambient air quality standards.	04/15/96	08/10/11, 76 FR 49303.	
7011.0905	Standards of performance for existing asphalt concrete plants.	04/15/96	08/10/11, 76 FR 49303.	
7011.0911	Maintenance of dryer burner	04/15/96	08/10/11, 76 FR 49303.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.0913	Hot mix asphalt plant materials, fuels, and additives operating requirements.	05/24/04	08/10/11, 76 FR 49303.	
7011.0917	Asphalt plant control equipment requirements.	11/29/04	08/10/11, 76 FR 49303.	
7011.0920	Performance tests	04/15/96	08/10/11, 76 FR 49303.	
7011.0922	Operational requirements and limitations from performance tests.	04/15/96	08/10/11, 76 FR 49303.	
Bulk Agricultural Commodity Facilities				
7011.1000	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.1005	Standards of performance for dry bulk agricultural commodity facilities.	11/19/07	08/10/11, 76 FR 49303.	
7011.1010	Nuisance	10/18/93	05/24/95, 60 FR 27411.	
7011.1015	Control requirements schedule	10/18/93	05/24/95, 60 FR 27411.	
Coal Handling Facilities				
7011.1100	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.1105	Standards of performance for certain coal handling facilities.	01/12/98	08/10/11, 76 FR 49303.	
7011.1110	Standards of performance for existing outstate coal handling facilities.	01/12/98	08/10/11, 76 FR 49303.	
7011.1115	Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility.	10/18/93	05/24/95, 60 FR 27411.	
7011.1120	Exemption	10/18/93	05/24/95, 60 FR 27411.	
7011.1125	Cessation of operations	10/18/93	05/24/95, 60 FR 27411.	
7011.1135	Performance test procedures	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
7011.1140	Dust suppressant agents	10/18/93	05/24/95, 60 FR 27411.	
Waste Combustors				
7011.1201	Definitions	05/11/98	08/10/11, 76 FR 49303.	
7011.1205	Incorporations by reference	05/11/98	08/10/11, 76 FR 49303.	
Incinerators				
7011.1300	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.1305	Standards of performance for existing sewage sludge incinerators.	07/13/98	08/10/11, 76 FR 49303.	
7011.1310	Standards of performance for new sewage sludge incinerators.	01/12/98	08/10/11, 76 FR 49303.	
7011.1315	Monitoring of operations	10/18/93	05/24/95, 60 FR 27411.	
7011.1320	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.1325	Performance test procedures	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
Petroleum Refineries				
7011.1400	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.1405	Standards of performance for existing affected facilities at petroleum refineries.	07/13/98	08/10/11, 76 FR 49303.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.1410	Standards of performance for new affected facilities at petroleum refineries.	07/13/98	08/10/11, 76 FR 49303.	
7011.1415	Exemptions	01/12/98	08/10/11, 76 FR 49303.	
7011.1420	Emission monitoring	03/01/99	08/10/11, 76 FR 49303.	
7011.1425	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.1430	Performance test procedures	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
Liquid Petroleum And Volatile Organic Liquid Storage Vessels				
7011.1500	Definitions	06/01/99		
7011.1505	Standards of performance for storage vessels.	10/18/93	05/24/95, 60 FR 27411.	
7011.1510	Monitoring of operations	10/18/93	05/24/95, 60 FR 27411.	
7011.1515	Exception	10/18/93	05/24/95, 60 FR 27411.	
Sulfuric Acid Plants				
7011.1600	Definitions	01/12/98		
7011.1605	Standards of performance of existing sulfuric acid production units.	10/18/93	05/24/95, 60 FR 27411.	
7011.1615	Continuous emission monitoring	03/01/99	08/10/11, 76 FR 49303.	
7011.1620	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.1625	Performance test procedures	*1	08/10/11, 76 FR 49303.	
7011.1630	Exceptions	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
Nitric Acid Plants				
7011.1700	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.1705	Standards of performance for existing nitric acid production units.	01/12/98	08/10/11, 76 FR 49303.	
7011.1715	Emission monitoring	03/01/99	08/10/11, 76 FR 49303.	
7011.1720	Performance test methods	10/18/93	05/24/95, 60 FR 27411.	
7011.1725	Performance test procedures	07/93–06/94	08/10/11, 76 FR 49303.	18 SR 1412.
Emission Standards For Inorganic Fibrous Materials				
7011.2100	Definitions	10/18/93	05/24/95, 60 FR 27411.	
7011.2105	Spraying of inorganic fibrous materials	10/18/93	05/24/95, 60 FR 27411.	
Stationary Internal Combustion Engines				
7011.2300	Standards of performance for stationary internal combustion engines.	02/21/95	08/10/11, 76 FR 49303.	
CHAPTER 7017 MONITORING AND TESTING REQUIREMENTS				
7017.0100	Establishing violations	02/28/95	10/14/97, 62 FR 53239.	
Compliance Assurance Monitoring				
7017.0200	Incorporation by reference	05/24/04	08/10/11, 76 FR 49303.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
	Continuous Monitoring Systems			
7017.1002	Definitions	03/01/99	08/10/11, 76 FR 49303.	
7017.1004	Applicability	03/01/99	08/10/11, 76 FR 49303.	
7017.1006	Requirement to install monitor	03/01/99	08/10/11, 76 FR 49303.	
7017.1010	Incorporation of Federal monitoring requirements by reference.	03/01/99	08/10/11, 76 FR 49303.	
7017.1020	Continuous emission monitoring by affected sources.	07/94–06/95	08/10/11, 76 FR 49303.	19 SR 1666.
7017.1030	Agency access to witness or conduct tests.	03/01/99	08/10/11, 76 FR 49303.	
7017.1035	Testing required	03/01/99	08/10/11, 76 FR 49303.	
7017.1040	Installation requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1050	Monitor certification and recertification test.	03/01/99	08/10/11, 76 FR 49303.	
7017.1060	Precertification test requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1070	Certification test procedures	03/01/99	08/10/11, 76 FR 49303.	
7017.1080	Certification test report requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1090	Monitor operational requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1100	Evidence of noncompliance	03/01/99	08/10/11, 76 FR 49303.	
7017.1110	Excess emissions reports	03/01/99	08/10/11, 76 FR 49303.	
7017.1120	Submittals	03/01/99	08/10/11, 76 FR 49303.	
7017.1130	Record keeping	03/01/99	08/10/11, 76 FR 49303.	
7017.1135	Applicability	03/01/99	08/10/11, 76 FR 49303.	
7017.1140	CEMS design requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1150	CEMS testing company requirement	03/01/99	08/10/11, 76 FR 49303.	
7017.1160	CEMS monitoring data	03/01/99	08/10/11, 76 FR 49303.	
7017.1170	Quality assurance and control requirements for CEMS.	03/01/99	08/10/11, 76 FR 49303.	
7017.1180	Quality control reporting and notification requirements for CEMS.	03/01/99	08/10/11, 76 FR 49303.	
7017.1185	Applicability	03/01/99	08/10/11, 76 FR 49303.	
7017.1190	COMS design requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.1200	COMS monitoring data	03/01/99	08/10/11, 76 FR 49303.	
7017.1210	Quality assurance and control requirements for COMS.	03/01/99	08/10/11, 76 FR 49303.	
7017.1220	Quality assurance and control reporting requirements for COMS.	03/01/99	08/10/11, 76 FR 49303.	
	Performance Tests			
7017.2001	Applicability	07/13/98	08/10/11, 76 FR 49303.	
7017.2005	Definitions	11/19/07	08/10/11, 76 FR 49303.	
7017.2010	Incorporation of test methods by reference.	07/13/98	08/10/11, 76 FR 49303.	
7017.2015	Incorporation of Federal testing requirements by reference.	07/13/98	08/10/11, 76 FR 49303.	
7017.2018	Submittals	05/24/04	08/10/11, 76 FR 49303.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7017.2020	Performance tests general requirements.	11/19/07	08/10/11, 76 FR 49303.	
7017.2025	Operational requirements and limitations.	03/01/99	08/10/11, 76 FR 49303.	
7017.2030	Performance test pretest requirements	03/01/99	08/10/11, 76 FR 49303.	
7017.2035	Performance test reporting requirements.	07/13/98	08/10/11, 76 FR 49303.	
7017.2040	Certification of performance test results	07/13/98	05/13/02, 67 FR 31963.	
7017.2045	Quality assurance requirements	07/13/98	08/10/11, 76 FR 49303.	
7017.2050	Performance test methods	07/13/98	08/10/11, 76 FR 49303.	
7017.2060	Performance test procedures	07/13/98	08/10/11, 76 FR 49303.	
CHAPTER 7019 EMISSION INVENTORY REQUIREMENTS				
7019.1000	Shutdowns and breakdowns	06/01/99	08/10/11, 76 FR 49303.	
7019.3000	Emission inventory	11/19/07	08/10/11, 76 FR 49303.	
7019.3020	Calculation of actual emissions for emission inventory.	11/19/07	08/10/11, 76 FR 49303.	
7019.3030	Method of calculation	11/19/07	08/10/11, 76 FR 49303.	
7019.3040	Continuous emission monitor (CEM) data.	03/01/99	08/10/11, 76 FR 49303.	
7019.3050	Performance test data	11/19/07	08/10/11, 76 FR 49303.	
7019.3060	Volatile organic compound (VOC) material balance.	1997	08/10/11, 76 FR 49303.	21 SR 165.
7019.3070	So material balance	1997	08/10/11, 76 FR 49303.	21 SR 165.
7019.3080	Emission factors	11/19/07	08/10/11, 76 FR 49303.	
7019.3090	Enforceable limitations	1997	08/10/11, 76 FR 49303.	21 SR 165.
7019.3100	Facility proposal	1997	08/10/11, 76 FR 49303.	21 SR 165.
CHAPTER 7023 MOBILE AND INDIRECT SOURCES				
7023.0100	Definitions.	10/18/93	05/24/95, 60 FR 27411.	
7023.0105	Standards of performance for motor vehicles.	10/18/93	05/24/95, 60 FR 27411.	
7023.0110	Standards of performance for trains, boats, and construction equipment.	10/18/93	05/24/95, 60 FR 27411.	
7023.0115	Exemption	10/18/93	05/24/95, 60 FR 27411.	
7023.0120	Air pollution control systems restrictions	10/18/93	05/24/95, 60 FR 27411.	
7023.1010	Definitions	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 35(B)
7023.1015	Inspection Requirement	01/08/94	10/29/99, 64 FR 58344.	
7023.1020	Description of Inspection and Documents Required.	01/08/94	10/29/99, 64 FR 58344.	
7023.1025	Tampering Inspection	01/08/94	10/29/99, 64 FR 58344.	
7023.1030	Exhaust Emission Test	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 11(B, C)
7023.1035	Reinspections	01/08/94	10/29/99, 64 FR 58344.	
7023.1040	Vehicle Inspection Report	01/08/94	10/29/99, 64 FR 58344.	
7023.1045	Certificate of Compliance	01/08/94	10/29/99, 64 FR 58344.	

EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7023.1050	Vehicle Noncompliance and Repair	01/08/94	10/29/99, 64 FR 58344.	
7023.1055	Certificate of Waiver	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 1 (E)(2).
7023.1060	Emission Control Equipment Inspection as a Condition of Waiver.	01/08/94	10/29/99, 64 FR 58344.	
7023.1065	Repair Cost Limit and Low Emission Adjustment.	01/08/94	10/29/99, 64 FR 58344.	
7023.1070	Certificate of Temporary Extension, Certificate of Annual Exemption, and Certificate of Exemption.	01/08/94	10/29/99, 64 FR 58344.	
7023.1075	Evidence of Meeting State Inspection Requirements.	01/08/94	10/29/99, 64 FR 58344.	
7023.1080	Fleet Inspection Station Permits, Procedures, and Inspection.	01/08/94	10/29/99, 64 FR 58344.	
7023.1085	Inspection Stations Testing Fleet Vehicles.	01/08/94	10/29/99, 64 FR 58344.	
7023.1090	Exhaust Gas Analyzer Specifications; Calibration and Qality Control.	01/08/94	10/29/99, 64 FR 58344.	
7023.1095	[repealed, 18 sr 1593]	01/08/94	10/29/99, 64 FR 58344.	
7023.1100	Public Notification	01/08/94	10/29/99, 64 FR 58344.	
7023.1105	Inspection Fees	01/08/94	10/29/99, 64 FR 58344.	
Minnesota Statutes				
17.135	Farm Disposal of Solid Waste	1993	05/24/95, 60 FR 27411.	Only item (a).
88.01	Definitions	1993	05/24/95, 60 FR 27411.	Only Subd. 1, 2, 3, 4, 6, 14, 20, 23, 24, 25, and 26.
88.02	Citation, Wildfire Act	1993	05/24/95, 60 FR 27411.	
88.03	Codification	1993	05/24/95, 60 FR 27411.	
88.16	Starting Fires; Burners; Failure to Report a Fire.	1993	05/24/95, 60 FR 27411.	Only Subd. 1 and 2
88.17	Permission to Start Fires; Prosecution for Unlawfully Starting Fires.	1993	05/24/95, 60 FR 27411.	
88.171	Open Burning Prohibitions	1993	05/24/95, 60 FR 27411.	Only Subd. 1, 2, 5, 6, 7, 8, 9, and 10
Twin Cities Nonattainment Area for Carbon Monoxide				
116.60		1999	10/29/99, 64 FR 58344.	Only Subd. 12.
116.61		1999	10/29/99, 64 FR 58344.	Only Subd. 1 and 3.
116.62		1999	10/29/99, 64 FR 58344.	Only Subd. 2, 3, 5, and 10.
116.63		1999	10/29/99, 64 FR 58344.	Only Subd. 4.

(d) *EPA approved state source-specific requirements.*

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Aggregate Industries	12300007–002	04/03/09	3/11/10, 75 FR 11461	Only conditions cited as ''Title I condition: SIP for PM_{10} NAAQS.''
Associated Milk Producers, Inc.	10900010–001	5/5/97	3/9/01, 66 FR 14087	Title I conditions only.
Commercial Asphalt CO, Plant 905.	12300347–002	9/10/99	7/12/00, 65 FR 42861	Title I conditions only.
		2/25/94	9/09/94, 59 FR 46553	Amendment One to Findings and Order.

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
ELT Minneapolis, LLC	003000245–001	09/10/08	August 3, 2010, 75 FR 45480	Only conditions cited as ''Title I condition: SIP for SO_2 NAAQS.''
Federal Cartridge Company.	00300156–003	12/28/07	4/24/09, 74 FR 18634	Only conditions cited as ''Title I condition: SIP for SO_2 NAAQS.''
Flint Hills Resources, L.P. (formerly Koch Petroleum).	7/14/06	8/20/07, 72 FR 39568	Amendment Eight to Findings and Order..	
Franklin Heating Station	1148–83–OT–1 [10900019]	6/19/98	3/09/01, 66 FR 14087	Title I conditions only.
GAF Building Materials		5/27/92	4/14/94, 59 FR 17703	Findings and Order.
		9/18/97	2/08/99, 64 FR 5936	Amendment Two to Findings and Order.
Gerdau Ameristeel US, Inc	12300055–004	9/10/08	5/20/09, 74 FR 23632	Only conditions cited as ''Title I condition: SIP for PM_{10} NAAQS.''
Gopher Resource, LLC	03700016–003	6/29/10	1/13/11, 76 FR 2263	Only conditions cited as ''Title I condition: SIP for Lead NAAQS.''
Great Lakes Coal & Dock Co..		8/25/92	02/15/94, 59 FR 7218	Amended Findings and Order.
		12/21/94	6/13/95, 60 FR 31088	Amendment One to Amended Findings and Order.
Harvest States Cooperatives.		1/26/93	2/15/94, 59 FR 7218	Findings and Order.
		12/21/94	6/13/95, 60 FR 31088	Amendment One to Findings and Order.
Hoffman Enclosures	00300155–001	01/31/08	4/24/09, 74 FR 18634	Only conditions cited as ''Title I condition: SIP for SO_2 NAAQS.''
International Business Machine Corp., IBM—Rochester.	10900006–001	06/03/98	03/09/01, 66 FR 14087	Title I conditions only.
Lafarge North America Corporation, Childs Road Terminal.	12300391–002	11/17/07	9/11/07, 72 FR 51713	Only conditions cited as ''Title I condition: SIP for PM–10 NAAQS.''
Lafarge Corp., Red Rock Terminal.	12300353–002	05/07/02	08/19/04, 68 FR 51371	Title I conditions only.
Marathon Petroleum, LLC	16300003–016	09/11/09	12/28/10, 75 FR 81471	Only conditions cited as ''Title I condition: SIP for SO_2 NAAQS.''
Metropolitan Council Environmental Services Metropolitan Wastewater Treatment Plant.	12300053–006	02/25/10	12/16/10, 75 FR 78602	Only conditions cited as ''Title I condition: SIP for PM_{10} NAAQS.''
Minneapolis Energy Center Inc.		05/27/92	04/14/94, 59 FR 17706	Findings and Order for Main Plant, Baker Boiler Plant, and the Soo Line Boiler Plant.
		12/21/94	06/13/95, 60 FR 31088	Amendment One to Third Amended Findings and Order.
		09/23/97	02/08/99, 64 FR 5936	Amendment Two to Third Amended Findings and Order.
Northern States Power Co., Riverside Plant.	05300015–001	05/11/99	02/26/02, 67 FR 8727	Title I conditions only.
Olmsted County, Olmsted Waste-to-Energy Facility.	10900005–002	08/23/07	04/21/09, 74 FR 18138	Only conditions cited as ''Title I condition: SIP for SO_2.''
Rochester Public Utilities, Cascade Creek Combustion.	100900020–003	12/28/07	4/24/09, 74 FR 18638	Only conditions cited as ''Title I condition: SIP for SO_2 NAAQS.''
Rochester Public Utilities, Silver Lake Plant.	10900011–004	9/7/07	December 2, 2009, 74 FR 63066	Only conditions cited as ''Title I Condition: SIP for SO_2'' and ''Title I Condition: SIP for PM10.''

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
St. Mary's Hospital	10900008–003	3/1/10	8/12/10, 75 FR 48864	Only conditions cited as "Title I condition: SIP for SO_2 NAAQS.".
St. Paul Terminals		02/02/96	07/22/97, 62 FR 39120	Findings and Order.
Xcel Energy—Inver Hills Generating Plant.	03700015–003	10/27/06	12/5/07, 72 FR 68508	Only conditions cited as "Title I condition: SIP for SO_2 NAAQS."

(e) *EPA approved nonregulatory provisions.*

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Comments
Air Quality Surveillance Plan.	Statewide	05/08/80, 06/02/80	03/04/81, 46 FR 15138.	
CAA 110(a)(2)(D)(i) SIP-Interstate Transport.	Statewide	10/23/07	06/02/08, 73 FR 31366.	
Carbon Monoxide 1993 periodic Emission Inventory.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	09/28/95	10/23/97, 62 FR 55170.	
Deletion of TSP Designations.	Statewide		07/10/02, 67 FR 45637.	
Duluth Carbon Monoxide Redesignation and Maintenance Plan.	St. Louis County (part).	10/30/92	04/14/94, 59 FR 17708.	
Duluth Carbon Monoxide Transportation Control Plan.	St. Louis County	07/3/79 and 07/27/79	06/16/80, 45 FR 40579.	
		10/30/92	04/14/94, 59 FR 17706	Removal of transportation control measure.
Lead Maintenance Plan.	Dakota County	06/22/93	10/18/94, 59 FR 52431	Corrected codification information on 05/31/95 at 60 FR 28339.
Lead Monitoring Plan	Statewide	04/26/83, 02/15/84, and 02/21/84.	07/05/84, 49 FR 27502	Entire Lead Plan except for the New Source Review portion.
Oxygenated Fuels Program—Carbon Monoxide Contingency Measure.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	04/29/92	02/21/96, 61 FR6547	Laws of Minnesota for 1992 Chapter 575, section 29(b).
Rochester Carbon Monoxide Transportation Control Plan.	Olmstead County	07/3/79 and 07/27/79	06/16/80, 45 FR 40579.	
Rochester PM–10 Redesignation and Maintenance Plan.	Olmstead County	09/07/94	05/31/95, 60 FR 28339.	
Rochester Sulfur Dioxide Redesignation and Maintenance Plan.	Olmstead County	110/4/98	03/09/01, 66 FR 14087.	

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Comments
Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	11/29/07	7/13/11, 76 FR 41075	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). Minnesota continues to implement the Federally promulgated rules for the prevention of significant deterioration as they pertain to section 110(a)(2)(C) and (J).
Section 110(a)(2) Infrastructure Requirements for the 1997 $PM_{2.5}$ NAAQS.	Statewide	11/29/07	7/13/11, 76 FR 41075	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). Minnesota continues to implement the Federally promulgated rules for the prevention of significant deterioration as they pertain to section 110(a)(2)(C) and (J).
Small Business Stationary Source Technical and Environmental Compliance Assistance Plan.	Statewide	04/29/92	03/16/94, 59 FR 12165	MN Laws Ch 546 sections 5 through 9.
St. Cloud Carbon Monoxide Redesignation.	Benton, Sherbourne, and Stearns Counties.	08/31/89	06/28/93, 58 FR 34532.	
St. Cloud Carbon Monoxide Transportation Control Plan.	Benton, Sherbourne, and Stearns Counties.	05/17/79	12/13/79, 44 FR 72116.	
		08/31/89	06/28/93, 58 FR 34529.	
St. Paul PM–10 Redesignation and Maintenance Plan.	Ramsey County	06/20/02	07/26/02, 67 FR 48787.	
Twin Cities Carbon Monoxide Redesignation and Maintenance Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	03/23/98	10/29/99, 64 FR 58347.	
Twin Cities Carbon Monoxide Transportation Control Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.	07/3/79 and 07/27/79 07/21/81 05/20/85 and 04/17/86	06/16/80, 45 FR 40579 12/08/81, 46 FR 59972 12/31/86, 51 FR 47237.	
Twin Cities / Pine Bend Sulfur Dioxide Redesignation and Maintenance Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, and Washington Counties.	09/07/94	05/31/95, 60 FR 28339	Except for St. Paul Park area.
		10/03/95	05/13/97, 62 FR 26230	St. Paul Park area.
Alternative Public Participation Process.	Statewide	12/07/05	07/05/06, 71 FR 32274.	

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Comments
Lead Maintenance Plan.	Dakota County	11/18/2002 and 11/19/2007	8/4/2008, 73 FR 31614	Maintenance plan update.

[70 FR 8932, Feb. 24, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1220, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 77 FR 34807, June 12, 2012, § 52.1220 was amended by adding an entry in alphabetical order in the table in paragraph (d) for ''Xcel Energy—Northern States Power Company, Sherburne County Generating Station'' and by adding an entry in alphabetical order in the table in paragraph (e) for ''Regional Haze Plan'', effective July 12, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1220 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
* *	*	*	*	* *
Xcel Energy—Northern States Power Company, Sherburne County Generating Station.	Administrative Order	05/02/12	6/12/2012, [Insert page number where the document begins].	See Final Rule for details.

(e) * * *

EPA-APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Comments
* *	*	*	* *	*
Regional Haze Plan	statewide	12/30/2009 and 5/8/2012 ...	6/12/2012, [Insert page number where the document begins].	Includes all regional haze plan elements except BART emission limitations for the taconite facilities.
* *	*	*	* *	*

§ 52.1221 Classification of regions.

The Minnesota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Central Minnesota Intrastate	II	III	III	III	III

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Southeast Minnesota-La Crosse (Wisconsin) Interstate	II	Ia	III	III	III
Duluth (Minnesota)-Superior (Wisconsin) Interstate	I	II	III	III	III
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
Minneapolis-St. Paul Intrastate	I	I	III	I	III
Northwest Minnesota Intrastate	II	III	III	III	III
Southwest Minnesota Intrastate	III	III	III	III	III

[37 FR 10874, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

§ 52.1222 Original Identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Minnesota'' and all revisions submitted by Minnesota that were federally approved prior to December 1, 2004.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A revised copy of the State emergency episode criteria was forwarded on February 7, 1972. (Non-regulatory)

(2) Information concerning intergovernmental cooperation was submitted by the Minnesota Pollution Control Agency on March 27, 1972.

(3) Certification that the State had adopted amendments to APC–1, 3, 4, 11, and 15, adopted a new air pollution control regulation (APC–16) and projected manpower resources was submitted by the State on April 28, 1972.

(4) An opinion on the availability of emission data to the public and evaluation of regulation concerning new construction was submitted by the State Attorney General's office on June 15, 1972. (Non-regulatory)

(5) A revised version of the State's regulation APC–3 was submitted by the Governor on July 25, 1972.

(6) On June 8, 1973, the Governor of Minnesota submitted a transportation control plan for the Minneapolis-St. Paul Intrastate Air Quality Control Region.

(7) Information concerning the transportation control plan was submitted on June 18, 1973, by the Minnesota Pollution Control Agency.

(8) Compliance schedules were submitted on June 28, 1973, by the Minnesota Pollution Control Agency.

(9) Information concerning the transportation control plan was submitted on July 30, 1973, by the Metropolitan Transit Commission.

(10) Information concerning the transportation control plan was submitted on August 1, 1973, by the Minnesota Department of Highways.

(11) Compliance schedules were submitted on August 9, 1973, by the Minnesota Pollution Control Agency.

(12) On November 15, 1974, the Governor of Minnesota submitted recommended Air Quality Maintenance Area identifications.

(13) A request for an extension of the statutory timetable for the submittal of the portion of the Minnesota State Implementation Plan implementing the National Secondary Ambient Air Quality Standards for total suspended particulates was submitted by the Executive Director of the Minnesota Pollution Control Agency on January 8, 1979, and was supplemented with additional information on March 9, 1979.

(14) A transportation control plan for the St. Cloud Metropolitan Area was submitted on May 17, 1979, by the Minnesota Pollution Control Agency.

(15) Transportation control plans for the Metropolitan Areas of Duluth, Rochester and Minneapolis-St. Paul were submitted on July 3, 1979, and July 23, 1979, by the Minnesota Pollution Control Agency.

(16) On March 5, 1980, the State of Minnesota submitted a revision to provide for modification of the existing air quality surveillance network. An

amendment to the revision was submitted by the State of Minnesota on June 2, 1980.

(17) The sulfur dioxide control plan and revised operating permits for the Rochester and Twin Cities nonattainment areas were submitted by the State of Minnesota on July 17, 1980, and August 4, 1980. Amendments to the control plans were submitted on September 4, 1980. EPA's approval of the control plan includes approval of the emission limitations contained in the revised operating permits.

(18) Stipulation Agreement between the State Pollution Control Agency and Erie Mining Company submitted by the State on February 20, 1981.

(19) On July 29, 1981, the Minnesota Pollution Control Agency submitted an amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area.

(20) On August 4, 1980, and October 17, 1980, the State submitted its total suspended particulate Part D control plans for the Twin Cities Seven County Metropolitan Area and the City of Duluth. As part of the control strategies the State on January 5, 1981 submitted rule APC–33 and on January 23, 1981 further submitted amended and new rules. The amended and new rules that control total suspended particulate (TSP) emissions are: Amended APC–2, APC–4, APC–5, APC–7, APC–11; and new APC–18, APC–21, APC–22, APC–23, APC–24, APC–25, APC–26, APC–28, APC–29, and APC–32. Regulations APC–4, APC–24, and APC–32 are only approved as they apply to TSP emissions.

(21) On January 23, 1981, the State submitted new rules and amendments to some of their previously approved rules. On November 17, 1981, the State submitted amendments to APC–33. On May 6, 1982 (47 FR 19520), EPA approved some of the rules insofar as they applied to the total suspended particulate strategy for the Twin Cities Seven County Metropolitan Area and the City of Duluth. The remainder of the rules are:

(i) Those portions of APC–4, APC–24, and APC–32 which control emissions of sulfur dioxide, nitrogen dioxide, and carbon monoxide; (ii) the amendments to APC–33; and (iii) APC–8, APC–12, APC–13, APC–15, APC–16, APC–19 and APC–39.

(22) On April 28, 1983, Minnesota submitted its Lead SIP. Additional information was submitted on February 15, 1984, and February 21, 1984.

(23) On May 20, 1985, and on April 17, 1986, the State submitted a carbon monoxide plan for the intersection of Snelling and University Avenues in the City of St. Paul. The plan committed to improved signal progression through the intersection by December 31, 1987, and a parking ban on University Avenue within 1 block in either direction of the intersection with Snelling Avenue by December 31, 1989.

(i) Incorporation by reference.

(A) Amendment to Air Quality Control Plan for Transportation for the Metropolitan Council of the Twin Cities Area dated January 28, 1985.

(B) Letter from Minnesota Pollution Control Agency, dated April 17, 1986, and letter from the City of St. Paul, dated April 1, 1986, committing to implementing of transportation control measures.

(24) On January 7, 1985, the State of Minnesota submitted a consolidated permit rule (CPR) to satisfy the requirements of 40 CFR 51.160 through 51.164 for a general new source review (NSR) program, including lead. On October 25, 1985, the State submitted a Memorandum of Agreement (MOA) which remedied certain deficiencies (40 CFR 52.1225(d)). On October 1, 1986, and January 14, 1987, the State committed to implement its NSR program using USEPA's July 8, 1985 (50 FR 27892), regulations for implementing the stack height requirements of Section 123 of the Clean Air Act (40 CFR 52.1225(e)). USEPA is approving the above for general NSR purposes for all sources, except it is disapproving them for those few sources subject to an NSPS requirement (40 CFR Part 60) and exempted from review under 6 MCAR section 4.4303 B.3. For these sources, NSR Rule APC 3 (40 CFR 52.1220(c)(5)), will continue to apply. Additionally, USEPA is taking no action on the CPR in relationship to the requirements of Section 111, Part C, and Part D of the Clean Air Act.

(i) Incorporation by reference.

(A) Within Title 6 Environment, Minnesota Code of Administrative Rules, Part 4 Pollution Control Agency (6 MCAR 4), Rule 6 MCAR 4 section 4.0002, Parts A, B, C, and E—Definitions, Abbreviations, Applicability of Standards, and Circumvention (formerly APC 2) Proposed and Published in Volume 8 of the State of Minnesota STATE REGISTER (8 S.R.) on October 17, 1983, at 8 S.R. 682 and adopted as modified on April 16, 1984, at 8 S.R. 2275.

(B) Rules 6 MCAR section 4.4001 through section 4.4021—Permits (formerly APC 3)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1420) and adopted as modified on April 16, 1984, at 8 S.R. 2278.

(C) Rules 6 MCAR section 4.4301 through section 4.4305—Air Emission Facility Permits—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1470) and adopted as proposed on April 16, 1984, at 8 S.R. 2276.

(D) Rules 6 MCAR section 4.4311 through section 4.4321—Indirect Source Permits (formerly APC 19)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1472) and adopted as modified on April 16, 1984, at 8 S.R. 2277.

(25) On July 9, 1986, the State of Minnesota submitted Rules 7005.2520 through 7005.2523, submitted to replace the rule APC–29 in the existing SIP (see paragraph (20)). This submittal also included State permits for three sources, but these permits were withdrawn from USEPA consideration on February 24, 1992. This submittal provides for regulation of particulate matter from grain handling facilities, and was submitted to satisfy a condition on the approval of Minnesota's Part D plan for particulate matter.

(i) Incorporation by reference.

(A) Minnesota Rule 7005.2520, Definitions; Rule 7005.2521, Standards of Performance for Dry Bulk Agricultural Commodity Facilities; Rule 7005.2522, Nuisance; and Rule 7005.2523, Control Requirements Schedule, promulgated by Minnesota on January 16, 1984, and effective at the State level on January 23, 1984.

(ii) Additional Material.

(A) Appendix E to Minnesota's July 9, 1986, submittal, which is a statement signed on April 18, 1986, by Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, interpreting Rules 7005.2520 through 7005.2523 in the context of actual barge loading practices in Minnesota.

(26) On March 13, 1989, the State of Minnesota requested that EPA revise the referencing of regulations in the SIP to conform to the State's recodification of its regulations. On November 26, 1991, and September 18, 1992, the State submitted an official version of the recodified regulations to be incorporated into the SIP. The recodified regulations are in Chapter 7001 and Chapter 7005 of Minnesota's regulations. Not approved as part of the SIP are recodified versions of regulations which EPA previously did not approve. Therefore, the SIP does not include Rules 7005.1550 through 7005.1610 (National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos), Rules 7005.2300 through 7005.2330 (limits for iron and steel plants), Rules 7005.2550 through 7005.2590 (NESHAP for beryllium), Rules 7005.2650 through 7005.2690 (NESHAP for mercury), Rule 7005.0116 (Opacity Standard Adjustment) and Rule 7005.2910 (Performance Test Methods for coal handling facilities). Similarly, the SIP continues to exclude the exemption now in Rule 7001.1210 as applied to small sources subject to new source performance standards, and the SIP is approved only for ''existing sources'' in the case of Rules 7005.1250 through 7005.1280 (Standards of Performance for Liquid Petroleum Storage Vessels), Rules 7005.1350 through 7005.1410 (Standards of Performance for Sulfuric Acid Plants), Rules 7005.1450 through 7005.1500 (Standards of Performance for Nitric Acid Plants), and Rules 7005.2100 through 7005.2160 (Standards of Performance for Petroleum Refineries). The SIP also does not include changes in the State's Rule 7005.0100 (relating to offsets) that were withdrawn by the State on February 24, 1992, and does not include the new rules 7005.0030 and 7005.0040.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapter 7005 as submitted November 26, 1991,

and in Chapter 7001 as submitted September 18, 1992, except for those regulations that EPA has not approved as identified above.

(27) On August 16, 1982, the MPCA submitted an amendment to the St. Cloud Area Air Quality Control Plan for Transportation as a State Implementation Plan revision. This revision to the SIP was adopted by the Board of the Minnesota Pollution Control Agency on July 27, 1982. On August 31, 1989, the Minnesota Pollution Control Agency submitted a revision to the Minnesota State Implementation Plan (SIP) for carbon monoxide deleting the Lake George Interchange roadway improvement project (10th Avenue at First Street South) from its St. Cloud transportation control measures. This revision to the SIP was approved by the Board on June 27, 1989.

(i) Incorporation by reference.

(A) Letter dated August 16, 1982, from Louis J. Breimburst, Executive Director, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5 and its enclosed amendment to the Air Quality Plan for Transportation for the St. Cloud Metropolitan Area entitled, ''Staff Resolution,'' measures 1, 4 and 5 adopted by the Minnesota Pollution Control Agency on July 27, 1982.

(B) Letter dated August 31, 1989, from Gerald L. Willet, Commissioner, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5.

(28) On November 9, 1992, the State of Minnesota submitted the Small Business Stationary Source Technical and Environmental Compliance Assistance plan. This submittal satisfies the requirements of section 507 of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 546, sections 5 through 9 enacted by the Legislature, and signed into Law on April 29, 1992.

(29) On November 26, 1991, August 31, 1992, November 13, 1992, February 3, 1993, April 30, 1993, and October 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter for the Saint Paul and Rochester areas.

(i) Incorporation by reference.

(A) An administrative order for Ashbach Construction Company, dated August 25, 1992, submitted August 31, 1992, for the facility at University Avenue and Omstead Street.

(B) An administrative order for Commercial Asphalt, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at Red Rock Road.

(C) An administrative order for Great Lakes Coal & Dock Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1031 Childs Road.

(D) An administrative order for Harvest States Cooperatives dated January 26, 1993, submitted February 3, 1993, for the facility at 935 Childs Road.

(E) An administrative order for LaFarge Corporation dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2145 Childs Road.

(F) An administrative order for the Metropolitan Waste Control Commission and the Metropolitan Council dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2400 Childs Road.

(G) An administrative order for North Star Steel Company dated April 22, 1993, submitted April 30, 1993, for the facility at 1678 Red Rock Road.

(H) An administrative order for PM Ag Products, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at 2225 Childs Road.

(I) An administrative order for Rochester Public Utilities dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 425 Silver Lake Drive.

(J) An amendment to the administrative order for Rochester Public Utilities, dated October 14, 1993, submitted October 15, 1993, for the facility at 425 Silver Lake Drive.

(K) An administrative order for J.L. Shiely Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1177 Childs Road.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated November 26, 1991, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 31, 1992, with attachments.

(C) A letter from Charles Williams to Valdas Adamkus dated November 13, 1992, with attachments.

(D) A letter from Charles Williams to Valdas Adamkus dated February 3, 1993, with attachments.

(E) A letter from Charles Williams to Valdas Adamkus dated April 30, 1993, with attachments.

(F) A letter from Charles Williams to Valdas Adamkus dated October 15, 1993, with attachments.

(30) On June 4, 1992, March 30, 1993, and July 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Air Quality Control Region (AQCR) 131 (excluding the Dakota County Pine Bend area and an area around Ashland Refinery in St. Paul Park).

(i) Incorporation by reference.

(A) An administrative order, received on June 4, 1992, for FMC Corporation and U.S. Navy, located in Fridley, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, which was received on March 30, 1993, became effective on March 5, 1993. Amendment Two, which was received on July 15, 1993, became effective on June 30, 1993.

(B) An administrative order, received on June 4, 1992, for Federal Hoffman, Incorporated, located in Anoka, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment one, received on July 15, 1993, became effective on June 30, 1993.

(C) An administrative order, received on June 4, 1992, for GAF Building Materials Corporation (Asphalt Roofing Products Manufacturing Facility) located at 50 Lowry Avenue, Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(D) An administrative order, received on June 4, 1992, for Northern States Power Company-Riverside Generating Plant, located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(E) An administrative order for Minneapolis Energy Center, received on July 15, 1993, Inc.'s Main Plant, Baker Boiler Plant, and the Soo Line Boiler Plant all located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on June 30, 1993.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated May 29, 1992, with enclosures providing technical support (e.g., computer modeling) for the revisions to the administrative orders for five facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated March 26, 1993, with enclosures providing technical support for an amendment to the administrative order for FMC Corporation and U.S. Navy.

(C) A letter from Charles Williams to Valdas Adamkus dated July 12, 1993, with enclosures providing technical support for amendments to administrative orders for four facilities and a reissuance of the administrative order to Minneapolis Energy Center, Inc.

(31) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision contains a maintenance plan that the area will use to maintain the CO NAAQS. The maintenance plan contains park and ride lots and an oxygenated fuels program as the contingency measure.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled Appendix E.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated December 22, 1993, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to

Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(32) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision removes a transportation control measure (TCM) from the State Implementation Plan. The TCM is an increased turning radius at 14th Avenue and 3rd Street East.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosure entitled Appendix D.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(33) On August 5, 1992, and August 26, 1993, the State of Minnesota submitted its ''Offset Rules'' as revisions to its State Implementation Plan (SIP) for new source review in nonattainment areas.

(i) Incorporation by reference.

(A) Rules 7005.3020, 7005.3030, and 7005.3040, with amendments effective August 24, 1992.

(B) Amendments to Rule 7005.3040, effective June 28, 1993.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated August 5, 1992, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 26, 1993, with attachments.

(34) On November 9, 1992, the State of Minnesota submitted the Oxygenated Gasoline Program. This submittal satisfies the requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 2509, sections 1 through 31, except for sections 29 (b) and (c), enacted by the Legislature and signed into Law on April 29, 1992.

(ii) Additional material.

(A) Letter dated August 12, 1994, from the Minnesota Pollution Control Agency (MPCA), to the United States Environmental Protection Agency that withdraws the MPCA Board resolution dated October 27, 1992, and any reference to it, from the oxygenated gasoline State Implementation Plan revision request of 1992.

(35) On July 29, 1992, February 11, 1993, and February 25, 1994, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Dakota County Pine Bend area of Air Quality Control Region (AQCR) 131.

(i) Incorporation by reference.

(A) For Continental Nitrogen and Resources Corporation, located in Rosemount, Dakota County, Minnesota:

(*1*) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(*2*) Amendment One to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(B) For Northern States Power Company, Inver Hills Generating Facility, located in Dakota County, Minnesota:

(*1*) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(*2*) Amendment one to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(C) For Koch Refining Company and Koch Sulfuric Acid Unit, located in the Pine Bend area of Rosemount, Dakota County, Minnesota:

(*1*) An administrative order, identified as Amendment One to Findings and Order by Stipulation, dated and effective March 24, 1992, submitted July 29, 1992.

(*2*) Amendment two to the administrative order, dated and effective January 22, 1993, submitted February 11, 1993.

(*3*) Amendment three to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated July 29, 1992, with enclosures providing technical

support (e.g., computer modeling) for the revisions to the administrative orders for three facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated February 11, 1993, submitting Amendment Two to the administrative order for Koch Refining Company.

(C) A letter from Charles Williams to Valdas Adamkus dated February 25, 1994, with enclosures providing technical support for amendments to administrative orders for three facilities.

(36) On June 22, 1993, and September 13, 1994, the State of Minnesota submitted revisions to its State Implementation Plan for lead for a portion of Dakota County.

(i) Incorporation by reference.

(A) For Gopher Smelting and Refining Company, located in the city of Eagan, Dakota County, Minnesota:

(*1*) An administrative order, dated, submitted, and effective June 22, 1993.

(*2*) Amendment One to the administrative order, dated, submitted, and effective, September 13, 1994.

(ii) Additional material.

(A) A letter from Charles W. Williams to Valdas V. Adamkus, dated June 22, 1993, with enclosures providing technical support (e.g., computer modeling) for the revisions to the State Implementation Plan for lead.

(B) A letter from Charles W. Williams to Valdas V. Adamkus, dated September 13, 1994, with enclosures providing technical support for the revised administrative order for Gopher Smelting and Refining Company.

(37) On March 9, 1994, the State of Minnesota submitted a revision to its particulate matter plan for the Saint Paul area, providing substitute limits for an aggregate heater at the J.L. Shiely facility.

(i) Incorporation by reference.

(A) An amendment dated January 12, 1994, amending the administrative order of August 25, 1992, for the J.L. Shiely facility at 1177 Childs Road, Saint Paul.

EDITORIAL NOTE: At 60 FR 21451, May 2, 1995 the following paragraph (c)(37) was added to § 52.1220.

(37) On November 23, 1993, the State of Minnesota submitted updated air permitting rules.

(i) Incorporation by reference.

(A) Rules 7007.0050 through 7007.1850, effective August 10, 1993.

(B) Rules 7001.0020, 7001.0050, 7001.0140, 7001.0180, 7001.0550, 7001.3050, 7002.0005, 7002.0015, and 7005.0100, effective August 10, 1993.

(38)–(39) [Reserved]

(40) On November 23, 1993, the State of Minnesota requested recodification of the regulations in its State Implementation Plan, requested removal of various regulations, and submitted recodified regulations containing minor revisions.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapters 7005, 7007, 7009, 7011, 7017, 7019, and 7023, effective October 18, 1993.

(B) Submitted portions of Minnesota Statutes Sections 17.135, 88.01, 88.02, 88.03, 88.16, 88.17, and 88.171, effective 1993.

(41) On December 22, 1994, Minnesota submitted miscellaneous amendments to 11 previously approved administrative orders. In addition, the previously approved administrative order for PM Ag Products (dated August 25, 1992) is revoked.

(i) Incorporation by reference.

(A) Amendments, all effective December 21, 1994, to administrative orders approved in paragraph (c)(29) of this section for: Ashbach Construction Company; Commercial Asphalt, Inc.; Great Lakes Coal & Dock Company; Harvest States Cooperatives; LaFarge Corporation; Metropolitan Council; North Star Steel Company; Rochester Public Utilities; and J.L. Shiely Company.

(B) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(30) of this section for United Defense, LP (formerly FMC/U.S. Navy).

(C) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(35) of this section for Northern States Power-Inver Hills Station.

(42) On September 7, 1994, the State of Minnesota submitted a revision to its State Implementation Plan (SIP) for particulate matter for the Rochester area of Olmsted County, Minnesota.

(i) Incorporation by reference.

(A) Amendment Two to the administrative order for the Silver Lake Plant of Rochester Public Utilities, located in Rochester, Minnesota, dated and effective August 31, 1994, submitted September 7, 1994.

(43) On November 12, 1993, the State of Minnesota submitted a contingency plan to control the emissions of carbon monoxide from mobile sources by use of oxygenated gasoline on a year-round basis. The submittal of this program satisfies the provisions under section 172(c)(9) and 172(b) of the Clean Air Act as amended.

(i) Incorporation by reference.

(A) Laws of Minnesota for 1992, Chapter 575, section 29(b), enacted by the legislature and signed into law on April 29, 1992.

(44) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) Minnesota Rules, sections 7007.0800 Subpart 6.C(5), 7017.0100 Subparts 1 and 2, both effective February 28, 1995.

(45) On December 15, 1995, the Minnesota Pollution Control Agency submitted a revision to the State Implementation Plan for the general conformity rules. The general conformity SIP revisions enable the State of Minnesota to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) Minnesota rules Part 7009.9000, as created and published in the (Minnesota) Register, November 13, 1995, number 477, effective November 20, 1995.

(46) On April 24, 1997, the State of Minnesota submitted Administrative Order amendments for sulfur dioxide for two Northern States Power facilities: Inver Hills and Riverside.

(i) Incorporation by reference.

(A) Amendment Two, dated and effective November 26, 1996, to administrative order approved in paragraph (c)(30) of this section for Northern States Power-Riverside Station.

(B) Amendment Three, dated and effective November 26, 1996, to administrative order and amendments approved in paragraphs (c)(35) and (c)(41), respectively, of this section for Northern States Power-Inver Hills Station.

(47) On October 17, 1997, the State of Minnesota submitted amendments to three previously approved Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials, all located in the Minneapolis-St. Paul area.

(i) Incorporation by reference.

(A) Amendments, both dated and effective September 23, 1997, to administrative orders and amendments approved in paragraphs (c)(29) and (c)(41) of this section, respectively, of this section for: LaFarge Corporation (Childs Road facility) and North Star Steel Company.

(B) Amendment Two, dated and effective September 18, 1997, to administrative order and amendment approved in paragraph (c)(30) of this section for GAF Building Materials.

(48) On January 12, 1995, Minnesota submitted revisions to its air permitting rules. The submitted revisions provide generally applicable limitations on potential to emit for certain categories of sources.

(i) Incorporation by reference. Submitted portions of Minnesota regulations in Chapter 7007, and 7011.0060 through 7011.0080 effective December 27, 1994.

(49) [Reserved]

(50) On July 22, 1998 the State of Minnesota submitted a supplemental SIP revision for the control of particulate matter emissions from certain sources located along Red Rock Road, within the boundaries of Ramsey County. This supplemental SIP revision is in response to EPA's July 22, 1997 conditional approval (62 FR 39120), of a February 9, 1996 SIP revision for Red Rock Road. In addition, the previously approved administrative order for Lafarge Corporation (dated February 2, 1996) is revoked.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300353–001, issued by the MPCA to Lafarge

Corporation—Red Rock Terminal on April 14, 1998, Title I conditions only.

(B) Revocation of Findings and Order, dated and effective July 21, 1998, to Findings and Order issued to Lafarge Corporation on February 2, 1996.

(ii) Additional material.

(A) Letter submitting vendor certifications of performance for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated May 4, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(B) Letter submitting operating ranges for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated July 13, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(51) On November 14, 1995, July 8, 1996, September 24, 1996, June 30, 1999, and September 1, 1999, the State of Minnesota submitted revisions to its State Implementation Plan for carbon monoxide regarding the implementation of the motor vehicle inspection and maintenance program in the Minneapolis/St. Paul carbon monoxide nonattainment area. This plan approves Minnesota Statutes Sections 116.60 to 116.65 and Minnesota Rules 7023.1010-7023.1105. This plan also removes Minnesota Rules Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2) from the SIP.

(i) Incorporation by reference.

(A) Minnesota Statutes Sections 116.60 to 116.65;

(B) Minnesota Rules 7023.1010–7023.1105 (except Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2)).

(52) [Reserved]

(53) On September 29, 1998, the State of Minnesota submitted a site-specific revision to the particulate matter (PM) SIP for LTV Steel Mining Company (LTV), formerly known as Erie Mining Company, located in St. Louis County, Minnesota. This SIP revision was submitted in response to a request from LTV that EPA remove the Stipulation Agreement for Erie Mining Company from the State SIP, as was approved by EPA in paragraph (c)(18) of this section. Accordingly the Stipulation Agreement for Erie Mining Company referenced in paragraph (c)(18) of this section is removed from the SIP without replacement.

(54) On December 7, 1999, the State of Minnesota submitted to remove an Administrative Order and replace it with a federally enforceable State operating permit for Commercial Asphalt's facility located on Red Rock Road in the city of St. Paul. EPA approved a federally enforceable State operating permit (FESOP)(60 FR 21447) for the State of Minnesota on May 2, 1995.

(i) Incorporation by reference

(A) Air Emission Permit No. 12300347–002, issued by the MPCA to Commercial Asphalt CO-Plant 905, on September 10, 1999. Title I conditions only.

(55) On February 6, 2000, the State of Minnesota submitted a site-specific revision to the Minnesota Sulfur Dioxide (SO_2) SIP for Marathon Ashland Petroleum, LLC (Marathon Ashland), located in the cities of St. Paul Park and Newport, Washington County, Minnesota. Specifically, EPA is only approving into the SIP only those portions of the Marathon Ashland Title V Operating permit cited as ''Title I condition: SIP for SO_2 NAAQS 40 CFR pt.50 and Minnesota State Implementation Plan (SIP).'' In this same action, EPA is removing from the state SO_2 SIP the Marathon Ashland Administrative Order previously approved in paragraph (c)(38) and revised in paragraph (c)(49) of this section.

(i) Incorporation by reference

(A) AIR EMISSION PERMIT NO. 16300003–003, issued by the Minnesota Pollution Control Agency to Marathon Ashland Petroleum, LLC on October 26, 1999, Title I conditions only.

(56) On November 4, 1998, the State of Minnesota submitted a SIP revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide (SO_2) in the city of Rochester. The state also submitted on that date a request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards. The state's maintenance

plan is complete and the submittals meet the SO_2 nonattainment area SIP and redesignation requirements of the Clean Air Act.

(i) Incorporation by reference

(A) Air Emission Permit No. 10900011–001, issued by the Minnesota Pollution Control Agency (MPCA) to City of Rochester—Rochester Public Utilities—Silver Lake Plant on July 22, 1997, Title I conditions only.

(B) Air Emission Permit No. 00000610–001, issued by the MPCA to City of Rochester—Rochester Public Utilities—Cascade Creek Combustion on January 10, 1997, Title I conditions only.

(C) Air Emission Permit No. 10900010–001, issued by the MPCA to Associated Milk Producers, Inc. on May 5, 1997, Title I conditions only.

(D) Air Emission Permit No. 10900008–007 (989–91–OT–2, AMENDMENT No. 4), issued by the MPCA to St. Mary's Hospital on February 28, 1997, Title I conditions only.

(E) Air Emission Permit No. 10900005–001, issued by the MPCA to Olmsted County—Olmsted Waste-to-Energy Facility on June 5, 1997, Title I conditions only.

(F) Amendment No. 2 to Air Emission Permit No. 1148–83–OT–1 [10900019], issued by the MPCA to Franklin Heating Station on June 19, 1998, Title I conditions only.

(G) Air Emission Permit No. 10900006–001, issued by the MPCA to International Business Machine Corporation—IBM—Rochester on June 3, 1998, Title I conditions only.

(57) [Reserved]

(58) On December 16, 1998, the State submitted an update to the Minnesota performance test rule, which sets out the procedures for facilities that are required to conduct performance tests to demonstrate compliance with their emission limits and/or operating requirements. In addition, EPA is removing from the state SIP Minnesota Rule 7017.2000 previously approved as APC 21 in paragraph (c)(20) and amended in paragraph (c)(40) of this section.

(i) Incorporation by reference.

(A) Amendments to Minnesota Rules 7011.0010, 7011.0105, 7011.0510, 7011.0515, 7011.0610, 7011.0710, 7011.0805, 7011.1305, 7011.1405, 7011.1410, 7017.2001, 7017.2005, 7017.2015, 7017.2018, 7017.2020, 7017.2025, 7017.2030, 7017.2035, 7017.2045, 7017.2050 and 2060, published in the *Minnesota State Register* April 20, 1998, and adopted by the state on July 13, 1998.

(59) On September 1, 1999, the State of Minnesota submitted a site-specific revision to the Minnesota Sulfur Dioxide (SO_2) SIP for the Northern States Power Company (NSP) Riverside Plant, located in Minneapolis, Hennepin County, Minnesota. Specifically, EPA is approving into the SO_2 SIP only those portions of the NSP Riverside Plant Title V Operating Permit cited as ''Title I condition: State Implementation Plan for SO_2.'' In this same action, EPA is removing from the state SO_2 SIP the NSP Riverside Plant Administrative Order previously approved and amended in paragraphs (c)(30) and (c)(46) of this section respectively.

(i) Incorporation by reference.

(A) Air Emission Permit No. 05300015–001, issued by the Minnesota Pollution Control Agency (MPCA) to Northern States Power Company—Riverside Plant on May 11, 1999, Title I conditions only.

(60) [Reserved]

(61) On June 1, 2001, the State of Minnesota submitted a site-specific revision to the Minnesota particulate matter (PM) State Implementation Plan (SIP) for Metropolitan Council Environmental Service's (MCES) Metropolitan Wastewater Treatment Plant located on Childs Road in St. Paul, Ramsey County, Minnesota. Specifically, EPA is only approving into the SIP those portions of the MCES federally enforceable state operating permit cited as ''Title I Condition: State Implementation Plan for PM10.'' In this same action, EPA is removing from the state PM SIP the MCES Administrative Order previously approved in paragraph (c)(29) of this section.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300053–001, issued by the Minnesota Pollution Control Agency to MCES's Metropolitan Wastewater Treatment Plant at 2400 Childs Road on March 13, 2001, Title I conditions only.

(62) On March 13, 2003, the State of Minnesota submitted a site-specific

State Implementation Plan (SIP) revision for the control of emissions of sulfur dioxide (SO_2) for Flint Hills Resources, L.P., located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. Specifically, EPA is approving into the SO_2 SIP Amendment No. 6 to the Administrative Order previously approved in paragraph (c)(35) and revised in paragraphs (c)(57) and (c)(60) of this section.

(i) Incorporation by reference.

(A) An administrative order identified as Amendment Six to Findings and Order by Stipulation, for Flint Hills Resources, L.P., dated and effective March 11, 2003, submitted March 13, 2003.

(63) On August 9, 2002, the State of Minnesota submitted a revision to the Minnesota sulfur dioxide (SO_2) State Implementation Plan (SIP) for Xcel Energy's Inver Hills Generating Plant (Xcel) located in the city of Inver Grove Heights, Dakota County, Minnesota. Specifically, EPA is only approving into the SO_2 SIP those portions of the Xcel Title V operating permit cited as ''Title I Condition: State Implementation Plan for SO_2'' and is removing from the state SO_2 SIP the Xcel Administrative Order previously approved in paragraph (c)(46) and modified in paragraphs (c)(35) and (c)(41) of this section. In this same action, EPA is removing from the state particulate matter SIP the Administrative Order for Ashbach Construction Company previously approved in paragraph (c)(29) and modified in paragraph (c)(41) of this section.

(i) Incorporation by reference.

(A) AIR EMISSION PERMIT NO. 03700015–001, issued by the Minnesota Pollution Control Agency to Northern States Power Company Inver Hills Generating Plant on July 25, 2000, Title I conditions only.

(64) On July 18, 2002, the State of Minnesota submitted a site-specific revision to the Minnesota particulate matter (PM) SIP for the Lafarge Corporation (Lafarge) Red Rock Road facility, located in Saint Paul, Ramsey County, Minnesota. Specifically, EPA is approving into the PM SIP only those portions of the Lafarge Red Rock Road facility state operating permit cited as ''Title I condition: SIP for PM10 NAAQS.''

(i) Incorporation by reference. AIR EMISSION PERMIT NO. 12300353–002, issued by the Minnesota Pollution Control Agency (MPCA) to Lafarge Corporation—Red Rock Terminal on May 7, 2002, Title I conditions only.

(65) The Minnesota Pollution Control Agency submitted a revision to Minnesota's State Implementation Plan for sulfur dioxide on December 19, 2002. This revision consists of a Title V permit for the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota. The Permit contains non-expiring Title I SIP conditions.

(i) Incorporation by reference.

(A) Title I conditions contained in the November 25, 2002, Title V permit (permit number 00300020–001) issued to the United Defense, LP facility located in Anoka County at 4800 East River Road, Fridley, Minnesota.

[37 FR 10874, May 31, 1972. Redesignated at 70 FR 8932, Feb. 24, 2005]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1222, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§52.1223 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Minnesota's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 40581, June 16, 1980]

§52.1224 General requirements.

(a) The requirements of §51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as

specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to July 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(5) Authority of the Regional Administrator to make available information and data was delegated to the Minnesota Pollution Control Agency effective October 6, 1977.

[37 FR 10874, May 31, 1972, as amended at 40 FR 55330, Nov. 28, 1975; 43 FR 10, Jan. 3, 1978; 51 FR 40676, Nov. 7, 1986]

§ 52.1225 Review of new sources and modifications.

(a) Part D—Approval. The State of Minnesota has satisfied the requirements of sections 173 and 189(a)(1)(A) for permitting of major new sources and modifications in nonattainment areas.

(b)–(d) [Reserved]

(e) The State of Minnesota has committed to conform to the Stack Height Regulations, as set forth in 40 CFR part 51. In a January 14, 1987, letter to David Kee, USEPA, Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, stated:

> Minnesota does not currently have a stack height rule, nor do we intend to adopt such a rule. Instead, we will conform with the Stack Height Regulations as set forth in the July 8, 1985, FEDERAL REGISTER in issuing permits for new or modified sources. In cases where that rule is not clear, we will contact USEPA Region V and conform to the current federal interpretation of the item in question.

[53 FR 17037, May 13, 1988, as amended at 59 FR 21941, Apr. 28, 1994; 60 FR 21451, May 2, 1995]

§§ 52.1226–52.1229 [Reserved]

§ 52.1230 Control strategy and rules: Particulates.

(a) *Part D*—(1) *Approval*. The State of Minnesota has satisfied the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) and paragraphs 1, 2, 3, 4, 6, 7, 8, and 9 of section 172(c) for the Saint Paul and Rochester areas. The Administrator has determined pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS.

(2) *No action*. USEPA takes no action on the alternative test method provision of Rule 7005.2910.

(b) Approval—On May 31, 1988, the State of Minnesota submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}) for

Minnesota's Group II areas. The Group II areas of concern are in Minneapolis, Hennepin County; Duluth and Iron Range, St. Louis County; Iron Range, Itasca County; Two Harbors, Lake County; and St. Cloud, Stearns County. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM_{10} at 52 FR 24681.

(c) Approval—On June 20, 2002, the State of Minnesota submitted a request to redesignate the Saint Paul, Ramsey County particulate matter nonattainment area to attainment of the NAAQS for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM). In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Minnesota PM SIP. The redesignation request and maintenance plan meet the redesignation requirements of the Clean Air Act.

[47 FR 19522, May 6, 1982, as amended at 47 FR 32118, July 26, 1982; 55 FR 21022, May 22, 1990; 57 FR 46308, Oct. 8, 1992; 59 FR 7222, Feb. 15, 1994; 67 FR 48790, July 26, 2002]

§§ 52.1231–52.1232 [Reserved]

§ 52.1233 Operating permits.

(a) Emission limitations and related provisions which are established in Minnesota permits as federally enforceable conditions in accordance with Chapter 7007 rules shall be enforceable by USEPA. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the permit program requirements or the requirements of USEPA's underlying regulations.

(b) For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter 7007 rules concern the treatment of sources of greenhouse gas emissions as major sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO_2 equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[60 FR 21451, May 2, 1995, as amended at 75 FR 82266, Dec. 30, 2010]

§ 52.1234 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Minnesota.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Minnesota shall be submitted to the state agency, Minnesota Pollution Control Agency, Division of Air Quality, 520 Lafayette Road North, St. Paul, Minnesota 55155, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003; 75 FR 55276, Sept. 10, 2010]

§ 52.1235 [Reserved]

§ 52.1236 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Minnesota.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Minnesota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.1237 Control strategy: Carbon monoxide.

(a) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: Duluth Metropolitan Area and Minneapolis-St. Paul Metropolitan Area.

(b) Approval—The 1993 carbon monoxide periodic emission inventory requirement of section 187(a)(5) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.

(c) Approval—On March 23, 1998, the Minnesota Pollution Control Agency submitted a request to redesignate the Minneapolis/St. Paul CO nonattainment area (consisting of portions of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2009, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Minnesota will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes oxygenated fuel, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(d) Approval—On November 10, 2004, Minnesota submitted a revision to the Carbon Monoxide (CO) maintenance plan for the Minneapolis-St. Paul area. These plans revised 1996 and 2009 motor vehicle emission inventories and 2009 Motor Vehicle Emissions Budgets (MVEB) recalculated using the emissions factor model MOBILE6. The MVEB for transportation conformity purposes for the Minneapolis-St. Paul maintenance area is 1961 tons per winter day of CO.

(e) Approval—On June 16, 2010, Minnesota submitted a carbon monoxide (CO) limited maintenance plan for the Minneapolis-St. Paul area under section 175A of the CAA for the continued attainment of the one hour and eight hour CO NAAQS.

[59 FR 47807, Sept. 19, 1994, as amended at 62 FR 55172, Oct. 23, 1997; 64 FR 58354, Oct. 29, 1999; 69 FR 71380, Dec. 9, 2004; 75 FR 54778, Sept. 9, 2010]

§ 52.1240 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source located within the State of Minnesota and for which requirements are set forth under the Federal CAIR NO_X Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Minnesota State Implementation Plan (SIP) as meeting the requirements of CAIR for $PM_{2.5}$ relating to NO_X under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_X allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_X allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_X allowances for those years.

(b) Notwithstanding paragraph (a) of this section, such paragraph is not applicable as it relates to sources in the State of Minnesota as of December 3, 2009, except that:

(1) The owner and operator of each source referenced in such paragraph in whose compliance account any allocation of CAIR NO_X allowances was recorded under the Federal CAIR NO_X Annual Trading Program in part 97 of this chapter shall hold in that compliance account, as of midnight of December 3, 2009 and with regard to each such recorded allocation, CAIR NO_X allowances that are usable in such trading program, issued for the same year as the recorded allocation, and in the same amount as the recorded allocation. The owner and operator shall hold such allowances for the purpose of deduction by the Administrator under paragraph (b)(2) of this section.

(2) After December 3, 2009, the Administrator will deduct from the compliance account of each source in the State of Minnesota any CAIR NO_X allowances required to be held in that compliance account under paragraph (b)(1) of this section. The Administrator will not deduct, for purposes of implementing the stay, any other CAIR NO_X allowances held in that compliance account and, starting no later than December 3, 2009, will not record any allocation of CAIR NO_X allowances included in the State trading budget for Minnesota for any year.

(c)(1) The owner and operator of each source and each unit located in the State of Minnesota and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Minnesota's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Minnesota's SIP.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of Minnesota's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62350, Nov. 2, 2007, as amended at 74 FR 56726, Oct. 3, 2009; 76 FR 48368, Aug. 8, 2011]

§52.1241 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO_2 source located within the State of Minnesota and for which requirements are set forth under the Federal CAIR SO_2 Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Minnesota State Implementation Plan as meeting the requirements of CAIR for $PM_{2.5}$ relating to SO_2 under §51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under §51.124(r) of this chapter.

(b) Notwithstanding paragraph (a) of this section, such paragraph is not applicable as it relates to sources in the State of Minnesota as of December 3, 2009.

(c)(1) The owner and operator of each source and each unit located in the State of Minnesota and Indian country

within the borders of the State and for which requirements are set forth under the TR SO_2 Group 2 Trading Program in subpart DDDDD of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Minnesota's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Minnesota's SIP.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of Minnesota's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart DDDDD of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 2 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62350, Nov. 2, 2007, as amended at 74 FR 56726, Oct. 3, 2009; 76 FR 48368, Aug. 8, 2011]

Subpart Z—Mississippi

§ 52.1270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Mississippi under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) Material listed in paragraph (c) of this section with an EPA approval date prior to October 3, 2007, for Mississippi was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after October 3, 2007, for Mississippi will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303, the Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) *EPA Approved Mississippi Regulations.*

EPA-APPROVED MISSISSIPPI REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
APC–S–1 Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants				
Section 1	General	1/9/94	2/12/96, 61 FR 5295	
Section 2	Definitions	1/9/94	2/12/96, 61 FR 5295	
Section 3	Specific Criteria for Sources of Particulate Matter.	5/28/99	12/20/02, 67 FR 77926	
Section 4	Specific Criteria for Sources of Sulfur Compounds.	1/9/94	2/12/96, 61 FR 5295	
Section 5	Specific Criteria for Sources of Chemical Emissions.	1/9/94	2/12/96, 61 FR 5295	
Section 6	New Sources	5/28/99	12/20/02, 67 FR 77926	Subsection 2, ''Other Limitations,'' and Subsection 3, ''New Source Performance Standards,'' are not federally approved.
Section 7	Exceptions	2/4/72	5/31/72, 37 FR 10875	
Section 9	Stack Height Considerations.	5/1/86	9/23/87, 52 FR 35704	
Section 10	Provisions for Upsets, Startups, and Shutdowns.	1/9/94	2/12/96, 61 FR 5295	
Section 11	Severability	1/9/94	2/12/96, 61 FR 5295	
Section 14	Provision for the Clean Air Interstate Rule.	12/17/06	10/3/07, 72 FR 56268	
APC–S–2 Permit Regulations for the Construction and/or Operation of Air Emissions Equipment				
Section I	General Requirements	8/27/05	7/10/06, 71 FR 38773	
Section II	General Standards Applicable to All Permits.	8/27/05	7/10/06, 71 FR 38773	
Section III	Application For Permit To Construct and State Permit To Operate New Stationary Source.	8/27/05	7/10/06, 71 FR 38773	
Section IV	Public Participation and Public Availability of Information.	8/27/05	7/10/06, 71 FR 38773	
Section V	Application Review	8/27/05	7/10/06, 71 FR 38773	
Section VI	Compliance Testing	8/27/05	7/10/06, 71 FR 38773	
Section VII	Emission Evaluation Report	8/27/05	7/10/06, 71 FR 38773	
Section VIII	Procedures for Renewal of State Permit To Operate.	8/27/05	7/10/06, 71 FR 38773	
Section IX	Reporting and Record Keeping.	8/27/05	7/10/06, 71 FR 38773	
Section X	Emission Reduction Schedule	8/27/05	7/10/06, 71 FR 38773	
Section XI	General Permits	8/27/05	7/10/06, 71 FR 38773	
Section XII	Multi-Media Permits	8/27/05	7/10/06, 71 FR 38773	
Section XIII	Exclusions	8/27/05	7/10/06, 71 FR 38773	
Section XIV	CAFO	8/27/05	7/10/06, 71 FR 38773	
Section XV	Options	8/27/05	7/10/06, 71 FR 38773	
Section XVI	Permit Transfer	8/27/05	7/10/06, 71 FR 38773	
Section XVII	Severability	8/27/05	7/10/06, 71 FR 38773	
APC–S–3 Regulations for the Prevention of Air Pollution Emergency Episodes				
Section 1	General	2/4/72	5/31/72, 37 FR 10875	

EPA-APPROVED MISSISSIPPI REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 2	Definitions	2/4/72	5/31/72, 37 FR 10875	
Section 3	Episode Criteria	6/3/88	11/13/89, 54 FR 47211	
Section 4	Emission Control Action Programs.	2/4/72	5/31/72, 37 FR 10875	
Section 5	Emergency Orders	6/3/88	11/13/89, 54 FR 47211	
APC–S–5–Regulations for Prevention of Significant Deterioration for Air Quality				
All		12/1/2010	12/29/2010 75 FR 81858	APC–S–5 incorporates by reference the regulations found at 40 CFR 52.21 as of September 13, 2010. This EPA action is approving the incorporation by reference with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' APC–S–5 incorporated by reference from 40 CFR 52.21(b)(1)(i)(a) and (b)(1(iii)(t) APC–S–5. In addition, this EPA action is not incorporating by reference, into the Mississippi SIP, the administrative regulations that were amended in the Fugitive Emissions Rule (73 FR 77882) and are stayed through October 3, 2011.

(d) *EPA approved Mississippi source-specific requirements.*

EPA APPROVED MISSISSIPPI SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Explanation
None				

(e) *EPAapproved Mississippi non-regulatory provisions.*

EPA APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.	Mississippi	12/7/2007	7/13/2011, 76 FR 41123.	For the 1997 8-hour ozone NAAQS.

[62 FR 35442, July 1, 1997, as amended at 62 FR 37726, July 15, 1997; 62 FR 40139, July 25, 1997; 64 FR 35009, June 30, 1999; 67 FR 77927, Dec. 20, 2002; 68 FR 13631, Mar. 20, 2003; 71 FR 38775, July 10, 2006; 72 FR 56271, Oct. 3, 2007; 75 FR 1714, Jan. 13, 2010; 75 FR 81863, Dec. 29, 2010; 75 FR 79302, Dec. 20, 2010; 76 FR 2591, Jan. 14, 2011; 76 FR 41134, July 13, 2011]

EFFECTIVE DATE NOTE: At 77 FR 38198, June 27, 2012, § 52.1270 was amended by by adding two entries for Regional Haze Plan and Regional Haze Plan Update—E. I. Dupont Reasonable Progress and Mississippi Phosphates BART Determinations at the end of the table in paragraph (e), effective July 27, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1270 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	*
Regional Haze Plan	Statewide	9/22/2008	6/27/2012 [Insert citation of publication].	
Regional Haze Plan Update—E. I. Dupont Reasonable Progress and Mississippi Phosphates BART Determinations.	Statewide	5/9/2011	6/27/2012 [Insert citation of publication].	

§ 52.1271 Classification of regions.

The Mississippi plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate	I	I	III	III	I
Metropolitan Memphis Interstate	I	III	III	III	I
Mississippi Delta Intrastate	III	III	III	III	III
Northeast Mississippi Intrastate	II	III	III	III	III

[37 FR 10875, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

§ 52.1272 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Mississippi's plan for the attainment and maintenance of national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977.

(b)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are ''subject to regulation,'' as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not ''subject to regulation.''

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant,

and an emissions increase of 75,000 tpy CO_2e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.

(4) For purposes of this paragraph (b)—

(i) The term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO_2 equivalent emissions (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO_2e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21(a)(2)(iv) (2007)) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23)(i) (2007)) occur. 40 CFR 52.21 (2007) is presently incorporated by reference into Mississippi's plan at EPA-approved Mississippi Commission on Environmental Quality Rule APC–S–5. For the pollutant GHGs, an emissions increase shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO_2e instead of applying the value in 40 CFR 52.21(b)(23)(ii)(2007).

[75 FR 82556, Dec. 30, 2010]

§ 52.1273 [Reserved]

§ 52.1275 Legal authority.

(a) The requirements of § 51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

(b) The requirements of § 51.230(f) of this chapter are not met, since section 7106–117 of the Mississippi Code could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 7106–117 is disapproved.

[39 FR 7282, Feb. 25, 1974, as amended at 39 FR 34536, Sept. 26, 1974; 51 FR 40676, Nov. 7, 1986]

§ 52.1276 [Reserved]

§ 52.1277 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met, since the legal authority to provide public availability of emission data is inadequate.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of

this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55330, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§52.1278 Control strategy: Sulfur oxides and particulate matter.

In a letter dated January 30, 1987, the Mississippi Department of Natural Resources certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules. This certification does not apply to: Mississippi Power-Daniel; South Mississippi Electric Power, Hattiesburg-Morrow; E.I. Dupont, Delisle Boilers 1 & 2; and International Paper, Vicksburg.

[54 FR 25456, June 15, 1989]

§52.1279 Visibility protection.

(a) *Regional haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Mississippi on September 22, 2008, and supplemented on May 9, 2011, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

(b) [Reserved]

[77 FR 33657, June 7, 2012]

EFFECTIVE DATE NOTE: At 77 FR 33657, June 7, 2012, §52.1279 was added, effective July 27, 2012.

§52.1280 Significant deterioration of air quality.

(a) All applications and other information required pursuant to §52.21 of this part from sources located or to be located in the State of Mississippi shall be submitted to the State agency, Hand Deliver or Courier: Mississippi Department of Environmental Quality, Office of Pollution Control, Air Division, 515 East Amite Street, Jackson, Mississippi 39201; Mailing Address: Mississippi Department of Environmental Quality, Office of Pollution Control, Air Division, P.O. Box 2261, Jackson, Mississippi 39225, rather than to EPA's Region 4 office.

(b) [Reserved]

[77 FR 23398, Apr. 19, 2012]

§52.1281 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of Mississippi'' and all revisions submitted by Mississippi that were federally approved prior to July 1, 1997.

(b) The plan was officially submitted on February 4, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A change in the Opacity Regulation, section 2, Appendix C; addition of testing methods, section 8, Appendix C; addition of Permit System, Appendix G and deletion of SO_2 regulation, section 4, Appendix C submitted on May 4, 1972, by the Mississippi Air and Water Pollution Control Commission.

(2) Telegram concerning adoption of plan changes submitted on May 15, 1972, by the Mississippi Air and Water Pollution Control Commission.

(3) House Bill number 680 submitted on May 17, 1972, by the Governor.

(4) Compliance schedule revisions submitted on March 6, 1973, by the Mississippi Air and Water Pollution Control Commission.

(5) Compliance schedule revisions submitted on August 9, 1973, by the Mississippi Air and Water Pollution Control Commission.

(6) AQMA identification material submitted on March 14, 1974, by the Mississippi Air and Water Pollution Control Commission.

(7) Compliance schedules submitted on January 20, 1975, by the Mississippi Air and Water Pollution Control Commission.

(8) Revised regulations for the incineration of cotton ginning waste, submitted on August 30 and November 14, 1977, by the Mississippi Air and Water Pollution Control Commission.

(9) Revised regulations for open burning, submitted on October 31, 1977, by the Mississippi Air and Water Pollution Control Commission.

(10) Revised permit regulations, submitted on March 16, 1978, by the Mississippi Air and Water Pollution Control Commission.

(11) Implementation plan revisions for the Jones County, Mississippi total suspended particulate nonattainment area, submitted on March 13, 1979, by the Mississippi Air and Water Pollution Control Commission.

(12) Revised regulation APC S–1, section 4.2(b), for emissions of sulfur oxides from the incineration of gas streams containing hydrogen sulfide, submitted on July 3, 1978; and permits containing limits on sulfur oxide emissions from individual flares, submitted on September 13, 1979, by the Mississippi Bureau of Pollution Control (see FEDERAL REGISTER of July 10, 1980).

(13) Air Quality Surveillance Plan, submitted on June 1, 1982, by the Mississippi Department of Natural Resources.

(14) Incorporation by reference of NSPS and NESHAPS (revised definition of ''person'', addition of paragraph 3 to section 6 of APC–S–1, addition of section 8 to APC–S–1, and addition of subparagraph 2.6.3 to APC–S–2), submitted on September 8, 1981, by the Mississippi Bureau of Pollution Control.

(15) Revised SO_2 limit for United Cement Company's Artesia kiln, and NSPS enabling regulation submitted on December 10, 1982, and adoption of six categories of NSPS submitted on December 23, 1982, by the Mississippi Bureau of Pollution Control.

(16) Revision to ''Air Quality Regulations'' and amendment to ''Permit Regulations for the Construction and/or Operation of Air Emission Equipment'' were submitted by the Mississippi Department of Natural Resources on May 11, 1984.

(i) Incorporation by reference.

(A) May 11, 1984 letter from the Mississippi Department of Natural Resources to EPA amending Regulations APC–S–1 and APC–S–2.

(B) A revision adopted on May 9, 1984, adds Paragraph 3 to Mississippi's ''Air Quality Regulations,'' APC–S–1, Section 1 ''General.''

(C) A revision adopted on May 9, 1984, amends Mississippi's ''Permit Regulations for the Construction and/or Operation of Air Emission Equipment,'' APC–S–2, Paragraph 2.6.2.1.

(ii) Other materials—none.

(17) Implementation plan for lead, submitted on May 9, 1984, by the Mississippi Department of Natural Resources.

(18) Part D and other new source review provisions were submitted by the Mississippi Department of Natural Resources on November 25, 1981.

(i) Incorporation by reference.

(A) Letter dated November 25, 1981 from Mississippi Department of Natural Resources, and Mississippi Regulation APC–S–2, section 2.4.8, ''Additional Requirements for a Construction Permit for a New Facility Significantly Impacting an area in which a National Ambient Air Quality Standard is being Exceeded or will be Exceeded'', was adopted by the Mississippi Commission on Natural Resources on November 12, 1981. Subsection 2.4.8.1, 2.4.8.3, and 2.4.8.4 are incorporated by reference.

(ii) Additional material.

(A) Letter to Jack Ravan from Charlie E. Blalock, dated November 25, 1985, interpreting Mississippi regulations

with respect to source coverage and stack heights.

(19) Stack height regulations were submitted to EPA on April 1, 1986 by the Mississippi Department of Natural Resources.

(i) Incorporation by reference.

(A) Mississippi Department of Natural Resources, Bureau of Pollution Control, Appendix C–5, Air Emission Regulations, Regulation APC–S–1, Section 9, which was adopted on March 26, 1986.

(B) Letter of April 1, 1986 from Mississippi Department of National Resources.

(ii) Additional material—none.

(20) PM_{10} revisions for the State of Mississippi which were submitted by the Mississippi Department of Natural Resources on July 26, 1988.

(i) Incorporation by reference.

(A) Revised regulations which became State-effective on June 3, 1988:

1. Air Emission Regulations, APC–S–1, Section 2, (16)–(27).

2. Permit Regulations . . ., APC–S–2, 2.4.8.1(a), (b), (e), (f) and 2.4.8.3.

3. Regulations for the Prevention of Air Pollution Emergency Episodes, APC–S–3, Section 3 and Section 5.

(ii) Additional material.

(A) Letter of July 26, 1988, from the Mississippi Department of Natural Resources, submitting the Mississippi SIP revisions.

Revised SIP narrative:

(B) Section 1.15 Notification of Public Hearing for Plan Revision for PM_{10} Requirements

(C) Section 3.6 Legal Authority for the PM_{10} Plan Revision

(D) Section 5.5 Control Strategy for the Development of Emission Regulations for PM_{10}

(E) Section 6.9 Control Regulations for PM_{10} Revisions

(F) Chapter 9.0 Air Monitoring

(G) Section 14.1.4 Health Effects of the PM_{10} Plan Revisions

(H) Section 14.3.4 Economic Effects of the PM_{10} Plan Revisions

(I) Section 14.5.4 Social Effects of the PM_{10} Plan Revisions

(J) Section 14.6.4 Air Quality Effects of the PM_{10} Revisions

(21) Revisions to APC–S–5 of the Mississippi Air Pollution Control Act which were submitted on July 16, 1990.

(i) Incorporation by reference.

(A) Regulation APC–S–5, Regulations for the Prevention of Significant Deterioration of Air Quality, effective on July 29, 1990.

(ii) Other material.

(A) Letter of July 16, 1990, from the Mississippi Department of Environmental Quality.

(22) Prevention of Significant Deterioration regulation revision to include Nitrogen Dioxide increments for the State of Mississippi which was submitted by the Mississippi Department of Environmental Quality on June 14, 1991.

(i) Incorporation by reference.

(A) Revision to Regulation APC–S–5, Paragraph 1, Regulations for the Prevention of Significant Deterioration of Air Quality, which became State effective on May 28, 1991.

(ii) Other material.

(A) Letter of June 14, 1991 from the Mississippi Department of Environmental Quality.

(B) Letter of March 8, 1991, from the Mississippi Department of Environmental Quality regarding minimum program elements.

(23) The Mississippi Department of Environmental Quality has submitted revisions to chapter 15 of the Mississippi Statute on November 19, 1992. These revision address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) Mississippi SIP chapter 15 effective December 19, 1992.

(ii) Additional information.

(A) January 20, 1994, letter of clarification regarding the appointment of the CAP.

(24) The Mississippi Department of Environmental Quality submitted revisions on June 14, 1991, to ''Permit Regulations for the construction and/or Operation of Air Emissions Equipment'' of Regulation APC-S092. These revisions incorporate ''moderate stationary sources'' into the existing regulations which are required in 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Mississippi Commission on Environmental Quality Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, Regulation APC-S092, effective on May 28, 1991.

(B) Letter of June 21, 1994, from the Mississippi Office of the Attorney General to the Environmental Protection Agency.

(ii) Additional material. None.

(25) Revisions to minor source operating permit rules submitted by the Mississippi Department of Environmental Quality on January 26, 1994.

(i) Incorporation by reference.

(A) Regulation APC–S–2, effective January 9, 1994.

(ii) Other material. None.

(26) The Mississippi Department of Environmental Quality has submitted revision to Regulation APC-S–5. The purpose of this regulation is to adopt by reference Federal regulations for the prevention of significant deterioration of air quality as required by 40 CFR 51.166 and 52.21.

(i) Incorporation by reference.

(A) Regulations of the prevention of significant deterioration of air quality—Regulation APC–S–5 effective January 9, 1994.

(ii) Additional information—None.

(27) Amendments to Regulation APC–S–1 ''Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants'' to be consistent with federal regulations as specified in 40 CFR Part 257.

(i) Incorporation by reference. Regulation APC–S–1 ''Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants'' effective January 9, 1994, except SECTION 8. PROVISIONS FOR HAZARDOUS AIR POLLUTANTS.

(ii) Additional material. None.

[37 FR 10875, May 31, 1972. Redesignated and amended at 62 FR 35442, July 1, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1281, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1284 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a) The owner and operator of each source and each unit located in the State of Mississippi and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Mississippi's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Mississippi's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Mississippi's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48368, Aug. 8, 2011]

Subpart AA—Missouri

§ 52.1319 [Reserved]

§ 52.1320 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Missouri under section 110 of the CAA, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards (NAAQS).

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 1, 2009, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 1, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the SIP as of August 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA-approved regulations.*

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area				
10–2.040	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	9/4/84	1/24/85, 50 FR 3337.	
10–2.090	Incinerators	2/25/70	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10–2.100	Open Burning Restrictions.	4/2/84	8/31/84, 49 FR 34484.	
10–2.150	Time Schedule for Compliance.	12/30/2008	1/24/11, 76 FR 4076	The State has rescinded this rule.
10–2.205	Control of Emissions from Aerospace Manufacture and Rework Facilities.	3/30/01	4/24/02, 67 FR 20036.	
10–2.210	Control of Emissions from Solvent Metal Cleaning.	2/29/08	6/20/08, 73 FR 35074.	
10–2.215	Control of Emissions from Solvent Clean-up Operations.	5/30/01	4/24/02, 67 FR 20036.	
10–2.220	Liquefied Cutback Asphalt Paving Restricted.	6/3/91	6/23/92, 57 FR 27939.	
10–2.230	Control of Emissions from Industrial Surface Coating Operations.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10–2.260	Control of Petroleum Liquid Storage, Loading, and Transfer.	4/30/04	2/2/05, 70 FR 5379.	
10–2.290	Control of Emissions from Rotogravure and Flexographic Printing Facilities.	3/30/92	8/30/93, 58 FR 45451.	The State rule has Sections (6)(A) and (6)(B), which EPA has not approved. 9/6/94, 59 FR 43376 (correction).
10–2.300	Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products.	11/20/91	3/26/03, 68 FR 14539.	4/3/95, 60 FR 16806 (correction).
10–2.310	Control of Emissions from the Application of Automotive Underbody Deadeners.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).
10–2.320	Control of Emissions from Production of Pesticides and Herbicides.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (correction).
10–2.330	Control of Gasoline Reid Vapor Pressure.	5/30/01	2/13/02, 67 FR 6660.	
10–2.340	Control of Emissions from Lithographic Printing Facilities.	9/30/03	10/30/03, 68 FR 61758.	
10–2.360	Control of Emissions from Bakery Ovens.	11/30/95	7/20/98, 63 FR 38755.	
10–2.385	Control of Heavy Duty Diesel Vehicle Idling Emissions.	2/28/09	3/1/11, 76 FR 11083	Subsection (3)(A) is not SIP approved.
10–2.390	Kansas City Area Transportation Conformity Requirements.	7/27/07	10/18/07, 72 FR 59014.	
Chapter 3—Air Pollution Control Regulations for the Outstate Missouri Area				
10–3.010	Auto Exhaust Emission Controls.	2/1/78	3/18/80, 45 FR 17145.	
10–3.030	Open Burning Restrictions.	7/31/98	4/1/99, 64 FR 15688.	
10–3.040	Incinerators	2/1/78	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10–3.060	Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	11/30/02	3/18/03, 68 FR 12831.	
Chapter 4—Air Quality Standards and Air Pollution Control Regulations for Springfield-Greene County Area				
10–4.040	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	11/30/02	3/18/03, 68 FR 12831.	
10–4.080	Incinerators	12/16/69	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10–4.090	Open Burning Restrictions.	4/2/84	8/31/84, 49 FR 34484.	
10–4.140	Time Schedule for Compliance.	12/30/2008	1/24/11, 76 FR 4076	The State has rescinded this rule.

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
10–5.030	Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating.	9/4/84	1/24/85, 50 FR 3337.	
10–5.040	Use of Fuel in Hand-Fired Equipment Prohibited.	9/18/70	3/18/80, 45 FR 17145.	
10–5.060	Refuse Not To Be Burned in Fuel Burning Installations.	9/18/70	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10–5.070	Open Burning Restrictions.	1/29/95	2/17/00, 65 FR 8060.	
10–5.080	Incinerators	9/18/70	3/18/80, 45 FR 17145.	The State has rescinded this rule.
10–5.120	Information on Sales of Fuels To Be Provided and Maintained.	9/18/70	3/18/80, 45 FR 17145.	
10–5.130	Certain Coals To Be Washed.	9/18/70	3/18/80, 45 FR 17145.	
10–5.220	Control of Petroleum Liquid Storage, Loading and Transfer.	9/30/07	4/2/08, 73 FR 17893.	
10–5.240	Additional Air Quality Control Measures May Be Required When Sources Are Clustered in a Small Land Area.	9/18/70	3/18/80, 45 FR 17145.	
10–5.250	Time Schedule for Compliance.	12/30/2008	1/24/11, 76 FR 4076	The State has rescinded this rule.
10–5.295	Control of Emissions from Aerospace Manufacturing and Rework Facilities.	2/29/00	5/18/00, 65 FR 31489.	
10–5.300	Control of Emissions from Solvent Metal Cleaning.	11/30/06	3/9/07, 72 FR 10610.	
10–5.385	Control of Heavy Duty Diesel Vehicle Idling Emissions.	2/28/09	3/1/11, 76 FR 11083	Subsection (3)(A) is not SIP approved.
10–5.310	Liquefied Cutback Asphalt Restricted.	3/1/89	3/5/90, 55 FR 7712.	
10–5.330	Control of Emissions from Industrial Surface Coating Operations.	8/30/2011	1/23/2012, 77 FR 3146.	
10–5.340	Control of Emissions from Rotogravure and Flexographic Printing Facilities.	8/30/2011	1/23/2012, 77 FR 3146.	
10–5.350	Control of Emissions from Manufacture of Synthesized Pharmaceutical Products.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10–5.360	Control of Emissions from Polyethylene Bag Sealing Operations.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10–5.370	Control of Emissions from the Application of Deadeners and Adhesives.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10–5.380	Motor Vehicle Emissions Inspection.	12/30/02	5/12/03, 68 FR 25414.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10–5.390	Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products.	8/30/00	8/14/01, 66 FR 42605.	
10–5.410	Control of Emissions from Manufacture of Polystyrene Resin.	11/20/91	8/24/94, 59 FR 43480.	4/3/95, 60 FR 16806 (Correction Notice).
10–5.420	Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants.	3/11/89	3/5/90, 55 FR 7712.	
10–5.440	Control of Emissions from Bakery Ovens.	12/30/96	2/17/00, 65 FR 8060.	
10–5.442	Control of Emissions from Offset Lithographic Printing Operations.	8/30/2011	1/23/2012, 77 FR 3146.	
10–5.450	Control of VOC Emissions from Traffic Coatings.	5/28/95	2/17/00, 65 FR 8060.	
10–5.451	Control of Emissions from Aluminum Foil Rolling.	9/30/00	7/20/01, 66 FR 37906.	
10–5.455	Control of Emissions from Solvent Cleaning Operations.	2/28/97	2/17/00, 65 FR 8060.	
10–5.480	St. Louis Area Transportation Conformity Requirements.	7/27/07	10/18/07, 72 FR 59014.	
10–5.490	Municipal Solid Waste Landfills.	12/30/96	2/17/00, 65 FR 8060.	
10–5.500	Control of Emissions from Volatile Organic Liquid Storage.	2/29/00	5/18/00, 65 FR 31489.	
10–5.510	Control of Emissions of Nitrogen Oxides.	5/30/06	11/6/06, 71 FR 64888.	
10–5.520	Control of Volatile Organic Compound Emissions from Existing Major Sources.	2/29/00	5/18/00, 65 FR 31489.	
10–5.530	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.	2/29/00	5/18/00, 65 FR 31489.	
10–5.540	Control of Emissions from Batch Process Operations.	2/29/00	5/18/00, 65 FR 31489.	
10–5.550	Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry.	2/29/00	5/18/00, 65 FR 31489.	
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
10–6.010	Ambient Air Quality Standards.	2/28/06	12/5/06, 71 FR 70468.	
10–6.020	Definitions and Common Reference Tables.	9/30/08	4/14/09, 74 FR 17086.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10–6.030	Sampling Methods for Air Pollution Sources.	2/28/06	12/5/06, 71 FR 70468.	
10–6.040	Reference Methods	2/28/06	12/5/06, 71 FR 70468.	
10–6.050	Start-up, Shutdown, and Malfunction Conditions.	2/28/02	8/27/02, 67 FR 54965.	
10–6.060	Construction Permits Required.	8/30/11	4/16/12, 77 FR 22500	This revision incorporates by reference elements of EPA's NSR reform rule published December 31, 2002. Provisions of the incorporated reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. In addition, we are not approving Missouri's rule incorporating EPA's 2007 revision of the definition of "chemical processing plants" (the "Ethanol Rule," 72 FR 24060 (May 1, 2007) or EPA's 2008 "fugitive emissions rule," 73 FR 77882 (December 19, 2008). Otherwise, this revision also incorporates by reference the other provisions of 40 CFR 52.21 as in effect on August 2, 2010, which supersedes any conflicting provisions in the Missouri rule. Section 9, pertaining to hazardous air pollutants, is not SIP approved.
10–6.061	Construction Permits Exemptions.	7/30/06	12/4/06, 70315.	Section (3)(A)2.D. is not included in the SIP.
10–6.062	Construction Permits by Rule.	5/30/07	9/26/07, 72 FR 54562.	Section (3)(B)4. is not included in the SIP.
10–6.065	Operating Permits	9/30/05	2/21/07, 72 FR 7829.	Section (4) Basic State Operating Permits, has not been approved as part of the SIP.
10–6.110	Submission of Emission Data, Emission Fees, and Process Information.	09/30/2010	12/14/2011, 76 FR 77701	Section (3)(A), Emissions Fees, has not been approved as part of the SIP
10–6.120	Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Installations.	3/30/05	6/12/06, 71 FR 33622.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
10–6.130	Controlling Emissions During Episodes of High Air Pollution Potential.	11/30/02	3/18/03, 68 FR 12829.	
10–6.140	Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques.	5/1/86	3/31/89, 54 FR 13184.	
10–6.150	Circumvention	8/15/90	4/17/91, 56 FR 15500.	
10–6.170	Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin.	8/30/98	3/31/00, 65 FR 17164.	
10–6.180	Measurement of Emissions of Air Contaminants.	11/19/90	7/23/91, 56 FR 33714.	
10–6.210	Confidential Information.	1/27/95	2/29/96, 61 FR 7714.	
10–6.220	Restriction of Emission of Visible Air Contaminants.	9/30/08	12/29/09, 74 FR 68689	Subsection (1)(I) referring to the open burning rule, 10 CSR 10–6.045, is not SIP approved.
10–6.260	Restriction of Emission of Sulfur Compounds.	2/29/08	6/20/08, 73 FR 35071.	Section (3)(B) is not SIP approved.
10–6.280	Compliance Monitoring Usage.	3/30/02	8/27/02, 67 FR 54961.	
10–6.300	Conformity of General Federal Actions to State Implementation Plans.	9/17/07	12/4/07, 72 FR 68072.	
10–6.330	Restriction of Emissions from Batch-type Charcoal Kilns.	6/30/98	12/8/98, 63 FR 67591.	
10–6.350	Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	5/30/07	4/2/08, 73 FR 17890.	
10–6.360	Control of NO_X Emissions from Electric Generating Units and Non-Electric Generating Boilers.	5/30/07	4/2/08, 73 FR 17890.	
10–6.362	Clean Air Interstate Rule Annual NO_X Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10–6.364	Clean Air Interstate Rule Seasonal NO_X Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10–6.366	Clean Air Interstate Rule SO_2 Trading Program.	5/18/07	12/14/07, 72 FR 71073.	
10–6.380	Control of NO_X Emissions from Portland Cement Kilns.	10/30/05	8/15/06, 71 FR 46860.	
10–6.390	Control of NO_X Emissions from Large Stationary Internal Combustion Engines.	10/30/05	8/15/06, 71 FR 46860.	
10–6.400	Restriction of Emission of Particulate Matter from Industrial Processes.	5/30/09	8/11/10, 75 FR 48579	
10–6.410	Emissions Banking and Trading.	7/30/09	4/16/12, 77 FR 22500	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Public Safety Division 50–State Highway Patrol Chapter 2—Motor Vehicle Inspection				
50–2.010	Definitions	4/11/82	8/12/85, 50 FR 32411.	
50–2.020	Minimum Inspection Station Requirements.	10/11/82	8/12/85, 50 FR 32411.	
50–2.030	Inspection Station Classification.	12/11/77	8/12/85, 50 FR 32411.	
50–2.040	Private Inspection Stations.	5/31/74	8/12/85, 50 FR 32411.	
50–2.050	Inspection Station Permits.	11/11/79	8/12/85, 50 FR 32411.	
50–2.060	Display of Permits, Signs and Poster.	11/31/74	8/12/85, 50 FR 32411.	
50–2.070	Hours of Operation	11/11/83	8/12/85, 50 FR 32411.	
50–2.080	Licensing of Inspector/Mechanics.	4/13/78	8/12/85, 50 FR 32411.	
50–2.090	Inspection Station Operational Requirements.	8/11/78	8/12/85, 50 FR 32411.	
50–2.100	Requisition of Inspection Stickers and Decals.	6/12/80	8/12/85, 50 FR 32411.	
50–2.110	Issuance of Inspection Stickers and Decals.	12/11/77	8/12/85, 50 FR 32411.	
50–2.120	MVI–2 Form	11/11/83	8/12/85, 50 FR 32411.	
50–2.130	Violations of Laws or Rules Penalty.	5/31/74	8/12/85, 50 FR 32411.	
50–2.260	Exhaust System	5/31/74	8/12/85, 50 FR 32411.	
50–2.280	Air Pollution Control Devices.	12/11/80	8/12/85, 50 FR 32411.	
50–2.290	Fuel Tank	5/3/74	8/12/85, 50 FR 32411.	
50–2.350	Applicability of Motor Vehicle Emission Inspection.	5/1/84	8/12/85, 50 FR 32411.	
50–2.360	Emission Fee	11/1/83	8/12/85, 50 FR 32411.	
50–2.370	Inspection Station Licensing.	12/21/90	10/13/92, 57 FR 46778.	
50–2.380	Inspector/Mechanic Licensing.	11/1/83	8/12/85, 50 FR 32411.	
50–2.390	Safety/Emission Stickers.	11/1/83	8/12/85, 50 FR 32411.	
50–2.401	General Specifications	12/21/90	10/13/92, 57 FR 46778.	
50–2.402	MAS Software Functions.	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (6), Safety Inspection.
50–2.403	Missouri Analyzer System (MAS) Display and Program Requirements.	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (3)(B)4, Safety Inspection Sequences or (3)(M)5(II), Safety Inspection Summary.
50–2.404	Test Record Specifications.	12/21/90	10/13/92, 57 FR 46778.	The SIP does not include Section (5), Safety Inspection Results.
50–2.405	Vehicle Inspection Certificate, Vehicle Inspection Report, and Printer Function Specifications.	12/21/90	10/13/92, 57 FR 46778.	
50–2.406	Technical Specifications for the MAS.	12/21/90	10/13/92, 57 FR 46778.	
50–2.407	Documentation, Logistics and Warranty Requirements.	12/21/90	10/13/92, 57 FR 46778.	
50–2.410	Vehicles Failing Reinspection.	12/21/90	10/13/92, 57 FR 46778.	

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
50–2.420	Procedures for Conducting Only Emission Tests.	12/21/90	10/13/92, 57 FR 46778.	
Kansas City Chapter 8—Air Quality				
8–2	Definitions	12/10/98	12/22/99, 64 FR 71663.	
8–4	Open burning	10/31/96	4/22/98, 63 FR 19823.	
8–5	Emission of particulate matter.	12/10/98	12/22/99, 64 FR 71663.	Only subsections 8–5(c)(1)b, 8–5(c)(1)c, 8–5(c)(2)a, 8–5(c)(3)a, 8–5(c)(3)b, 8–5(c)(3)c, 8–5(c)(3)d are approved in the SIP.
Springfield—Chapter 2A—Air Pollution Control Standards				
Article I	Definitions	12/04/08	10/21/10 75 FR 64953	Only Section 6–2 is approved by EPA.
Article II	Administrative and Enforcement.	12/04/08		Only Sections 6–151, 155, 156, and 171 are approved by EPA.
Article V	Incinerators.	12/04/08		Only Sections 6–311 through 314 are approved by EPA.
Article VII	Stack Emission Test Method.	10/31/96	4/22/98, 63 FR 19823.	Only Section 2A–25 is approved by EPA.
Article IX	Incinerator	10/31/96	4/22/98, 63 FR 19823.	Only Sections 2A–34 through 38 are approved by EPA.
Article XX	Test Methods and Tables.	10/31/96	4/22/98, 63 FR 19823.	Only Sections 2A–51, 55, and 56 are approved by EPA.
St. Louis City Ordinance 68657				
Section 6	Definitions	8/28/03	12/9/03, 68 FR 68521.	The phrase ''other than liquids or gases'' in the Refuse definition has not been approved.
Section 15	Open Burning Restrictions.	8/28/03	12/9/03, 68 FR 68521.	

(d) *EPA-approved State source-specific permits and orders.*

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
(1) ASARCO Inc. Lead Smelter, Glover, MO.	Order	8/13/80	4/27/81, 46 FR 23412.	
(2) St. Joe Lead (Doe Run) Company Lead Smelter, Herculaneum, MO.	Order	3/21/84	6/11/84, 49 FR 24022.	
(3) AMAX Lead (Doe Run) Company Lead Smelter, Boss, MO.	Order	9/27/84	1/7/85, 50 FR 768.	
(4) Gusdorf Operating Permit, 11440 Lackland Road, St. Louis County, MO.	Permit Nos: 04682–04693.	*4/29/80	10/15/84, 49 FR 40164.	
(5) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	3/9/90	3/6/92, 57 FR 8076.	

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS—Continued

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
(6) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	8/17/90	3/6/92, 57 FR 8076.	
(7) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order	7/2/93	5/5/95, 60 FR 22274.	
(8) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order (Modification).	4/28/94	5/5/95, 60 FR 22274	In a notice published on 8/15/97 at 62 FR 43647, EPA required implementation of the contingency measures.
(9) Doe Run Lead Smelter, Herculaneum, MO.	Consent Order (Modification).	11/23/94	5/5/95, 60 FR 22274.	
(10) Doe Run Buick Lead Smelter, Boss, MO.	Consent Order	7/2/93	8/4/95, 60 FR 39851.	
(11) Doe Run Buick Lead Smelter, Iron County, MO.	Consent Order (Modification).	9/29/94	8/4/95, 60 FR 39851.	
(12) ASARCO Glover Lead Smelter, Glover, MO.	Consent Decree CV596–98CC with exhibits A–G.	7/30/96	3/5/97, 62 FR 9970.	
(13) Eagle-Picher Technologies, Joplin, MO.	Consent Agreement	08/26/99	4/24/00, 65 FR 21649.	
(14) Doe Run Resource Recycling Facility near Buick, MO.	Consent Order	5/11/00	10/18/00, 65 FR 62295.	
(15) St. Louis University.	Medical Waste Incinerator.	9/22/92	4/22/98, 63 FR 19823.	
(16) St. Louis University.	Permit Matter No. 00–01–004.	1/31/00	10/26/00, 65 FR 64156.	
(17) St. Joseph Light & Power SO_2.	Consent Decree	5/21/01	11/15/01, 66 FR 57389.	
(18) Asarco, Glover, MO.	Modification of Consent Decree, CV596–98CC.	7/31/00	4/16/02, 67 FR 18497.	
(19) Doe Run, Herculaneum, MO.	Consent Judgement, CV301–0052C–J1, with Work Practice Manual and S.O.P. for Control of Lead Emissions (Rev 2000).	1/5/01	4/16/02, 67 FR 18497.	
(20) Springfield City Utilities James River Power Station SO_2.	Consent Agreement	12/6/01	3/25/02, 67 FR 13570.	
(21) St. Louis University.	Permit Matter No. 00–01–004.	8/28/03	12/9/03, 68 FR 68521	Updates a reference in section II.B. to Ordinance No. 65645.
(22) Doe Run Lead Smelter, Glover, MO.	Settlement Agreement	10/31/03	10/29/04, 69 FR 63072.	
(23) Grossman Iron and Steel Company.	Permit No. SR00.045A	7/19/06	12/4/06, 71 FR 70312.	
(24) Doe Run Herculaneum, MO.	Consent Judgment Modification, CV301–0052CCJ1.	12/20/05	5/4/07, 72 FR 25203.	
(25) Doe Run Herculaneum, MO.	Consent Judgment Modification 07JE–CC00552.	5/21/07 7/29/09 modification	2/17/12, 77 FR 9529	This approval does not include any subsequent modifications after 2009.

* St Louis County.

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(1) Kansas City and Outstate Air Quality Control Regions Plan.	Kansas City and Outstate.	1/24/72	5/31/72, 37 FR 10875.	
(2) Implementation Plan for the Missouri portion of the St. Louis Interstate Air Quality Control Region.	St. Louis	1/24/72	5/31/72, 37 FR 10875.	
(3) Effects of adopting Appendix B to NO_2 emissions.	St. Louis	3/27/72	5/31/72, 37 FR 10875.	
(4) CO air quality data base.	St. Louis	5/2/72	5/31/72, 37 FR 10875.	
(5) Budget and manpower projections.	Statewide	2/28/72	10/28/72, 37 FR 23089.	
(6) Emergency episode manual.	Kansas City	5/11/72	10/28/72, 37 FR 23089.	
(7) Amendments to Air Conservation Law.	Statewide	7/12/72	10/28/72, 37 FR 23089.	
(8) Air monitoring plan	Outstate	7/12/72	10/28/72, 37 FR 23089.	
(9) Amendments to Air Conservation Law.	Statewide	8/8/72	10/28/72, 37 FR 23089.	
(10) Transportation control strategy.	Kansas City	5/11/73, 5/21/73	6/22/73, 38 FR 16566.	
(11) Analysis of ambient air quality data and recommendation to not designate the area as an air quality maintenance area.	Kansas City	4/11/74	3/2/76, 41 FR 8962.	
(12) Recommendation to designate air quality maintenance areas.	St. Louis, Columbia, Springfield.	5/6/74	9/9/75, 40 FR 41950.	
(13) Plan to attain the NAAQS.	Kansas City, St. Louis.	7/2/79	4/9/80, 45 FR 24140	Correction notice published 7/11/80.
(14) Schedule for I/M program and commitment regarding difficult transportation control measures (TCMs).	St. Louis	9/9/80	3/16/81, 46 FR 16895.	
(15) Lead SIP	Statewide	9/2/80, 2/11/81, 2/13/81	4/27/81, 46 FR 23412, 7/19/84, 49 FR 29218	Correction notice published 5/15/81.
(16) Report on recommended I/M program.	St. Louis	12/16/80	8/27/81, 46 FR 43139	No action was taken on the specific recommendations in the report.
(17) Report outlining commitments to TCMs, analysis of TCMs, and results of CO dispersion modeling.	St. Louis	2/12/81, 4/28/81	11/10/81, 46 FR 55518.	
(18) 1982 CO and ozone SIP.	St. Louis	12/23/82, 8/24/83	10/15/84, 49 FR 40164.	
(19) Air quality monitoring plan.	Statewide	6/6/84	9/27/84, 49 FR 38103.	
(20) Vehicle I/M program	St. Louis	8/27/84	8/12/85, 50 FR 32411.	
(21) Visibility protection plan.	Hercules Glades and Mingo Wildlife Area.	5/3/85	2/10/86, 51 FR 4916.	
(22) Plan for attaining the ozone standard by December 31, 1987.	St. Louis	8/1/85	9/3/86, 51 FR 31328.	
(23) PM_{10} plan	Statewide	3/29/88, 6/15/88	7/31/89, 54 FR 31524.	
(24) Construction permit fees including Chapter 643 RSMo.	Statewide	1/24/89, 9/27/89	1/9/90, 55 FR 735.	

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(25) PSD NOx requirements including a letter from the State pertaining to the rules and analysis.	Statewide	7/9/90	3/5/91, 56 FR 9172.	
(26) Lead plan	Herculaneum	9/6/90, 5/8/91	3/6/92, 57 FR 8076.	
(27) Ozone maintenance plan.	Kansas City	10/9/91	6/23/92, 57 FR 27939.	
(28) Small business assistance plan.	Statewide	3/10/93	10/26/93, 58 FR 57563.	
(29) Part D Lead plan	Herculaneum	7/2/93, 6/30/94, 11/23/94	5/5/95, 60 FR 22274.	
(30) Intermediate permitting program including three letters pertaining to authority to limit potential to emit hazardous air pollutants.	Statewide	3/31/94, 11/7/94, 10/3/94, 2/10/95	9/25/95, 60 FR 49340.	
(31) Part D lead plan	Bixby	7/2/93, 6/30/94	8/4/95, 60 FR 39851.	
(32) Transportation conformity plans including a policy agreement and a letter committing to implement the State rule consistent with the Federal transportation conformity rule.	St. Louis, Kansas City.	2/14/95	2/29/96, 61 FR 7711.	
(33) Emissions inventory update including a motor vehicle emissions budget.	Kansas City	4/12/95	4/25/96, 61 FR 18251.	
(34) Part D Lead Plan	Glover	8/14/96	3/5/97, 62 FR 9970.	
(35) CO Maintenance Plan.	St. Louis	6/13/97, 6/15/98	1/26/99, 64 FR 3855.	
(36) 1990 Base Year Inventory.	St. Louis	1/20/95	2/17/00, 65 FR 8063.	
(37) 15% Rate-of-Progress Plan.	St. Louis	11/12/99	5/18/00, 65 FR 31489.	
(38) Implementation plan for the Missouri inspection maintenance program.	St. Louis	11/12/99	5/18/00, 65 FR 31482.	
(39) Doe Run Resource Recycling Facility near Buick, MO.	Dent Township in Iron County.	5/17/00	10/18/00, 65 FR 62298.	
(40) Commitments with respect to implementation of rule 10 CSR 10–6.350, Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	Statewide	8/8/00	12/28/00, 65 FR 82288.	
(41) Contingency Plan including letter of April 5, 2001.	St. Louis	10/6/97, 4/5/01	6/26/01, 66 FR 34011.	
(42) Ozone 1-Hour Standard Attainment Demonstration Plan for November 2004 including 2004 On-Road Motor Vehicle Emissions Budgets.	St. Louis	11/10/99, 11/2/00, 2/28/01, 3/7/01	6/26/01, 66 FR 34011.	
(43) Doe Run Resources Corporation Primary lead Smelter, 2000 Revision of Lead SIP.	Herculaneum, MO	1/9/01	4/16/02, 67 FR 18502	The SIP was reviewed and approved by EPA on 1/11/01.

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(44) Doe Run Resources Corporation Primary Lead Smelter, 2000 Revision of Lead SIP.	Glover, MO	6/15/01	4/16/02, 67 FR 18502	The SIP was reviewed and approved by EPA on 6/26/01.
(45) Maintenance Plan for the Missouri Portion of the St. Louis Ozone Nonattainment Area including 2014 On-Road Motor Vehicle Emission Budgets.	St. Louis	12/6/02	5/12/03, 68 FR 25442.	
(46) Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period.	Kansas City	12/17/02	1/13/04, 69 FR 1923.	
(47) Vehicle I/M Program	St. Louis	10/1/03	5/13/04, 69 FR 26506.	
(48) Revised Maintenance Plan of Doe Run Resource Recycling Facility near Buick, MO.	Dent Township in Iron County.	4/29/03	8/24/04, 69 FR 51953	Furnace daily throughput limits required to be consistent with rule 10 CSR 10–6.120. Annual production cap in Doe Run construction permit not affected by this rulemaking.
(49) Lead Maintenance Plan.	Iron County (part) within boundaries of Liberty and Arcadia Townships.	1/26/04	10/29/04, 69 FR 63072.	
(50) Revision to Maintenance Plan for the 1-hour ozone standard in the Missouri portion of the Kansas City maintenance area for the second ten-year period.	Kansas City	10/28/05	6/26/06, 71 FR 36210.	
(51) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide	2/27/07	5/8/07, 72 FR 25085.	
(52) Submittal of the 2002 Base Year Inventory for the Missouri Portion of the St. Louis 8-hour ozone nonattainment area and Emissions Statement SIP.	St. Louis	6/15/06	5/31/07, 72 FR 30272.	
(53) Maintenance Plan for the 8-hour ozone standard in the Missouri portion of the Kansas City area.	Kansas City	5/23/07	8/9/07, 72 FR 44778	This plan replaces numbers (46) and (50).
(54) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	02/27/2007	07/11/2011, 76 FR 40624	This action addresses the following CAA elements, as applicable: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(55) VOC RACT Requirements for the 8-hour ozone NAAQS.	St. Louis	1/17/2007, 6/01/2011	1/23/2012, 77 FR 3147	We are conditionally approving this SIP revision based on Missouri's commitment to submit a SIP to address the solvent cleaning CTG no later than December 31, 2012.
(56) CAA Section 110(a)(2) SIP—1978 Pb NAAQS.	City of Herculaneum, MO.	7/29/09	2/17/12, 77 FR 9529	

[64 FR 34719, June 29, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 77 FR 38011, June 26, 2012, § 52.1320 was amended in the table in paragraph (d) by adding a new entry (26) in numerical order, and in the table in paragraph (e) by adding a new entry (57) in numerical order, effective July 26, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1320 Identification of plan.

* * * * *

(d) *EPA-approved State source-specific permits and orders.*

EPA-APPROVED MISSOURI SOURCE-SPECIFIC PERMITS AND ORDERS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
*	*	*	*	*
(26) Holcim		April 19, 2009	June 26, 2012, 77 FR 38007	§ 52.1339(c); Limited Approval.

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(57) Regional Haze Plan for the first implementation period.	Statewide	8/5/09, supplemented 1/30/12	6/26/12, 77 FR 38007	§ 52.1339(c); Limited Approval.

§ 52.1321 Classification of regions.

The Missouri plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate	I	III	III	I	I

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Southwest Missouri Intrastate	I	III	III	III	III
Southeast Missouri Intrastate	III	III	III	III	III
Northern Missouri Intrastate	II	III	III	III	III
Metropolitan St. Louis Interstate	I	I	III	I	I

[37 FR 10875, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.1322 Original Identification of Plan Section.

(a) This section identifies the original ''Air Implementation Plan for the State of Missouri'' and all revisions submitted by Missouri that were Federally approved prior to July 1, 1999.

(b) The plans were officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Budget and manpower projections were submitted by the State Air Conservation Commission (ACC) on February 28, 1972. (Non-regulatory)

(2) A memorandum from the State Air Conservation Commission concerning the effects of adopting Appendix B to NO_2 emissions in the St. Louis area was submitted on March 27, 1972. (Non-regulatory)

(3) The determination of the CO air quality data base on the St. Louis area was submitted on May 2, 1972, by the Air Conservation Commission. (Non-regulatory)

(4) The emergency episode operations/communications manual for the Kansas City area was submitted on May 11, 1972, by the State Air Conservation Commission. (Non-regulatory)

(5) Amendments to the Air Conservation Law, Chapter 203, and plans for air monitoring for outstate Missouri were submitted July 12, 1972, by the Air Conservation Commission.

(6) The following amendments to the St. Louis and Kansas City outstate plans were submitted August 8, 1972, by the State ACC: Air Conservation Law, Chapter 203; Kansas City Ordinance, Chapter 18; Regulations XVIII, XX, XXVI (St. Louis); Regulations X, XII, XVII (Kansas City) and Regulations S–11, S–X111 and S–X11 (outstate).

(7) Letters discussing transportation control strategy for Kansas City Interstate AQCR submitted by the State ACC on May 11 and 21, 1973. (Non-regulatory)

(8) Alert plan for St. Louis County and outstate Missouri was submitted on May 24, 1973, by the ACC. (Regulatory)

(9) Copy of the State's analysis of ambient air quality in the Missouri portion of the Metropolitan Kansas City Interstate Air Quality Control Region and recommendation that the area not be designated as an Air Quality Maintenance Area submitted by the Missouri Air Conservation Commission on April 11, 1974. (Non-regulatory)

(10) Copy of the State's analysis of the Missouri portion of the Metropolitan St. Louis Interstate Standard Metropolitan Statistical Area (SMSA), the Columbia SMSA and the Springfield SMSA and recommendations for the designation of Air Quality Maintenance Areas submitted by the Missouri Air Conservation Commission on May 6, 1974. (Non-regulatory)

(11) Compliance Schedules were submitted by the Missouri Air Conservation Commission on June 3 and October 1, 1976.

(12) Compliance Schedules were submitted by the Missouri Air Conservation Commission on November 23, 1976.

(13) On August 28, 1978, the following revisions were submitted by the Missouri Department of Natural Resources:

(i) The recodification of Missouri regulations of July 1, 1976, now contained in Title 10, Division 10 of the Code of State Regulations.

(ii) Title 10, Division 10, Chapter 6 of the Code of State Regulations which

contains air quality standards, definitions, and reference methods.

(iii) Missouri Rule 10 CSR 10–2.200; Rule 10 CSR 10–3.150; and Rule 10 CSR 10–4.190 pertaining to control of SO_2 from indirect heating sources.

(iv) Missouri Rule 10 CSR 10–2.030; Rule 10 CSR 10–3.050; Rule 10 CSR 10–4.030; and 10 CSR 10–5.050 exempting certain process sources from the process weight regulations for particulate matter.

(v) Missouri Rule 10 CSR 10–2.190; Rule 10 CSR 10–3.140; Rule 10 CSR 10–4.180; and Rule 10 CSR 10–5.280 which contain the ''Standards of Performance for New Stationary Sources,'' found at 40 CFR part 60 as in effect on January 18, 1975.

(vi) Missouri Rule 10 CSR 10–2.060; Rule 10 CSR 10–3.080; Rule 10 CSR 10–4.060; and Rule 10 CSR 10–5.090 which require continuous opacity monitors for certain sources.

(vii) Missouri Rule 10 CSR 10–5.140 for determining settlable acid and alkaline mists is rescinded.

(viii) The EPA is taking no action on Rule 10 CSR 10–5.100; 10 CSR 10–2.050, and 10 CSR 10–3.070 which limit fugitive particulate emissions from the handling, transporting and storage of materials in the State of Missouri.

(14) On March 12, 1979, the Missouri Department of Natural Resources submitted Rule 10 CSR 10–3.100 and Rule 10 CSR 10–5.150 establishing revised SO_2 emission limits for primary lead smelters.

(15) On March 1, 1979, the Missouri Department of Natural Resources submitted a revision of regulation 10 CSR 10–5.110 revising the allowable emission rates of sulfur dioxide from Union Electric's Sioux and Labadie power plants.

(16) On July 2, 1979, the State of Missouri submitted a plan to attain the National Ambient Air Quality Standards for the Kansas City and St. Louis areas of the state designated nonattainment under section 107 of the Clean Air Act, as amended in 1977. Included in the plan are the following approved regulations as amended, in part, in subsequent submittals:

(i) Rule 10 CSR 10–2.210 and 10 CSR 10–5.300 Control of Emissions from Solvent Metal Cleaning are approved as RACT;

(ii) Rule 10 CSR 10–2.220 and 10 CSR 10–5.310 Liquified Cutback Asphalt Paving Restriated are approved as RACT;

(iii) Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis) is approved as RACT.

(iv) Rule 10 CSR 10–2.260 Control of Petroleum Liquid Storage, Loading and Transfer (Kansas City) is approved as RACT;

(v) Rule 10 CSR 10–5.030 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(vi) Rule 10 CSR 10–5.090 Restriction of Emission of Visible Air Contaminants is approved as RACT;

(vii) Rule 10 CSR 10–5.290 More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in South St. Louis is approved as RACT;

(viii) Rule 10 CSR 10–2.040 Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating is approved as RACT;

(ix) Rule 10 CSR 10–2.240 Restriction of Emissions of Volatile Organic Compounds from Petroleum Refinery Sources is approved as RACT;

(x) Rule 10 CSR 10–2.250 Control of Volatile Leaks from Petroleum Refinery Equipment is approved as RACT; and

(xi) Rule 10 CSR 10–2.230 and 10 CSR 10–5.330 Control of Emissions from Industrial Surface Coating Operations is approved as RACT.

(17) On July 2, 1979, the Missouri Department of Natural Resources submitted variances (compliance schedules) for Union Electric Company's Labadie power plant, River Cement Company, and Monsanto Company's Queeny plant. The compliance schedules require these sources to comply with revised Rule 10 CSR 10–5.090. In addition, the Labadie power plant is required to come into compliance with Rule 10 CSR 10–5.030.

(18) On April 7, 1980 the State of Missouri submitted plan revisions for the review and permitting of sources of air pollutant emissions in nonattainment areas. Included in the plan are Missouri

regulations 10 CSR 10–6.020, Definitions, and 10 CFR 10–6.060, Permits Required, as amended, in part, in subsequent submittals, which are approved as meeting the requirements of sections 172(b)(6), 172(b)(11)(A) and 173.

(19) On July 2, 1979, the Missouri Department of Natural Resources submitted the variance for the University of Missouri power plant.

(20) On March 11, 1977 the Missouri Department of Natural Resources submitted a variance for Noranda Aluminum.

(21) On June 25, 1979 the Missouri Department of Natural Resources submitted a variance for Associated Electric Cooperative in New Madrid.

(22) On April 25, 1979, the Missouri Department of Natural Resources submitted the variance for the Union Electric Company's Meramec power plant.

(23) Revisions to Rule 10 CSR 10–2.260 Control of Petroleum Liquid Storage, Loading and Transfer (Kansas City), submitted on September 5, 1980, amending the vapor pressure limit in Section 2(A) and amending the limit on gasoline loading in Section 3(B)(1), are approved as RACT.

(24) A schedule for an inspection and maintenance program in St. Louis and a commitment by the East-West Gateway Coordinating Council regarding difficult transportation control measures, submitted on September 9, 1980.

(25) On September 5, 1980, the State of Missouri submitted new regulations and amendments to existing regulations to control emissions of volatile organic compounds in the St. Louis and Kansas City ozone nonattainment areas. Included in the plan revision are the following approved regulations as amended, in part, in subsequent submittals:

(i) Amendments to Rule 10 CSR 10–2.230 and to Rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, are approved as RACT;

(ii) Amendments to Rule 10 CSR 10–2.260 and to Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer, are approved as RACT;

(iii) Amendments to Rule 10 CSR 10–6.020, Definitions, and to Rule 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, and to Rule 10 CSR 10–6.040, Reference Methods, are approved as RACT;

(iv) Rule 10 CSR 10–2.280 and Rule 10 CSR 10–5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations, are approved as RACT;

(v) Rule 10 CSR 10–2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, is approved as RACT;

(vi) Rule 10 CSR 10–5.350, Control of Emissions from the Manufacture of Synthesized Pharmaceutical Products, is approved as RACT;

(vii) Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities is approved as RACT.

(26) On September 2, 1980, the Missouri Department of Natural Resources submitted the State Implementation Plan for Lead. On February 11 and 13, 1981, the Missouri Department of Natural Resources submitted two letters containing additional information concerning the State Implementation Plan for Lead.

(27) On September 5, 1980, the state of Missouri submitted a plan revision which involved provisions for start-up, shutdown, and malfunction conditions. Included in the plan are new Missouri Rule 10 CSR 10–6.050, Start-up Shutdown, and MalfunctionConditions; and revisions to Rule 10 CSR 10–6.020, Defintions and Amended Start-up, Shutdown and Malfunction Provisions in Rules 10 CSR 10–2.030, 10–3.050, 10–3.060, 10–3.080, 10–4.030, 10–4.040, and 10–5.050.

(28) Revisions to Rule 10 CSR 10–6.060 Permits Required, submitted on April 7, 1981.

(29) A revision to Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis), submitted on April 14, 1981, amending the emission limit in Section 3, is approved as RACT.

(30) A report on the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification, submitted on December 16, 1980, is approved as meeting the applicable condition on the SIP. No action is being taken with respect to the approvability of the specific recommendation sin the report.

(31) A report from the East-West Gateway Coordinating Council outlining commitments to transportation control measures, an analysis of those measures, and the results of the carbon monoxide dispersion modeling, submitted on February 12 and April 28, 1981, is approved as meeting the applicable condition on the SIP.

(32) A variance from Missouri Rule 10 CSR 10–3.050 Restriction of Emission of Particulate Matter From Industrial Processes, for St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on May 6, 1981 with supplementary information submitted on June 22 and July 28, 1981.

(33) On September 5, 1980, the Missouri Department of Natural Resources submitted a revision of Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, which exempts existing Missouri type charcoal kilns from the rule.

(34) A variance from Missouri Rules 10 CSR 10–3.060, Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating, and 10 CSR 10–3.080, Restriction of Emission of Visible Air Contaminants, was submitted by the Missouri Department of Natural Resources on August 12, 1981.

(35) A variance from Missouri Rule 10 CSR 10–2.260, Control of Petroleum Liquid Storage, Loading and Transfer for the Kansas City Metropolitan Area, was submitted by the Missouri Department of Natural Resources on June 11, 1981.

(36) Revisions to Rule 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities, submitted on April 15, 1982, are approved as RACT.

(37) On April 15, 1982, the State of Missouri submitted a new Rule 10 CSR 10–6.060, Permits Required, and Amendments to Rule 10 CSR 10.6020, Definitions, involving the review and permitting of new sources of air pollution. Included in the plan are provisions relating to the attainment area (PSD) new source review. The plan also includes new source review provisions of nonattainment areas in the State.

(38) Revisions to Rules 10 CSR 10–2.280 (Kansas City) and 10 CSR 10–5.320 (St. Louis), both entitled Control of Emissions from Perchloroethylene Dry Cleaning Installations, and 10 CSR 10–5.290, More Restrictive Emission Limitations for Sulfur Dioxide and Particulate Matter in the South St. Louis Area, submitted on July 13, 1982, are approved.

(39) [Reserved]

(40) The 1982 carbon monoxide and ozone state implementation plan revisions were submitted by the Department of Natural Resources on December 23, 1982. A revised version of the 1982 carbon monoxide and ozone plan was submitted by the Department of Natural Resources on August 24, 1983. This version contained updated inventories, attainment demonstrations and schedules to adopt rules. The submission included new rule 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations. (No action was taken with respect to provisions dealing with control strategy demonstration, reasonable further progress and inspection and maintenance of motor vehicles.)

(41) Revised rule 10 CSR 10–1.010, General Organization, was submitted by the Missouri Department of Natural Resources on December 30, 1982.

(42) [Reserved]

(43) On March 26, 1984, the Missouri Department of Natural Resources submitted a revision to the September 2, 1980, lead State Implementation Plan pertaining to item 4 of the consent order for the St. Joe Lead Company. The revision consists of a substitution of equivalent control measures for item 4.

(44) A variance from Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, for the St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on July 1, 1983.

(45) The Missouri Department of Natural Resources submitted revisions to regulations 10 CSR 10–2.100, 3.030, 4.090, and 5.070 requiring operating permits for open burning of untreated wood

waste at solid waste disposal and processing installations effective April 12, 1984.

(46) On June 6, 1984, the Missouri Department of Natural Resources submitted the Air Quality Monitoring State Implementation Plan.

(47) In a letter dated August 14, 1984, the Missouri Department of Natural Resources submitted the rules, 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, and 10 CSR 10–6.040, Reference Methods.

(48) Revised rules 10 CSR 10–2.040, 3.060, 4.040 and 5.030 all entitled ''Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating'' were submitted September 24, 1984, by the Department of Natural Resources.

(49) On October 5, 1984, the Missouri Department of Natural Resources submitted a revision to the September 2, 1980, lead State Implementation Plan pertaining to item 6 of the Consent Order for the AMAX Lead Company. The revision consists of a substitution of equivalent control measures for item 6.

(50) The Missouri Department of Natural Resources submitted an amendment to Rule 10 CSR 10–5.330 ''Control of Emissions from Industrial Surface Coating Operations,'' limiting emissions from surface coating of plastic parts and new Rule 10 CSR 10–5.370 ''Control of Emissions from the Application of Deadeners and Adhesives'' on January 24, 1984; and new Rule 10 CSR 10–5.390, ''Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products'' and an amendment to 10 CSR 10–6.020, ''Definitions'' on April 10, 1984. (Approval action was deferred on 10 CSR 10–5.370.)

(51) The motor vehicle inspection and maintenance program for the St. Louis area was submitted August 27, 1984, by the Department of Natural Resources.

(i) Incorporation by reference.

(A) Amendment to Regulations 10 CSR 10–5.380, ''Motor Vehicle Emissions Inspections'', published in the Missouri Register January 3, 1982;

(B) Missouri Revised Statutes, Sections 307.350 through 307.395, ''Motor Vehicle Safety Inspection'', as revised September 1983;

(C) Regulations 11 CSR 50–2.010 through 11 CSR 50–2.410, ''Missouri Motor Vehicle Inspection Regulations'', as revised July 1, 1982.

(ii) Additional material.

(A) I/M Implementation Schedule.

(B) Highway Patrol Forms.

(C) Missouri Certified Emission Analyzers.

(D) Missouri Department of Revenue Policy.

(E) Highway Patrol QC Manual.

(F) EPA Approval of RACT Compliance.

(G) Public Awareness Materials.

(52) [Reserved]

(53) A rule requiring sources to keep records and report data and requiring emission data to be made public was submitted January 22, 1985, by the Department of Natural Resources. This rule replaces previous rules 10 CSR 10–2.130, 3.130, 4.120, and 5.210, all entitled ''Submission of Emission Information'' which were approved as parts of the State Implementation Plan; and previous rules 10 CSR 10–2.180, 3.120, 4.170, and 5.270, all entitled ''Public Availability of Emission Data'' which were not approved prior to the submission of this replacement rule.

(i) Incorporation by reference. A new regulation 10 CSR 10–6.110 published in the Missouri Register November 1, 1984.

(54) A new rule, Controlling Emissions During Episodes of High Air Pollution Potential, was submitted by the Department of Natural Resources on January 22, 1985.

(i) Incorporation by reference. 10 CSR 10–6.130, Controlling Emissions During Episodes of High Air Pollution Potential, adopted by the Missouri Air Conservation Commission and effective on October 11, 1984.

(ii) Additional material. The State has rescinded rules 10 CSR 10–2.170, 3.110, 4.160, and 5.260, all entitled ''Rules for Controlling Emission During Periods of High Air Pollution Potential.''

(55) [Reserved]

(56) The Missouri Department of Natural Resources submitted the Protection of Visibility Plan, 1985, on May 3, 1985.

(i) Incorporation by reference.

(A) Amendments to Missouri Rule 10 CSR 10–6.020, Definitions, and Rule 10

CSR 10–6.060, Permits Required. These Amendments were adopted by the Missouri Air Conservation Commission and became effective on May 11, 1985.

(ii) Additional material.

(A) Narrative description of visibility new source review program for Class I areas in Missouri.

(B) Visibility monitoring plan for Class I areas in Missouri.

(57) On July 1, 1985, the Missouri Department of Natural Resources submitted amendments to Rules 10 CSR 10–5.220 for the St. Louis Metropolitan Area, and 10 CSR 10–2.260 for the Kansas City Metropolitan Area. The amendments require bulk gasoline plants to be equipped with a vapor recovery system if their monthly throughput is greater than the exemption level.

(i) Incorporation by reference.

(A) 10 CSR 10–5.220, and 10 CSR 10–2.260, Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer, as published in the Missouri Register on May 1, 1985.

(58) A plan revision demonstrating that the ozone standard will be attained in the St. Louis ozone nonattainment area by December 31, 1987, was submitted by the Department of Natural Resources on August 1, 1985.

(i) Incorporation by reference.

(A) An agreement and variance modification order dated July 18, 1985, signed by the Missouri Air Conservation Commission and the General Motors (GM) Corporation requiring that the GM St. Louis assembly plant meet interim emission limitations and comply with the SIP by shutdown by December 31, 1987.

(ii) Additional material.

(A) A revised and corrected emission inventory for base year 1980.

(B) A revised projected year 1987 inventory demonstrating that the additional emission reductions from two new regulations and one plant shutdown, in addition to reductions already required, will be adequate to reduce ambient ozone concentrations to the National Ambient Air Quality Standard for ozone.

(59) A new rule, Control of Emissions from the Production of Maleic Anhydride, was submitted by the Department of Natural Resources on January 21, 1986.

(i) Incorporation by reference.

(A) 10 CSR 10–5.400, Control of Emissions from the Production of Maleic Anhydride, adopted by the Missouri Air Conservation Commission and effective on October 26, 1985.

(60) A plan revision to correct motor vehicle inspection and maintenance testing deficiencies was submitted by the Department of Natural Resources on December 29, 1987.

(i) Incorporation by reference.

(A) Regulations 11 CSR 50–2.370 and 11 CSR 50–2.400, effective June 25, 1987.

(61) On June 9, 1986, the state of Missouri submitted an amendment to Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading, and Transfer. This amendment requires the control of volatile organic compound emissions from the refueling of motor vehicles in the St. Louis Metropolitan Area.

(i) Incorporation by reference.

(A) 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading, and Transfer, revised paragraphs 4, 5, 6, 7, 8, and 9, published in the Missouri Register on May 1, 1985.

(62) A new rule, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants, was submitted by the Department of Natural Resources on November 19, 1986.

(i) Incorporation by reference, 10 CSR 10–5.420, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants, effective on September 26, 1986.

(63) An amendment to the rule, Restriction of Emissions of Sulfur Compounds, was submitted by the Department of Natural Resources on November 19, 1986.

(i) Incorporation by reference.

(A) Amended Regulation 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds adopted October 16, 1986, and effective on November 28, 1986.

(64) A variance from Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, for the St. Joe Minerals Corporation, Pea Ridge Iron Ore facility, was submitted by the Missouri Department of Natural Resources on October 22, 1987.

(i) Incorporation by reference.

(A) Variance order modification dated May 21, 1987, issued to St. Joe Minerals Corporation allowing certain equipment at its Pea Ridge Iron Ore facility to operate beyond the limitations specified in Rule 10 CSR 10–3.050, Restriction of emissions of Particulate Matter from Industrial Processes, for outstate Missouri area, effective May 21, 1987.

(65) Revised regulations for the control of volatile organic compound emissions in the Kansas City area were submitted by the Missouri Department of Natural Resources on May 21, 1986, and December 18, 1987. The May 21, 1986, submittal also included anozone attainment demonstration for Kansas City, which will be addressed in a future action.

(i) Incorporation by reference.

(A) Revision to Rule 10 CSR 10–2.260, Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer, effective May 29, 1986, with amendments effective December 24, 1987.

(B) New Rule 10 CSR 10–2.300, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products, effective December 12, 1987.

(C) New Rules 10 CSR 10–2.310, Control of Emissions from the Application of Automotive Underbody Deadeners, and 10 CSR 10–2.320, Control of Emissions from Production of Pesticides and Herbicides, effective November 23, 1987.

(D) Rescinded Rules 10 CSR 10–2.240, Control of Emissions of Volatile Organic Compounds from Petroleum Refinery Equipment, and 10 CSR 10–2.250, Control of Volatile Leaks from Petroleum Refinery Equipment, effective November 23, 1987.

(E) Revision to Rule 10 CSR 10–6.030, Sampling Methods for Air Pollution Sources, effective November 23, 1987, with amendments effective December 24, 1987.

(F) Revision to Rule 10 CSR 10–2.210, Control of Emissions from Solvent Metal Cleaning, effective December 12, 1987.

(G) Revisions to Rules 10 CSR 10–2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, and 10 CSR 10–6.020, Definitions, effective December 24, 1987.

(66) The Missouri Department of Natural Resources submitted revisions to its state implementation plan to incorporate PM_{10} on March 29, 1988, May 12, 1988, and June 15, 1988.

(i) Incorporation by reference.

(A) Revisions to the following Missouri air pollution rules:

10 CSR 10–6.010 Ambient Air Quality Standards
10 CSR 10–6.020 Definitions
10 CSR 10–6.040 Reference Methods
10 CSR 10–6.060 Permits Required
10 CSR 10–6.130 Controlling Emissions During Episodes of High Air Pollution Potential

These rules were published in the Missouri Register on April 18, 1988, and became effective April 28, 1988.

(ii) Additional material.

(A) A revision to the Missouri Monitoring Plan was submitted March 29, 1988.

(B) A narrative description of the PM_{10} SIP for the state of Missouri was submitted June 15, 1988.

(67) Plan revisions were submitted by the Missouri Department of Natural Resources on August 18, 1986, and October 18, 1988, which implement EPA's July 8, 1985, revised stack height requirements.

(i) Incorporation by reference.

(A) Revisions to rules 10 C.S.R. 10–6.020, Definitions, and 10 CSR 10–6.060, Permits Required, effective May 11, 1986.

(B) New rule 10 C.S.R. 10–6.140, Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques, effective May 11, 1986.

(C) Revisions to rule 10 CSR 10–6.020, Definitions, effective August 25, 1988.

(68) Revised regulations applicable to air quality models were submitted by the Missouri Department of Natural Resources on October 18, 1988.

(i) Incorporation by reference.

(A) Revision of rule 10 CSR 10–6.060 ''Permits Required,'' effective on September 29, 1988.

(69) A plan revision to change the construction permit fees was submitted by the Department of Natural Resources on January 24, 1989, and September 27, 1989.

(i) Incorporation by reference.

(A) Revision to 10 CSR 10–6.060, Permits Required, amended December 19, 1988, effective January 1, 1989.

(ii) Additional material.

(A) Chapter 643 RSMo (House Bill Number 1187) passed by the General Assembly of the state of Missouri in 1988.

(70) The Missouri Department of Natural Resources submitted amendments to Rule 10 CSR 10–2.230 on December 18, 1987, and December 19, 1988. The rule controls volatile organic compound emissions from industrial surface coating facilities in the Kansas City area.

(i) Incorporation by reference.

(A) Revision to Rule 10 CSR 10–2.230, Control of Emissions from Industrial Surface Coating Operations, effective December 24, 1987, with amendments effective November 24, 1988.

(71) Revisions to regulations for controlling volatile organic compound emissions in the St. Louis area were submitted by the Missouri Department of Natural Resources on June 14, 1985; November 19, 1986; and March 30, 1989.

(i) Incorporation by reference.

(A) New Rule 10 CSR 10–5.410, Control of Emissions from the Manufacture of Polystyrene Resin, effective May 11, 1985, with amendments effective September 26, 1986, and March 11, 1989.

(B) Revisions to Rules 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer; 10 CSR 10–5.300, Control of Emissions from Solvent Metal Cleaning; 10 CSR 10–5.310, Liquefied Cutback Asphalt Paving Restricted; 10 CSR 10–5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations; 10 CSR 10–5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities; 10 CSR 10–5.350, Control of Emissions of Synthesized Pharmaceutical Products; 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations; 10 CSR 10–5.370, Control of Emissions from the Application of Deadeners and Adhesives; 10 CSR 10–5.390, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products; 10 CSR 10–5.420, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants; and 10 CSR 6.020, Definitions; effective March 11, 1989.

(C) Rescinded Rule 10 CSR 10–5.400, Control of Emissions from Production of Maleic Anhydride, effective March 11, 1989.

(72) The Missouri Department of Natural Resources submitted new rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, and amendments to rule 10 CSR 10–6.020, Definitions, on January 11, 1990.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, effective November 26, 1989.

(B) Rescinded rule 10 CSR 10–5.330, Control of Emissions from Industrial Surface Coating Operations, effective November 26, 1989.

(C) Revisions to rule 10 CSR 10–6.020, Definitions, effective November 26, 1989.

(73) A rule revision to establish gasoline tank truck certification requirements in ozone nonattainment areas was submitted by the Department of Natural Resources on July 17, 1990.

(i) Incorporation by reference.

(A) Revision to rule 10 CSR 10–2.260 and 10 CSR 10–5.220 both titled ''Control of Petroleum Liquid Storage, Loading, and Transfer'' effective May 24, 1990.

(74) Revisions to the circumvention plan submitted by the Missouri Department of Natural Resources on September 6, 1990.

(i) Incorporation by reference.

(A) Rule at 10 CSR 10–6.150, Circumvention, effective November 30, 1990.

(B) Rescission of rules 10 CSR 10–2.140, Circumvention; CSR 10–4.130, Circumvention; and 10 CSR 10–5.230, Circumvention, effective September 28, 1990.

(75) Plan revisions were submitted by the Missouri Department of Natural Resources on September 25, 1990, which implement EPA's October 17, 1988, PSD NO_X requirements.

(i) Incorporation by reference

(A) Revisions to rules 10 CSR 10–6.020 ''Definitions'' and 10 CSR 10–6.060 ''Permits Required'' were adopted by

the Missouri Air Conservation Commission on May 14, 1990, and became effective May 24, 1990.

(ii) Additional Information

(A) Letter from the state dated November 30, 1990, pertaining to NO_X rules and analysis which certifies that the material was adopted by the state on May 24, 1990.

(76) In submittals dated September 6, 1990, and May 8, 1991, the Missouri Department of Natural Resources submitted a lead NAAQS attainment plan for the Doe Run Herculaneum primary lead smelter. Although Missouri rule 10 CSR 10–6.120 contains requirments which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.120, Restriction of Emissions of Lead from Primary Lead Smelter-Refinery Installations, effective December 29, 1988, with amendments effective March 14, 1991.

(B) Consent order, entered into between the Doe Run Company and the Missouri Department of Natural Resources, dated March 9, 1990.

(C) Supplemental consent order, signed by the Doe Run Company on July 26, 1990, and by the Missouri Department of Natural Resources on August 17, 1990.

(ii) Additional material.

(A) Narrative SIP material, submitted on September 9, 1990. This submittal includes the emissions inventory and attainment demonstration.

(B) The Doe Run Herculaneum Work Practice Manual was submitted on May 8, 1991. In the May 8, 1991, submittal letter, the state agreed that any subsequent changes to the work practice manual would be submitted to EPA as SIP revisions.

(77) Revisions to the state implementation plan for the Kansas City metropolitan area were submitted by the Director of the Missouri Department of Natural Resources on October 9, 1991. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for ozone through the year 2002. Rule revisions were also submitted on October 9, 1991.

(i) Incorporation by reference.

(A) Revised regulations 10 CSR 10–6.020, Definitions, and 10 CSR 10–2.220, Liquefied Cutback Asphalt Paving Restricted, effective August 30, 1991; and new regulation 10 CSR 10–2.340, Control of Emissions from Lithographic Printing Facilities, effective December 9, 1991.

(ii) Additional material.

(A) State of Missouri Implementation Plan, Kansas City Metropolitan Area Maintenance Provisions, October 1991.

(78) The Missouri Department of Natural Resources submitted new rule 10 CSR 10–6.180, Measurement of Emissions of Air Contaminants, on March 4, 1991.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.180 entitled ''Measurement of Emissions of Air Contaminants'' published November 19, 1990, effective December 31, 1990.

(79) The Missouri Department of Natural Resources submitted an amendment on March 19, 1992, to add sampling methods to rule 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources.'' On November 20, 1991, Missouri submitted administrative amendments to rule 10 CSR 10–6.030 which renumber and reorganize sections within that rule. Rules which reference the renumbered sections of 10 CSR 10–6.030 were also administratively amended and submitted.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources'' effective September 30, 1991.

(B) Administrative amendments to the sampling citations in the following rules which are affected by the administrative amendments to 10 CSR 10–6.030: 10 CSR 10–2.210, effective December 12, 1987; 10 CSR 10–2.230, effective November 24, 1988; 10 CSR 10–2.260, effective May 24, 1990; 10 CSR 10–2.280, effective May 13, 1982; 10 CSR 10–2.290, effective December 24, 1987; 10 CSR 10–2.300, effective December 12, 1987; 10 CSR 10–2.310, effective November 23, 1987; 10 CSR 10–2.320, effective November 23, 1987; 10 CSR 10–3.160, effective

December 11, 1987; 10 CSR 10–5.220, effective May 24, 1990; 10 CSR 10–5.300, effective March 11, 1989; 10 CSR 10–5.320, effective March 11, 1989; 10 CSR 10–5.330, effective November 26, 1989; 10 CSR 10–5.350, effective March 11, 1989; 10 CSR 10–5.360, effective March 11, 1989; 10 CSR 10–5.370, effective March 11, 1989; 10 CSR 10–5.390, effective March 11, 1989; 10 CSR 10–5.410, effective March 11, 1989; 10 CSR 10–6.090, effective August 13, 1981; and 10 CSR 10–6.120, effective March 14, 1991.

(80) On June 28, 1991, the Missouri Department of Natural Resources (MDNR) submitted revisions to the Missouri State Implementation Plan which pertain to the St. Louis vehicle inspection and maintenance program. The Missouri rules contain requirements which apply to both safety and emission testing; EPA takes action on these rules only insofar as they pertain to emissions testing.

(i) Incorporation by reference.

(A) New rules 11 CSR 50–2.401, General Specifications; 11 CSR 50–2.402, Missouri Analyzer System (MAS) Software Functions; 11 CSR 50–2.403, MAS Display and Program Requirements; 11 CSR 50–2.405, Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications; 11 CSR 50–2.406, Technical Specifications for the MAS; and 11 CSR 50–2.407 Documentation, Logistics and Warranty Requirements; (appendix A, B, C), effective June 28, 1990.

(B) New rule 11 CSR 50–2.404, Test Record Specifications, effective September 28, 1990.

(C) Amended rules 11 CSR 50–2.370 Inspection Station Licensing; 11 CSR 50–2.410, Vehicles Failing Reinspection; and 11 CSR 50–2.420 Procedures for Conducting Only Emission Tests; effective December 31, 1990.

(D) Rescinded rule 11 CSR 50–2,400, Emission Test Procedures; effective December 31, 1990.

(81) The Missouri Department of Natural Resources submitted a rule action rescinding rules 10 CSR 10–2.120, 10 CSR 10–4.110, and 10–5.200, Measurement of Emissions of Air Contaminants for the Kansas City Metropolitan Area, Springfield-Greene County Area, and the St. Louis Metropolitan Area, respectively, on July 9, 1992.

(i) Incorporation by reference.

(A) Rescission of rules 10 CSR 10–2.120, 10 CSR 10–4.110, and 10 CSR 10–5.200 entitled ''Measurement of Emissions of Air Contaminants'' rescinded April 9, 1992.

(82) Revisions to the Missouri State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Director of the Missouri Department of Natural Resources on March 10, 1993.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Program dated November 1992 and adopted February 18, 1993.

(83) A revision to the Missouri State Implementation Plan (SIP) to incorporate the lead nonattainment areas into the existing new source review (NSR) program was submitted by the state on March 15, 1993. This revision changes the applicability requirements by changing the definition of nonattainment area in the state regulations to include lead nonattainment areas, and to delete the Kansas City area as a nonattainment area in light of its attainment of the ozone standard.

(i) Incorporation by reference.

(A) Revision to rule 10 C.S.R. 10–6.020, definitions, effective February 26, 1993.

(84) The Missouri Department of Natural Resources submitted rule revisions pertaining to rotogravure and flexographic printing facilities in Kansas City, Missouri, and St. Louis, Missouri; and an amendment to the sampling methods rule which adds a compliance test method for the capture efficiency of air pollution control devices. These amendments were submitted September 16 and September 23, 1992.

(i) Incorporation by reference.

(A) Revised regulations 10 CSR 10–2.290 (except section (6), Compliance Dates) and 10 CSR 10–5.340 (except section (6), Compliance Dates), both entitled Control of Emissions from Rotogravure and Flexographic Printing Facilities, effective February 6, 1992.

(B) Revised regulation 10 CSR 10–6.030 (section (20)), effective April 9, 1992.

(85) [Reserved]

(86) A revision to the Missouri SIP to revise the Missouri Part D new source review rules, update and add numerous definitions, revise the maximum allowable increase for particulate matter under the requirements for prevention of significant deterioration, address emission statements under Title I of the CAA, and generally enhance the SIP.

(i) Incorporation by reference.

(A) Revision to rules 10 CSR 10–6.020, Definitions and Common Reference Tables, effective August 30, 1995; 10 CSR 10–6.060, Construction Permits Required, effective August 30, 1995; 10 CSR 10–6.110, Submission of Emission Data, Emission Fees, and Process Information, except section 5, effective May 9, 1994; and 10 CSR 10–6.210, Confidential Information, effective May 9, 1994.

(87) In submittals dated July 2, 1993; June 30, 1994; and November 23, 1994, MDNR submitted an SIP to satisfy Federal requirements for an approvable nonattainment area lead SIP for the Doe Run primary smelter in Herculaneum, Missouri. Although Missouri rule 10 CSR 10–6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.120 (section (1), section (2)(B), section (3)) entitled Restriction of Emissions of Lead From Primary Lead Smelter-Refinery Installations, effective August 28, 1994.

(B) Consent Order, entered into between the Doe Run Company and MDNR, dated July 2, 1993.

(C) Consent Order amendment, signed by the Doe Run Company on March 31, 1994, and by MDNR on April 28, 1994.

(D) Consent Order amendment, signed by the Doe Run Company on September 6, 1994, and by MDNR on November 23, 1994.

(ii) Additional material.

(A) Revisions to the Doe Run Herculaneum Work Practice Manual submitted on July 2, 1993.

(B) Revisions to the Doe Run Herculaneum Work Practice Manual submitted on June 30, 1994.

(88) This revision submitted by the Missouri Department of Natural Resources on March 31, 1994, relates to intermediate sources, and the EPA is not approving the basic operating permit program. This revision establishes a mechanism for creating federally enforceable limitations. Emission limitations and related provisions which are established in Missouri operating permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements or the requirements of EPA's underlying regulations.

(i) Incorporation by reference.

(A) 10 C.S.R. 10–6.065 (sections 1, 2, 3, 4(C)-(P), 5, and 7) Operating Permits, effective May 9, 1994.

(ii) Additional material.

(A) Letter from Missouri to EPA Region VII dated November 7, 1994, regarding how Missouri intends to satisfy the requirements set forth in the Clean Air Act Amendments at sections 112(l)(5)(A), (B), and (C).

(B) Two letters from Missouri to EPA Region VII dated October 3, 1994, and February 10, 1995, supplementing the November 7, 1994, letter and clarifying that Missouri does have adequate authority to limit potential-to-emit of hazardous air pollutants through the state operating permit program.

(89) In submittals dated July 2, 1993; June 30, 1994; and November 23, 1994, the Missouri Department of Natural Resources (MDNR) submitted a State Implementation Plan (SIP) to satisfy Federal requirements for an approvable nonattainment area lead SIP for the Doe Run primary and secondary smelter near Bixby, Missouri (Doe Run-Buick). Although Missouri rule 10 CSR 10–6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule insofar as it pertains to the Doe Run-Buick facility. Plan revisions

to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.120 (section (2)(C), section (4)) entitled Restriction of Emissions of Lead from Primary Smelter-Refinery Installations, effective August 28, 1994.

(B) Consent Order, entered into between the Doe Run Company and MDNR, dated July 2, 1993.

(C) Consent Order amendment, signed by the Doe Run Company on August 30, 1994, and by MDNR on November 23, 1994.

(ii) Additional material.

(A) The Doe Run-Buick Work Practice Manual submitted on July 2, 1993. EPA approves the Work Practice manual with the understanding that any subsequent changes to the Work Practice Manual will be submitted as SIP revisions.

(B) Revisions to the Doe Run-Buick Work Practice Manual submitted on June 30, 1994.

(90)–(91) [Reserved]

(92) On February 14, 1995, the Missouri Department of Natural Resources submitted two new rules which pertain to transportation conformity in Kansas City and St. Louis.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–2.390 (except section (20) Criteria and Procedures: Interim Period Reductions in Ozone Areas (TIP)) and 10 CSR 10–5.480 (except section (22) Criteria and Procedures: Interim Period Reductions in Ozone Areas (TIP)), both entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective May 28, 1995.

(ii) Additional material.

(A) Missouri's Air Pollution Control Plan, St. Louis Metropolitan Area Ozone and Carbon Monoxide Transportation Conformity, January 12, 1995.

(B) Missouri's Air Pollution Control Plan, Kansas City Metropolitan Area Ozone Transportation Conformity, January 12, 1995.

(C) Policy agreement, entered into between the Missouri Department of Natural Resources, the Mid-America Regional Council, and the Highway and Transportation Commission of the state of Missouri, dated August 31, 1993.

(D) Letter from the state of Missouri to EPA, dated December 7, 1995, in which the state commits to implementing its state rule consistent with the Federal Transportation Conformity rule, as amended on August 29, 1995, with regards to the granting of an NO_X waiver and the NO_X conformity requirements.

(93) On February 14, 1995, the Missouri Department of Natural Resources (MDNR) submitted a new rule which pertains to general conformity.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.300, entitled Conformity of General Federal Actions to State Implementation Plans, effective May 28, 1995.

(94) On April 12, 1995, the Missouri Department of Natural Resources submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) Incorporation by reference.

(A) Kansas City Ozone Maintenance SIP Revisions: Emission Inventories and Motor Vehicle Emissions Budgets, adopted by the Missouri Air Conservation Commission on March 30, 1995.

(95) Plan revisions were submitted by the Missouri Department of Natural Resources on August 14, 1996, which reduce lead emissions from the Asarco primary lead smelter located within the lead nonattainment area defined by the boundaries of the Liberty and Arcadia Townships located in Iron County, Missouri.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–6.120, Restriction of Emissions of Lead From Primary Lead Smelter—Refinery Installations, except subsection 2(B) and 2(C), and section 4, effective June 30, 1996.

(B) Consent Decree Case Number CV596–98CC, STATE OF MISSOURI ex. rel. Jeremiah W. (Jay) Nixon and the Missouri Department of Natural Resources v. ASARCO, INC., Missouri Lead Division, effective July 30, 1996, with Exhibits A, C, D, E, F, and G.

(ii) Additional material.

(A) Narrative SIP material submitted on August 14, 1996. This submittal includes the emissions inventory and the attainment demonstration.

(96) Revisions to the Missouri SIP submitted by the Missouri Department of Natural Resources on March 13, 1996, and August 6, 1996, pertaining to its intermediate operating permit program. The EPA is not approving provisions of the rules which pertain to the basic operating permit program.

(i) Incorporation by reference.

(A) Regulations 10 C.S.R. 10–6.020, Definitions and Common Reference Tables, effective June 30, 1996; and 10 C.S.R. 10–6.065, Operating Permits, effective June 30, 1996, except sections (4)(A), (4)(B), and (4)(H).

(97) On November 20, 1996, the Missouri Department of Natural Resources (MDNR) submitted a revised rule which pertains to general conformity.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–6.300, entitled Conformity of General Federal Actions to State Implementation Plans, effective September 30, 1996.

(98) Revision to the Missouri SIP submitted by the Missouri Department of Natural Resources on July 14, 1997.

(i) Incorporation by reference.

(A) Missouri Emergency Rule, 10 CSR 10–2.330, Control of Gasoline Reid Vapor Pressure, effective May 1, 1997, and expires October 27, 1997.

(99) Revisions to the ozone attainment plan were submitted by the Governor on February 1, 1996.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–2.260, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

(B) Missouri Rule 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' effective December 30, 1995.

(100) A revision to the Missouri SIP was submitted by the Missouri Department of Natural Resources on February 1, 1996, pertaining to Emission Data, Emission Fees, and Process Information.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.110, ''Emission Data, Emission Fees, and Process Information,'' effective December 30, 1995.

(101) On January 10, 1997, and February 2, 1997, the Missouri Department of Natural Resources submitted revised rules pertaining to transportation conformity.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–2.390, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

(B) Regulation 10 CSR 10–5.480, entitled Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective December 30, 1996.

(102) Revised regulations for the control of fugitive particulate matter emissions were submitted by the Missouri Department of Natural Resources (MDNR) on September 25, 1990, and on November 20, 1996.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–6.170, entitled Restriction of Particulate Matter Beyond the Premises of Origin, effective November 30, 1990, as amended October 30, 1996.

(B) Rescission of regulation 10 CSR 10–2.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(C) Rescission of regulation 10 CSR 10–3.070, entitled Restriction of Particulate Matter From Becoming Airborne, effective September 28, 1990.

(D) Rescission of regulation 10 CSR 10–4.050, entitled Preventing Particulate Matter From Becoming Airborne, effective September 28, 1990.

(E) Rescission of regulation 10 CSR 10–5.100, entitled Preventing Particulate Matter From Becoming Airborne, effective on September 28, 1990.

(ii) Additional material.

(A) Letter from Missouri submitted on February 24, 1997, pertaining to the submission of supplemental documentation.

(103) Revisions to the Missouri plan were submitted by the Governor on March 20, 1997.

(i) Incorporation by reference.

(A) St. Louis City Ordinance 59270, Section 4—Definitions, numbers 80.

''Open Burning,'' 100. ''Refuse,'' 108. ''Salvage Operation,'' and 126. ''Trade Waste'' only; and Section 12, effective October 23, 1984.

(B) St. Louis City Permit No. 96–10–084, issued to Washington University School of Medicine Medical Waste Incinerator, 500 S. Euclid Avenue, effective February 20, 1997.

(C) St. Louis City Permit No. 96–10–083, issued to Washington University School of Medicine Pathological Incinerator, 4566 Scott Avenue, effective February 20, 1997.

(D) St. Louis City Operating Permit, issued to St. Louis University Medical Center Medical Waste Incinerator, 3628 Rutger Avenue, effective August 3, 1992.

(E) Kansas City Air Quality Control Code C.S. No. 56726, Chapter 8, Sections: 8–2, definitions for ''Open burning,'' ''Refuse,'' ''Salvage operation,'' and ''Trade waste''; and 8–4, only, effective August 2, 1984.

(F) Remove St. Louis City Ordinance 50163, effective June 11, 1968.

(G) Remove St. Louis City Ordinance 54699, effective March 27, 1967.

(H) Remove St. Louis County Air Pollution Control Code SLCRO, Title VI, Chapter 612, effective February 22, 1967.

(I) Remove Kansas City Air Pollution Control Code C.S. No. 36539, Chapter 18, except sections: 18.83—Definitions, subsections (13) ''Incinerators'' and (15) ''Multiple Chamber Incinerators''; and 18.91—Incinerators, effective August 31, 1972.

(J) Remove City of Springfield Air Pollution Control Standard G.O. No. 1890, Chapter 2A, except sections: 2A–2—Definitions, the definitions for ''Director of Health,'' ''Existing Equipment,'' ''Incinerator,'' ''Multiple-chamber incinerator,'' ''New equipment,'' ''Open burning,'' ''Particulate matter,'' ''Refuse,'' and ''Trade waste''; 2A–25; 2A–34; 2A–35; 2A–36; 2A–37; 2A–38; 2A–51; 2A–55; and 2A–56, effective October 12, 1969.

(104) [Reserved]

(105) Revision to the Missouri SIP submitted by the Missouri Department of Natural Resources on November 13, 1997.

(i) Incorporation by reference.

(A) Missouri Rule, 10 CSR 10–2.330, Control of Gasoline Reid Vapor Pressure, effective October 30, 1997.

(106) On December 17, 1996, the Missouri Department of Natural Resources submitted a revised rule pertaining to capture efficiency.

(i) Incorporation by reference.

(A) Revised regulation 10 CSR 10–6.030 entitled, ''Sampling Methods for Air Pollution Sources,'' effective November 30, 1996.

(107) New regulation for control of volatile organic emissions from Kansas City commercial bakeries submitted by the Missouri Department of Natural Resources March 13, 1996.

(i) Incorporation by reference.

(A) Rule 10 CSR 10–2.360 entitled ''Control of Emissions from Bakery Ovens,'' effective December 30, 1995.

(108) On August 12, 1997, the Missouri Department of Natural Resources (MDNR) submitted a new rule which consolidated the SO_2 rules into one and rescinded eight existing rules dealing with sulfur compounds.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds, except Section (4), Restriction of Concentration of Sulfur Compounds in the Ambient Air, and Section (3), Restriction of Concentration of Sulfur Compounds in Emissions, effective on August 30, 1996.

(B) Rescission of rules 10 CSR 10–2.160, Restriction of Emission of Sulfur Compounds; 10 CSR 10–2.200, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds; 10 CSR 10–3.150, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–4.150, Restriction of Emissions of Sulfur Compounds; 10 CSR 10–4.190, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–5.110, Restrictions of Emission of Sulfur Dioxide for Use of Fuel; and 10 CSR 10–5.150, Emission of Certain Sulfur Compounds Restricted; effective July 30, 1997.

(109) This State Implementation Plan (SIP) revision submitted by the state of Missouri on July 10, 1996, broadens the current rule exceptions to include

smoke-generating devices. This revision would allow smoke generators to be used for military and other types of training when operated under applicable requirements.

(i) Incorporation by reference.

(A) Regulation 10 CSR 10–3.080, ''Restriction of Emission of Visible Air Contaminants,'' effective on May 30, 1996.

(110) On May 28, 1998, the Missouri Department of Natural Resources submitted revisions to the construction permits rule.

(i) Incorporation by reference.

(A) Missouri Rule 10 CSR 10–6.060, ''Construction Permits Required,'' except Section (9), effective April 30, 1998.

(111) A revision submitted by the Governor's designee on July 30, 1998, that reduces air emissions from batch-type charcoal kilns throughout the state of Missouri.

(i) Incorporation by reference:

(A) New Missouri rule 10 CSR 10–6.330, Restriction of Emissions from Batch-Type Charcoal Kilns, effective July 30, 1998.

(112) Revisions submitted on November 13, 1998, and December 7, 1998, by the MDNR that modify Missouri's Outstate Open Burning Rule and add sampling methods to Missouri's Sampling Method Rule, respectively.

(i) Incorporation by reference:

(A) Revisions to Missouri rule 10 CSR 10–3.030 entitled ''Open Burning Restrictions,'' effective August 30, 1998.

(B) Revisions to Missouri rule 10 CSR 10–6.030 entitled ''Sampling Methods for Air Pollution Sources,'' effective November 30, 1998.

[37 FR 10875, May 31, 1972. Redesignated and amended at 64 FR 34719, June 29, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1322, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Missouri's plans for the attainment and maintenance of the national standards. Continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each successive January of Additional RACT requirements for sources covered by CTGs issued the previous January. New source review permits issued pursuant to section 173 of the Clean Air Act will not be deemed valid by EPA unless the provisions of Section V of the emission offset interpretive rule published on January 16, 1979 (44 FR 3274) are met.

(b) The Administrator approves Rule 10 CSR 10–2.290 as identified under § 52.1320, paragraph (c)(65), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

(c) The Administrator approves Rule 10 CSR 10–2.230 as identified under § 52.1320, paragraph (c)(70), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the emission limits stated in the rule.

(d) The Administrator approves Rule 10 CSR 10–5.340 as identified under § 52.1320, paragraph (c)(71), with the understanding that any alternative compliance plans issued under this rule must be approved as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

(e) The Administrator approves Rule 10 CSR 10–5.330 as identified under § 52.1320, paragraph (c)(72), under the following terms, to which the state of Missouri has agreed: Subsections (5)(B)3 and (7)(B) of the rule contain provisions whereby the director of the Missouri Air Pollution Control Program has discretion to establish compliance determination procedures and equivalent alternative emission limits for individual sources. Any such director discretion determinations under this rule must be submitted to EPA for approval as individual SIP revisions. In

the absence of EPA approval, the enforceable requirements of the SIP are the applicable emission limit(s) in subsection (4)(B) and the compliance determination provisions stated in subsection(5)(B)1 or (5)(B)2.

(f) The Administrator approves Rule 10 CSR 10–6.120 as identified under § 52.1320(c)(76), under the following terms, to which the state of Missouri has agreed. Subparagraph (2)(B)2.B.(IV) contains a provision whereby the Director of the Missouri Department of Natural Resources has discretion to approve revisions to the Doe Run Herculaneum work practice manual. Any revisions to the work practice manual, pursuant to this rule, must be submitted to EPA for approval as an individual SIP revision. Thus, any existing federally approved work practices remain in effect, until such time that subsequent revisions are submitted to EPA and approved as SIP revisions.

(g) The Missouri portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Missouri's ozone maintenance plan for the Kansas City metropolitan area.

(h) The state of Missouri commits to revise 10 CSR 6.300 to remove language in paragraphs (3)(C)4. and (9)(B) which is more stringent than the language in the Federal General Conformity rule. In a letter to Mr. Dennis Grams, Regional Administrator, EPA, dated December 7, 1995, Mr. David Shorr, Director, MDNR, stated:

> We commit to initiating a change in the wording in the above paragraphs [paragraphs (3)(C)4. and (9)(B)] of Missouri rule 10 CSR 10–6.300, and to submit the change to EPA within one year from the date of this letter [December 7, 1995]. We intend that the change will give our rule the same stringency as the General Conformity Rule.

(i) Emission limitations and related provisions which are established in Missouri's operation permits as federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements or the requirements of EPA's underlying regulations.

(j) The state of Missouri revised 10 CSR 10–6.300 to remove language in paragraphs (3)(C)4 and (9)(B) which made the language more stringent than that contained in the Federal general conformity rule. This fulfills the requirements of the conditional approval granted effective May 10, 1996, as published on March 11, 1996.

(k) The state of Missouri revised 10 CSR 10–2.390 for Kansas City and 10 CSR 10–5.480 for St. Louis to update the transportation conformity requirements contained in 40 CFR Part 51, Subpart T, effective November 14, 1995.

(l) The Administrator conditionally approves Missouri emergency rule 10 CSR 10–2.330 under § 52.1320(c)(98). Full approval is contingent on the state submitting the permanent rule, to the EPA, by November 30, 1997.

(m) The Administrator approves Missouri rule 10 CSR 10–2.330 under § 52.1320(c)(105). This fulfills the requirements of the conditional approval granted effective November 10, 1997, as published on October 9, 1997.

(n) [Reserved]

(o) The Administrator conditionally approves the Missouri SIP revisions that address the requirements of RACT under the 8-hour ozone NAAQS under § 52.1320(c). Full approval is contingent on Missouri submitting RACT rules for inclusion into the Missouri SIP to address the Solvent Cleanup Operations CTG, to the EPA, no later than December 31, 2012.

[37 FR 10876, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1323, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1324 [Reserved]

§ 52.1325 Legal authority.

(a) [Reserved]

(b) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in local legal authority.

(1) St. Louis County Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to make emission data available to the public is inadequate because section 612.350, St. Louis County Air Pollution Control Code, requires confidential treatment in certain circumstances if the data concern secret processes (§ 51.230(f) of this chapter).

(2) St. Louis City Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to require reports on the nature and amounts of emissions from stationary sources is lacking (§ 51.230(e) of this chapter).

(iii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emission data available to the public is inadequate because Section 39 of Ordinance 54699 requires confidential treatment in certain circumstances if the data relate to production or sales figures or to processes or production unique to the owner or operator or would tend to affect adversely the competitive position of the owner or operator (§ 51.230(f) of this chapter).

(3) Kansas City Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(4) Independence Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(ii) Authority to make emission data available to the public is lacking since section 11.161 of the code of the city of Independence requires confidential treatment in certain circumstances if the data relate to secret processes or trade secrets affecting methods or results of manufacture (§ 51.230(f) of this chapter).

(5) Springfield Department of Health:

(i) Authority to abate emissions on an emergency basis is lacking (§ 51.230(c) of this chapter).

(ii) Authority to require recordkeeping is lacking (§ 51.230(e) of this chapter).

(iii) Authority to make emission data available to the public is inadequate because section 2A–42 of the Springfield City Code requires confidential treatment of such data in certain circumstances (§ 51.230(f) of this chapter).

(c) The provisions of § 51.230(d) of this chapter are not met since statutory, authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

[37 FR 23090, Oct. 28, 1972, as amended at 39 FR 7282, Feb. 25, 1974; 51 FR 13001, Apr. 17, 1986; 51 FR 40676, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

§ 52.1326 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of Missouri and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Missouri's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Missouri's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances

under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of Missouri and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Missouri's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Missouri's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48369, Aug. 8, 2011, as amended at 76 FR 80775, Dec. 27, 2011]

§ 52.1327 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Missouri and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Missouri's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Missouri's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48369, Aug. 8, 2011]

§§ 52.1326–52.1334 [Reserved]

§ 52.1335 Compliance schedules.

(a) The compliance schedule for the source identified below is approved as a revision to the plan pursuant to § 51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MISSOURI

Source	Location	Regulation involved	Adopted date	Effective date	Final compliance date
Pilot Knob Pelleting Co	Pilot Knob, MO	V(10 CSR 10–3.050).	Oct. 19, 1977	Immediately	Dec. 31, 1982.

MISSOURI—Continued

Source	Location	Regulation involved	Adopted date	Effective date	Final compliance date
Union Electric Labadie power plant	Labadie, MO	10 CSR 10–5.090 and 10 CSR 10–5.030.	June 20, 1979	July 20, 1979	Mar. 1, 1984.
St. Joe Minerals Corp., Pea Ridge Iron Ore Facility.	Washington County, MO.	10 CSR 10–3,050.	Mar. 23, 1983	Mar. 23, 1983	Dec. 31, 1988.
St. Joe Minerals Corp., Pea Ridge Iron Ore Facility.	do	do	Apr. 22, 1981	Dec. 28, 1981	July 1, 1985.
Associated Electric Cooperative, Inc., Thomas Hill Power Plant—Unit 1.	Randolph County, MO.	10 CSR 10–3.060 and 10 CSR 10–3.080.	June 17, 1981	Jan. 12, 1982	June 1, 1984.
American Oil Co. (AMOCO)	Sugar Creek, MO.	10 CSR 10–2.260.	Feb. 18, 1981	Oct. 1, 1981	June 1, 1982.
St. Joe Lead Co	Herculaneum, MO.	§ 203.050.1(5) RSM01978.	Aug. 15, 1980	Immediately	Oct. 27, 1984.
AMAX Lead Co	Boss, MO	do	do	do	Apr. 27, 1985.

(b) The compliance schedule submitted for the source identified below is disapproved as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date adopted
Columbia Water & Light Department	Columbia	S-VI	Apr. 25, 1973.
Union Electric: Electric generating facility	Labadie	X	Mar. 28, 1974.
Do	Portage des Sioux	X	July 25, 1974.
International Multifoods Corp.: Mechanical sifters	North Kansas City	(1)	Aug. 31, 1976.
Meremac Mining Co., furnace and cooler Nos. 1 through 5	Pea Ridge	II (10 CSR 10–3.050).	Feb. 23, 1977.
Empire District Electric Co., Power Plant	Asbury Joplin	III (10 CSR 10–3.060) V (10 CSR 10–3.080).	Apr. 27, 1977.
Missouri Portland Cement Co., clinker cooler No. 1	Sugar Creek	II (10 CSR 10–2.030) V (10 CSR 10–2.060).	June 22, 1977.
Missouri Public Service Co., Sibley powerplant, unit Nos. 1, 2, and 3.	Sibley	III (10 CSR 10–2.040).	June 26, 1977.
Tamko Asphalt Products, Inc., asphalt saturating line	Joplin	V (10 CSR 10–3.080).	July 26, 1977.
University of Missouri power plant	Columbia	10 CSR 10–3.060.	Feb. 21, 1979.
Noranda Aluminum, Inc	New Madrid	10 CSR 10–3.050.	Feb. 23, 1977.
Associated Electric Cooperative, Inc., Units 1 and 2	do	110 CSR 10–3.060.	Apr. 18, 1979.

[1] Regulation IV, air pollution control regulations for Kansas City metropolitan area.

NOTE: X=Air Pollution Control Regulations for the St. Louis Metropolitan Area.

[39 FR 30835, Aug. 26, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1335, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§§52.1336–52.1338 [Reserved]

§52.1339 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy*. The provisions of §52.29 are hereby incorporated into the applicable plan for the State of Missouri.

[52 FR 45138, Nov. 24, 1987]

EFFECTIVE DATE NOTE: 1. At 77 FR 33657, June 7, 2012, §52.1339 was amended by revising paragraph (a) and adding new paragraphs (c), (d), and (e), effective August 6, 2012. For the convenience of the user, the revised and added text is set forth as follows:

§52.1339 Visibility protection.

(a) *Reasonably Attributable Visibility Impairment*. The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable measures for meeting the requirements of 40 CFR 51.306 for protection of visibility in mandatory Class I Federal areas.

* * * * *

(c) *Regional Haze*. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

(d) *Measures Addressing Limited Disapproval Associated With NO_X*. The deficiencies associated with NO_X identified in EPA's limited disapproval of the regional haze plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, are satisfied by §52.1326.

(e) *Measures Addressing Limited Disapproval Associated With SO_2*. The deficiencies associated with SO_2 identified in EPA's limited disapproval of the regional haze plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, are satisfied by §52.1327.

2. At 77 FR 33657, June 7, 2012, §52.1339 was amended by revising paragraph (c), effective Aug. 6, 2012. For the convenience of the user, the revised text is set forth as follows:

§52.1339 Visibility protection.

* * * * *

(c) *Regional Haze*. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Missouri on August 5, 2009, and supplemented on January 30, 2012, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

* * * * *

§52.1340 Control strategy: Carbon monoxide.

Approval—A maintenance plan and redesignation request for the St. Louis, Missouri, area was submitted by the Director of the Missouri Department of Natural Resources on June 13, 1997. Additional information was received on June 15, 1998. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

[64 FR 3859, Jan. 26, 1999]

§52.1341 Control strategy: particulate matter.

Determination of Attainment. EPA has determined, as of May 23, 2011, that the Saint Louis, Illinois-Missouri $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 $PM_{2.5}$ NAAQS.

[76 FR 29656, May 23, 2011]

EFFECTIVE DATE NOTE: At 77 FR 38185, June 27, 2012, §52.1341 was revised, effective July 27, 2012. For the convenience of the user, the revised text is set forth as follows:

§52.1341 Control strategy: Particulate.

Determination of attainment. EPA has determined, as of May 23, 2011, that the St. Louis (MO-IL) metropolitan 1997 $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$

NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 $PM_{2.5}$ NAAQS. In addition, based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, the St. Louis (MO-IL) $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010.

§ 52.1342 Control strategy: Ozone.

(a) Determination of attainment. EPA has determined, as of June 9, 2011, that the St. Louis (MO-IL) metropolitan 1997 8-hour ozone nonattainment area has attained the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 Ozone NAAQS. In addition, based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, the St. Louis (MO-IL) ozone nonattainment area has attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2010.

(b) *Approval*. EPA is approving an April 20, 2011, request from the State of Missouri for a waiver from the Clean Air Act requirement for Oxides of Nitrogen (NO_X) Reasonably Available Control Technology (RACT) in the Missouri portion of the St. Louis (MO-IL) metropolitan 8-hour ozone nonattainment area for purposes of attaining the 1997 8-hour ozone National Ambient Air Quality Standard.

[76 FR 43601, July 21, 2011, as amended at 77 FR 25366, Apr. 30, 2012]

Subpart BB—Montana

§ 52.1370 Identification of plan.

(a) Title of plan: ''Implementation Plan for Control of Air Pollution in Montana.''

(b) The plan was officially submitted on March 22, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Non-regulatory changes to the plan involving compliance schedules, emergency episodes, and air quality surveillance submitted May 10, 1972, by the State Department of Health.

(2) Plan revisions (Regulation 90–001, Part VI, Part VIII, Part XII) submitted June 26, 1972, by the Governor.

(3) The Governor submitted the Air Quality Maintenance Area identification to the Administrator on June 24, 1974.

(4) The Governor submitted revision to the Air Quality Maintenance Areas on January 25, 1975.

(5) Sulfur oxides control strategy and compliance schedule for the American Smelting and Refining Company submitted May 21, 1975, by the Governor.

(6) Sulfur oxides control strategy for the Billings and Laurel areas and schedule of Compliance for the Farmers Union Central Exchange (CENEX) refinery in Laurel submitted by the Governor on January 26, 1978.

(7) On May 5, September 4, and October 1, 1975, the Governor submitted revisions which amended regulations applicable to incinerators, industrial processes, storage of petroleum products, aluminum refineries, and malfunctions.

(8) On April 24, and October 4, 1979, the Governor submitted revisions for Anaconda, East Helena, and Laurel—SO_2; Billings, Butte, Columbia Falls, Colstrip, East Helena, Great Falls, and Missoula—TSP; Billings and Missoula—CO; and Yellowstone County—ozone. No action is taken with regard to the revised new source review regulation, the revised stack height regulation, or the control strategies for East Helena SO_2 and Yellowstone County ozone.

(9) On February 21, 1980 the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20.

(10) On April 24, October 4, 1979, and January 7, 1980, the Governor submitted revisions to meet Part D and other sections of the Clean Air Act, as amended in 1977. No action is taken with regard to the revised stack height regulation.

(11) On April 21, 1982, and April 22, 1982, Montana submitted revisions to the open burning regulation and redesignated the Anaconda area from nonattainment to attainment for sulfur dioxide (SO_2).

(12) On January 19, 1983, Montana submitted revisions to the State Implementation Plan to meet the requirements of Part C, Subpart 1, and section 110 of the Clean Air Act.

(13) On July 20, 1982 Montana submitted revisions which amended the State's rules relating to malfunctions.

(14) Revisions to the SIP for Missoula and Billings Carbon Monoxide (CO) and Missoula Total Suspended Particulate (TSP) Attainment Plans were submitted by the Governor on August 14, 1981. A revision specifying a list of statewide source test procedures was submitted by the Governor on September 21, 1981.

(i) Incorporation by reference.

(A) Letter from Governor Ted Schwinden to EPA Region VIII Regional Administrator dated September 21, 1981, and document entitled ''Montana SDHED-AQB Sampling and Analytical Procedures'' as part of the SIP, adopted December 31, 1972.

(B) Missoula City Council Resolution Number 4146 approving amendments to Missoula Total Suspended Particulate and Carbon Monoxide Air Quality Attainment Plans, adopted on May 4, 1981.

(C) Missoula Board of County Commissioners Resolution number 81–73 approving changes in the Missoula TSP and CO State Implementation Plan, adopted on May 13, 1981.

(ii) Additional material.

(A) ''Missoula SIP Revisions; Revision to Total Suspended Particulates Stategies and Strategy Development and Implementation for Carbon Monoxide,'' 1981.

(B) Certification of approval by Montana Board of Health and Environmental Sciences on May 28, 1981 of the ''Transportation Control Plan'' (July, 1980) prepared by Billings-Yellowstone City-County Planning Board.

(C) Billings-Yellowstone City-County Planning Board ''Transportation Control Plan'', July, 1980, approved on May 28, 1981.

(15) On September 29, 1983, the Governor submitted the Montana State Implementation Plan revision for lead.

(16) A revision to the East Helena nonattainment plan for sulfur dioxide (SO_2) was submitted on June 7, 1982, and supplemental information was submitted October 4, 1983.

(17) On September 21, 1981 the Governor submitted a permit which had been issued to the Western Energy Company as required in the conditional approval of the Colstrip TSP plan.

(18) In a letter dated March 28, 1986, the Governor submitted modifications to the Montana SIP which revised rules governing stack height and dispersion techniques. In a letter dated November 25, 1985, the Chief of the Air Quality Bureau, Montana, submitted the stack height demonstration analysis with supplemental information submitted on January 28, 1986. EPA is approving the demonstration analysis for all of the stacks except the ASARCO stacks.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana effective on June 13, 1986. The modifications repeal Administrative Rules of Montana (ARM 116.8.1201, 116.8.1202 and 16.8.1203 in Subchapter 12 and adds ARM 16.8.1204 (Definitions), 16.8.1205 (Requirements), and 16.8.1206 (Exemptions).

(B) Stack height demonstration analysis submitted by the State on November 25, 1985 (except for materials pertaining to ASARCO), and January 28, 1986 (except for meterials pertaining to ASARCO and Appendix A).

(19) On August 21, 1985 and September 5, 1989, the Governor of Montana submitted revisions to the plan. The submittal revised existing Prevention of Significant Deterioration (PSD) regulations.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.921 (27), (Definitions), effective April 1, 1983.

(B) Amendments to the Administrative Rules of Montana (ARM) 16.8.921(2), (Definitions), effective September 13, 1985.

(C) Amendments to the ARM 16.8.921(21) and (27) (Definitions), ARM 16.8.936 (Exemptions from Review], ARM 1 6.8.937 (Air Quality Models), and

ARM 16.8.941 (Class I Variances—General), effective June 16, 1989.

(ii) Additional material.

(A) February 29, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(B) September 9, 1988 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) December 14, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(D) April 28, 1989 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(20) A revision to the SIP was submitted by the Governor on August 21, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Revision to the Montana SIP was made on July 19, 1985, for visibility new source review and monitoring.

(B) Revision to the Administrative Rules of Montana (ARM) was made on July 19, 1985, for visibility which includes new regulations ARM 16.8.1001–.1008 and revising ARM 16.8.1107(3).

(21) Revisions to Montana TSP SIP for Butte were submitted by Governor Ted Schwinden on February 10, 1983.

(i) Incorporation by reference.

(A) State of Montana Air Quality Control, Implementation Plan, Chapter 5C, Butte, adopted January 14, 1983.

(B) Air quality Permit #1749 for Anaconda Minerals Company filed March 28, 1983.

(22) Revisions to the Montana CO SIP for Great Falls were submitted by the Governor on March 28, 1986.

(i) Incorporation by reference.

(A) Montana Refining Company permit dated October 20, 1985.

(B) Stipulation in the matter of the Montana Refining Company dated December 2, 1985.

(ii) Additional material.

(A) Montana SIP, chapter 5(3)D. Great Falls (Date: March 14, 1986).

(B) Pre-filed testimony by the Department of Health and Environmental Services dated February 28, 1986.

(23) On March 9, 1988, the Governor submitted a plan revising the State's Air Quality Modeling Rule (16.8.937) and its Particulate Matter, Fuel Burning Equipment Rule (16.8.1402).

(i) Incorporation by reference.

(A) Modification to the State of Montana Air Quality Rules, that is the Air Quality Modeling rule (16.8.937) and the Particulate Matter, Fuel Burning Equipment rule (16.8.1402) adopted on January 15, 1988.

(24) On July 13, 1990, the Governor of Montana submitted revisions to the Montana Air Quality Rules, Sub-chapter 9, Prevention of Significant Deterioration of Air Quality (PSD) Regulations, to incorporate the nitrogen dioxide (NO_2) increments.

(i) Incorporation by reference.

(A) Revisions to the Montana Air Quality Rules, Subchapter 9, Prevention of Significant Deterioration of Air Quality (PSD) effective on July 12, 1990.

(ii) Additional material.

(A) October 22, 1990 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(B) December 4, 1990 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) January 4, 1991 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(D) April 30, 1991 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(25) On August 20, 1991, the Governor of Montana submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1423, Standards of Performance of New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, adopted July 1, 1991, effective July 12, 1991.

(ii) Additional material.

(A) Letter dated April 20, 1992 from Jeffrey T. Chaffee, Chief of the Montana Air Quality Bureau, to Doug Skie, Chief of Air Programs Branch, EPA Region VIII.

(26) On April 2, 1992, the Governor of Montana submitted revisions to the plan. The revisions included amendments to the Montana Air Quality Rules incorporating the July 1, 1991,

version of the Montana Quality Assurance Manual and streamlining of the procedure for updating the Quality Assurance Manual.

(i) Incorporation by reference.

(A) Revisions, as adopted March 31, 1992, to the Montana Air Quality Rules: 16.8.807 Ambient Air Monitoring, 16.8.809 Methods and Data, and the repeal of 16.8.810 Procedures for Reviewing and Revising the Montana Quality Assurance Manual.

(27) On April 25, 1988, the Governor submitted a plan to help assure attainment and maintenance of the PM–10 NAAQS throughout the State of Montana.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.821 (Ambient Air Quality Standards), and ARM 16.8.701, ARM 16.8.806, and ARM 16.8.921 (Definitions), effective April 29, 1988.

(B) Amendments to the ARM, subchapter 9 (Prevention of Significant Deterioration): sections 16.8.924, 16.8.925, and 16.8.936, effective April 29, 1988; section 16.8.937, effective March 11, 1988; section 16.8.930, effective April 1, 1988; and sections 16.8.922, 16.8.923, 16.8.926, 16.8.927, 16.8.928, 16.8.929, 16.8.931, 16.8.932, 16.8.933, 16.8.934, 16.8.935, 16.8.938, 16.8.939, 16.8.940, 16.8.941, 16.8.942, 16.8.943, effective January 1, 1983.

(C) Amendments to the ARM, subchapter 10 (Visibility Impact Assessment): section 16.8.1007, effective April 29, 1988; and sections 16.8.1001, 16.8.1002, 16.8.1003, 16.8.1004, 16.8.1005, 16.8.1006, and 16.8.1008, effective March 11, 1988; section 16.8.930, effective September 13, 1985.

(D) Amendments to the ARM, subchapter 12 (Stack Heights and Dispersion Techniques), sections 16.8.1204, 16.8.1205, and 16.8.1206, effective June 13, 1986.

(E) Amendments to the ARM, subchapter 13 (Open Burning), sections 16.8.1301, 16.8.1302, 16.8.1303, 16.8.1304, 16.8.1305, 16.8.1306, 16.8.1307, and 16.8.1308, effective April 16, 1982.

(F) Amendments to the ARM, subchapter 14 (Emission Standards): section 16.8.1401, effective February 16, 1979; section 16.8.1402, effective March 11, 1988; section 16.8.1403, effective September 5, 1975; section 16.8.1404, effective June 13, 1986; section 16.8.1406, effective December 29, 1978; section 16.8.1419, effective December 31, 1972; section 16.8.1423, effective March 11, 1988; and section 16.8.1428, effective June 13, 1986.

(G) Amendments to the ARM, Subchapter 16 (Combustion Device Tax Credit), sections 16.8.1601 and 16.8.1602, effective December 27, 1985.

(H) Appendix G–2, Montana Smoke Management Plan, effective April 15, 1988.

(28) On August 20, 1991, the Governor of Montana submitted revisions to the plan for visibility models, new source performance standards, and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1004, Visibility Models, 16.8.1423, Standards of Performance for New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, effective December 25, 1992.

(29) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM10 State Implementation Plan (SIP) for Butte, Montana with a letter dated July 9, 1992, with technical corrections dated May 17, 1993. The submittals were made to satisfy those moderate PM10 nonattainment area SIP requirements due for Butte on November 15, 1991. The Butte PM10 SIP replaces the prior approved Butte total suspended particulate (TSP) SIP approved in paragraph (c)(21).

(i) Incorporation by reference.

(A) Stipulation signed October 8, 1991 between the Montana Department of Health and Environmental Sciences and the Butte-Silver Bow Council of Commissioners, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Butte-Silver Bow Air Pollution Control Program.

(C) Stipulation between the Montana Department of Health and Environmental Sciences (signed September 27, 1991), the Montana Department of

Transportation (signed October 4, 1991), and the Butte-Silver Bow Council of Commissioners (signed October 7, 1991) to ensure that Butte-Silver Bow and the Montana Department of Transportation comply with Butte-Silver Bow Council Resolution No. 1307.

(D) Butte/Silver Bow Resolution No. 1307, effective March 6, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Butte/Silver Bow Ordinance No. 330, effective August 3, 1988, which addresses residential wood burning and idling diesel vehicle and locomotive requirements.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1636A, with a final modification date of October 26, 1991, for Rhone-Poulenc's elemental phosphorus plant.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #1749–04, with a final modification date of March 20, 1992, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation and concentrator.

(C) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(D) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(30) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM_{10} State Implementation Plan (SIP) for Missoula, Montana, and the Missoula City-County Air Pollution Control Program regulations with letters dated August 20, 1991 and June 4, 1992. The submittals were made to satisfy those moderate PM_{10} nonattainment area SIP requirements due for Missoula on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed April 29, 1991, between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on June 28, 1991, by the Montana Board of Health and Environmental Sciences approving the comprehensive revised version of the Missoula City-County Air Pollution Control Program.

(C) Board order issued on March 20, 1992, by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Rule 1401, concerning the use of approved liquid de-icer, and Rule 1428, concerning pellet stoves.

(D) Missoula County Rule 1401 (7), effective June 28, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Missoula County Rule 1401 (9), effective March 20, 1992, which addresses liquid de-icer requirements.

(F) Missoula County Rule 1428, effective June 28, 1991, with revisions to sections (2)(l)-(p), (4)(a)(i), and (4)(c)(vi) of Rule 1428, effective March 20, 1992, which addresses requirements for solid fuel burning devices.

(G) Missoula County Rule 1310 (3), effective June 28, 1991, which addresses prescribed wildland open burning.

(H) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, as follows: Chapter I. Short Title; Chapter II. Declaration of Policy and Purpose; Chapter III. Authorities for Program; Chapter IV. Administration; Chapter V. Control Board, Meetings-Duties-Powers; Chapter VI. Air Quality Staff; Chapter VII. Air Pollution Control Advisory Council; Chapter VIII. Inspections; Chapter IX., Subchapter 7 General Provisions; Chapter IX., Subchapter 14, Emission Standards, Rules 1401, 1402, 1403, 1404, 1406 (with amendments effective March 20, 1992), 1411, 1419, 1425, and 1426; Chapter XI. Enforcement, Judicial Review and Hearings; Chapter XII. Criminal Penalties; Chapter XIII. Civil Penalties; Chapter XIV. Non-Compliance Penalties; Chapter XV. Separability Clause; Chapter XVI. Amendments and Revisions; Chapter XVII. Limitations, and Appendix A, Maps.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2303-M, with a final modification date of March 20, 1992, for Louisiana-Pacific Corporation's particle board manufacturing facility.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #2589-M, with a final modification date of January 23, 1992, for Stone Container Corporation's pulp and paper mill facility.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(31) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM_{10} State Implementation Plan (SIP) for Columbia Falls, Montana with letters dated November 25, 1991, and May 6, 1992, with technical corrections dated June 15, 1993. The submittals were made to satisfy those moderate PM_{10} nonattainment area SIP requirements due for Columbia Falls on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed November 15, 1991, between the Montana Department of Health and Environmental Sciences, the Flathead County Commission, and the Kalispell City Council and the Columbia Falls City Council, which delineates responsibilities and authorities between the MDHES and Flathead County.

(B) Board order issued on November 15, 1991, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(C) Flathead County Board of Commissioners Resolution No. 867, adopting the Flathead County Air Pollution Control Program and Flathead County Air Pollution Control Regulations, with the exception of rules 501 through 506, signed October 3, 1991.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit # 2667-M, with a final modification date of January 24, 1992, for Plum Creek Manufacturing, Inc. Columbia Falls Operations.

(B) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(32) On November 6, 1992, Stan Stephens, the Governor of Montana, submitted a SIP revision to the Implementation Plan for the Control of Air Pollution. This revision establishes and requires the implementation of an oxygenated fuels program in Missoula County as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) Missoula City-County Rule 1429, which establishes and requires the implementation of an oxygenated fuel program, as adopted June 9, 1992.

(ii) Additional materials.

(A) Letter dated November 6, 1992, from Governor Stan Stephens submitting the oxygenated gasoline program SIP revision.

(B) Stipulation signed June 12, 1991 between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates the responsibilities and authorities between the two entities.

(C) Board order issued September 25, 1992 by the Montana Board of Health and Environmental Sciences approving amendments to Missoula City-County Air Pollution Control Program, adopting Rule 1429 establishing and implementing an oxygenated fuels program.

(33) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM_{10} State Implementation Plan (SIP) for Libby, Montana with letters dated November 25, 1991 and May 24, 1993, with technical corrections dated June 3, 1994. The submittals were to satisfy those moderate PM_{10} nonattainment area SIP requirements due for Libby on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed October 7, 1991 between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Lincoln County Air Pollution Control Program.

(C) Stipulation signed March 18, 1993 between the Montana Department of Health and Environmental Sciences, the County of Lincoln and the City of Libby, seeking approval of amendments to the local air pollution control program.

(D) Board order issued on March 19, 1993 by the Montana Board of Health and Environmental Sciences approving amendments to the Lincoln County Air Pollution Control Program.

(E) Letter dated February 4, 1993, from Kendra J. Lind, Lincoln County Department of Environmental Health, to Gretchen Bennitt, Air Quality Bureau, Montana Department of Health and Environmental Sciences, which explains the local adoption process and effective date of amendments to the Lincoln County Air Quality Control Program regulations.

(F) Lincoln County Board of Commissioners Resolution No. 276, signed December, 23, 1992, and Libby City Council Ordinance No. 1470, signed February 1, 1993, adopting amendments to the Lincoln County Air Quality Control Program regulations 1 through 7.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2627–M, with a final modification date of July 25, 1991, for Stimson Lumber Company (formerly Champion International Corporation), Libby Facility.

(B) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(34) On October 19, 1992, the Governor of Montana submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to be incorporated into the Montana State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Montana Code Annotated, Sections 75–2–106, 75–2–107, 75–2–108, 75–2–109 and 75–2–220, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 24, 1993.

(ii) Additional materials.

(A) October 19, 1992 letter from the Governor of Montana submitting a Small Business Stationary Source Technical and Environmental Compliance Assistance Program plan to EPA.

(B) The State of Montana plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted by the Board of Health and Environmental Sciences on September 25, 1992, effective September 25, 1992.

(35) The Governor of Montana submitted PM_{10} and CO contingency measures for Missoula, Montana in a letter dated March 2, 1994. The Governor of Montana also submitted the Missoula City-County Air Pollution Control Program in a letter dated August 20, 1991, with amendments submitted in letters dated June 4, 1992 and March 2, 1994. The March 2, 1994 submittal satisfies several commitments made by the State in its original PM_{10} moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on November 19, 1993 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapter VII, VIII, and IX, regarding, among other things, the PM_{10} and CO contingency measures, inspections, emergency procedures, permitting, and wood-waste burners.

(B) Missoula City-County Chapter IX, Subchapter 3, effective November 19, 1993, which addresses the PM_{10} and CO contingency measure selection process.

(C) Missoula City-County Rule 1401(7), effective November 19, 1993, which addresses PM_{10} contingency measure requirements for an expanded area of regulated road sanding materials.

(D) Missoula City-County Rule 1428(5) and 1428(7), effective November 19, 1993,

which addresses PM_{10} and CO contingency measure requirements for solid fuel burning devices.

(E) Missoula City-County Air Pollution Control Program Chapter IX, Subchapter 13, Open Burning, effective June 28, 1991.

(F) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on March 20, 1992 and November 19, 1993, as follows: all portions of Chapter IX, Subchapter 11, Permit, Construction and Operation of Air Contaminant Sources, except, Rules 1102(3), 1105(2), and 1111(2).

(G) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on November 19, 1993, as follows: Chapter IX, Subchapter 4, Emergency Procedures and Chapter IX, Subchapter 14, Rule 1407, Prevention, Abatement and Control of Air Pollution from Wood-Waste Burners.

(H) Minor revisions to Missoula City-County Air Pollution Control Program Chapter VII, Air Quality Advisory Council, and Chapter VIII, Inspections, effective on November 19, 1993, as follows: Chapter VII(1) and Chapter VIII(4).

(36) The Governor of Montana submitted PM_{10} contingency measures for Butte, Montana in a letter dated August 26, 1994. This submittal also contained revisions to the attainment and maintenance demonstrations for the moderate PM_{10} nonattainment area SIP, due to modifications made to the Air Quality Permit for Montana Resources, Inc.

(i) Incorporation by reference.

(A) Board order issued on May 20, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to the Butte/Silver Bow Air Pollution Control Program regarding the PM_{10} contingency measure.

(B) Butte/Silver Bow Ordinance No. 468, effective May 20, 1994, which addresses PM_{10} contingency measure requirements for liquid de-icer application.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1749–05, as revised with a final modification date of January 5, 1994, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation, and concentrator.

(37) The Governor of Montana submitted a State Implementation Plan (SIP) revision meeting the requirements for the primary SO_2 NAAQS SIP for the East Helena, Montana nonattainment area with a letter dated March 30, 1994. The submittal was to satisfy those SO_2 nonattainment area SIP requirements due for East Helena on May 15, 1992. The East Helena SO_2 SIP revision submitted on March 30, 1994, supercedes the East Helena SO_2 SIP approved in paragraph (c)(5) of this section and, effective after November 15, 1995, terminates the East Helena SO_2 SIP approved in paragraph (c)(16) of this section.

(i) Incorporation by reference.

(A) Stipulation signed March 15, 1994, between the Montana Department of Health and Environmental Sciences (MDHES) and Asarco, Incorporated, which specifies SO_2 emission limitations and requirements for the company's primary lead smelter located in East Helena, MT.

(B) Board order issued on March 18, 1994, by the Montana Board of Health and Environmental Sciences approving and adopting the control strategy for achieving and maintaining the primary SO_2 NAAQS in the East Helena area.

(38) [Reserved]

(39) On May 17, 1994, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM) regarding nonattainment new source review, prevention of significant deterioration, general construction permitting, wood waste burners, source test methods, new source performance standards, and national emission standards for hazardous air pollutants. Also, the Governor requested that all existing State regulations approved in the SIP be replaced with the October 1, 1979 codification of the ARM as in effect on March 30, 1994. EPA is replacing all of the previously approved State regulations, except ARM 16.8.1302 and 16.8.1307, with those regulations listed in paragraph (c)(39)(i)(A) of this section. ARM 16.8.1302 and 16.8.1307, as in effect on April 16, 1982 and as approved

by EPA at 40 CFR 52.1370(c)(11), will remain part of the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) Sections 16.8.201–202, 16.8.301–304, and 16.8.401–404, effective 12/31/72; Section 16.8.701, effective 12/10/93; Section 16.8.704, effective 2/14/87; Section 16.8.705, effective 6/18/82; Section 16.8.707, effective 9/13/85; Sections 16.8.708–709, effective 12/10/93; Sections 16.8.945–963, effective 12/10/93; Sections 16.8.1001–1003, effective 9/13/85; Section 16.8.1004, effective 12/25/92; Sections 16.8.1005–1006, effective 9/13/85; Section 16.8.1007, effective 4/29/88; Section 16.8.1008, effective 9/13/85; Section 16.8.1101, effective 6/16/89; Section 16.8.1102, effective 2/14/87; Section 16.8.1103, effective 6/16/89; Section 16.8.1104, effective 3/16/79; Section 16.8.1105, effective 12/27/91; Sections 16.8.1107 and 16.8.1109, effective 12/10/93; Sections 16.8.1110–1112. effective 3/16/79; Section 16.8.1113, effective 2/14/87; Section 16.8.1114, effective 12/10/93; Sections 16.8.1115, 16.8.1117, and 16.8.1118, effective 3/16/79; Sections 16.8.1119–1120, effective 12/10/93; Sections 16.8.1204–1206, effective 6/13/86; Sections 16.8.1301 and 16.8.1303, effective 4/16/82; Section 16.8.1304, effective 9/11/92; Section 16.8.1305, effective 4/16/82; Section 16.8.1306, effective 4/1/82; Section 16.8.1308, effective 10/16/92; Section 16.8.1401, effective 10/29/93; Section 16.8.1402, effective 3/11/88; Section 16.8.1403, effective 9/5/75; Section 16.8.1404, effective 6/13/86; Section 16.8.1406, effective 12/29/78; Section 16.8.1407, effective 10/29/93; Section 16.8.1411, effective 12/31/72; Section 16.8.1412, effective 3/13/81; Section 16.8.1413, effective 12/31/72; Section 16.8.1419, effective 12/31/72; Sections 16.8.1423, 16.8.1424, and 16.8.1425 (except 16.8.1425(1)(c) and (2)(d)), effective 10/29/93; Section 16.8.1426, effective 12/31/72; Sections 16.8.1428–1430, effective 10/29/93; Section 16.8.1501, effective 2/10/89; Section 16.8.1502, effective 2/26/82; Section 16.8.1503, effective 2/10/89; Sections 16.8.1504–1505, effective 2/26/82; Sections 16.8.1701–1705, effective 12/10/93; and Sections 16.8.1801–1806, effective 12/10/93.

(40) The Governor of Montana submitted a PM_{10} plan for Kalispell, Montana in a letter dated November 25, 1991. The Governor of Montana later submitted additional materials in letters dated January 11, 1994, August 26, 1994, and July 18, 1995. The August 26, 1994, and July 18, 1995 submittals also contain the Kalispell Contingency Measure Plan. The August 26, 1994, submittal also contains the Columbia Falls PM_{10} contingency measures and minor revisions to the attainment and maintenance demonstrations for the moderate PM_{10} nonattainment area SIP for Columbia Falls. Finally, the August 26, 1994, submittal contains revisions to the Flathead County Air Pollution Control Program regulations.

(i) Incorporation by reference.

(A) Stipulations signed September 15, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: A–1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; and Montana Mokko.

(B) Stipulations signed September 17, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(C) Board Order issued on September 17, 1993, by the Montana Board of Health and Environmental Sciences enforcing emissions limitations specified by stipulations signed by both the Montana Department of Health and Environmental Services and participating facilities. The participating facilities included: A–1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; Montana Mokko; Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(D) Flathead County Board of Commissioners Resolution No. 867B, dated April 4, 1994, adopting the Flathead County Air Pollution Control Program.

(E) Board Order issued May 20, 1994, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(F) Flathead County Air Pollution Control Program, including all regulations found in Chapter VIII, Sub-Chapters 1–6, effective May 20, 1994.

(ii) Additional material.

(A) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(B) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(41) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program in a letter dated March 3, 1995. In addition, the March 3, 1995 submittal satisfies the one remaining commitment made by the State in its original PM_{10} moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on September 16, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapters IX and XVI regarding, among other things, emergency procedures, paving of private roads, driveways, and parking lots, National standards of performance for new stationary sources, National Emission Standards for Hazardous Air Pollutants, and solid fuel burning devices.

(B) Missoula City-County Rule 401, Missoula County Air Stagnation Plan, effective September 16, 1994.

(C) Missoula City-County Rule 1401, Prevent Particulate Matter from Being Airborne, effective September 16, 1994.

(D) Missoula City-County Rule 1423, Standard of Performance for New Stationary Sources, effective September 16, 1994.

(E) Missoula City-County Rule 1424, Emission Standards for Hazardous Air Pollutants, effective September 16, 1994.

(F) Missoula City-County Rule 1428, Solid Fuel Burning Devices, effective September 16, 1994.

(G) Missoula City-County Air Pollution Control Program Chapter XVI, Amendments and Revisions, effective September 16, 1994.

(42) On May 22, 1995, the Governor of Montana submitted revisions to the prevention of significant deterioration regulations in the Administrative Rules of Montana to incorporate changes in the Federal PSD permitting regulations for PM–10 increments.

(i) Incorporation by reference

(A) Revisions to the Administrative Rules of Montana (ARM), rules 16.8.945(3)(c), 16.8.945(21)(d), 16.8.945(24)(d), 16.8.947(1), 16.8.953(7)(a), and 16.8.960(4), effective 10/28/94.

(43) On May 22, 1995, the Governor of Montana submitted revisions to the plan, which included revisions to the State's open burning regulation and other minor administrative revisions.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana (ARM), 16.8.1301–1310, effective September 9, 1994; and

(B) Revisions to the ARM, 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003, effective October 28, 1994.

(44) The Governor of Montana submitted PM_{10} contingency measures and a recodification of the local regulations for Libby, Montana in a letter dated March 15, 1995. In addition, the Governor of Montana submitted revisions to the local open burning regulations and other minor administrative amendments on May 13, 1996.

(i) Incorporation by reference.

(A) Board order issued on December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting stipulation of the Montana Department of Health and Environmental Sciences and Stimson Lumber Company.

(B) Board order issued December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting the PM_{10} contingency measures as part of the Libby air pollution control program.

(C) Board order issued on February 1, 1996 by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(D) Lincoln Board of Commissioners Resolution No. 377, signed September 27, 1995, and Libby City Council Ordinance No. 1507, signed November 20, 1995, adopting revisions to the Lincoln County Air Pollution Control Program, Sections 75.1.103 through 75.1.719.

(E) Lincoln County Air Pollution Control Program, Sections 75.1.101 through 75.1.719, effective December 21, 1995.

(45) [Reserved]

(46) The Governor of Montana submitted sulfur dioxide SIP revisions for Billings/Laurel on September 6, 1995, August 27, 1996, April 2, 1997 and July 29, 1998. On March 24, 1999, the Governor submitted a commitment to revise the SIP.

(i) Incorporation by Reference.

(A) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Cenex Harvest Cooperatives, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(*1*) Paragraph 20 of the stipulation;

(*2*) Section 3(A)(1)(d) of exhibit A;

(*3*) The following phrase from section 3(B)(2) of exhibit A: ''except that those sour water stripper overheads may be burned in the main crude heater (and exhausted through the main crude heater stack) or in the flare during periods when the FCC CO boiler is unable to burn the sour water stripper overheads from the ''old'' SWS, provided that such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years.'';

(*4*) Section 4(B) of exhibit A;

(*5*) Section 4(D) of exhibit A; and

(*6*) Method #6A of attachment #2 of exhibit A.

(B) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Conoco, Inc., including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(C) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Exxon Company, USA, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(*1*) Paragraphs 1 and 22 of the stipulation;

(*2*) Section 2(A)(11)(d) of exhibit A;

(*3*) Sections 3(A)(1) and (2) of exhibit A;

(*4*) Sections 3(B)(1), (2) and (3) of exhibit A;

(*5*) The following phrase from section 3(E)(4) of exhibit A: ''except that the sour water stripper overheads may be burned in the F–1 Crude Furnace (and exhausted through the F–2 Crude/Vacuum Heater stack) or in the flare during periods when the FCC CO Boiler is unable to burn the sour water stripper overheads, provided that: (a) such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years, and (b) during such periods the sour water stripper system is operating in a two tower configuration.'';

(*6*) Sections 4(B), (C), and (E) of exhibit A;

(*7*) Section 6(B)(3) of exhibit A; and

(*8*) method #6A of attachment #2 of exhibit A.

(D) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Power Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(E) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, including the stipulation and exhibit A and attachments to the exhibit A, except for paragraphs 1, 2 and 22 of the stipulation, and sections 3(A)(1)(a) and (b), 3(A)(3), 3(A)(4) and 6(B)(3) of exhibit A. (EPA is approving section 3(A)(2) of exhibit A for the limited purpose of strengthening the SIP. In 40 CFR 52.1384(d)(2), we are also disapproving section 3(A)(2) of exhibit A because section 3(A)(2) does not fully meet requirements of the Clean Air Act.)

(F) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Western Sugar Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(G) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation and section 3(A)(1) through (3) of exhibit A.

(ii) Additional material.

(A) All portions of the September 6, 1995 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(B) All portions of the August 27, 1996 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(C) All portions of the April 2, 1997 Billings/Laurel SO2 SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(D) All portions of the July 29, 1998 Billings/Laurel SO2 SIP submittal, other than the following: The board orders, stipulations, exhibit A's and attachments to exhibit A's, and any other documents or provisions mentioned in paragraph (c)(46)(i) of this section.

(E) April 28, 1997 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(F) January 30, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(G) August 11, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Kerrigan G. Clough, Assistant Regional Administrator, EPA Region VIII.

(H) September 3, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(I) March 24, 1999 commitment letter from Marc Racicot, Governor of Montana, to William Yellowtail, EPA Regional Administrator.

(J) May 20, 1999 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(47) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 13, ''Conformity'' that incorporates conformity consultation requirements implementing 40 CFR Part 93, Subpart A into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1301, 17.8.1305, 17.8.1306, 17.8.1310 through 17.8.1313, effective June 4, 1999; and 17.8.1304 effective August 23, 1996.

(48) The Governor of Montana submitted revisions to the Missoula County Air Quality Control Program with a letter dated November 14, 1997. The revisions address general definitions, open burning, and criminal penalties.

(i) Incorporation by reference.

(A) Board order issued on October 31, 1997 by the Montana Board of Environmental Review approving the amendments to Missoula County Air Quality Control Program Chapters IX and XII regarding general definitions, open burning, and criminal penalties.

(B) Missoula County Air Quality Control Program, Chapter IX, Rule 701, General Definitions, effective October 31, 1997.

(C) Missoula County Air Quality Control Program, Chapter IX, Rules 1301–1311, regarding open burning, effective October 31, 1997.

(D) Missoula County Air Quality Control Program, Chapter XII, Criminal Penalties, effective October 31, 1997.

(49) On September 19, 1997, December 10, 1997, April 14, 1999, December 6, 1999 and March 3, 2000, the Governor submitted a recodification and revisions to the Administrative Rules of Montana. EPA is replacing in the SIP all of the previously approved Montana air quality regulations except that the Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986, with those regulations listed in paragraph (c)(49)(i)(A) of this section. The Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion

Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986 remain a part of the SIP. In addition, the Governor submitted Yellowstone County's Local Regulation No. 002—Open Burning.

(i) Incorporation by reference.

(A) Administrative Rule of Montana (ARM) Table of Contents; section 17.8.101, effective 6/26/98; sections 17.8.102–103, effective 10/8/99; section 17.8.105, effective 8/23/96; section 17.8.106, effective 10/8/99, sections 17.8.110–111, effective 8/23/96; sections 17.8.130–131, effective 8/23/96; sections 17.8.140–142, effective 8/23/96; section 17.8.301, effective 8/23/96; section 17.8.302, effective 10/8/99; section 17.8.304 (excluding 17.8.304(4)(f)), effective 8/23/96; section 17.8.308, effective 8/23/96; section 17.8.309 (excluding 17.8.309(5)(b)), effective 8/23/96; section 17.8.310 (excluding 17.8.310(3)(e)), effective 8/23/96; section 17.8.316, effective 8/23/96; section 17.8.320, effective 8/23/96; sections 17.8.322–323, effective 8/23/96; section 17.8.324 (excluding 17.8.324(1)(c) and (2)(d)), effective 8/23/96; sections 17.8.325–326, effective 8/23/96; sections 17.8.330–334, effective 8/23/96; section 17.8.601, effective 7/23/99; section 17.8.602, effective 9/9/97; sections 17.8.604–605, effective 8/23/96; section 17.8.606, effective 7/23/99; sections 17.8.610–613, effective 7/23/99; section 17.8.614–615, effective 8/23/96; section 17.8.701 (excluding 17.8.701(10)), effective 8/23/96; section 17.8.702 (excluding 17.8.702(1)(f)), effective 9/9/97; section 17.8.704, effective 8/23/96; section 17.8.705 (excluding 17.8.705(1)(q)) effective 8/23/96; sections 17.8.706–707, effective 8/23/96; section 17.8.710, effective 8/23/96; sections 17.8.715–717, effective 8/23/96; section 17.8.720, effective 8/23/96; sections 17.8.730–732, effective 8/23/96; section 17.8.733 (excluding 17.8.733(1)(c)), effective 8/23/96; section 17.8.734, effective 8/23/96; section 17.8.801, effective 6/26/98; section 17.8.802, effective 9/9/97; sections 17.8.804–809, effective 8/23/96; sections 17.8.818–828, effective 8/23/96; section 17.8.901, effective 6/26/98; section 17.8.902, effective 9/9/97; sections 17.8.904–906, effective 8/23/96; section 17.8.1001, effective 8/23/96; section 17.8.1002, effective 9/9/97; sections 17.8.1004–1007, effective 8/23/96; section 17.8.1101, effective 8/23/96; section 17.8.1102, effective 9/9/97; section 17.8.1103, effective 8/23/96; and sections 17.8.1106–1111, effective 8/23/96.

(B) April 27, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(C) Board Order issued on September 24, 1999, by the Montana Board of Environmental Review approving the Yellowstone County Air Pollution Control Program.

(D) Yellowstone County Air Pollution Control Program, Regulation No. 002 Open Burning, effective September 24, 1999.

(E) March 6, 2001 letter from Robert Habeck, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Yellowstone County Air Pollution Control Program Regulation No. 002 Open Burning.

(F) Previously approved in paragraph (c)(49)(i)(A) under Subchapter 7: *Permit, Construction, and Operation of Air Contaminant Sources*. These sections are now deleted without replacement: ARM 17.8.701, *Definitions;* ARM 17.8.702, *Incorporation by Reference* (excluding 17.8.702(1)(f)); ARM 17.8.704, *General Procedures for Air Quality Preconstruction Permitting;* 17.8.705, *When Permit Required-Exclusions;* 17.8.706, *New or Altered Sources and Stacks-Permit Application Requirements;* 17.8.707 *Waivers;* 17.8.710, *Conditions for Issuance of Permit;* 17.8.715, *Emission Control Requirements;* 17.8.716, *Inspection of Permit;* 17.8.717, *Compliance with Other Statutes and Rules;* 17.8.720, *Public Review of Permit Applications;* 17.8.730, *Denial of Permit;* 17.8.731, *Duration of Permit;* 17.8.732, *Revocation of Permit;* 17.8.733, *Modification of Permit;* 17.8.734, *Transfer of Permit*, as adopted by Montana on 12/9/1996 and effective 12/27/2002.

(ii) Additional Material.

(A) April 5, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(B) February 14, 2001 letter from Don Vidrine, Montana Department of Environmental Quality, to Dick Long, U.S. Environmental Protection Agency, Region 8.

(50) On February 9, 2001, the Governor of Montana submitted revisions to Montana's Emergency Episode Avoidance Plan and Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(i) Incorporation by reference.

(A) Board Order issued on October 16, 2000, by the Montana Board of Environmental Review approving the Cascade County Air Pollution Control Program.

(B) Cascade County Air Pollution Control Program, Regulation Chapter 7, Open Burning, effective October 16, 2000.

(C) March 16, 2001 letter from Debra Wolfe, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(51) The Governor of Montana submitted the East Helena Lead SIP revisions with letters dated August 16, 1995, July 2, 1996, and October 20, 1998. The revisions address regulating lead emission from Asarco, American Chemet and re-entrained road dust from the streets of East Helena. The revisions supersede the Lead Plan submitted to EPA on September 29, 1983 (see paragraph (c)(15) of this section).

(i) Incorporation by Reference.

(A) Board order issued on August 28, 1998, by the Montana Board of Environmental Review adopting and incorporating the August 13, 1998 stipulation of the Montana Department of Environmental Quality and Asarco.

(B) Board order issued on June 26, 1996, by the Montana Board of Environmental Review adopting and incorporating the June 11, 1996 stipulation of the Montana Department of Environmental Quality and Asarco including exhibit A and attachments to the stipulation, excluding paragraphs 15 and 16 of the stipulation, and excluding the following:

(*1*) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(*2*) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(*3*) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(*4*) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(*5*) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified,'' in section 7(A)(2) of exhibit A;

(*6*) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(*7*) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document,'' in section 12(A)(7) of exhibit A;

(*8*) Section 12(B) of exhibit A.

(C) Board order issued on August 4, 1995, by the Montana Board of Environmental Review adopting and incorporating the June 30, 1995 stipulation of the Montana Department of Environmental Quality and American Chemet including exhibit A to the stipulation, excluding paragraph 20 of the stipulation.

(ii) Additional material.

(A) All portions of the August 16, 1995 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(B) All portions of the July 2, 1996 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(C) All portions of the October 20, 1998 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(D) November 16, 1999 letter from Art Compton, Division Administrator,

Planning, Prevention and Assistance Division, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(E) September 9, 1998 letter from Richard A. Southwick, Point Source SIP Coordinator, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(52) The Governor of Montana submitted sulfur dioxide (SO_2) SIP revisions for Billings/Laurel on July 29, 1998 and May 4, 2000. EPA is approving some of the provisions of the July 29, 1998 submittal that it did not approve before. The May 4, 2000 submittal revises some previously approved provisions of the Billings/Laurel SO_2 SIP and adds new provisions.

(i) Incorporation by reference.

(A) Sections 3(B)(2) and 4(D) (excluding ''or the flare'' and ''or in the flare'' in both sections), 3(A)(1)(d) and 4(B) of Cenex Harvest States Cooperatives' exhibit A to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest States Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(B) Board Order issued March 17, 2000 by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Cenex Harvest States Cooperatives. This stipulation revises attachment #2 to Cenex Harvest States Cooperatives' exhibit A to require the use of method #6A–1.

(C) Sections 3(E)(4) and 4(E) (excluding ''or in the flare'' and ''or the flare'' in both sections), 3(A)(2), 3(B)(2), 3(B)(3), 4(B) and 6(B)(3) of Exxon's exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(D) Board Order issued March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation. The stipulation adds the following to Exxon Mobil Corporation's exhibit A: method #6A–1 of attachment #2 and sections 2(A)(11)(d), 4(C), 7(B)(1)(j) and 7(C)(1)(l). The stipulation revises the following sections of Exxon Mobil Corporation's exhibit A: 3 (introductory text only), 3(A) (introductory text only), 3(A)(1), 3(B) (introductory text only), 3(B)(1), 3(E)(3), 6(B)(7), 7(B)(1)(d), 7(C)(1)(b), 7(C)(1)(d), and 7(C)(1)(f).

(E) Board Order issued on March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership (YELP). The stipulation revises the following sections of YELP's exhibit A: sections 3(A)(1) through (3) and 7(C)(1)(b).

(53) The Governor of Montana submitted minor revisions to Asarco's control strategy in the East Helena Lead SIP on November 27, 2000.

(i) Incorporation by reference.

(A) Board order issued on September 15, 2000, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Asarco dated July 18, 2000. The July 18, 2000 stipulation revises the following sections in the previously adopted exhibit A to the stipulation: 1(B(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), 3(A)(16)(a), 5(D)(1), 5(D)(2), 5(G)(4), 8(A),(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same-numbered sections in previously approved SIP revisions.

(54) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program with a letter dated April 30, 2001. The revisions completely replace the previous version of the program regulations in the SIP.

(i) Incorporation by reference.

(A) November 17, 2000 Montana Board of Environmental Review order approving revisions to the Missoula City-County Air Pollution Control Program regulations.

(B) Missoula City-County Air Pollution Control Program regulations as follows: Chapter 1, Program Authority and Administration; Chapter 2, Definitions; Chapter 3, Failure To Attain Standards; Chapter 4, Missoula County Air Stagnation and Emergency Episode Avoidance Plan; Chapter 5, General Provisions, Rules 5.101–5.103, 5.105–5.106, and 5.112; Chapter 6, Standards for Stationary Sources, Subchapter 1, Air Quality Permits for Air Pollutant Sources, Rules 6.101–6.103 and 6.105–6.109, Subchapter 5, Emission Standards, Rules 6.501–6.504, Subchapter 6, Incinerators, Rules 6.601–6.604, and Subchapter 7, Wood Waste Burners, Rules 6.701–6.703; Chapter 7, Outdoor Burning; Chapter 8, Fugitive Particulate; Chapter 9, Solid Fuel Burning Devices; Chapter 10, Fuels; Chapter 11, Motor Vehicles; Chapter 14, Enforcement and Administrative Procedures; Chapter 15, Penalties; Appendix A, Maps; Appendix B, Missoula's Emergency Episode Avoidance Plan Operations and Procedures; and Appendix D, Oxygenated Fuels Program Sampling Requirements for Blending Facilities, effective November 17, 2000.

(55) On April 30, 2001, May 21, 2001 and December 20, 2001, the Governor of Montana submitted revisions to the Administrative Rules of Montana. The State revised its Incorporation by Reference Rules and repealed a Sulfur Oxide Emissions—Primary Copper Smelter rule (ARM 17.8.323). ARM 17.8.323, last incorporated by reference at 40 CFR 52.1370(c)(49)(i)(A), is removed from the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102(1)(a), (b), (c) and (d), effective 8/10/01; 17.8.103(1)(m), (n), (o), and (p), effective 8/10/01; 17.8.302(1)(d), (e) and (f), effective 8/10/01; 17.8.602(1) and (2), effective 8/10/01; 17.8.702(1)(g), effective 8/10/01; 17.8.902(1)(e), effective 8/10/01; and 17.8.1002(1)(e), effective 8/10/01.

(B) Previously approved in paragraph (c)(55)(i)(A) under *Subchapter 7: Permit Construction and Operation of Air Contaminant Sources*. This section is now deleted without replacement: ARM 17.8.702(1)(g), *Incorporation by Reference*, as adopted by Montana on 7/20/2001 and effective 12/27/2002.

(56) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 14, ''Conformity of General Federal Actions'' that incorporates conformity of general federal actions to state or federal implementation plans, implementing 40 CFR part 93, subpart B into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1401, and 17.8.1402 effective June 4, 1999.

(57) [Reserved]

(58) On April 30, 2001, the Governor of Montana submitted a request to add a credible evidence rule to the Administrative Rules of Montana (ARM). ARM 17.8.132—''Credible Evidence'' has been approved into the SIP.

(i) Incorporation by reference.

(A) ARM 17.8.132 effective December 8, 2000.

(59) On October 28, 2002, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM). The State revised its Incorporation by Reference rules (ARM 17.8.102, 17.8.302) and revised the definition of volatile organic compounds to incorporate by reference the federal regulation (ARM 17.8.101, 17.8.801, 17.8.901). Additional minor changes were made to ARM 17.8.401, 17.8.1005 and the Yellowstone County Air Pollution Control Program Regulation No. 002.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.101(41), 17.8.102(a) and (d), 17.8.302(1)(f), 17.8.401(1)(b)(v), 17.8.801(29), 17.8.901(20) and 17.8.1005(6), effective 6/28/02.

(B) Yellowstone County Air Pollution Control Program, Regulation No. 002, (H)(4)(b)(i), effective June 7, 2002.

(60) On June 26, 1997, the Governor of Montana submitted the Thompson Falls Air Pollution Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997, submittal. On February 28, 1999, the Governor of Montana withdrew all chapters of the Thompson Falls Air Pollution Control Plan submitted on June 26, 1997, except chapters 45.2, 45.10.10, and 45.10.12. EPA is approving sections 45.2, 45.10.10 and 45.10.12 of the

Thompson Falls Air Pollution Control Plan.

(i) Incorporation by reference.

(A) Board Order issued June 20, 1997, by the Montana Board of Environmental Review, as reprinted in section 45.2.2 of the Thompson Falls Air Pollution Control Plan. The Board Order adopts and incorporates the May 1997 Maintenance Agreement Between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality which contains the control plan for the attainment and maintenance of the PM–10 National Ambient Air Quality Standards in the Thompson Falls area.

(B) May 1997 Maintenance Agreement between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality, as reprinted in section 45.2.1 of the Thompson Falls Air Pollution Control Plan.

(ii) Additional Material.

(A) Sections 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan.

(61) Revisions to State Implementation Plan were submitted by the State of Montana on August 20, 2003. The revisions modify definitions and references to federal regulations and other materials in the Administrative Rules of Montana (ARM). The revisions also delete the definition at ARM 17.8.101(43).

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.101(2), (8), (9), (12), (19), (20), (22), (23), (30), and (36); 17.8.102; 17.8.103(1); 17.8.110(2); 17.8.302(1); 17.8.801(1), (3), (4), (6), (20), (21), (22), (24), (27) and (28); 17.8.802(1); 17.8.818(2), (3) and (6); 17.8.819(3); 17.8.821; 17.8.901(1), (11), (12) and (14); 17.8.902(1); 17.8.905(1)(c); and 17.8.1002(1) effective April 11, 2003.

(62) Revisions to State Implementation Plan were submitted by the State of Montana on August 25, 2004. The revisions correct internal references to state documents; correct references to, or update citations of, Federal documents; and make minor editorial changes.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.130; 17.8.320(9); 17.8.801(22); 17.8.819; and 17.8.822, effective April 9, 2004.

(63) Revisions to State Implementation Plan were submitted by the State of Montana on April 18, 2003. The revisions modify the open burning rules and references to federal regulations in the Administrative Rules of Montana.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.302(1)(f); 17.8.601(1), (7) and (10); 17.8.604(1) (except paragraph 604(1)(a)); 17.8.605(1); 17.8.606(3) and (4); 17.8.610(4); 17.8.612(4) and (5); and 17.8.614(1), effective December 27, 2002.

(64) Revisions to State Implementation Plan were submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and: update the citations and references to federal documents and addresses where copies of documents can be obtained; and delete the definition of ''public nuisance'' from Sub-Chapter 1 and the definitions of ''animal matter'' and ''reduction'' from Sub-Chapter 3.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.102(1), 17.8.103(3) and (4); 17.8.302(2), (3) and (4); 17.8.602(2), (3) and (4); .17.8.802(2), (3), (4) and (5); 17.8.902(2), (3), (4) and (5); 17.8.1002(2), (3), (4) and (5); and 17.8.1102(2), (3) and (4), effective June 17, 2005.

(65) On June 28, 2000, the Governor of Montana submitted to EPA revisions to the Montana State Implementation Plan. The revisions add definitions for PM and $PM_{2.5}$, ARM 17.8.101(31) and (32) respectively, and revise ARM 17.8.308(4) and ARM 17.8.320(6) through editorial amendments making the rule more concise and consistent with the language in all applicable rules.

(i) Incorporation by reference. Administrative Rules of Montana (ARM) sections: ARM 17.8.101(31) and (32); 17.8.308(4) introductory text, and 17.8.308(4)(b) and (c); and 17.8.320(6). March 31, 2000 is the effective date of these revised rules effective March 31, 2000.

(ii) Additional Material. April 16, 2007 letter by the Governor of Montana rescinding its statement of certification regarding the 1997 NAAQS as submitted in June 28, 2000.

(66) On June 26, 1997, the Governor of Montana submitted the Whitefish OM_{10} Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997 submittal. On February 28, 1999, the Governor of Montana withdrew all sections of the Whitefish PM_{10} Control Plan submitted on June 26, 1997, except sections 15.2.7, 15.12.8, and 15.12.10. EPA is approving sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish PM_{10} Control Plan.

(i) Incorporation by reference.

(A) Sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish PM_{10} Control Plan.

(ii) Additional Material.

(A) Flathead County Air Pollution Control Program as of June 20, 1997.

(67) On December 8, 1997, May 28, 2003, and August 25, 2004, the Governor of Montana submitted revisions to the Montana State Implementation Plan. The December 8, 1997 submittal adds subsection (6) to Administrative Rules of Montana (ARM) section 17.8.316 (Incinerators); the August 25, 2004 submittal makes a minor revision to ARM 17.8.316(5); and, the May 28, 2003 submittal makes minor editorial revisions to ARM 17.8.316(6).

(i) Incorporation by reference. Administrative Rules of Montana (ARM) section 17.8.316, Incinerators, effective April 9, 2004.

(ii) Additional Material.

(A) October 2, 2007 Letter from MT DEQ to EPA regarding NSPS/MACT compliance.

(68) Revisions to the State Implementation plan which were submitted by the State of Montana on November 1, 2006 and November 20, 2007. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to federal and state laws and regulations, make other minor changes to conform to federal regulations, and update links to sources of information.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) section 17.8.101, *Definitions;* effective August 11, 2006.

(B) Administrative Rules of Montana (ARM) sections: 17.8.102, *Incorporation by Reference—Publication Dates;* 17.8.103, *Incorporation by Reference and Availability of Referenced Documents;* 17.8.302(1)(d), *Incorporation by Reference;* 17.8.602, *Incorporation by Reference;* 17.8.801, *Definitions;* 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions;* 17.8.901, *Definitions;* 17.8.1007, *Baseline for Determining Credit for Emissions and Air Quality Offsets;* and, 17.8.1102, *Incorporation by Reference;* all effective October 26, 2007.

(69) [Reserved]

(70) On May 28, 2003, March 9, 2004, October 25, 2005 and October 16, 2006, the State of Montana submitted revisions to its State Implementation Plan (SIP) that contained new, revised, amended and repealed rules pertaining to the issuance of Montana air quality permits in addition to minor administrative changes to other subchapters of the Administrative Rules of Montana (ARM).

(i) Incorporation by reference.

(A) Letter from David L. Klemp, Montana State Air Director, to Deborah Lebow Aal, Acting Air Program Director, dated April 29, 2011. For certain sections, the following incorporates by reference official State of Montana publications of the Administrative Rules of Montana that are dated after the effective date shown in the incorporation by reference for each section. In these instances, the official publication provides a history for the section showing the last effective date of a change. For each of these sections, the last effective date of a change matches the effective date of the section, showing that the official publication reflects the text of the section as of the effective date shown in the following incorporation by reference. The sections, their effective dates, and the date of the publication are as follows: ARM 17.8.825, effective 12/27/2002, publication 9/30/2006; ARM 17.8.826, effective 12/27/2002, publication 9/30/2006; ARM 17.8.906, effective 12/27/2002, publication 6/30/2003; ARM 17.8.740, effective 12/27/2002, publication 9/30/2006; ARM 17.8.744, effective 12/27/2002, publication 12/31/2005; ARM 17.8.752, effective 12/27/2002, publication 6/30/2006; ARM 17.8.755, effective 12/27/

2002, publication 6/30/2006; ARM 17.8.756, effective 12/27/2002, publication 6/30/2006; ARM 17.8.767, effective 12/27/2002, publication 3/31/2004; ARM 17.8.749, effective 10/17/2003, publication 6/30/2006; ARM 17.8.759, effective 10/17/2003, publication 12/31/2003; ARM 17.8.763, effective 10/17/2003, publication 6/30/2006; ARM 17.8.764, effective 10/17/2003, publication 6/30/2006; ARM 17.8.602, effective 6/17/2005, publication 3/31/2007; ARM 17.8.767, effective 6/17/2005, publication 6/30/2006; ARM 17.8.802, effective 6/17/2005, publication 12/31/2005; ARM 17.8.1102, effective 6/17/2005, publication 3/31/2007; ARM 17.8.759, effective 12/23/2005, publication 9/30/2006.

(B) ARM submission dated May 28, 2003.

(*1*) The following provisions of the ARM are amended effective 12/27/2002: 17.8.101, *Definitions*, (4) ''*Air quality preconstruction permit,''*; 17.8.110, *Malfunctions*, (7), (8), and (9); 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions*, (1); 17.8.825, *Sources Impacting Federal Class I Areas—Additional Requirements*, (3); 17.8.826, *Public Participation;* 17.8.904, *When Montana Air Quality Permit Required;* 17.8.905, *Additional Conditions of Montana Air Quality Permit*, (1) and (4); 17.8.906, *Baseline for Determining Credit for Emissions and Air Quality Offsets;* 17.8.1004, *When Montana Air Quality Permit Required;* 17.8.1005, *Additional Conditions of Montana Air Quality Permit*, (1), (2) and (5); 17.8.1106, *Visibility Impact Analysis;* 17.8.1109, *Adverse Impact and Federal Land Manager*.

(*2*) The following new provisions of the ARM are effective 12/27/2002: 17.8.740, *Definitions*, (except for the phrase in 17.8.740(2) ''includes a reasonable period of time for startup and shakedown and''; the phrase in 17.8.740(8)(a) '', except when a permit is not required under ARM 17.8.745''; the phrase in 17.8.740(8)(c) '', except as provided in ARM 17.8.745''; 17.8.740(10) ''Negligible risk to the public health, safety, and welfare and to the environment''; and 17.8.740(14) ''Routine Maintenance, repair, or replacement''); 17.8.743, *Montana Air Quality Permits—When Required*, (except the phrase in 17.8.743(1) ''and 17.8.745,'', the phrase in 17.8.743(1)(b) ''asphalt concrete plants, mineral crushers, and'', and 17.8.743(1)(c)); 17.8.744, *Montana Air Quality Permits—General Exclusions;* 17.8.748, *New or Modified Emitting Units—Permit Application Requirements;* 17.8.749, *Conditions For Issuance or Denial of Permit*, (1), (3), (4), (5), (6), and (8); 17.8.752, *Emission Control Requirements;* 17.8.755, *Inspection of Permit;* 17.8.756, *Compliance with Other Requirements;* 17.8.759, *Review of Permit Applications*, (1) through (3); 17.8.760, *Additional Review of Permit Applications;* 17.8.762, *Duration of Permit;* 17.8.763, *Revocation of Permit*, (1) and (4); 17.8.764, *Administrative Amendment to Permit*, (1) (except for the phrase in 17.8.764(1)(b) ''unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or''), (2) and (3); 17.8.765, *Transfer of Permit;* 17.8.767, *Incorporation by Reference*, (1)(a) through (c).

(C) ARM submission dated March 09, 2004.

(*1*) The following provisions of the ARM are amended effective 10/17/2003: 17.8.749, *Conditions For Issuance or Denial of Permit*, (7); 17.8.759, *Review of Permit Applications;* 17.8.763, *Revocation of Permit*, (2) and (3); 17.8.764, *Administrative Amendment to Permit*, (2) and (3).

(D) ARM submission dated October 25, 2005.

(*1*) The following provisions of the ARM are amended effective 6/17/2005: 17.8.102, *Incorporation by Reference—Publication Dates;* 17.8.103, *Incorporation by Reference and Availability of Referenced Documents;* 17.8.302, *Incorporation by Reference;* 17.8.602, *Incorporation by Reference;* 17.8.767, *Incorporation by Reference*, (1)(d) through (g), (2), (3), and (4); 17.8.802, *Incorporation by Reference;* 17.8.902, *Incorporation by Reference;* 17.8.1002, *Incorporation by Reference;* 17.8.1102, *Incorporation by Reference*.

(E) ARM submission dated October 16, 2006.

(*1*) The following provisions of the ARM are amended effective 12/23/2005: 17.8.759, *Review of Permit Applications*, (4) through (6).

(71) The Governor of Montana submitted revisions, reordering and renumbering to the Libby County Air Pollution Control Program in a letter dated June 26, 2006. The revised Lincoln County regulations focus on woodstove

emissions, road dust, and outdoor burning emissions.

(i) Incorporation by reference.

(A) Before the Board of Environmental Review of the State of Montana order issued on March 23, 2006, by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(B) Libby City Council Resolution No. 1660 signed February 27, 2006 and Lincoln County Board of Commissioners Resolution No. 725 signed February 27, 2006, adopting revisions, reordering and renumbering to the Lincoln County Air Pollution Control Program, Health and Environment Regulations, Chapter 1—Control on Air Pollution, Subchapter 1—General Provisions; Subchapter 2—Solid Fuel Burning Device Regulations; Subchapter 3—Dust Control Regulations; Subchapter 4—Outdoor Burning Regulations; as revised on February 27, 2006.

(ii) Additional Material.

(A) Stipulation signed October 7, 1991, between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

(72) On May 28, 2003 the State of Montana submitted revisions to the Administrative Rules of Montana (ARM), 17.8.740, *Definitions;* 17.8.743, *Montana Air Quality Permits—When Required;* and 17.8.764, *Administrative Amendment to Permit*. On June 25, 2010, the State of Montana submitted revisions to the ARM, 17.8.745, *Montana Air Quality Permits—Exclusion for De Minimis Changes*.

(i) Incorporation by reference.

(A) Administrative Rules of Montana, 17.8.740, *Definitions;* 17.8.743, *Montana Air Quality Permits—When Required*, except for the phrase in 17.8.743(1)(b), ''asphalt concrete plants, mineral crushers, and''; and 17.8.764, *Administrative Amendment to Permit*, effective 12/27/2002.

(B) Administrative Rules of Montana, 17.8.745, *Montana Air Quality Permits—Exclusion for De Minimis Changes*, effective 5/28/2010.

[37 FR 10877, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1370, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EDITORIAL NOTE: At 75 FR 4700, Jan. 29, 2010, § 52.1370 was amended by adding (c)(68); however, the amendment could not be incorporated because (c)(68) already existed. For the convenience of the user, the added text is set forth as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(68) Revisions to the State Implementation Plan which were submitted by the State of Montana on January 16, 2009 and May 4, 2009. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to Federal laws and regulations, and make other minor changes to conform to federal regulations.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102 *Incorporation by Reference—Publication Dates*, 17.8.301 *Definitions*, 17.8.901 *Definitions*, and 17.8.1007 *Baseline for Determining Credit for Emissions and Air Quality Offsets*, effective October 24, 2008.

(B) Administrative Rules of Montana (ARM) section 17.8.308 *Particulate Matter, Airborne*, effective February 13, 2009.

§ 52.1371 Classification of regions.

The Montana Emergency Episode Avoidance Plan was revised with an August 2, 2004 submittal by the Governor. The August 2, 2004 Emergency Episode Avoidance Plan classified the Air Quality Control Regions (AQCR) as follows:

Air quality control regions (AQCR)	Pollutant				
	Particulate matter	Sulfur oxide	Nitrogen dioxide	Carbon monoxide	Ozone
Billings Intrastate AQCR 140	III	III	III	III	III
Great Falls Intrastate AQCR 141	III	III	III	III	III
Helena Intrastate AQCR 142	III	III	III	III	III
Miles City Intrastate AQCR 143	III	III	III	III	III
Missoula Intrastate AQCR 144	III	III	III	III	III

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 31550, June 12, 2001; 71 FR 21, Jan. 3, 2006]

§ 52.1372 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Montana's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 2036, Jan. 10, 1980]

§ 52.1373 Control strategy: Carbon monoxide.

(a) On July 8, 1997, the Governor of Montana submitted revisions to the SIP narrative for the Missoula carbon monoxide control plan.

(b) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Billings, as adopted by the Montana Department of Environmental Quality on December 19, 2000, State effective December 19, 2000, and submitted by the Governor on February 9, 2001.

(c) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Great Falls, as adopted by the Montana Department of Environmental Quality on December 19, 2000, State effective December 19, 2000, and submitted by the Governor on February 9, 2001.

(d) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Missoula, as approved by the Missoula City-County Air Pollution Control Board on January 20, 2005, by the Missoula County Commissioners on January 26, 2005 and by the Missoula City Council on March 7, 2005; and submitted by the Governor on May 27, 2005.

[64 FR 68038, Dec. 6, 1999, as amended at 67 FR 7973, Feb. 21, 2002; 67 FR 31150, May 9, 2002; 72 FR 46161, Aug. 17, 2007]

§ 52.1374 Control strategy: Particulate matter.

(a) On July 8, 1997, the Governor of Montana submitted minor revisions to the Columbia Falls, Butte and Missoula PM–10 SIPS.

(b) *Determination*—EPA has determined that the Whitefish PM_{10} ''moderate'' nonattainment area attained the PM_{10} national ambient air quality standard by December 31, 1999. This determination is based on air quality monitoring data from 1997, 1998, and 1999. EPA has determined that the Thompson Falls PM_{10} ''moderate'' nonattainment area attained the PM_{10} national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 55105, Nov. 1, 2001]

§ 52.1375 Control strategy: Lead.

Determination—EPA has determined that the East Helena Lead nonattainment area has attained the lead national ambient air quality standards through calendar year 1999. This determination is based on air quality data currently in the AIRS database (as of the date of our determination, June 18, 2001).

[66 FR 55098, Nov. 1, 2001]

§ 52.1376 Extensions.

On October 7, 1993, EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

[61 FR 16062, Apr. 11, 1996]

§ 52.1377 [Reserved]

§ 52.1378 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial nonecessary by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§ 52.1379 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 69–3918 of the Montana Clean Air Act could, in some circumstances prohibit the disclosure of emission data to the public. Therefore, section 69–3918 is disapproved.

[39 FR 34536, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

§§ 52.1380–52.1381 [Reserved]

§ 52.1382 Prevention of significant deterioration of air quality.

(a) The Montana plan, as submitted, is approved as meeting the requirements of Part C, Subpart 1 of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the Montana State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c)(1) Except as set forth in this paragraph, all areas of Montana are designated Class II.

(2) The Northern Cheyene Indian Reservation is designated Class I.

(3) The Flathead Indian Reservation is designated Class I.

(4) The Fort Peck Indian Reservation is designated Class I.

[42 FR 40697, Aug. 11, 1977, as amended at 47 FR 23928, June 2, 1982; 48 FR 20233, May 5, 1983; 49 FR 4735, Feb. 8, 1984; 53 FR 48645, Dec. 2, 1988; 55 FR 19262, May 9, 1990; 55 FR 22333, June 1, 1990; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.1384 Emission control regulations.

(a) Administrative Rules of Montana 17.8.309(5)(b) and 17.8.310(3)(e) of the State's rule regulating fuel burning, which were submitted by the Governor on April 14, 1999 and which allow terms of a construction permit to override a

requirement that has been approved as part of the SIP, are disapproved. We cannot approve these provisions into the SIP, as it would allow the State to change a SIP requirement through the issuance of a permit. Pursuant to section 110 of the Act, to change a requirement of the SIP, the State must adopt a SIP revision and obtain our approval of the revision.

(b)(1) In 40 CFR 52.1370(c)(51), we incorporated by reference several documents that comprise the East Helena Lead SIP. Sections 52.1370(c)(51)(i)(B) and (C) indicate that certain provisions of the documents that were incorporated by reference were excluded. The excluded provisions of § 52.1370(c)(51)(i)(B) and (C) are disapproved. These provisions are disapproved because they do not entirely conform to the requirement of section 110(a)(2) of the Act that SIP limits must be enforceable, nor to the requirement of section 110(i) that the SIP can be modified only through the SIP revision process. The following phrases, words, or section in exhibit A of the stipulation between the Montana Department of Environmental Quality (MDEQ) and Asarco, adopted by order issued on June 26, 1996 by the Montana Board of Environmental Review (MBER), are disapproved:

(i) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(ii) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(iii) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(iv) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(v) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified,'' in section 7(A)(2) of exhibit A;

(vi) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(vii) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in Section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document,'' in section 12(A)(7) of exhibit A; and

(viii) Section 12(B) of exhibit A.

(2) Paragraphs 15 and 16 of the stipulation by the MDEQ and Asarco adopted by order issued on June 26, 1996 by the MBER are disapproved. Paragraph 20 of the stipulation by the MDEQ and American Chemet adopted by order issued on August 4, 1995 by the MBER is disapproved.

(c) Administrative Rules of Montana 17.8.324(1)(c) and 2(d) (formerly ARM 16.8.1425(1)(c) and (2)(d)) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor on May 17, 1994 and later recodified with a submittal by the Governor on September 19, 1997, and which allow the discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that it is equivalent in efficiency to that equipment required in the approved SIP.

(d) In § 52.1370(c)(46), we approved portions of the Billings/Laurel Sulfur Dioxide SIP and incorporated by reference several documents. This paragraph identifies those portions of the Billings/Laurel SO2 SIP that have been disapproved.

(1) In § 52.1370(c)(46)(i)(A) through (G), certain provisions of the documents incorporated by reference were excluded. The following provisions that were excluded by § 52.1370(c)(46)(i)(A) through (G) are disapproved. We cannot approve these provisions because they do not conform to the requirements of the Clean Air Act:

(i) The following paragraph and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Cenex Harvest Cooperatives adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraph 20 of the stipulation;

(B) The following phrase from section 3(B)(2) of exhibit A: ''or in the flare''; and

(C) The following phrases in section 4(D) of exhibit A: ''or in the flare'' and ''or the flare.''

(ii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Conoco, Inc., adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(iii) The following paragraphs and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Exxon Company, USA, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraphs 1 and 22 of the stipulation;

(B) The following phrase of section 3(E)(4) of exhibit A: ''or in the flare''; and

(C) The following phrases of section 4(E) of exhibit A: ''or in the flare'' and ''or the flare.''

(iv) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Montana Power Company, adopted by Board Order issued on June 12, 1998, by Montana Board of Environmental Review.

(v) The following paragraphs and sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review: paragraphs 1, 2 and 22 of the stipulation; sections 3(A)(1)(a) and (b), 3(A)(3), and 3(A)(4) of exhibit A.

(vi) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Western Sugar Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(vii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(2) Section (3)(A)(2) of exhibit A of the stipulation between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review, which section 3(A)(2) we approved for the limited purpose of strengthening the SIP, is hereby disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing section 3(A)(2).

(e) In 40 CFR 52.1370(c)(52), we approved portions of the Billings/Laurel Sulfur Dioxide SIP for the limited purpose of strengthening the SIP. Those provisions that we limitedly approved are hereby limitedly disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing the provisions. This paragraph identifies those provisions of the Billings/Laurel SO_2 SIP identified in 40 CFR 52.1370(c)(52) that have been limitedly disapproved.

(1) Sections 3(B)(2) and 4(D) (excluding ''or in the flare'' and ''or the flare'' in both sections, which was previously disapproved in paragraphs (d)(1)(i)(B) and (C) above), 3(A)(1)(d) and 4(B) of Cenex Harvest State Cooperatives' exhibit A to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(2) Method #6A–1 of attachment #2 of Cenex Harvest State Cooperatives' exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(3) Sections 3(B)(2), 4(B), and 6(B)(3) of Exxon's exhibit A to the stipulation between the Montana Department of

Environmental Quality and Exxon, adopted on June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(4) Sections 2(A)(11)(d), 3(A)(1), 3(B)(1) and 4(C) of Exxon Mobil Corporation's exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(f) Administrative Rules of Montana 17.8.335 of the State's rule entitled ''Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants,'' submitted by the Governor on January 16, 2003, is disapproved. We cannot approve this rule into the SIP because it is inconsistent with the Act (*e.g.*, sections 110(a) and 110(l)), prior rulemakings and our guidance.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995; 64 FR 68038, Dec. 6, 1999; 66 FR 42437, Aug. 13, 2001; 66 FR 55099, Nov. 1, 2001; 67 FR 22241, May 2, 2002; 68 FR 27911, May 22, 2003; 71 FR 4828, Jan. 30, 2006]

§§ 52.1385–52.1386 [Reserved]

§ 52.1387 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

§ 52.1388 Stack height regulations.

The State of Montana has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas,* 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]

§ 52.1389 [Reserved]

§ 52.1390 Missoula variance provision.

The Missoula City-County Air Pollution Control Program's Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

§ 52.1391 Emission inventories.

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at § 52.1370(c)(60)), the Governor of Montana submitted a PM–10 emission inventory for the Thompson Falls area as a SIP revision. The PM–10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

[62 FR 65616, Dec. 15, 1997, as amended at 69 FR 3012, Jan. 22, 2004]

§ 52.1392 Federal Implementation Plan for the Billings/Laurel Area.

(a) *Applicability*. This section applies to the owner(s) or operator(s), including any new owner(s) or operator(s) in the event of a change in ownership or operation, of the following facilities in the Billings/Laurel, Montana area: CHS Inc. Petroleum Refinery, Laurel Refinery, 803 Highway 212 South, Laurel, MT; ConocoPhillips Petroleum Refinery, Billings Refinery, 401 South 23rd St., Billings, MT; ExxonMobil Petroleum Refinery, 700 Exxon Road, Billings, MT; and Montana Sulphur & Chemical Company, 627 Exxon Road, Billings, MT.

(b) *Scope*. The facilities listed in paragraph (a) of this section are also subject to the Billings/Laurel SO_2 SIP, as approved at 40 CFR 52.1370(c)(46) and (52). In cases where the provisions of this FIP address emissions activities differently or establish a different requirement than the provisions of the approved SIP, the provisions of this FIP take precedence.

(c) *Definitions*. For the purpose of this section, we are defining certain words or initials as described in this paragraph. Terms not defined below that are defined in the Clean Air Act or regulations implementing the Clean Air Act, shall have the meaning set forth in the Clean Air Act or such regulations.

(1) *Aliquot* means a fractional part of a sample that is an exact divisor of the whole sample.

(2) *Annual Emissions* means the amount of SO_2 emitted in a calendar year, expressed in pounds per year rounded to the nearest pound, where:

Annual emissions = Σ Daily emissions within the calendar year.

(3) *Calendar Day* means a 24-hour period starting at 12 midnight and ending at 12 midnight, 24 hours later.

(4) *Clock Hour* means a twenty-fourth (1/24) of a calendar day; specifically any of the standard 60-minute periods in a day that are identified and separated on a clock by the whole numbers one (1) through 12.

(5) *Continuous Emission Monitoring System or CEMS* means all continuous concentration and volumetric flow rate monitors, associated data acquisition equipment, and all other equipment necessary to meet the requirements of this section for continuous monitoring.

(6) *Daily Emissions* means the amount of SO_2 emitted in a calendar day, expressed in pounds per day rounded to the nearest tenth (1/10) of a pound, where:

Daily emissions = Σ 3-hour emissions within a calendar day.

(7) *EPA* means the United States Environmental Protection Agency.

(8) *Exhibit* means for a given facility named in paragraph (a) of this section, exhibit A to the stipulation of the Montana Department of Environmental Quality and that facility, adopted by the Montana Board of Environmental Review on either June 12, 1998, or March 17, 2000.

(9) *1998 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on June 12, 1998.

(10) *2000 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on March 17, 2000.

(11) *Flare* means a combustion device that uses an open flame to burn combustible gases with combustion air provided by uncontrolled ambient air around the flame. This term includes both ground and elevated flares.

(12) The initials *Hg* mean mercury.

(13) *Hourly* means or refers to each clock hour in a calendar day.

(14) *Hourly Average* means an arithmetic average of all valid and complete 15-minute data blocks in a clock hour. Four (4) valid and complete 15-minute data blocks are required to determine an hourly average for each CEMS per clock hour.

Exclusive of the above definition, an hourly CEMS average may be determined with two (2) valid and complete 15-minute data blocks, for two (2) of the 24 hours in any calendar day. A complete 15-minute data block for each CEMS shall have a minimum of one (1) data point value; however, each CEMS shall be operated such that all valid data points acquired in any 15-minute block shall be used to determine the 15-

minute block's reported concentration and flow rate.

(15) *Hourly Emissions* means the pounds per clock hour of SO_2 emissions from a source (including, but not limited to, a flare, stack, fuel oil system, sour water system, or fuel gas system) determined using hourly averages and rounded to the nearest tenth (1/10) of a pound.

(16) The initials *H_2S* mean hydrogen sulfide.

(17) *Integrated sampling* means an automated method of obtaining a sample from the gas stream to the flare that produces a composite sample of individual aliquots taken over time.

(18) The initials *MBER* mean the Montana Board of Environmental Review.

(19) The initials *MDEQ* mean the Montana Department of Environmental Quality.

(20) The initials *mm* mean millimeters.

(21) The initials *MSCC* mean the Montana Sulphur & Chemical Company.

(22) *Pilot gas* means the gas used to maintain the presence of a flame for ignition of gases routed to a flare.

(23) *Purge gas* means a continuous gas stream introduced into a flare header, flare stack, and/or flare tip for the purpose of maintaining a positive flow that prevents the formation of an explosive mixture due to ambient air ingress.

(24) The initials *ppm* mean parts per million.

(25) The initials *SCFH* mean standard cubic feet per hour.

(26) The initials *SCFM* mean standard cubic feet per minute.

(27) *Standard Conditions* means (a) 20 °C (293.2 °K, 527.7 °R, or 68.0 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for stack and flare gas emission calculations, and (b) 15.6 °C (288.7 °K, 520.0 °R, or 60.3 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for refinery fuel gas emission calculations.

(28) The initials *SO_2* mean sulfur dioxide.

(29) The initials *SWS* mean sour water stripper.

(30) The term *3-hour emissions* means the amount of SO_2 emitted in each of the eight (8) non-overlapping 3-hour periods in a calendar day, expressed in pounds and rounded to the nearest tenth (1/10) of a pound, where:

3 hour emissions = Σ Hourly emissions within the 3-hour period.

(31) The term *3-hour period* means any of the eight (8) non-overlapping 3-hour periods in a calendar day: Midnight to 3 a.m., 3 a.m. to 6 a.m., 6 a.m. to 9 a.m., 9 a.m. to noon, noon to 3 p.m., 3 p.m. to 6 p.m., 6 p.m. to 9 p.m., 9 p.m. to midnight.

(32) *Turnaround* means a planned activity involving shutdown and startup of one or several process units for the purpose of performing periodic maintenance, repair, replacement of equipment, or installation of new equipment.

(33) *Valid* means data that are obtained from a monitor or meter serving as a component of a CEMS which meets the applicable specifications, operating requirements, and quality assurance and control requirements of section 6 of ConocoPhillips', CHS Inc.'s, ExxonMobil's, and MSCC's 1998 exhibits, respectively, and this section.

(d) *CHS Inc. emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for CHS Inc. cover the following units:

(i) The flare.

(ii) Combustion sources, which consist of those sources identified in the combustion sources emission limit in section 3(A)(1)(d) of CHS Inc.'s 1998 exhibit.

(2) *Flare requirements.*

(i) *Emission limit.* The total emissions of SO_2 from the flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in paragraph (d)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section.

(3) *Combustion sources.*

(i) *Restrictions.* Sour water stripper overheads (ammonia (NH_3) and H_2S gases removed from the sour water in the sour water stripper) shall not be burned in the main crude heater. At all times, CHS Inc. shall keep a chain and lock on the valve that supplies sour water stripper overheads from the old sour water stripper to the main crude

heater and shall keep such valve closed.

(ii) *Compliance determining method.* CHS Inc. shall log and report any noncompliance with the requirements of paragraph (d)(3)(i) of this section.

(4) *Data reporting requirements.*

(i) CHS Inc. shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible CHS Inc. official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, CHS Inc. shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, CHS Inc. shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, CHS Inc. shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H_2S or SO_2 in ppm in the gas stream to the flare;

(B) Hourly average H_2S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas stream to the flare;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare;

(F) Hourly emissions from the flare in pounds per clock hour; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from each flare;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and H_2S analyzer(s), and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or H_2S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H_2S analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H_2S analyzer(s) was exceeded; and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal

Monitoring Device indicated there was no flow;

(G) For each 3-hour period in which the flare emission limit is exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions;

(H) The date and time of any noncompliance with the requirements of paragraph (d)(3)(i) of this section; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(e) *ConocoPhillips emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for ConocoPhillips cover the following units:

(i) The main flare, which consists of two flares—the north flare and the south flare—that are operated on alternating schedules. These flares are referred to herein as the north main flare and south main flare, or generically as the main flare.

(ii) The Jupiter Sulfur SRU flare, which is the flare at Jupiter Sulfur, ConocoPhillips' sulfur recovery unit.

(2) *Flare requirements.*

(i) *Emission limits.*

(A) Combined emissions of SO_2 from the main flare (which can be emitted from either the north or south main flare, but not both at the same time) shall not exceed 150.0 pounds per 3-hour period.

(B) Emissions of SO_2 from the Jupiter Sulfur SRU flare and the Jupiter Sulfur SRU/ATS stack (also referred to as the Jupiter Sulfur SRU stack) shall not exceed 75.0 pounds per 3-hour period, 600.0 pounds per calendar day, and 219,000 pounds per calendar year.

(ii) *Compliance determining method.*

(A) Compliance with the emission limit in paragraph (e)(2)(i)(A) of this section shall be determined in accordance with paragraph (h) of this section. In the event that a single monitoring location cannot be used for both the north and south main flare, ConocoPhillips shall monitor the flow and measure the total sulfur concentration at more than one location in order to determine compliance with the main flare emission limit. ConocoPhillips shall log and report any instances when emissions are vented from the north main flare and south main flare simultaneously.

(B) Compliance with the emission limits and requirements in paragraph (e)(2)(i)(B) of this section shall be determined by summing the emissions from the Jupiter Sulfur SRU flare and SRU/ATS stack. Emissions from the Jupiter Sulfur SRU flare shall be determined in accordance with paragraph (h) of this section and the emissions from the Jupiter Sulfur SRU/ATS stack shall be determined pursuant to ConocoPhillips' 1998 exhibit (see section 4(A) of the exhibit).

(3) *Data reporting requirements.*

(i) ConocoPhillips shall submit quarterly reports on a calendar year basis, beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ConocoPhillips official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ConocoPhillips shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ConocoPhillips shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ConocoPhillips shall provide

EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H_2S or SO_2 in ppm in the gas stream to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(B) Hourly average H_2S concentrations of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(D) Hourly average volumetric flow rates in SCFH of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(F) Hourly emissions in pounds per clock hour from the ConocoPhillips main flare and Jupiter Sulfur SRU flare; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the ConocoPhillips main flare and the sum of the combined 3-hour emissions from the Jupiter Sulfur SRU/ATS stack and Jupiter Sulfur SRU flare in pounds per 3-hour period;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and H_2S analyzer(s), and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or H_2S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H_2S analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H_2S analyzer(s) was exceeded, and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(G) Identification of dates, times, and duration of any instances when emissions were vented from the north and south main flares simultaneously;

(H) For each 3-hour period in which a flare emission limit is exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(f) *ExxonMobil emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for ExxonMobil cover the following units:

(i) The Primary process flare and the Turnaround flare. The Primary process flare is the flare normally used by ExxonMobil. The Turnaround flare is the flare ExxonMobil uses for about 30 to 40 days every 5 to 6 years when the facility's major SO_2 source, the fluid catalytic cracking unit, is not normally operating.

(ii) The following refinery fuel gas combustion units: The FCC CO Boiler, F–2 crude/vacuum heater, F–3 unit, F–3X unit, F–5 unit, F–700 unit, F–201 unit, F–202 unit, F–402 unit, F–551 unit, F–651 unit, standby boiler house (B–8 boiler), and Coker CO Boiler (only when the Yellowstone Energy Limited Partnership (YELP) facility is receiving ExxonMobil Coker unit flue gas or whenever the ExxonMobil Coker is not operating).

(iii) Coker CO Boiler stack.

(2) *Flare requirements.*

(i) *Emission limit.* The total combined emissions of SO_2 from the Primary process and Turnaround refinery flares shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in paragraph (f)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section. If volumetric flow monitoring device(s) installed and concentration monitoring methods used to measure the gas stream to the Primary Process flare cannot measure the gas stream to the Turnaround flare, ExxonMobil may apply to EPA for alternative measures to determine the volumetric flow rate and total sulfur concentration of the gas stream to the Turnaround flare. Before EPA will approve such alternative measures, ExxonMobil must agree that the Turnaround flare will be used only during refinery turnarounds of limited duration and frequency—no more than 60 days once every five (5) years—which restriction shall be considered an enforceable part of this FIP. Such alternative measures may consist of reliable flow estimation parameters to estimate volumetric flow rate and manual sampling of the gas stream to the flare to determine total sulfur concentrations, or such other measures that EPA finds will provide accurate estimations of SO_2 emissions from the Turnaround flare.

(3) *Refinery fuel gas combustion requirements.*

(i) *Emission limits.* The applicable emission limits are contained in section 3(A)(1) of ExxonMobil's 2000 exhibit and section 3(B)(2) of ExxonMobil's 1998 exhibit.

(ii) *Compliance determining method.* For the limits referenced in paragraph (f)(3)(i) of this section, the compliance determining methods specified in section 4(B) of ExxonMobil's 1998 exhibit shall be followed except when the H_2S concentration in the refinery fuel gas stream exceeds 1200 ppmv as measured by the H_2S CEMS required by section 6(B)(3) of ExxonMobil's 1998 exhibit (the H_2S CEMS.) When such value is exceeded, the following compliance monitoring method shall be employed:

(A) ExxonMobil shall measure the H_2S concentration in the refinery fuel gas according to the procedures in paragraph (f)(3)(ii)(B) of this section and calculate the emissions according to the equations in paragraph (f)(3)(ii)(C) of this section.

(B) Within four (4) hours after the H_2S CEMS measures an H_2S concentration in the refinery fuel gas stream greater than 1200 ppmv, ExxonMobil shall initiate sampling of the refinery fuel gas stream at the fuel header on a once-per-hour frequency using length-of-stain detector tubes pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range. ExxonMobil shall continue to use the length-of-stain detector tube method at this frequency until the H_2S CEMS measures an H_2S concentration in the refinery fuel gas stream equal to or less than 1200 ppmv continuously over a 3-hour period.

(C) When the length-of-stain detector tube method is required, SO_2 emissions from refinery fuel gas combustion shall

be calculated as follows: the Hourly emissions shall be calculated using equation 1, 3-hour emissions shall be calculated using equation 2, and the Daily emissions shall be calculated using equation 3.

Equation 1: $E_H = K * C_H * Q_H$

Where:

E_H = Refinery fuel gas combustion hourly emissions in pounds per hour, rounded to the nearest tenth of a pound;

K= 1.688×10^{-7} in (pounds/standard cubic feet (SCF))/parts per million (ppm);

C_H = Hourly refinery fuel gas H_2S concentration in ppm determined by the length-of-stain detector tube method as required by paragraph (f)(3)(ii)(B) of this section; and

Q_H = actual fuel gas firing rate in standard cubic feet per hour (SCFH), as measured by the monitor required by section 6(B)(8) of ExxonMobil's 1998 exhibit.

Equation 2: (Refinery fuel gas combustion 3-hour emissions) = Σ (Hourly emissions within the 3-hour period as determined by equation 1).

Equation 3: (Refinery fuel gas combustion daily emissions) = Σ (3-hour emissions within the day as determined by equation 2).

(4) *Coker CO Boiler stack requirements.*

(i) *Emission limits.* When ExxonMobil's Coker unit is operating and Coker unit flue gases are burned in the Coker CO Boiler, the applicable emission limits are contained in section 3(B)(1) of ExxonMobil's 2000 exhibit.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits referenced in paragraph (f)(4)(i) of this section shall be determined by measuring the SO_2 concentration and flow rate in the Coker CO Boiler stack according to the procedures in paragraphs (f)(4)(ii)(B) and (C) of this section and calculating emissions according to the equations in paragraph (f)(4)(ii)(D) of this section.

(B) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a CEMS to measure sulfur dioxide concentrations in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, the CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) concentration measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the CEMS Performance Specifications contained in section 6(C) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform a Cylinder Gas Audit (CGA) or Relative Accuracy Audit (RAA) which meets the requirements of 40 CFR part 60, Appendix F, within eight (8) hours of when the Coker unit flue gases begin exhausting through the Coker CO Boiler stack. ExxonMobil shall perform an annual Relative Accuracy Test Audit (RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(C) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a continuous stack flow rate monitor to measure the stack gas flow rates in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, this CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the Stack Gas Flow Rate Monitor Performance Specifications of section 6(D) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform an annual Relative Accuracy Test Audit (RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(D) SO_2 emissions from the Coker CO Boiler stack shall be determined in accordance with the equations in sections 2(A)(1), (8), (11)(a), and (16) of ExxonMobil's 1998 exhibit.

(5) *Data reporting requirements.*

(i) ExxonMobil shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ExxonMobil official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ExxonMobil shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ExxonMobil shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ExxonMobil shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H_2S or SO_2 in ppm in the gas stream to the flare(s);

(B) Hourly average H_2S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average SO_2 concentrations in ppm from the Coker CO Boiler stack;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the Coker CO Boiler stack;

(F) Hourly average H_2S concentrations in ppm from the refinery fuel gas system;

(G) Hourly average refinery fuel gas combustion units' actual fuel firing rate in SCFH;

(H) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare(s);

(I) Hourly emissions in pounds per clock hour from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system; and

(J) Daily calibration data for the CEMS described in paragraphs (f)(2)(ii), (f)(3)(ii) and (f)(4)(ii) of this section.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the Coker CO Boiler stack and refinery fuel gas combustion system;

(D) The results of all quarterly or other Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for the CEMS described in paragraphs (f)(2)(ii) (flare total sulfur analyzer(s); pilot gas or purge gas H_2S analyzer(s)), (f)(3)(ii), and (f)(4)(ii) of this section, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(E) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, Coker CO Boiler stack CEMS downtime, refinery fuel gas combustion system CEMS downtime, flare pilot gas or purge gas volumetric flow or H_2S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H_2S analyzer(s) is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H_2S analyzer(s) was exceeded, and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the refinery fuel gas CEMS is exceeded, the written report shall identify:

(*1*) Date, time, and duration when the range of the refinery fuel gas CEMS was exceeded;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limits, the Coker CO Boiler stack emission limits, or the fuel gas combustion system emission limits are exceeded, the written report shall identify:

(*1*) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions; and

(J) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(g) *Montana Sulphur & Chemical Company (MSCC) emission limits and compliance determining methods.*

(1) *Introduction.* The provisions for MSCC cover the following units:

(i) The flares, which consist of the 80-foot west flare, 125-foot east flare, and 100-meter flare.

(ii) The SRU 100-meter stack.

(iii) The auxiliary vent stacks and the units that can exhaust through the auxiliary vent stacks, which consist of the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit and the H1–2 unit.

(iv) The SRU 30-meter stack and the units that can exhaust through the SRU 30-meter stack. The units that can exhaust through the SRU 30-meter stack are identified in section 3(A)(2)(d) and (e) of MSCC's 1998 exhibit.

(2) *Flare requirements.*

(i) *Emission limit.* Total combined emissions of SO_2 from the 80-foot west flare, 125-foot east flare, and 100-meter flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method.* Compliance with the emission limit in paragraph (g)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section. In the event MSCC cannot monitor all three flares from a single location, MSCC shall establish multiple monitoring locations.

(3) *SRU 100-meter stack requirements.*

(i) *Emission limits.* Emissions of SO_2 from the SRU 100-meter stack shall not exceed:

(A) 2,981.7 pounds per 3-hour period;

(B) 23,853.6 pounds per calendar day; and

(C) 9,088,000 pounds per calendar year.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits contained in paragraph (g)(3)(i) of this section shall be determined by the CEMS and emission testing methods required by sections 6(B)(1) and (2) and section 5, respectively, of MSCC's 1998 exhibit.

(B) MSCC shall notify EPA in writing of each annual source test a minimum of 25 working days prior to actual testing.

(C) The CEMS referenced in paragraph (g)(3)(ii)(A) of this section shall achieve a temporal sampling resolution of at least one (1) concentration and flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and meet the ''CEM Performance Specifications'' in sections 6(C) and (D) of MSCC's 1998 exhibit, except that MSCC shall also notify EPA in writing of each annual Relative Accuracy Test Audit at least 25 working days prior to actual testing.

(4) *Auxiliary vent stacks.*

(i) *Emission limits.*

(A) Total combined emissions of SO_2 from the auxiliary vent stacks shall not exceed 12.0 pounds per 3-hour period;

(B) Total combined emissions of SO_2 from the auxiliary vent stacks shall

not exceed 96.0 pounds per calendar day;

(C) Total combined emissions of SO_2 from the auxiliary vent stacks shall not exceed 35,040 pounds per calendar year; and

(D) The H_2S concentration in the fuel burned in the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit, and the H1–2 unit, while any of these units is exhausting to the auxiliary vent stacks, shall not exceed 160 ppm per 3-hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits in paragraph (g)(4)(i) of this section shall be determined by measuring the H_2S concentration of the fuel burned in the Railroad Boiler, the H–1 Unit, the H1–A unit, the H1–1 unit, and the H1–2 unit (when fuel other than natural gas is burned in one or more of these units) according to the procedures in paragraph (g)(4)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(*1*) The dates and time periods that emissions are exhausted through the auxiliary vent stacks,

(*2*) The heaters and boilers that are exhausting to the auxiliary vent stacks during such time periods, and

(*3*) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the H_2S content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to an auxiliary vent stack. MSCC shall begin measuring the H_2S content of the fuel at the fuel header within one (1) hour from when a heater or boiler begins exhausting to an auxiliary vent stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to an auxiliary vent stack. To determine the H_2S content of the fuel burned, MSCC shall use length-of-stain detector tubes pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range.

(5) *SRU 30-meter stack.*

(i) *Emission limits.*

(A) Emissions of SO_2 from the SRU 30-meter stack shall not exceed 12.0 pounds per 3-hour period;

(B) Emissions of SO_2 from the SRU 30-meter stack shall not exceed 96.0 pounds per calendar day;

(C) Emissions of SO_2 from the SRU 30-meter stack shall not exceed 35,040 pounds per calendar year; and

(D) The H_2S concentration in the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section, while any of these units is exhausting to the SRU 30-meter stack, shall not exceed 160 ppm per 3-hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.*

(A) Compliance with the emission limits in paragraph (g)(5)(i) of this section shall be determined by measuring the H_2S concentration of the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section (when fuel other than natural gas is burned in one or more of these heaters or boilers) according to the procedures in paragraph (g)(5)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(*1*) The dates and time periods that emissions are exhausted through the SRU 30-meter stack,

(*2*) The heaters and boilers that are exhausting to the SRU 30-meter stack during such time periods, and

(*3*) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the H_2S content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to the SRU 30-meter stack. MSCC shall begin measuring the H_2S content of the fuel at the fuel header within one (1) hour from when any heater or boiler begins exhausting to the SRU 30-meter stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to the SRU 30-meter stack. To determine the H_2S content of the fuel burned, MSCC shall use length-of-stain detector tubes

pursuant to ASTM Method D4810–06, ''Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes'' (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range.

(6) Data reporting requirements:

(i) MSCC shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible MSCC official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, MSCC shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, MSCC shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, MSCC shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H_2S or SO_2 in ppm, in the gas stream to the flare(s);

(B) Hourly average H_2S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average SO_2 concentrations in ppm from the SRU 100-meter stack;

(D) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the SRU 100-meter stack;

(E) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(F) Hourly average temperature (in (F) and pressure (in mm or inches of Hg) in the gas stream to the flare(s);

(G) Hourly emissions in pounds per clock hour from the flare(s) and SRU 100-meter stack;

(H) Daily calibration data for all flare CEMS, all pilot gas and purge gas CEMS, and the SRU 100-meter stack CEMS;

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s) and SRU 100-meter stack, and 3-hour H_2S concentrations in the fuel burned in the heaters and boilers described in paragraphs (g)(1)(iii) and (iv) of this section while any of these units is exhausting to the SRU 30-meter stack or auxiliary vent stacks and burning fuel other than natural gas;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the SRU 100-meter stack;

(D) Annual emissions of SO_2 in pounds per calendar year from the SRU 100-meter stack;

(E) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA) and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s), all H_2S analyzer(s), and the SRU 100-meter stack CEMS, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(F) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, SRU 100-meter CEMS downtime, flare pilot gas or purge gas volumetric flow or H_2S analyzer system downtime, failure to obtain or analyze a grab or integrated sample, or failure to obtain an H_2S concentration sample as required by paragraphs (g)(4)(ii)(C) and (g)(5)(ii)(C) of this section, the written report shall identify:

(*1*) Dates and times of downtime or failure;

(*2*) Reasons for downtime or failure;

(*3*) Corrective actions taken to mitigate downtime or failure; and

(*4*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H_2S analyzer(s), is exceeded, the written report shall identify:

(*1*) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H_2S analyzer(s) was exceeded; and

(*2*) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(*1*) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limit, the SRU 100-meter stack emission limits, the SRU 30-meter stack emission limits, or auxiliary vent stack emission limits are exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(*2*) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(*3*) All information regarding reasons for operating with excess emissions; and

(*4*) Corrective actions taken to mitigate excess emissions;

(J) For instances in which emissions are exhausted through the auxiliary vent stacks or 30-meter stack, the quarterly written report shall identify:

(*1*) The dates and time periods that emissions were exhausted through the auxiliary vent stacks or the 30-meter stack;

(*2*) The heaters and boilers that were exhausting to the auxiliary vent stacks or 30-meter stack during such time periods; and

(*3*) The type of fuel burned in the heaters and boilers during such time periods; and

(K) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(h) *Flare compliance determining method.*

(1) Compliance with the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i) and (g)(2)(i) of this section shall be determined by measuring the total sulfur concentration and volumetric flow rate of the gas stream to the flare(s) (corrected to one (1) atmosphere pressure and 68 °F) and using the methods contained in the flare monitoring plan required by paragraph (h)(5) of this section. The volumetric flow rate of the gas stream to the flare(s) shall be determined in accordance with the requirements in paragraph (h)(2) of this section and the total sulfur concentration of the gas stream to the flare(s) shall be determined in accordance with paragraph (h)(3) of this section.

(2) *Flare flow monitoring:*

(i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous flow monitoring system capable of measuring the volumetric flow of the gas stream to the flare(s) in accordance with the specifications contained in paragraphs (h)(2)(iii) through (vi) of this section. The flow monitoring system shall require more than one flow monitoring device or flow measurements at more than one location if one monitor cannot measure the total volumetric flow to each flare.

(ii) Volumetric flow monitors meeting the proposed volumetric flow monitoring specifications below should be able to measure the majority of volumetric flow in the gas streams to the flare. However, in rare events (e.g.,

upset conditions) the flow to the flare may exceed the range of the monitor. In such cases, or when the volumetric flow monitor or monitors are not working, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the volumetric flow rate to the flare, which shall then be used to calculate SO_2 emissions. In quarterly reports, sources shall indicate when these other methods are used.

(iii) The flare gas stream volumetric flow rate shall be measured on an actual wet basis, converted to Standard Conditions, and reported in SCFH. The minimum detectable velocity of the flow monitoring device(s) shall be 0.1 feet per second (fps). The flow monitoring device(s) shall continuously measure the range of flow rates corresponding to velocities from 0.5 to 275 fps and have a manufacturer's specified accuracy of ±5% of the measured flow over the range of 1.0 to 275 fps and ±20% of the measured flow over the range of 0.1 to 1.0 fps. The volumetric flow monitor(s) shall feature automated daily calibrations at low and high ranges. The volumetric flow monitor(s) shall be calibrated annually according to manufacturer's specifications.

(iv) For correcting flow rate to standard conditions (defined as 68 °F and 760 mm, or 29.92 inches, of Hg), temperature and pressure shall be monitored continuously. Temperature and pressure shall be monitored in the same location as volumetric flow, and the temperature and pressure monitors shall be calibrated prior to installation according to manufacturer's specifications and, thereafter, annually to meet accuracy specifications as follows: The temperature monitor shall be calibrated to within ± 2.0% at absolute temperature and the pressure monitor shall be calibrated to within ± 5.0 mmHg;

(v) The flow monitoring device(s) shall be calibrated prior to installation to demonstrate accuracy of the measured flow to within 5.0% at flow rates equivalent to 30%, 60%, and 90% of monitor full scale.

(vi) Each volumetric flow device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas stream going to each flare. Each temperature and pressure monitoring device shall achieve a temporal sampling resolution of at least one (1) measurement per minute, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner that will allow for accurate measurements.

(vii) In addition to the continuous flow monitors, facilities may use flare water seal monitoring devices to determine whether there is flow going to the flare. If used, owners or operators shall install, calibrate, operate, and maintain these devices according to manufacturer's specifications. The devices shall include a continuous monitoring system that:

(A) Monitors the status of the water seal to indicate when flow is going to the flare;

(B) Automatically records the time and duration when flow is going to the flare; and

(C) Verifies that the physical seal has been restored after flow has been sent to the flare.

If the water seal monitoring devices indicate that there is no flow going to the flare, yet the continuous flow monitor is indicating flow, the presumption will be that no flow is going to the flare.

(viii) Each facility named in paragraph (a) of this section, that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas, shall determine the volumetric flow of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the volumetric flow of the gas using continuous flow monitoring devices on an actual wet basis, converted to Standard Conditions, and reported in SCFH. Each flow monitoring device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the

definition of ''hourly average'' in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas. Gas flow rate monitor accuracy determinations shall be required at least once every 48 months or more frequently at routine refinery turnaround. In cases when the flow monitoring device or devices are not working or the range of the monitoring device(s) is exceeded, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine volumetric flow of the gas which shall then be used to calculate SO_2 emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use parameters and methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section to calculate the volumetric flows of the gas, in SCFH.

(3) *Flare concentration monitoring:*

(i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall determine the total sulfur concentration of the gas stream to the flare(s) using either continuous total sulfur analyzers or grab or integrated sampling with lab analysis, as described in the following paragraphs:

(A) Continuous total sulfur concentration monitoring. If a facility chooses to use continuous total sulfur concentration monitoring, the following requirements apply:

(*1*) The facility shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous total sulfur concentration monitoring system capable of measuring the total sulfur concentration of the gas stream to each flare. Continuous monitoring shall occur at a location or locations that are representative of the gas combusted in the flare and be capable of measuring the normally expected range of total sulfur in the gas stream to the flare. The concentration monitoring system shall require more than one concentration monitoring device or concentration measurements at more than one location if one monitor cannot measure the total sulfur concentration to each flare. Total sulfur concentration shall be reported as H_2S or SO_2 in ppm. In cases when the total sulfur analyzer or analyzers are not working or the concentration of the total sulfur exceeds the range of the analyzer(s), other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, shall be used to determine total sulfur concentrations, which shall then be used to calculate SO_2 emissions. In quarterly reports, sources shall indicate when these other methods are used.

(*2*) The total sulfur analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per 15 minutes, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 5, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F.

(*3*) Each affected facility named in paragraph (a) of this section shall notify the Air Program Contact at EPA's Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626, in writing of each Relative Accuracy Test Audit a minimum of 25 working days prior to the actual testing.

(B) Grab or integrated total sulfur concentration monitoring: If a facility chooses grab or integrated sampling instead of continuous total sulfur concentration monitoring, the facility shall comply with the methods specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(B)(i)(B)(*2*) (''Integrated Sampling''), and the requirements of paragraphs (h)(3)(i)(B)(*3*) (''Sample Analysis''), (h)(3)(i)(B)(*4*) (''Exemptions''), and (h)(3)(i)(B)(*5*) (''Missing or Unanalyzed Sample'') of this section, as follows:

(*1*) Grab Sampling. Each facility that chooses to use grab sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period

continuously exceeds 0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a grab sample shall be collected within 15 minutes. The grab sample shall be collected at a location that is representative of the gas combusted in the flare. Thereafter, the sampling frequency shall be one (1) grab sample every three (3) hours, which shall continue until the velocity of the gas stream going to the flare in any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(*3*) of this section. The requirements of this paragraph (h)(3)(i)(B)(*1*) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(*2*) Integrated Sampling. Each facility that chooses to use integrated sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period continuously exceeds 0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a sample shall be collected within 15 minutes. The sample shall be collected at a location that is representative of the gas combusted in the flare. The sampling frequency, thereafter, shall be a minimum of one (1) aliquot for each 15-minute period until the sample container is full, or until the end of a 3-hour period is reached, whichever comes sooner. Within 30 minutes thereafter, a new sample container shall be placed in service, and sampling on this frequency, and in this manner, shall continue until the velocity of the gas stream going to the flare in any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(*3*) of this section. The requirements of this paragraph (h)(3)(i)(B)(*2*) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(*3*) Samples shall be analyzed using ASTM Method D4468–85 (Reapproved 2000) ''Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry,'' (incorporated by reference, see paragraph (j) of this section) ASTM Method D5504–01 (Reapproved 2006) ''Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence,'' (incorporated by reference, see paragraph (j) of this section) or 40 CFR part 60, Appendix A–5, Method 15A ''Determination of Total Reduced Sulfur Emissions From the Sulfur Recovery Plants in Petroleum Refineries.'' Total sulfur concentration shall be reported as H_2S or SO_2 in ppm.

(*4*) Exemptions. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, obtaining a sample is not required if flaring is a result of a catastrophic or other unusual event, including a major fire or an explosion at the facility, such that collecting a sample at the EPA-approved location during the relevant period is infeasible or constitutes a safety hazard, provided that the owner or operator shall collect a sample at an alternative location if feasible, safe, and representative of the flaring event. The owner or operator shall demonstrate to EPA that it was infeasible or unsafe to collect a sample or to collect a sample at the sampling location approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section. The owner or operator shall also demonstrate to EPA that any sample collected at an alternative location is representative of the flaring incident. If a facility experiences ongoing difficulties collecting grab or integrated samples in accordance with its flare monitoring plan approved by EPA pursuant to paragraph (h)(5) of this section, EPA may require the facility to revise its flare monitoring plan and use continuous total sulfur concentration monitoring as described in paragraph (h)(3)(i)(A) of this section or other reliable method to determine total sulfur concentrations of the gas stream to the flare.

(*5*) Missing or Unanalyzed Samples. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, if a required sample is

not obtained or analyzed for any reason, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine total sulfur concentrations, which shall then be used to calculate SO_2 emissions. In quarterly reports, sources shall indicate when these other methods are used.

(*6*) Reporting. For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(*1*) (''Grab Sampling'') or (h)(3)(i)(B)(*2*) (''Integrated Sampling'') of this section, since normally only one (1) sample per flare will be analyzed for a 3-hour period, the total sulfur concentration of a sample obtained during a given 3-hour period shall be substituted for each hour of such 3-hour period. If integrated sampling for a flare produces more than one (1) sample container during a 3-hour period, and the gas in each container is analyzed separately, the concentrations for the containers shall be averaged. For that flare, the resulting average shall be substituted for each hour of the 3-hour period during which the sampling occurred. The substituted hourly total sulfur concentrations determined per this paragraph shall be used to determine hourly emissions from the flare.

(ii) Each facility named in paragraph (a) of this section that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas shall determine the H_2S concentration of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the H_2S concentration of the gas by continuous H_2S analyzer. The H_2S concentration analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per three (3) minutes, meet the requirements expressed in the definition of ''hourly average'' in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 2, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F. In cases where the H_2S analyzer or analyzers are not working or the H_2S concentration exceeds the range of the analyzer(s), other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the H_2S concentration of the gas, which shall then be used to calculate SO_2 emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use methods approved by EPA as part of the facility's flare monitoring plan required by paragraph (h)(5) of this section to estimate the H_2S concentration of the gas.

(4) *Calculation of SO_2 emissions from flares.* Methods for calculating hourly and 3-hour SO_2 emissions from flares shall be submitted to EPA as part of the flare monitoring plan required by paragraph (h)(5) of this section. Following approval by EPA, such methods shall be followed for calculating hourly and 3-hour SO_2 emissions from a facility's flare(s).

(5) By October 20, 2008, each facility named in paragraph (a) of this section shall submit a flare monitoring plan. Each flare monitoring plan shall include, at a minimum, the following:

(i) A facility plot plan showing the location of each flare in relation to the general plant layout;

(ii) Drawing(s) with dimensions, preferably to scale, and an as-built process flow diagram of the flare(s) identifying major components, such as flare header, flare stack, flare tip(s) or burner(s), purge gas system, pilot gas system, water seal, knockout drum, and molecular seal;

(iii) A representative flow diagram showing the interconnections of the flare system(s) with vapor recovery system(s), process units, and other equipment as applicable;

(iv) A complete description of the gas flaring process for an integrated gas flaring system that describes the method of operation of the flares;

(v) A complete description of the vapor recovery system(s) which have interconnection to a flare, such as compressor description(s); design capacities of each compressor and the vapor recovery system; and the method currently used to determine and record the amount of vapors recovered;

(vi) A complete description of the proposed method to monitor, determine, and record the total volume and total sulfur concentration of gases combusted in the flare, including drawing(s) with dimensions, preferably to scale, showing the following information for the proposed flare gas stream monitoring systems:

(A) The locations to be used for all monitoring and sampling, including, but not limited to: Flare flow monitors, total sulfur analyzers, concentration integrated sampling, concentration grab sampling, water seal monitoring devices, pilot and purge gas flow monitors, and pilot and purge gas concentration monitors;

(vii) A description of the method(s) used to determine, and reasoning behind, all monitoring and sampling locations;

(viii) The following information regarding pilot gas and purge gas for each flare:

(A) Type(s) of gas used;

(B) A complete description of the monitor(s) to be used, or the other parameters that will be used and monitored, to determine volumetric flows of the pilot gas and purge gas streams for which natural gas or inert gas is not used; and

(C) A complete description of the analyzer(s) to be used to determine, or other methods that will be used to estimate, the H_2S concentrations in the pilot gas and purge gas streams for which natural gas or inert gas is not used;

(ix) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, range, precision, accuracy, calibration, maintenance, quality assurance procedure, and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for all existing and proposed flow monitoring devices and total sulfur analyzers;

(x) The following information if grab or integrated sampling is used:

(A) A complete description of proposed analytical and sampling methods if grab or integrated sampling methods will be used for determining the total sulfur concentration of the gas stream going to the flare;

(B) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures for the integrated sampling device, if used; and

(C) A complete description of the proposed method to alert personnel designated to collect samples that the trigger for collecting a sample has occurred;

(xi) A complete description of the methods to be used to estimate flare emissions when any flare, pilot gas, or purge gas volumetric flow monitoring devices, total sulfur analyzers, or grab or integrated sampling methods, or pilot gas or purge gas H_2S analyzers are not working or available, or the operating range of the monitors or analyzers is exceeded;

(xii) A complete description of the proposed data recording, collection, and management system and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for each flare monitoring system;

(xiii) The following information for each flare using a water seal monitoring device:

(A) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures;

(B) A complete description of the proposed methods to determine that the water seal is no longer intact and flow is going to the flare, and the data used to establish, and reasoning behind, these methods;

(xiv) A schedule for the installation and operation of each flare monitoring system consistent with the deadline in paragraphs (h)(2) and (h)(3) of this section; and

(xv) A complete description of the methods to be used for calculating hourly and 3-hour SO_2 emissions from flares.

(6) Thirty (30) days prior to installing any continuous monitor or integrated sampler pursuant to paragraphs (h)(2) and (3) of this section, each facility named in paragraph (a) of this section shall submit for EPA review a quality assurance/quality control (QA/QC) plan

for each monitor or sampler being installed.

(i) *Affirmative defense provisions for exceedances of flare emission limits during malfunctions, startups, and shutdowns.*

(1) In response to an action to enforce the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i), and (g)(2)(i) of this section, owners and/or operators of the facilities named in paragraph (a) of this section may assert an affirmative defense to a claim for civil penalties for exceedances of such limits during periods of malfunction, startup, or shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce such a limit, the owner or operator of the facility must meet the notification requirements of paragraph (i)(2) of this section in a timely manner and prove by a preponderance of evidence that:

(i) For claims of malfunction:

(A) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the control of the owner or operator;

(B) The excess emissions:

(*1*) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(*2*) Could not have been avoided by better operation and maintenance practices;

(C) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable;

(D) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

(ii) For claims of startup or shutdown:

(A) All or a portion of the facility was in startup or shutdown mode, resulting in the need to route gases to the flare;

(B) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design or better operation and maintenance practices; and

(C) The frequency and duration of operation in startup or shutdown mode were minimized to the maximum extent practicable;

(iii) For claims of malfunction, startup, or shutdown:

(A) If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(C) All emissions monitoring systems were kept in operation if at all possible;

(D) The owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs;

(E) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(F) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

(G) During the period of excess emissions, there were no exceedances of the SO_2 NAAQS that could be attributed to the emitting source.

(2) Notification. The owner or operator of the facility experiencing an exceedance of its flare emission limit(s) during startup, shutdown, or malfunction shall notify EPA verbally as soon as possible, but no later than noon of EPA's next working day, and shall submit written notification to EPA within 30 days of the initial occurrence of the exceedance. The written notification shall explain whether and how the elements set forth in paragraph (i)(1) of this section were met, and include all supporting documentation.

(3) Injunctive relief. The Affirmative Defense Provisions contained in paragraph (i)(1) of this section shall not be available to claims for injunctive relief.

(j) *Incorporation by reference.* (1) The materials listed in this paragraph are incorporated by reference in the corresponding paragraphs noted. These incorporations by reference are approved by the Director of the Federal Register in accordance with 5 U.S.C.

552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the National Archives and Records Administration (NARA) and at the Air Program, EPA, Region 8, 1595 Wynkoop Street, Denver, CO. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(2) The following materials are available for purchase from the following address: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959, *www.astm.org*, or by calling (610) 832–9585.

(i) ASTM Method D4468–85 (Reapproved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for paragraph (h)(3)(i)(B)(*3*) of this section.

(ii) ASTM Method D4810–06, Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, IBR approved for paragraphs (f)(3)(ii)(B), (g)(4)(ii)(C), and (g)(5)(ii)(C) of this section.

(ii) ASTM Method D5504–01 (Reapproved 2006), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography IBR approved for paragraph (h)(3)(i)(B)(*3*) of this section.

[73 FR 21454, Apr. 21, 2008]

§ 52.1393 Interstate Transport Declaration for the 1997 8-hour ozone and $PM_{2.5}$ NAAQS.

The State of Montana added the Interstate Transport Rule Declaration to the State SIP, State of Montana Air Quality Control Implementation Plan, Volume I, Chapter 9, to satisfy the requirements of Clean Air Act Section 110(a)(2)(D)(i) for the 8-hour ozone and $PM_{2.5}$ NAAQS promulgated in July 1997. The Montana Interstate Transport Rule Declaration, adopted and effective on the same date of February 12, 2007, was submitted to EPA on April 16, 2007. The April 16, 2007 Governor's letter included as an attachment a set of dated replacement pages for the Montana Interstate Transport Rule Declaration. The new set of pages were sent as replacement for the set of undated pages submitted earlier with the February 12, 2007 Record of Adoption package. In a May 10, 2007 e-mail to Domenico Mastrangelo, EPA, Debra Wolfe, of the Montana Department of Environmental Quality, confirmed February 12, 2007 as the adoption/effective date for the Montana Interstate Transport Rule Declaration.

[73 FR 10154, Feb. 26, 2008]

§ 52.1394 Section 110(a)(2) infrastructure requirements.

On December 22, 2009, David L. Klemp, Bureau Chief, Air Resources Management Bureau, of the Montana Department of Environmental Quality submitted a certification letter which provides the State of Montana's SIP provisions which meet the requirements of CAA Section 110(a)(1) and (2) relevant to the 1997 Ozone NAAQS.

[76 FR 43923, July 22, 2011]

Subpart CC—Nebraska

§ 52.1420 Identification of Plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 2009, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the SIP as of July 1, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room Number 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551–7659; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA-approved regulations.*

EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
STATE OF NEBRASKA Department of Environmental Quality				
Title 129—Nebraska Air Quality Regulations				
129–1	Definitions	1/9/2011	3/22/2011, 76 FR 15852.	
129–2	Definition of Major Source	3/14/2006	3/22/2011, 76 FR 15852.	
129–3	Region and Subregions	6/26/94	1/4/95, 60 FR 372.	
129–4	Ambient Air Quality Standards	4/1/02 7/10/02	7/8/03, 68 FR 40528.	
129–5	Operating Permit	11/20/02	9/5/03, 68 FR 52691	Section 001.02 is not SIP approved.
129–6	Emissions Reporting	11/20/02	9/5/03, 68 FR 52691.	
129–7	Operating Permits—Application	8/22/00	5/29/02, 67 FR 37325.	
129–8	Operating Permit Content	8/22/00	5/29/02, 67 FR 37325.	
129–9	General Operating Permits for Class I and II Sources.	6/26/94	1/4/95, 60 FR 372.	
129–10	Operating Permits for Temporary Sources.	9/7/97	1/20/00, 65 FR 3130.	
129–11	Operating Permits—Emergency; Defense.	6/26/94	1/4/95, 60 FR 372.	
129–12	Operating Permit Renewal and Expiration.	5/29/95	2/9/96, 61 FR 4899.	
129–13	Class I Operating Permit—EPA Review; Affected States Review; Class II Permit.	6/26/94	1/4/95, 60 FR 372.	
129–14	Permits: Public Participation	2/6/2008	3/22/2011, 76 FR 15852.	
129–15	Permit Revisions; Reopening for Cause.	2/6/2008	3/22/2011, 76 FR 15852.	
129–16	Stack Heights; Good Engineering Practice (GEP).	12/15/98	5/29/02, 67 FR 37325.	
129–17	Construction Permits—When Required.	2/06/2008	3/22/2011, 76 FR 15852	Approval does not include Nebraska's revisions to sections 001.02T and 013.04T pertaining to ethanol production facilities, which were not submitted by the State.
129–19	Prevention of Significant Deterioration of Air Quality.	2/06/2008	0/22/2011, 76 FR 15852.	

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
129–20	Particulate Emissions; Limitations and Standards (Exceptions Due to Breakdowns or Scheduled Maintenance: See Chapter 35).	2/7/04	3/31/05, 70 FR 16426.	
129–21	Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County.	7/10/02	7/8/03, 68 FR 40528.	
129–22	Incinerators; Emission Standards	9/7/97	1/20/00, 65 FR 3130.	
129–24	Sulfur Compound Emissions, Existing Sources Emission Standards.	6/26/94	1/4/95, 60 FR 372.	
129–25	Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources.	9/7/97	1/20/00, 65 FR 3130.	
129–30	Open Fires, Prohibited; Exceptions.	9/25/05	8/11/10, 75 FR 48582..	
129–32	Dust; Duty to Prevent Escape of	6/26/94	1/4/95, 60 FR 372.	
129–33	Compliance; Time Schedule for	6/26/94	1/4/95, 60 FR 372.	
129–34	Emission Sources; Testing; Monitoring.	5/7/05	7/10/06, 71 FR 38776.	
129–35	Compliance; Exceptions Due to Startup, Shutdown, or Malfunction.	9/7/97	1/20/00, 65 FR 3130.	
129–36	Control Regulations; Circumvention, When Excepted.	6/26/94	1/4/95, 60 FR 372.	
129–37	Compliance; Responsibility	6/26/94	1/4/95, 60 FR 372.	
129–38	Emergency Episodes; Occurrence and Control, Contingency Plans.	6/26/94	1/4/95, 60 FR 372.	
129–39	Visible Emissions from Diesel-powered Motor Vehicles.	6/26/94	1/4/95, 60 FR 372.	
129–40	General Conformity	5/29/95	2/12/96, 61 FR 5297.	
129–41	General Provisions	12/15/98	5/29/02, 67 FR 37325.	
129–42	Permits-By-Rule	11/20/02 4/8/03 5/7/05	7/10/06, 71 FR 38776.	
129–43	Consolidated with Chapter 41	5/29/95	2/9/96, 61 FR 4899.	
129–44	Consolidated with Chapter 41	5/29/95	2/9/96, 61 FR 4899.	
Appendix I	Emergency Emission Reductions	6/26/94	1/4/95, 60 FR 372.	
Appendix II	Hazardous Air Pollutants (HAPS).	5/7/05	7/10/06, 71 FR 38776.	
Title 115—Rules of Practice and Procedure				
115–1	Definitions of Terms	8/8/93	1/4/95, 60 FR 372.	
115–2	Filing and Correspondence	8/8/93	1/4/95, 60 FR 372.	
115–3	Public Records Availability	8/8/93	1/4/95, 60 FR 372.	
115–4	Public Records Confidentiality	8/8/93	1/4/95, 60 FR 372.	
115–5	Public Hearings	8/8/93	1/4/95, 60 FR 372.	
115–6	Voluntary Compliance	8/8/93	1/4/95, 60 FR 372.	
115–7	Contested Cases	8/8/93	1/4/95, 60 FR 372.	
115–8	Emergency Proceeding Hearings	8/8/93	1/4/95, 60 FR 372.	
115–9	Declaratory Rulings	8/8/93	1/4/95, 60 FR 372.	
115–10	Rulemaking	8/8/93	1/4/95, 60 FR 372.	
115–11	Variances	8/8/93	1/4/95, 60 FR 372.	
Lincoln-Lancaster County Air Pollution Control Program Article 1—Administration and Enforcement				
Section 1	Intent	5/16/95	2/14/96, 61 FR 5699.	
Section 2	Unlawful Acts—Permits Required.	5/16/95	2/14/96, 61 FR 5699.	
Section 3	Violations—Hearings—Orders	5/16/95	2/14/96, 61 FR 5699.	
Section 4	Appeal Procedure	5/16/95	2/14/96, 61 FR 5699.	
Section 5	Variance	5/16/95	2/14/96, 61 FR 5699.	
Section 7	Compliance—Actions to Enforce—Penalties for Non-Compliance.	5/16/95	2/14/96, 61 FR 5699.	

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Section 8	Procedure for Abatement	5/16/95	2/14/96, 61 FR 5699.	
Section 9	Severability	5/16/95	2/14/96, 61 FR 5699.	
Article 2—Regulations and Standards				
Section 1	Definitions	8/11/98	1/20/00, 65 FR 3130.	
Section 2	Major Sources—Defined	8/11/98	1/20/00, 65 FR 3130.	
Section 4	Ambient Air Quality Standards	5/16/95	2/14/96, 61 FR 5699.	
Section 5	Operating Permits—When Required.	8/11/98	1/20/00, 65 FR 3130.	
Section 6	Emissions Reporting—When Required.	8/11/98	1/20/00, 65 FR 3130.	
Section 7	Operating Permit—Application	8/11/98	1/20/00, 65 FR 3130.	
Section 8	Operating Permit—Content	8/11/98	1/20/00, 65 FR 3130.	
Section 9	General Operating Permits for Class I and II Sources.	5/16/95	2/14/96, 61 FR 5699.	
Section 10	Operating Permits for Temporary Services.	5/16/95	2/14/96, 61 FR 5699.	
Section 11	Emergency Operating Permits—Defense.	5/16/95	2/14/96, 61 FR 5699.	
Section 12	Operating Permit Renewal and Expiration.	5/16/95	2/14/96, 61 FR 5699.	
Section 14	Permits—Public Participation	5/16/95	2/14/96, 61 FR 5699.	
Section 15	Operating Permit Modifications—Reopening for Cause.	8/11/98	1/20/00, 65 FR 3130.	
Section 16	Stack—Heights—Good Engineering Practice (GEP).	5/16/95	2/14/96, 61 FR 5699.	
Section 17	Construction Permits—When Required.	8/11/98	1/20/00, 65 FR 3130.	
Section 19	Prevention of Significant Deterioration of Air Quality.	5/16/95	2/14/96, 61 FR 5699.	
Section 20	Particulate Emissions—Limitations and Standards.	3/31/97	1/20/00, 65 FR 3130.	
Section 22	Incinerator Emissions	5/16/95	2/14/96, 61 FR 5699.	
Section 24	Sulfur Compound Emissions—Existing Sources—Emission Standards.	5/16/95	2/14/96, 61 FR 5699.	
Section 25	Nitrogen Oxides (Calculated as Nitrogen Dioxide)—Emissions Standards for Existing Stationary Sources.	5/16/95	2/14/96, 61 FR 5699.	
Section 32	Dust—Duty to Prevent Escape of.	3/31/97	1/20/00, 65 FR 3130.	
Section 33	Compliance—Time Schedule for	5/16/95	2/14/96, 61 FR 5699.	
Section 34	Emission Sources—Testing—Monitoring.	5/16/95	2/14/96, 61 FR 5699.	
Section 35	Compliance—Exceptions Due to Startup Shutdown or Malfunction.	5/16/95	2/14/96, 61 FR 5699.	
Section 36	Control Regulations—Circumvention—When Expected.	5/16/95	2/14/96, 61 FR 5699.	
Section 37	Compliance—Responsibility of Owner/Operator Pending Review by Director.	5/16/95	2/14/96, 61 FR 5699.	
Section 38	Emergency Episodes—Occurrence and Control—Contingency Plans.	5/16/95	2/14/96, 61 FR 5699.	
Appendix I	Emergency Emission Reduction Regulations.	5/16/95	2/14/96, 61 FR 5699.	
City of Omaha Chapter 41—Air Quality Control Article I In General				
41–2	Adoption of State Regulations with Exceptions.	4/1/98	1/20/00, 65 FR 3130.	
41–4	Enforcement—Generally	5/29/95	2/14/96, 61 FR 5699.	
41–5	Same Health Department	5/29/95	2/14/96, 61 FR 5699.	
41–6	Residential Exemptions	5/29/95	2/14/96, 61 FR 5699.	
41–9	Penalties	5/29/95	2/14/96, 61 FR 5699.	
41–10	Civil Enforcement	5/29/95	2/14/96, 61 FR 5699.	

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
Article II—Permitting of Air Contaminant Sources				
41–23	Prerequisite to Approval	5/29/95	2/14/96, 61 FR 5699.	
41–27	Signature Required; Guarantee	5/29/95	2/14/96, 61 FR 5699.	
41–38	Funds	5/29/95	2/14/96, 61 FR 5699.	
41–40	Fees—When Delinquent	5/29/95	2/14/96, 61 FR 5699.	
Article IV—Waste Incinerators Division 1. Generally				
41–60	Definitions	5/29/95	2/14/96, 61 FR 5699.	
41–61	Violations	5/29/95	2/14/96, 61 FR 5699.	
Article IV—Waste Incinerators Division 2. Emissions				
41–70	New or Modified Facilities	5/29/95	2/14/96, 61 FR 5699.	
41–71	Existing Facilities	5/29/95	2/14/96, 61 FR 5699.	
41–72	Emission Testing	5/29/95	2/14/96, 61 FR 5699.	
Article IV—Waste Incinerators Division 3. Design				
41–80	New or Modified Waste Incinerators.	5/29/95	2/14/96, 61 FR 5699.	
41–81	Existing Incinerators	5/29/95	2/14/96, 61 FR 5699.	

(d) *EPA-approved state source-specific permits.*

EPA-APPROVED NEBRASKA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Gould, Inc	677	11/9/83	1/31/85, 50 FR 4510.	
(2) Asarco, Inc	1520	6/6/96	3/20/97, 62 FR 13329	The EPA did not approve paragraph 19.

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(1) Air Quality Implementation Plan	Statewide	1/28/72	5/31/72, 37 FR 10842.	
(2) Confirmation That the State Does Not Have Air Quality Control Standards Based on Attorney General's Disapproval.	Statewide	4/25/72	5/31/72, 37 FR 10842.	
(3) Request for Two-Year Extension to Meet the Primary NO_X Standard.	Omaha	1/24/72	7/27/72, 37 FR 15080.	
(4) Clarification of Section 11 of the State's Plan.	Statewide	2/16/72	7/27/72, 37 FR 15080.	
(5) Letters Clarifying the Application of the State's Emergency Episode Rule.	Omaha	10/2/72	5/14/73, 38 FR 12696.	
(6) Analysis of Ambient Air Quality in Standard Metropolitan Statistical Areas and Recommendations for Air Quality Maintenance Areas.	Omaha, Lincoln, Sioux City.	5/9/74	6/2/75, 40 FR 23746.	
(7) Amended State Law (LB1029) Giving the Department of Environmental Quality Authority to Require Monitoring of Emissions, Reporting of Emissions and Release of Emissions Data.	Statewide	2/10/76	6/23/76, 41 FR 25898.	
(8) Air Monitoring Plan	Statewide	6/19/81	10/6/81, 46 FR 49122.	
(9) TSP Nonattainment Plan	Douglas and Cass Counties.	9/25/80 8/9/82	3/28/83, 48 FR 12715.	
(10) Plan for Intergovernmental Consultation and Coordination and for Public Notification.	Statewide	8/9/82	7/5/83, 48 FR 30631.	

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(11) Lead Plan	Statewide except Omaha.	1/9/81 8/5/81 1/11/83	11/29/83, 48 FR 53697.	The plan was approved except that portion pertaining to Omaha.
(12) Lead Nonattainment Plan	Omaha	7/24/84 11/17/83 8/1/84	1/31/85, 50 FR 4510.	
(13) CO Nonattainment Plan	Omaha	4/3/85	9/15/86, 51 FR 32640.	
(14) CO Nonattainment Plan	Lincoln	4/3/85	9/19/86, 51 FR 33264.	
(15) Revised Lead Nonattainment Plan	Omaha	2/2/87	8/3/87, 52 FR 28694.	
(16) Letter Pertaining to NO_X Rules and Analysis Which Certifies the Material Became Effective on February 20, 1991.	Statewide	3/8/91	7/2/91, 56 FR 30335.	State submittal date is date of the letter.
(17) Small Business Assistance Program	Statewide	11/12/92	8/30/93, 58 FR 45452.	
(18) Class II Operating Permit Program Including Letter Committing to Submit Information to RACT/BACT/LAER Clearinghouse, Letter Regarding Availability of State Operating Permits to the EPA and Specified Emissions Limits in Permits, and Letter Regarding the Increase in New Source Review Thresholds.	Statewide	2/16/94	1/4/95, 60 FR 372.	
(19) Letter from City of Omaha Regarding Authority to Implement Section 112(l) and Letter from the State Regarding Rule Omissions and PSD Program Implementation.	Omaha, Lincoln	9/13/95 11/9/95	2/14/96, 61 FR 5725.	State submittal dates are dates of letters.
(20) Lincoln Municipal Code, Chapter 8.06.140 and 8.06.145.	City of Lincoln	2/5/99	1/20/00, 65 FR 3130.	
(21) Lancaster Co. Resolution 5069, Sections 12 and 13.	Lancaster County	2/5/99	1/20/00, 65 FR 3130.	
(22) Nebraska Lead Maintenance SIP	Omaha	1/18/01	4/20/01, 66 FR 20196.	
(23) CAA 110(1)(2)(D)(i) SIP—Interstate Transport.	Statewide	5/18/07	12/17/07, 72 FR 71245.	
(24) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	12/7/07	7/8/11, 76 FR 40258.	This action addresses the following CAA elements, as applicable: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[64 FR 7103, Feb. 12, 1999, as amended at 65 FR 3133, Jan. 20, 2000; 66 FR 20199, Apr. 20, 2001; 67 FR 37327, May 29, 2002; 68 FR 40530, July 8, 2003; 68 FR 52694, Sept. 5, 2003; 68 FR 67046, Dec. 1, 2003; 70 FR 16429, Mar. 31, 2005; 71 FR 38779, July 10, 2006; 72 FR 71247, Dec. 17, 2007; 74 FR 37940, July 30, 2009; 75 FR 48584, Aug. 11, 2010; 76 FR 15855, Mar. 22, 2011; 76 FR 40261, July 8, 2011]

§ 52.1421 Classification of regions.

The Nebraska plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Omaha-Council Bluffs Interstate	I	II	III	III	III
Lincoln-Beatrice-Fairbury Intrastate	II	III	III	III	III
Metropolitan Sioux City Interstate	III	III	III	III	III
Nebraska Intrastate	III	III	III	III	III

[37 FR 10877, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.1422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Nebraska's plan for the attainment and maintenance of the national standards. No action is taken on the new source review regulations to comply with section 172(b)(6) and section 173 of the Clean Air Act as amended in 1977, and 40 CFR 51.18(j).

[37 FR 10877, May 31, 1972, as amended at 48 FR 12717, Mar. 28, 1983]

§ 52.1423 PM_{10} State implementation plan development in group II areas.

The state of Nebraska committed to conform to the PM_{10} regulations as set forth in 40 CFR part 51. In a letter to Morris Kay, EPA, dated February 5, 1988, Mr. Dennis Grams, Director, Nebraska Department of Environmental Control, stated:

(a) An area in the City of Omaha and the area in and around the Village of Weeping Water have been classified as Group II areas for the purpose of PM_{10} State Implementation Plan (SIP) development. The specific boundaries of these areas are identified in our letter of October 6, 1987, to Carl Walter. In accordance with the requirements for PM_{10} SIP development, the State of Nebraska commits to perform the following PM_{10} monitoring and SIP development activities for these Group II areas:

(1) Gather ambient PM_{10} data, at least to the extent consistent with minimum EPA requirements and guidance.

(2) Analyze and verify the ambient PM_{10} data and report 24-hour exceedances of the National Ambient Air Quality Standard for PM_{10} to the Regional Office within 45 days of each exceedance.

(3) When an appropriate number of verifiable exceedances of the 24-hour standard occur, calculated according to section 2.0 of the PM_{10} SIP Development Guideline, or when an exceedance of the annual PM_{10} standard occurs, acknowledge that a nonattainment problem exists and immediately notify the Regional Office.

(4) Within 30 days of the notification referred to in paragraph (a)(3) of this section, or within 37 months of promulgation of the PM_{10} standards, whichever comes first, determine whether measures in the existing SIP will assure timely attainment and maintenance of the PM_{10} standards and immediately notify the Regional Office.

(5) Within 6 months of the notification referred to in paragraph (a)(4) of this section, adopt and submit to EPA a PM_{10} control strategy that assures attainment as expeditiously as practicable but no later than 3 years from approval of the committal SIP.

An emission inventory will be compiled for the identified Group II areas. If either area is found to be violating the PM_{10} standards, the inventory will be completed as part of the PM_{10} SIP for that area on a schedule consistent with that outlined in paragraphs 3, 4, and 5. If the PM_{10} standards are not violated, the inventory will be completed not later than July 1, 1989, and submitted to EPA not later than August 31, 1990, as part of the determination of adequacy of the current SIP to attain and maintain the PM_{10} air quality standards.

(b) We request that the total suspended particulate nonattainment areas in Omaha and Weeping Water (all

secondary nonattainment) and Louisville (Primary nonattainment) be redesignated to unclassifiable.

[54 FR 21063, May 16, 1989]

§ 52.1424 Operating permits.

Emission limitations and related provisions which are established in Nebraska operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 4901, Feb. 9, 1996]

§ 52.1425 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to § 51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

NEBRASKA—COMPLIANCE SCHEDULES

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
ASARCO, Inc	Omaha, NE	Nebraska DEC Second Amended Administrative Order No. 753.	Nov. 12, 1986	Not applicable	Feb. 1, 1988

[41 FR 22350, June 3, 1976, as amended at 41 FR 52456, Nov. 30, 1976; 42 FR 16140, Mar. 25, 1977; 50 FR 4512, Jan. 31, 1985; 51 FR 40675, 40676, Nov. 7, 1986; 52 FR 28696, Aug. 3, 1987; 54 FR 25259, June 14, 1989]

§ 52.1426 Original identification of plan section.

(a) This section identifies the original ''Nebraska Air Quality Implementation Plan'' and all revisions submitted by Nebraska that were Federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NOx in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed disapproval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22(a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory).

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted on February 27, 1974, by the Nebraska Department of Environmental Control.

(9) Copy of the State's analysis of ambient air quality in Standard Metropolitan Statistical Areas in the State and recommendations for designation of Air Quality Maintenance Areas submitted by the Department of Environmental Control on May 9, 1974. (Nonregulatory)

(10) Compliance schedules were submitted by the Department of Environmental Control on September 13, 1974.

(11) Compliance schedules were submitted by the Department of Environmental Control on February 21, 1975.

(12) Compliance schedules were submitted by the Department of Environmental Control on May 23, 1975.

(13) Revision of regulations to include the second group of New Source Performance Standards and provide for granting of post-attainment variances and releasing of emission data was submitted on August 5, 1975, by the Governor.

(14) Compliance schedules were submitted by the Governor on August 27, 1975.

(15) Compliance schedules were submitted by the Governor on January 1, 1976.

(16) Compliance schedules were submitted by the Department of Environmental Control on January 15, 1976.

(17) Amended State law (LB1029) giving the Department of Environmental Control authority to require monitoring of emissions, require reporting of emissions and release emission data was submitted by the Governor on February 10, 1976.

(18) Compliance schedules were submitted by the Governor on April 23, 1976.

(19) Compliance schedules were submitted by the Governor on October 27, 1976.

(20) Revised Rule 17, requiring continuous opacity monitoring by power plants, was submitted on November 2, 1976, by the Governor.

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.

(22) Revised Rule 13, granting an increase in the visible emission limitations for existing teepee waste wood burners and alfalfa dehydrators, was submitted by the Governor on December 29, 1977.

(23) Revision to the SIP concerning the adoption of the Lancaster County Air Pollution Control Resolution was submitted by the Governor on April 4, 1977.

(24) Revision to the SIP concerning the adoption of the revised local air pollution control ordinances for the cities of Omaha and Lincoln was submitted by the Governor on December 27, 1977.

(25) State plan revisions and corrections thereto to attain the National Ambient Air Quality Standards for total suspended particulate in Douglas and Cass Counties, designated as nonattainment under section 107 of the Clean Air Act Amendments of 1977, were submitted by the Governor on September 25, 1980, and on August 9, 1982. Included in the plan are revised Rule 6, and new Rule 5A.

(26) New Rule 18, ''Compliance; Exceptions Due to Startup, Shutdown, or Malfunction,'' was submitted by the Governor on August 9, 1982.

(27) A plan revision to provide for Intergovernmental Consultation and Coordination and for Public Notification was submitted to EPA by the Governor of Nebraska on August 9, 1982.

(28) A plan revision for attaining and maintaining the National Ambient Air Quality Standard for Lead in the State of Nebraska was submitted to EPA on January 9, 1981, by the Governor. Additional material was submitted by the State on August 5, 1981 and January 11, 1983. All portions of the submittals are approved except the control strategy for Omaha and the request for a two year extension to attain the lead standard in Omaha.

(29) Revisions to Rule 1, ''Definitions,'' and to Rule 4, ''New and Complex Sources; Standards of Performance, Application for Permit, When Required;'' and a new regulation: Rule 4.01, ''Prevention of Significant Deterioration of Air Quality,'' were submitted by the Governor on May 23, 1983; clarifying letter dated May 30, 1984.

(30) On July 24, 1984, Nebraska submitted a lead SIP for Omaha. Additional portions of the Omaha lead SIP

were submitted by the State on November 17, 1983, and August 1, 1984. EPA withheld action on the enforceable control measures contained in the Omaha lead SIP, but approved all other portions.

(31) Revisions to Chapter 10 ''Incinerators; Emission Standards;'' Chapter 12 ''Sulfur Compound Emissions; Emission Standards;'' Chapter 14 ''Open Fires, Prohibited; Exceptions;'' and Chapter 20 ''Emission Sources; Testing: Monitoring'' were submitted by the Governor on October 6, 1983.

(32) Revisions to Chapter 1, ''Definitions''; Chapter 4, ''Reporting and Operating Permits for Existing Sources; When Required''; and Chapter 5, ''New, Modified, and Reconstructed Sources; Standards of Performance, Application for Permit, When Required'', were submitted by the Governor on October 6, 1983. These revisions deleted the review requirements for complex sources of air pollution for the entire State. These review requirements were adopted by the State on February 22, 1974 (submitted on February 27, 1974) and were approved by EPA on September 9, 1975. See paragraph (c)(8) above. Approval action was taken on the deletion of these requirements except as they pertain to the Lincoln and Omaha CO nonattainment areas.

(33) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Omaha was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Omaha; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP curve from page 27 of the Carbon Monoxide State Implementation Plan for Omaha, Nebraska, dated January 18, 1985.

(ii) Additional material.

(A) Narrative submittal entitled ''Carbon Monoxide State Implementation Plan for Omaha, Nebraska'', including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(34) A State Implementation Plan revision to provide for attainment of the carbon monoxide standard in Lincoln was submitted by Governor Kerrey on April 3, 1985. Action was also taken to delete review requirements for complex sources of air pollution in Lincoln; see paragraph (c)(32) of this section.

(i) Incorporation by reference.

(A) An RFP table from page 18 of the State Implementation Plan Revision for Carbon Monoxide for Lincoln, Nebraska, adopted on March 1, 1985.

(ii) Additional material.

(A) Narrative submittal entitled, ''State Implementation Plan Revision for Carbon Monoxide for Lincoln, Nebraska'', including an attainment demonstration.

(B) Emission Inventory for carbon monoxide sources.

(35) On February 2, 1987, Nebraska submitted revisions to the lead SIP for Omaha. The revisions contained a revised demonstration of attainment of the lead standard in Omaha, a revised control strategy to provide the lead emission reductions claimed in the demonstration of attainment, and Administrative Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 753 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986. All items in the revisions were approved.

(i) Incorporation by reference.

(A) Administrative Order 753 dated August 22, 1985, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(B) Amended Administrative Order 753 dated May 9, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(C) Second Amended Administrative Order 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(ii) Additional material.

(A) 1986 Revised Demonstration of Attainment and Control Measures for the Nebraska State Implementation Plan for Lead—Omaha, submitted by ASARCO Incorporated, October 3, 1986.

(36) Revisions to Chapter 1, ''Definitions'', paragraphs 024, 025, 030, 037, 049; and Chapter 5, ''Stack Heights: Good Engineering Practice (GEP)'', were submitted by the Governor on May 6, 1986.

(i) Incorporation by reference.

(A) Revisions to Chapter 1, ''Definitions'', paragraphs 024, 025, 030, 037, 049; and Chapter 5, ''Stack Heights: Good Engineering Practice (GEP)'', effective May 5, 1986.

(ii) Additional material.

(A) None.

(37) Revised Title 129 of Nebraska Air Pollution Control rules and regulations pertaining to PM_{10} and other rule revisions submitted by the Governor of Nebraska on June 15, 1988.

(i) Incorporation by reference.

(A) Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control rules and regulations adopted by the Nebraska Environmental Control Council February 5, 1988, effective June 5, 1988. The following Nebraska rules are not approved: Chapter 1, definition at *013*, ''Best Available Control Technology''; Chapter 4, section *004.01G*, except as it applies to lead; Chapter 6, section *002.04* and section 007; Appendix III except for lead; Chapter 6, section *001* pertaining to NSPS; and Chapter 12 pertaining to NESHAP.

(B) Nebraska Department of Environmental Control Title 115—Rules of Practice and Procedure, amended effective July 24, 1987.

(ii) Additional information.

(A) None.

(38) Plan revisions were submitted by the Nebraska Department of Environmental Control on March 8, 1991, which implement EPA's October 17, 1988, PSD NO_X requirements.

(i) Incorporation by reference.

(A) Revisions to title 129, chapter 7, entitled ''Prevention of Significant Deterioration of Air Quality,'' were adopted by the Nebraska Enviromental Control Council on December 7, 1990, and became effective February 20, 1991.

(ii) Additional material.

(A) Letter from the state submitted March 8, 1991, pertaining to NO_X rules and analysis which certifies the material became effective on February 20, 1991.

(39) Plan revisions were submitted by the Governor of Nebraska on March 8, 1991.

(i) Incorporation by reference.

(A) Revisions to Nebraska Department of Environmental Control Title 129—Nebraska Air Pollution Control Rules and Regulations adopted by the Nebraska Environmental Control Council December 7, 1990, effective February 20, 1991. Revisions to the following sections are approved in this action: Chapter 1 (deletion of section 068), chapter 3 (deletion of ''National'' from the chapter title), chapter 4 (section 004.02), chapter 7 (section 001), chapter 10 (section 002), chapter 11 (section 002 and section 005), chapter 15 (section 002.07C), and chapter 16 (sections 001, 002.01, 002.02, and 002.03.)

(40) The Nebraska Department of Environmental Quality submitted the Small Business Assistance program State Implementation Plan revision on November 12, 1992.

(i) Incorporation by reference.

(A) Revision to the Nebraska State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was adopted by the state of Nebraska on November 12, 1992, and became effective on the same date.

(41) On February 16, 1994, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to create a Class II operating permit program, Part D NSR rule changes, SO_2 rule corrections, and the use of enhanced monitoring.

(i) Incorporation by reference.

(A) Revised rules ''Title 129—Nebraska Air Quality Regulations,'' effective December 17, 1993. This revision approves all chapters except for parts of Chapters 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15 that pertain to Class I permits; Chapter 17 as it relates to hazardous air pollutants; and excludes Chapters 23, 25, 26, 27, 28, 29, and 31.

(B) ''Title 115—Rules of Practice and Procedure,'' effective August 8, 1993, and submitted as an SIP revision on February 16, 1994.

(ii) Additional material.

(A) Letter from Nebraska to EPA Region VII dated February 16, 1994, regarding a commitment to submit information to the RACT/BACT/LAER Clearinghouse as required in section 173(d) of the Clean Air Act.

(B) Letter from Nebraska to EPA Region VII dated June 10, 1994, regarding

the availability of state operating permits to EPA and specified emissions limitations in permits.

(C) Letter from Nebraska to EPA Region VII dated November 7, 1994, regarding the increase in New Source Review (NSR) permitting thresholds.

(42) A Plan revision was submitted by the Nebraska Department of Environmental Quality on June 14, 1995, which incorporates by reference EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) A revision to title 129, adding chapter 40, entitled ''General Conformity'' was adopted by the Environmental Quality Council on December 2, 1994, and became effective on May 29, 1995.

(43) On June 14, 1995, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to modify the Class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules ''Title 129—Nebraska Air Quality Regulations,'' effective May 29, 1995. This revision applies to chapters 5, 7, 12, 17, 19, 25, 41 and deletes chapters 42, 43 and 44.

(ii) Additional material.

(A) None.

(44) On May 31 and June 2, 1995, the Director of the Nebraska Department of Environmental Quality (NDEQ) submitted revisions to the SIP to update the local ordinances of the Lincoln-Lancaster County Health Department and city of Omaha, respectively, and to create Federally enforceable Class II operating permit programs for these agencies.

(i) Incorporation by reference.

(A) 1993 Lincoln-Lancaster County Air Pollution Control Program, Version March 1995, effective May 16, 1995. This includes the following citations: Article I (except Section 6); Article II, Sections 1–12, 14–17, 19–20, 22, 24–25, 32–38; and Appendix I.

(B) Ordinance No. 33102 dated November 2, 1993, which adopts Chapter 41, Article I, Sections 41–4 through 41–6; 41–9; 41–10; Article II, Sections 41–23; 41–27; 41–38; and 41–40 and Article IV of the Omaha Municipal Code. Ordinance No. 33506 dated March 21, 1995, amends Chapter 41, Article I, Sections 41–2 and 41–9 of the Omaha Municipal Code and adopts Title 129, Nebraska Air Quality Regulations, approved December 2, 1994.

(ii) Additional material.

(A) Letter from the city of Omaha dated September 13, 1995, regarding adequate authority to implement section 112(l).

(B) Letter from the NDEQ dated November 9, 1995, regarding rule omissions and PSD.

(45) A revision to the Nebraska SIP to reduce lead emissions in the Omaha lead nonattainment area sufficient to bring that area back into attainment with the lead National Ambient Air Quality Standard.

(i) Incorporation by reference.

(A) Amended Complaint and Compliance Order Case No. 1520, signed June 6, 1996, except for paragraph 19 and accompanying work practice manual in Appendix A.

(ii) Additional material.

(A) Supplemental document entitled, ''Methods for Determining Compliance'' submitted by the state to provide additional detail regarding the compliance methods for this Order.

[37 FR 10877, May 31, 1972. Redesignated and amended at 64 FR 7103, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1426, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1427 Operating permits.

Emission limitations and related provisions which are established in the city of Omaha and Lincoln-Lancaster operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 5701, Feb. 14, 1996]

§ 52.1428 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a) The owner and operator of each source and each unit located in the State of Nebraska and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Nebraska's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Nebraska's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Nebraska's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48369, Aug. 8, 2011]

§ 52.1429 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Nebraska and Indian country within the borders of the State and for which requirements are set forth under the TR SO_2 Group 2 Trading Program in subpart DDDDD of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Nebraska's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Nebraska's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Nebraska's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart DDDDD of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 2 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48369, Aug. 8, 2011]

§§ 52.1430–52.1435 [Reserved]

§ 52.1436 Significant deterioration of air quality.

The requirements of sections 160 through 165 of the Clean Air Act are met except as noted in paragraphs (a) and (b) of this section. The EPA is retaining § 52.21 except paragraph (a)(1) as part of the Nebraska SIP for the following types of sources:

(a) Sources proposing to construct on Indian lands in Nebraska; and,

(b) Enforcement of permits issued by EPA prior to the July 28, 1983, delegation of authority to Nebraska.

[49 FR 29599, July 23, 1984, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

Subpart DD—Nevada

§ 52.1470 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for the State of Nevada under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to September 28, 2010, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after September 28, 2010, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of September 28, 2010.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office at 75 Hawthorne Street, San Francisco, CA 94105; Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave. NW., Washington, DC; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) *EPA approved regulations.*

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Nevada Administrative Code, Chapter 445B, Air Controls, Air Pollution; Nevada Administrative Code, Chapter 445, Air Controls, Air Pollution; Nevada Air Quality Regulations—Definitions				
445B.001	Definitions	9/24/04	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(ii).
445.431	"Acid mist" defined	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.002	"Act" defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i).*
445B.004	"Administrator" defined	10/14/82	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2)(i).*
445B.005	"Affected facility" defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i).*
445B.006	"Affected source" defined.	10/25/01	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(v).*
445B.009	"Air-conditioning equipment" defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i).*
445.436	"Air contaminant" defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.011	"Air pollution" defined	3/5/98	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(ii).*
445B.015	"Alternative method" defined.	10/30/95	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7)(i).*

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.018	''Ambient air'' defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(ii)*.
445B.022	''Atmosphere'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.029	''Best available retrofit technology'' defined.	4/23/09	77 FR 17334, 3/26/12	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP.
445.445	''Barite'' defined	1/25/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.447	''Barite grinding mill'' defined.	1/25/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.030	''British thermal units'' defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(ii)*.
445.458	''Calcine'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.464	''Coal'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.470	''Colemanite'' defined	11/17/78	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.471	''Colemanite processing plant'' defined.	11/17/78	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.042	''Combustible refuse'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
Article 1.36	Commenced	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.0425	''Commission'' defined	3/5/98	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(ii)*.
Article 1.42	Construction	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
Article 1.43	Contiguous property	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.047	''Continuous monitoring system'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445.482	''Converter'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.051	''Day'' defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(ii)*.
445B.053	''Director'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445.492	''Dryer'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Article 1.60	Effective date	12/27/77	46 FR 43141 (8/27/81)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(vii).
445B.055	''Effective date of the program'' defined.	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(v)*.
445B.056	''Emergency'' defined	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(v)*.
445B.058	''Emission'' defined	3/5/98	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(ii)*.
445B.059	''Emission unit'' defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(i)*.
445B.060	''Enforceable'' defined	10/14/82	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(i)*.
445B.061	''EPA'' defined	12/13/93	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(v)*.

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State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.062	''Equivalent method'' defined.	10/30/95	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(7)(i)*.
445B.063	''Excess emissions'' defined.	10/31/05	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)*(3)(iii)*.
Article 1.72	Existing facility	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
Article 1.73	Existing source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445.512	''Floating roof'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.513	''Fossil fuel'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.072	''Fuel'' defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(ii)*.
445B.073	''Fuel-burning equipment'' defined.	9/19/90	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(iii)*.
445B.075	''Fugitive dust'' defined	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(vi)*.
445B.077	''Fugitive emissions'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(i)*.
445B.080	''Garbage'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.084	''Hazardous air pollutant'' defined.	12/13/93	71 FR 71486 (12/11/06).	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(6)(ii)*.
445B.086	''Incinerator'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445.536	''Lead'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.091	''Local air pollution control agency'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
''Article 1– Definitions: No. 2– LAER''.	Lowest achievable emission rate.	8/28/79	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(i).
Article 1.104	Major stationary source	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.095	''Malfunction'' defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.097	''Maximum allowable throughput'' defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(ii)*.
Article 1.109	Modification	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.103	''Monitoring device'' defined.	1/11/96	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(vi)*.
Article 1.111	Motor vehicle	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.106	''Multiple chamber incinerator'' defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
Article 1.114	New source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.109	''Nitrogen oxides'' defined.	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(vi)*.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.112	''Nonattainment area'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i)*.
445B.113	''Nonroad engine'' defined.	6/1/01	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(iv)*.
445B.1135	''Nonroad vehicle'' defined.	6/1/01	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(iv)*.
445B.116	''Odor'' defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i)*.
445B.119	''One-hour period'' defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2)(ii)*.
445B.121	''Opacity'' defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i)*.
445B.122	''Open burning'' defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i)*.
445.559	''Operating permit'' defined.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.125	''Ore'' defined	11/17/78	71 FR 15040 (3/27/06)	Originally adopted on 9/12/78. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(iii)*.
445B.127	''Owner or operator'' defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i)*.
445B.129	''Particulate matter'' defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i)*.
445B.130	''Pathological wastes'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i)*.
445B.134	Person	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1*).
445.565	''Petroleum'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.135	''PM_{10}'' defined	12/26/91	71 FR 15040 (3/27/06)	Submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2)(iv)*.
Article 1.131	Point source	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445.570	''Portland cement plant'' defined.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.574	''Precious metal'' defined.	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.575	''Precious metal processing plant'' defined.	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.144	''Process equipment'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i)*.
445B.145	''Process weight'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i)*.
445.585	''Process weight rate'' defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.151	''Reference conditions'' defined.	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2)(ii)*.
445B.152	''Reference method'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i)*.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445.592	''Registration certificate'' defined.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.153	''Regulated air pollutant'' defined.	10/31/05	73 FR 19144 (4/9/08)	Submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)*(3)(iii)*.
445.597	''Roaster'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.161	''Run'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.163	''Salvage operation'' defined.	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.167	''Shutdown'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.168	''Single chamber incinerator'' defined.	12/27/77	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(ii)*.
Article 1.171	Single source	11/7/75	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.172	''Six-minute period'' defined.	12/4/76	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)*(1)*(*i*).
445.618	''Slag'' defined	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.174	''Smoke'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.176	''Solid waste'' defined	12/4/76	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445B.177	''Source'' defined	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(i)*.
Article 1.182	Special mobile equipment.	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.180	''Stack and chimney'' defined.	10/30/95	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(3)(i)*.
445B.182	''Standard'' defined	11/15/94	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(2)(vi)*.
445B.185	''Start-up'' defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
Article 1.187	Stationary source	12/4/76	43 FR 36932 (8/21/78)	Submitted on 12/10/76. See 40 CFR 52.1490(c)(12).
445B.190	''Stop order'' defined	12/13/93	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)*(2)*(*i*).
445.633	''Submerged fill pipe'' defined.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.198	''Uncombined water'' defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.
445.649	''Violation'' defined	8/28/79	49 FR 11626 (3/27/84)	Submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.202	''Volatile organic compounds'' defined.	11/15/94	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(6)(iii)*.
445B.205	''Waste'' defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)*(1)(i)*.

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.207	"Wet garbage" defined	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i).*
445B.209	"Year" defined	10/22/87	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*2)(ii).*
445B.211	Abbreviations	9/24/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(vii).*
Nevada Administrative Code, Chapter 445B, Air Controls, Air Pollution; Nevada Administrative Code, Chapter 445, Air Controls, Air Pollution; Nevada Air Quality Regulations—General Provisions				
445B.220	Severability	1/1/07	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3)(v).*
445B.22017	Visible emissions: Maximum opacity; determination and monitoring of opacity.	4/1/06	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*iii*).
445B.2202	Visible emissions: Exceptions for stationary sources.	4/1/06	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*iii*).
Article 16.3.3, subsections 16.3.3.2 and 16.3.3.3.	Standard for Opacity [Portland cement plants].	3/31/77	47 FR 26386 (6/18/82)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(viii). Subsection 16.3.3.1 was deleted without replacement at 72 FR 25971 (5/8/07).
445.729	Process weight rate for calculating emission rates.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Article 7.2.5.1	[Establishes maximum allowable particulate emissions rate for the first barite grinding mill at Milchem Inc. near Battle Mountain].	12/3/80	47 FR 26386 (6/18/82)	Submitted on 11/5/80. See 40 CFR 52.1490(c)(22)(ii).
445.808(1), (2)(a–c), (3), (4), and (5).	[Establishes standards for maximum allowable particulate emissions rate and discharge opacity for certain barite grinding mills at IMCO Services and at Dresser Industries, in or near Battle Mountain].	8/24/83 (adopted)	49 FR 11626 (3/27/84)	Submitted on 9/14/83. See 40 CFR 52.1490(c)(26)(i)(A).
445.816(1), (2)(d), (3), (4), and (5).	[Establishes standards for maximum allowable particulate emissions rate and discharge opacity for certain processing plants for precious metals at the Freeport Gold Company in the North Fork area].	8/24/83 (adopted)	49 FR 11626 (3/27/84)	Submitted on 9/14/83. See 40 CFR 52.1490(c)(26)(i)(A).
445.730	Colemanite flotation processing plants.	11/17/78	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445B.22027	Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates.	3/5/98	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(ii).
445B.2203	Emissions of particulate matter: Fuel-burning equipment.	9/27/99	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(iii).

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State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.22033	Emissions of particulate matter: Sources not otherwise limited.	3/5/98	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(ii).
445B.22037	Emissions of particulate matter: Fugitive dust.	10/30/95	72 FR 25971 (5/8/07)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i).*
Article 8, subsection 8.2.1.	[Indirect Heat Transfer Fuel Burning Equipment—Sulfur emission limits].	1/28/72	37 FR 10842 (5/31/72)	Submitted on 1/28/72. See 40 CFR 52.1490(b).
Article 8.2.2	[''Sulfur emission'' defined for purposes of Article 8.].	12/4/76	46 FR 43141 (8/27/81)	Submitted on 12/29/78. See 40 CFR 52.1490(c)(14)(vii).
445B.2204	''Sulfur emission'' defined.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1*)(i).
445B.22043	Sulfur emissions: Calculation of total feed sulfur.	9/24/04	73 FR 19144 (4/9/08)	Most recently approved version submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*ii*).
445B.22047	Sulfur emissions: Fuel-burning equipment.	9/27/99	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3*)(*iii*).
445B.2205	Sulfur emissions: Other processes which emit sulfur.	9/24/04	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(A)(*3*)(*ii*).
445B.22067	Open burning	4/15/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(vi).*
445B.2207	Incinerator burning	4/15/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(vi).*
445B.22083	Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.	10/31/05	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 8/20/07. See 40 CFR 52.1490(c)(67)(i)(A)(*1*).
445B.2209	Reduction of animal matter.	12/4/76	71 FR 15040 (3/27/06)	Originally adopted on 9/16/76. Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*1)(i).*
445B.22093	Organic solvents and other volatile compounds.	10/31/05	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3)(iii).*
445B.22095	Emission limitation for BART.	4/23/09	77 FR 17334, 3/26/12	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP.
445B.22096, excluding the NO_X emission limits and control types in sub-paragraph (1)(c).	Control measures constituting BART; limitations on emissions.	1/28/10	77 FR 17334, 3/26/12	Included in supplemental SIP revision submitted on September 20, 2011, and approved as part of approval of Nevada Regional Haze SIP. Excluding the NO_X emission limits and control types for units 1, 2 and 3 of NV Energy's Reid Gardner Generating Station.
445B.22097	Standards of quality for ambient air.	4/26/04	71 FR 15040 (3/27/06)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(vi).*
445B.225	Prohibited conduct: Concealment of emissions.	10/30/95	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*i*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.227	Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure.	1/11/96	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i).*
445B.229	Hazardous emissions: Order for reduction or discontinuance.	10/30/95	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3*)(*i*).
445B.230	Plan for reduction in emissions.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1).*
445.667	Excess emissions: Scheduled maintenance; testing; malfunction.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Article 2.5 (''Scheduled Maintenance, Testing, and Breakdown or Upset''), subsection 2.5.4.	[related to breakdown or upset].	11/7/75	43 FR 1341 (1/9/78)	Submitted on 10/31/75. See 40 CFR 52.1490(c)(11). Article 2.5, subsection 2.5.4 states: ''Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations.''
445B.250	Notification of Director: Construction, reconstruction and initial start-up; demonstration of continuous monitoring system performance.	10/31/05	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 8/20/07. See 40 CFR 52.1490(c)(67)(i)(A)(*1*).
445B.252	Testing and sampling	10/30/03	73 FR 20536 (4/16/08)	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*3)(i).*
445B.256	Monitoring systems: Calibration, operation and maintenance of equipment.	10/30/95	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7)(i).*
445B.257	Monitoring systems: Location.	12/4/76	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.258	Monitoring systems: Verification of operational status.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1).*
445B.259	Monitoring systems: Performance evaluations.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1).*
445B.260	Monitoring systems: Components contracted for before September 11, 1974.	9/18/06	72 FR 19801 (4/20/07)	Most recently approved version was submitted on 12/8/06. See 40 CFR 52.1490(c)(62)(i)(A)(*1).*
445B.261	Monitoring systems: Adjustments.	12/4/76	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.262	Monitoring systems: Measurement of opacity.	10/30/03	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7)(iii).*
445B.263	Monitoring systems: Frequency of operation.	12/4/76	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*5*)(*i*).
445B.264	Monitoring systems: Recordation of data.	9/25/00	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7*)(*ii*).
445B.265	Monitoring systems: Records; reports.	7/2/84	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*6*)(*i*).

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State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.267	Alternative monitoring procedures or requirements.	10/30/03	71 FR 71486 (12/11/06).	Most recently approved version was submitted on 1/12/06. See 40 CFR 52.1490(c)(56)(i)(A)(*7)(iii)*.
445B.275	Violations: Acts constituting; notice.	5/4/06	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3)(iv)*.
445B.277	Stop orders	5/4/06	73 FR 19144 (4/9/08)	Most recently approved version was submitted on 6/26/07. See 40 CFR 52.1490(c)(66)(i)(A)(*3)(iv)*.
445.694	Emission discharge information.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.699	Violations: Administrative fines.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.764	Reduction of employees' pay because of use of system prohibited.	8/17/81	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Nevada Administrative Code, Chapter 445, Air Controls, Air Pollution; Nevada Air Quality Regulations—Registration Certificates and Operating Permits				
Article 3.1.6	[relates to application forms].	11/7/75	43 FR 1341 (1/9/78)	Submitted on 10/31/75. See 40 CFR 52.1490(c)(11).
445.704	Registration certificates and operating permits required.	12/4/76	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.705	Exemptions	11/7/75	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.706(1)	Application date; payment of fees.	11/7/75	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A). NAC 445.706(2) rescinded at 73 FR 20536 (4/16/08).
445.707	Registration certificates: Prerequisite; application; fee; issuance, denial; expiration.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.712	Operating permits: Prerequisite; application; fee; issuance, denial; posting.	8/28/79	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.713	Operating permits: Renewal.	11/7/75	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.714	Operating permits: Replacement of lost or damaged permits.	11/7/75	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.715	Operating permits: Revocation.	11/7/75	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
445.716	Operating permits: Change of location.	12/15/77	49 FR 11626 (3/27/84)	Most recently approved version was submitted on 10/26/82. See 40 CFR 52.1490(c)(25)(i)(A).
Nevada Air Quality Regulations—Point Sources and Registration Certificates				
Nevada Air Quality Regulations (NAQR), Article 13 (''Point Sources''), subsection 13.1, paragraph 13.1.1.	General Provisions for the Review of New Sources.	12/15/77	47 FR 27070 (6/23/82)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
NAQR, Article 13, subsection 13.1, paragraph 13.1.3 [excluding 13.1.3(3)].	[related to registration certificates for point sources subject to the requirement for an environmental evaluation; additional requirements for such sources to be located in nonattainment areas].	2/28/80	46 FR 21758 (4/14/81)	Submitted on 3/17/80. See 40 CFR 52.1490(c)(18)(i). NAQR article 13.1.3(3) was deleted without replacement at 73 FR 20536 (4/16/08). See 40 CFR 52.1490(c)(18)(i)(A).
NAQR Article 13, subsection 13.1, paragraphs 13.1.4–13.1.7.	[related to registration certificates, generally].	10/25/74	40 FR 13306 (3/26/75)	Submitted on 11/12/74. See 40 CFR 52.1490(c)(8). EPA's 1975 final rule was later clarified and revised at 43 FR 1341 (1/9/78)
NAQR Article 13, subsection 13.2.	[relates to thresholds used to identify sources subject to environmental evaluation requirement].	12/15/77	47 FR 27070 (6/23/82)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 13.2 includes paragraphs 13.2.1–13.2.4.
NAQR Article 13, subsection 13.3.	Environmental evaluation.	12/15/77	47 FR 27070 (6/23/82)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 13.3 includes paragraph 13.3.1, subparagraphs 13.3.1.1 and 13.3.1.2.
Nevada Revised Statutes, Title 58, Energy; Public Utilities and Similar Entities: Regulation of Public Utilities Generally				
704.820	Short title	1/1/79	47 FR 15790 (4/13/82)	NRS 704.820 to 704.900, inclusive, is cited as the Utility Environmental Protection Act. Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.825	Declaration of legislative findings and purpose.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.830	Definitions	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.840	''Commence to construct'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.845	''Local government'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.850	''Person'' defined	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.855	''Public utility,'' ''utility'' defined.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.860	''Utility facility'' defined	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.865	Construction permit: Requirement; transfer; exceptions to requirement.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.870	Construction permit application: Form, contents; filing; service; public notice.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.875	Review of application by state environmental commission.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.880	Hearing on application for permit.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.885	Parties to permit proceeding; appearances; intervention.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.890	Grant or denial of application; required findings; service of copies of order.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
704.892	Grant, denial, conditioning of permit for plant for generation of electrical energy for export.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.895	Rehearing; judicial review.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
704.900	Cooperation with United States, other states.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(i).
General Order No. 3, Rules of Practice and Procedure before the Public Service Commission				
Rule 25	Construction Permits—Utility Environmental Protection Act.	1/1/79	47 FR 15790 (4/13/82)	Submitted on 10/13/80. See 40 CFR 52.1490(c)(21)(ii).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—General Provisions				
445B.400	Scope	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.401	Definitions	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.403	''Approved inspector'' defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4045	''Authorized inspection station'' defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.405	''Authorized station'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.408	''Carbon monoxide'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.409	''Certificate of compliance'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4092	''Certified on-board diagnostic system'' defined.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4096	''Class 1 approved inspector'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4097	''Class 1 fleet station'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4098	''Class 2 approved inspector'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4099	''Class 2 fleet station'' defined.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.410	''CO_2'' defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.411	''Commission'' defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.413	''Department'' defined	1/1/86	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.415	''Director'' defined	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.416	''Emission'' defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.418	''EPA'' defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.419	''Established place of business'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.420	''Evidence of compliance'' defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.421	''Exhaust emissions'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.422	''Exhaust gas analyzer'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.424	''Fleet station'' defined	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4247	''Gross vehicle weight rating'' defined.	8/19/94	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.426	''Heavy-duty motor vehicle'' defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.427	''Hydrocarbon'' defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.428	''Hz'' defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.432	''Light-duty motor vehicle'' defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.433	''Mini motor home'' defined.	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.434	''Motor home'' defined	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.435	''Motor vehicle'' defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.440	''New motor vehicle'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.442	''Opacity'' defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.443	''Person'' defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.444	''ppm'' defined	9/28/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.449	''Smoke'' defined	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.450	''Special mobile equipment'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.451	''Standard'' defined	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4515	''State electronic data transmission system'' defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.452	''Tampering'' defined	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.4525	''Test station'' defined	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.453	''Truck'' defined	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.454	''Used motor vehicle'' defined.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.455	''Van conversion'' defined.	10/1/83	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4553	''Vehicle inspection report'' defined.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4556	''Vehicle inspection report number'' defined.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.456	Severability	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Facilities for Inspection and Maintenance				
445B.460	Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.461, except for paragraph (3)(d).	Compliance by Federal Government, state agencies and political subdivisions.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*). NAC section 445B.461(3)(d) was deleted without replacement at 74 FR 3975 (1/22/09). See 40 CFR 52.1490(c)(71)(i)(A)(*3*).
445B.462	Test station: Application for license to operate; inspection of premises; issuance of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.463	Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.464	Test station: Hearing concerning denial, suspension or revocation of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.465	Authorized station or authorized inspection station: Requirements for bond or deposit.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.466	Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.467	Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.468	Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.469	Authorized station or authorized inspection station: Posting of signs and placards.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.470	Test station: Display of licenses; availability of reference information.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.471	Test station: Advertising; provision by Department of certain informational material for public.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.472	Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.473	Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.474	Test station: Failure to employ approved inspector.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.475	Authorized station or class 2 fleet station: Requirements for employees.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.476	Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.478	Fleet station: Licensing; powers and duties.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.480	Test station: Requirements concerning business hours.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Inspectors				
445B.485	Prerequisites to licensing.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.486	Examination of applicants for licensing.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.487	Denial of license	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.489	Grounds for denial, suspension or revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.490	Hearing on suspension or revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.491	Temporary suspension or refusal to renew license.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.492	Duration of suspension; surrender of license.	12/20/79	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.493	Limitation on reapplication after revocation or denial or license; surrender of revoked license; permanent revocation of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.495	Contents of license	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.496	Expiration of license	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.497	Requirements for renewal of license.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.498	Performance of emission inspection without license prohibited; expiration of license; license ratings.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4983	Issuance of access code to approved inspector; use of access code and identification number.	2/23/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.4985	Violations	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.499	Fees	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.501	Report of change in place of employment or termination of employment.	12/20/79	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.502	Submission of certificate of employment to report change.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Exhaust Gas Analyzers				
445B.5049	Connection to state electronic data transmission system.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.505	Availability of list of approved analyzers and their specifications.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5052	Approved analyzer: Use and equipment; deactivation by Department.	6/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5055	Revocation of approval of analyzer.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5065	Manufacturer of approved analyzer: Required warranty.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5075	Manufacturer of approved analyzer: Required services; administrative fine for violations.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Control of Emissions: Generally				
445B.575	Device to control pollution: General requirement; alteration or modification.	3/1/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.576	Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.	10/22/92	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.577	Devices used on stationary rails: Restrictions on visible emissions.	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.578	Exceptions to restrictions on visible emissions.	10/22/92	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.579	Inspection of vehicle: Devices for emission control required.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.580	Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5805	Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer.	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.581	Inspection of vehicle: Place and equipment for performance.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5815	Inspection of vehicle: Certified on-board diagnostic systems.	3/1/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.582	Repair of vehicle; reinspection or testing.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.583	Evidence of compliance: Purpose; records.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.584	Evidence of compliance: Purchase of vehicle inspection report numbers.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.585	Evidence of compliance: Issuance by approved inspector.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.586	Evidence of compliance: Return of fee.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.587	Test of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.588	Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment.	7/17/03	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
445B.589	Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5895	Dissemination of list of authorized stations.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.590	Waiver of standards for emissions.	5/14/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.591	Form for registration of vehicle in area where inspection of vehicle not required.	1/1/88	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.5915	Requirements for registration of vehicle temporarily being used and maintained in another state.	9/1/06	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.592	Applicability of certain standards for emissions and other requirements.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.593	Evidence of compliance required for certain vehicles based in Clark County.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.594	Evidence of compliance required for certain vehicles based in Washoe County.	10/31/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.595(1)	Inspections of vehicles owned by State or political subdivisions or operated on federal installations.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*). Subsection 2 was not included in the 7/3/08 approval of NAC 445B.595. Certain paragraphs of subsection (2) were approved at 74 FR 3975 (1/22/09).
445B.595(2) (a), (b), and (c).	Inspections of vehicles owned by State or political subdivisions or operated on federal installations.	9/13/95	74 FR 3975 (1/22/09)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*4*).
445B.596	Standards for emissions	8/21/02	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.598	Imposition and statement of fee for inspection and testing; listing of stations and fees.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.599	Prescription and notice of maximum fees for inspections and testing.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.600	Procedure for setting new fee.	9/13/95	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.601	Concealment of emissions prohibited.	1/10/78	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).

TABLE 1—EPA-APPROVED NEVADA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Restored Vehicles				
445B.6115	Exemption of vehicle from certain provisions.	7/27/00	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.6125	Certification of vehicle for exemption.	3/5/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Inspection of Test Stations and Approved Inspectors				
445B.7015	Annual and additional inspections.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7025	Alteration of emission control system of vehicle used to conduct inspection.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7035	Preliminary written notice of violation; reinspection of vehicle.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.7045	Administrative fines and other penalties for certain violations.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 445B, Air Controls, Emissions from Engines—Miscellaneous Provisions				
445B.727	Administrative fines and other penalties.	2/3/05	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
445B.735	Program for licensure to install, repair and adjust devices for control of emissions.	9/25/98	73 FR 38124 (7/3/08)	Most recently approved version was submitted on 5/11/07. See 40 CFR 52.1490(c)(71)(i)(A)(*2*).
Nevada Administrative Code, Chapter 590, Petroleum Products and Antifreeze, Fuels				
590.065 (excluding subsection (7)).	Adopted Regulation of the State Board of Agriculture LCB File No. R111–08. A regulation relating to fuel; adopting by reference a certain standard for gasoline published by ASTM International; providing exceptions; and providing other matters properly relating thereto.	1/28/10	75 FR 59090 (9/27/10)	See 40 CFR 52.1490(c)(74)(i)(B). As adopted by the Nevada Board of Agriculture. Submitted on 3/26/10 for inclusion into Appendix C of the 2008 Las Vegas Valley CO Maintenance Plan.

[1] Submitted.

TABLE 2—EPA-APPROVED LANDER COUNTY REGULATIONS

County citation	Title/Subject	County effective date	EPA approval date	Additional explanation
Lander County Ordinance LC 8–78.	Dust Ordinance	9/8/78	46 FR 21758 (4/14/81)	Was approved as part of the Lander County Air Quality Improvement Plan which was submitted on 12/29/78.

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 0	Definitions—Defined terms include: "Act," "Actual Emissions," " Actual Initial Start-Up Date," "Administrative Change," "Administrator," "Affected Source," "Affected States," "Affected Unit," "Aggrieved Party," "Agricultural Operations," "Airplane Refueling Area," "Air Pollution," "Air Quality Area," "Airshed Region," "Air Quality Planning Region," "Allowable Emissions," "Ambient Air," "Apex Valley," "Applicable Requirement," "Application Area," "Asbestos," "Attachment 1," Authority to Construct/Operating Permit Amendment," "Authority to Construct Certificate" or "Authority to Construct," "Banking," "Baseline," "Baseline Area," "Baseline Concentration," "Baseline Emissions," "Begin Actual Construction," "Best Available Control Technology," "Best Management Practices," "British Thermal Unit," "Building, Structure, Facility, or Installation," "Building Vent," "Chemical Process," "Clearing and Grubbing," "Combined Tank Capacity," "Combustible Refuse," "Commence," "Commercial and Residential Construction," "Complex Source," "Confidential Information," "Construction," "Construction Activity," "Control Measure,"	10/7/04	69 FR 54006 (9/7/04)	Submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
	''Control Officer,'' ''De Minimus Permit,'' ''Designated Representative,'' ''Designated Trail,'' ''Diesel Fuel,'' ''Dispatchable Peak Shaving,'' ''Disturbed Surface Area,'' ''Draft Permit,'' ''Dust Palliative,'' ''Dust Suppressant,'' ''Easement,'' ''Easement Holder,'' ''Electric Utility Steam Generating Unit,'' ''Eldorado Valley,'' ''Emergency,'' ''Emergency Standby Generator,'' ''Emergency Standby Diesel Powered Generator,'' ''Emission'' or ''Emit,'' ''Emission Reduction Credit (ERC),'' ''Emission Unit,'' ''Emissions Allowable Under the Permit,'' ''EPA,'' ''Ethanol,'' ''Exempt Stationary Source,'' ''Existing Emission Unit,'' ''Existing Stationary Source,'' ''Federal Land Manager,'' ''Federally Enforceable,'' ''Final Permit,'' ''Flood Control Construction,'' ''Freeboard Ratio,'' ''Fuel,'' ''Fuel Burning Equipment,'' ''Fuel Oil,'' ''Fugitive Dust,'' ''Fugitive Emissions,'' ''Fugitive Gas,'' ''Garbage,'' ''Gas,'' ''Gasoline,'' ''Gasoline Dispensing Facility,'' ''Gasoline Station,'' ''General Permit,'' ''Hazardous Air Pollutant,'' ''Hearing Board,'' ''Hearing Officer,'' ''Highly Volatile Solvent,'' ''Highway Construction,'' ''Hydrographic Basin Areas'' or			

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
	"Hydrographic Areas," "Incinerator," "Ivanpah Valley," "Large Appliances," "Las Vegas Valley," "Leak Free," "Low Organic Solvent Coating," "Lowest Achievable Emission Rate," "Major Modification," "Major Part 70 Source," "Major Source Baseline Date," "Major Stationary Source," "Malfunction," "Management Area," "Maximum Achievable Control Technology (MACT)," "Maximum Achievable Control Technology (MACT) Floor," "Methyl Tertiary Butyl Ether," "Modification," "Modified Emission Unit," "Motocross Race Course," "Motor Vehicle," "MTBE," "Multiple Chamber Incinerator," "Natural Cover," "Necessary Preconstruction Approvals or Permits," "Net Emissions Increase," "Nonattainment Area," "Non-Major Source Baseline Date," "Non-Metallic Mineral," "Non-Metallic Mineral Processing Plant," "Non-Road Easement," "Normal Farm Cultural Practice," "Nuisance," "Odor," "Off-Road Vehicle," "Offset," "Opacity," "Open Areas and Vacant Lots," "Open Fire," "Operating Permit," "Owner And/Or Operator," "Oxygenated Gasoline," "Part 70 Permit," "Part 70 Permit Modification," "Part 70 Permit Revision," "Part 70 Program," "Part 70 Source," "Particulate Matter," "Pave," "Permit for Construction Activities," "Permanent," "Person," "PM_{10} Nonattainment Area," "PM_{10}," "Potential to Emit," "Prevention of Significant Deterioration (PSD) Area," "Prevention of Significant Deterioration (PSD) Program,"			

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
	"Prime Coat," "Process Equipment," "Process Weight," "Proposed Permit," "PSD," "Public Road," "Quantifiable," "Reclaimed Water," "Reconstruction," "Registry" or "Bank," "Regulated Air Pollutant," "Renewal," "Representative of Alleged Violator," "Responsible Official," "Road Easement," "Secondary Emissions," "Section 502(B)(10) Changes," "Section 58 ERC Bank Certificate," "Significant Source," "Single Coat," "Slow Curing (SC)," "Stack," "Stage I," "Stage II," "State," "Stationary Source," "Surplus," "Temporary Stationary Source," "Top Coat," "Top Off," "Topsoil," "Total Suspended Particulates," "Toxic Chemical Substance (TCS)," "Trench," "Trigger Date," "Unpaved Parking Lot," "Upset/Breakdown," "Vacant Lot," "Vapor," "Vapor Control System," "Vapor Tight," "Various Locations Activity" or "Various Locations Permit (VLP)," "Volatile Organic Compound (VOC)," and "Waste."			
Section 1 ("Definitions"): Subsection 1.1.	Affected Facility	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.3.	Air Contaminant	12/28/79	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.6.	Air Pollution Control Committee.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.11.	Area Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.12.	Atmosphere	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.16.	Board	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.23.	Commercial Off-Road Vehicle Racing.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.26.	Dust	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.28.	Existing Facility	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.29.	Existing Gasoline Station	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 ("Definitions"): Subsection 1.30.	Fixed Capital Cost	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 1 (“Definitions”): Subsection 1.36.	Fumes	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.40.	Health District	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.41.	Hearing Board	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.44.	Integrated Sampling	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.50.	Minor Source	9/3/81	47 FR 26620 (6/21/82)	Submitted on 11/17/81. See 40 CFR 52/1490(c)(24)(iii).
Section 1 (“Definitions”): Subsection 1.51.	Mist	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.57.	New Gasoline Station	9/3/81	47 FR 26620 (6/21/82)	Submitted on 11/17/81. See 40 CFR 52/1490(c)(24)(iii).
Section 1 (“Definitions”): Subsection 1.58.	New Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.60.	NIC	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.70.	Point Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.78.	Shutdown	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): [unnumbered].	Significant	9/3/81	47 FR 26620 (6/21/82)	Submitted on 11/17/81. See 40 CFR 52/1490(c)(24)(iii).
Section 1 (“Definitions”): Subsection 1.81.	Single Source	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.83.	Smoke	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.84.	Source of Air Contaminant	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.85.	Special Mobile Equipment	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.87.	Standard Commercial Equipment.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.88.	Standard Conditions	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.89.	Start Up	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.91.	Stop Order	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.95.	Uncombined Water	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 1 (“Definitions”): Subsection 1.97.	Vapor Disposal System	12/28/78	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52/1490(c)(17)(i).
Section 2: Subsections 2.1, 2.2, and 2.3.	Air Pollution Control Board	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 4: Subsections 4.1–4.11 (excluding subsection 4.7.3).	Control Officer	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 4.7.3, submitted on 7/24/79, was superseded by approval of amended provision at 47 FR 26386 (6/18/82).
Section 4 (Control Officer): Subsection 4.7.3.	[related to authority of control officer].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 4 (Control Officer): Subsections 4.12, 4.12.1–4.12.3.	[related to public notification]	4/24/80	46 FR 43141 (8/27/81)	Submitted on 11/5/80. See 40 CFR 52.1490(c)(22)(i).
Section 5: Subsection 5.1.	Interference with Control Officer.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 6: Subsection 6.1.	Injunctive Relief	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 8: Subsections 8.1, 8.2.	Persons Liable for Penalties—Punishment; Defense.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 10	Compliance Schedules	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 11	Ambient Air Quality Standards.	10/21/03	69 FR 54006 (9/7/04)	Adopted on 10/7/03 and submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).
Section 12 (excluding subsections 12.2.18 and 12.2.20).	Preconstruction Review for New or Modified Stationary Sources.	10/7/04	69 FR 54006 (9/7/04)	Adopted on 10/7/03 and submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).
Section 16: Subsections 16.1–16.9.	Operating Permits	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 18: Subsections 18.1–18.5.2.	Registration/Permit Fees	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 23: Subsections 23.1–23.5 (excluding subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5).	Continuous Monitoring by Fossil Fuel-Fired Steam Generators.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5, submitted on 7/24/79, were superseded by revised subsections submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 23 (Continuous Monitoring by Fossil Fuel-Fired Steam Generators): Subsections 23.2.1–23.3.1.2, 23.3.4–23.3.5).	[related to specifications for continuous monitoring].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 24: Subsections 24.1–24.5.	Sampling and Testing—Records and Reports.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 25: Subsection 25.2.	Upset, Breakdown or Scheduled Maintenance.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 25.1, submitted on 7/24/79, was never approved into the SIP; see 40 CFR 52.1483 and 69 FR 54006, at 54017, 54018 (9/7/04).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 26: Subsections 26.1–26.3.	Emission of Visible Air Contaminants.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 27	Particulate Matter from Process Weight Rate.	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 28: Subsections 28.1 and 28.2.	Fuel Burning Equipment	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 29	Sulfur Contents of Fuel Oil ...	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 30: Subsections 30.1–30.7 (excluding subsection 30.4).	Incinerators	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 30.4 was superseded by amended version submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 30 (Incinerators): Subsection 30.4.	[exemptions for certain types of incinerators].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 30 (Incinerators): Subsection 30.8.	[related to maximum allowable emission rates].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 31	Reduction of Emission of Sulfur from Primary Non-Ferrous Smelters.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 32: Subsections 32.1, 32.2.	Reduction of Animal Matter ..	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 33	Chlorine in Chemical Processes.	5/18/84	51 FR 29923 (8/21/86)	Submitted on 1/11/85. See 40 CFR 52.1490(c)(i)(A). See also clarification at 69 FR 54006 (9/7/04)
Section 41: Subsections 41.1–41.4.	Fugitive Dust	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 42: Subsections 42.1, 42.3 and 42.4.	Open Burning	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii). Subsection 42.2 deleted without replacement—see 40 CFR 52.1490(c)(16)(viii)(C).
Section 50	Storage of Petroleum Products.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii).
Section 51	Petroleum Product Loading into Tank Trucks and Trailers.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii).
Section 52: Subsections 52.1–52.9 (excluding subsections 52.4.2.3 and 52.7.2).	Handling of Gasoline at Service Stations, Airports and Storage Tanks.	12/28/78	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ii). Subsections 52.4.2.3 and 52.7.2 were superseded by amended provisions submitted on 11/17/81 and approved at 47 FR 26386 (6/18/82).
Section 52 (Handling of Gasoline at Service Stations, Airports and Storage Tanks): Subsections 52.4.2.3 and 52.7.2.	[related to vapor recovery and sales information].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 53	Oxygenated Wintertime Gasoline.	6/3/03	69 FR 56351 (9/21/04)	Submitted on 11/10/03. See 40 CFR 52.1490(c)(52)(i)(A)(*1*). Superseded earlier version adopted on 9/25/97, submitted on 8/7/98, and approved at 64 FR 29573 (6/2/99).
Ordinance No. 3809	An Ordinance to Suspend the Applicability and Enforceability of All Provisions of Clark County Air Quality Regulation Section 54, the Cleaner Burning Gasoline Wintertime Program; and Provide for Other Matters Properly Relating Thereto.	9/29/09	75 FR 59090 (9/27/10)	See 40 CFR 52.1490(c)(74)(i)(A). Section 54 was suspended by the Clark County Board of County Commissioners through adoption of Ordinance No. 3809 on September 15, 2009. Submitted on 3/26/10 for inclusion into Appendix C of the 2008 Las Vegas Valley CO Maintenance Plan.
Section 58	Emission Reduction Credits	10/7/04	69 FR 54006 (9/7/04)	Adopted on 10/7/03 and submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).
Section 59 [excluding subsection 59.2 (''Local Offset Requirements''].	Emission Offsets	10/7/04	69 FR 54006 (9/7/04)	Adopted on 10/7/03 and submitted on 10/23/03. See 40 CFR 52.1490(c)(53)(i)(A)(*1*).
Section 60 (excluding subsections 60.4.2 and 60.4.3).	Evaporation and Leakage	6/28/79	46 FR 21758 (4/14/81)	Submitted on 9/18/79. See 40 CFR 52.1490(c)(17)(i). Subsections 60.4.2 and 60.4.3 were superseded by approval of amended provisions at 49 FR 10259 (3/20/84) and 47 FR 26386 (6/18/82).
Section 60: Subsection 60.4.2.	[General prohibition on use of cutback asphalt].	9/3/81	49 FR 10259 (3/20/84)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(vi).
Section 60: Subsection 60.4.3.	[Exceptions to subsection 60.4.2].	9/3/81	47 FR 26386 (6/18/82)	Submitted on 11/17/81. See 40 CFR 52.1490(c)(24)(iv).
Section 70: subsections 70.1–70.6.	Emergency Procedures	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 80	Circumvention	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 81	Provisions of Regulations Severable.	12/28/78	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(viii).
Section 90	Fugitive Dust from Open Areas and Vacant Lots.	12/17/02	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, and amended on 12/17/02. Submitted on 1/23/03. See 40 CFR 52.1490(c)(60)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 91	Fugitive Dust from Unpaved Roads, Unpaved Alleys and Unpaved Easement Roads.	11/20/01	69 FR 32273 (6/9/04)	Originally adopted on 6/22/00 and amended on 11/20/01. Submitted on 10/24/02. See 40 CFR 52.1490(c)(43)(i)(A)(*1*).
Section 92	Fugitive Dust from Unpaved Parking Lots, Material Handling & Storage Yards, & Vehicle & Equipment Storage Yards.	12/17/02	71 FR 63250 (10/30/06)	Originally adopted on 6/22/00, and amended on 12/17/02. Submitted on 1/23/03. See 40 CFR 52.1490(c)(60)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).

TABLE 3—EPA-APPROVED CLARK COUNTY REGULATIONS—Continued

County citation	Title/subject	County effective date	EPA approval date	Additional explanation
Section 93	Fugitive Dust from Paved Roads & Street Sweeping Equipment.	3/4/03 (amended)	71 FR 63250 (10/30/06) ...	Originally adopted on 6/22/00, amendments adopted on 3/4/03 made effective 3/18/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 94	Permitting & Dust Control for Construction Activities.	3/18/03 (amended)	71 FR 63250 (10/30/06) ...	Originally adopted on 6/22/00, amendments adopted on 3/18/03 made effective 4/1/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Section 94 Handbook	Construction Activities Dust Control Handbook.	4/1/03	71 FR 63250 (10/30/06) ...	Originally adopted on 6/22/00, and amended on 3/18/03. Submitted on 3/26/03. See 40 CFR 52.1490(c)(61)(i)(A)(*1*). Supersedes earlier version of rule approved at 69 FR 32273 (6/9/04).
Clark County Building Code, Section 3708.	Residential Wood Combustion Ordinance (Fireplace), No. 1249.	12/4/90	68 FR 52838 (9/8/03)	Adopted on 11/20/90, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*1*).

TABLE 4—EPA-APPROVED CITY OF LAS VEGAS REGULATIONS

City citation	Title/subject	City effective date	EPA approval date	Additional explanation
City of Las Vegas Building Code, Section 3708.	Residential Wood Combustion Ordinance (Fireplace), No. 3538.	11/21/90	68 FR 52838 (9/8/03)	Adopted on 11/21/90, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*2*).

TABLE 5—EPA-APPROVED CITY OF LAS VEGAS REGULATIONS

City citation	Title/subject	City effective date	EPA approval date	Additional explanation
City of North Las Vegas Building Code, Section 13.16.150.	Residential Wood Combustion Ordinance (Fireplace), No. 1020.	9/18/91	68 FR 52838 (9/8/03)	Adopted on 9/18/91, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*3*).

TABLE 6—EPA-APPROVED CITY OF HENDERSON REGULATIONS

City citation	Title/subject	City effective date	EPA approval date	Additional explanation
City of Henderson Building Code, Section 15.40.010.	Residential Wood Combustion Ordinance (Fireplace), No. 1697.	10/15/96	68 FR 52838 (9/8/03)	Adopted on 10/15/96, and submitted on 11/19/02. See 40 CFR 52.1490(c)(41)(i)(A)(*4*).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
		GENERAL DEFINITIONS		
010.000	Definitions	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.005	Air Contaminant	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.010	Air Pollution	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.011	Allowable emissions	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.014	Asphalt	5/23/79 (adopted)	46 FR 21758 (4/14/81).	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.015	Atmosphere	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.020	Board of Health	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.025	BTU—British Thermal Unit	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.028	Cold Cleaner	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.030	Combustion Contaminants	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.035	Combustible Refuse	2/1/72	38 FR 12702 (5/14/73).	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.040	Commercial Fuel Oil	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.045	Condensed Fumes	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.050	Control Equipment	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.055	Control Officer	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.057	Conveyorized Degreaser	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.059	Cut-back Asphalt	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.060	District Health Officer	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.065	Dusts	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.070	Emission	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.071	Freeboard height	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.072	Freeboard ratio	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.075	Fuel	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.080	Fuel Burning Equipment	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.085	Garbage	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.090	Gas	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.091	Gasoline	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.095	Health District	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.100	Hearing Board	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.105	Incinerator	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.106	Lowest Achievable Emission Rate.	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.107B	Major Emitting Facility Or Major Stationary Source (Nonattainment Areas).	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.108	Major Modification	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.110	Mist	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
010.116	Non Attainment Area	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.117	Non Attainment Pollutant	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.120	Nuisance	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.125	Odor	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.130	Opacity	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.135	Open Fire	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.136	Open Top Vapor Degreaser	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.140	Particulate Matter	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.145	Pathological Waste	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.117	Pellet Stove	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
010.148	Penetrating Prime Coat	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.149	Penetrating Seal Coat	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.150	Person	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.151	Potential to Emit	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.155	Process Weight	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.160	Process Weight Rate	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.165	Ringelmann Chart	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.166	Significant Ambient Impact	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.170	Smoke	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.175	Source	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.1751	Source Registration	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
010.180	Stack or Chimney	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.185	Standard Conditions	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
010.197	Volatile Organic Compound	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 4/24/79. See 40 CFR 52.1490(c)(16)(iii).
	GENERAL PROVISIONS			
020.005	Board of Health—Powers and Duties.	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.010	Injunctive Relief	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.015	Judicial Relief	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.025	Control Officer—Powers and Duties.	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.035	Violations of Regulations	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.040	Notice of Violation	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.045	Citation	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.050	Administrative Fines	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.055	Injunctive Relief	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.055	Confidential information	1/24/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
020.060	Interference with Performance of Duty.	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.070	Sampling and Testing	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.080	Circumvention	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.085	Upset, Breakdown or Scheduled Maintenance.	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.090	Registration of Sources	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
020.095	Severability	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
SOURCE REGISTRATION AND OPERATION				
030.000	Sources—General	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.005	[Authority to Construct must be issued before any building permit].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.010	[Limits on Issuance of Authorities to Construct].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.015	[Public notice requirement for major sources].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.025	Registration Application	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.030	[Limits on effect of acceptance of permit application or issuance of Authority to Construct].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.110	[modifications]	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.115(1), (5), and subsection (B).	[Additional requirements for major sources in general and specific additional requirements for major sources of nonattainment pollutants].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.120	[Violations and Stop Work Orders].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.1201	[Person served with Stop Work Order].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.205	[Registration Requirement]	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.210	[Issuance of Permits to Operate].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.215	[Limits on Meaning of Issuance of Permit to Operate].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.245	[Permit to Operate is not transferable].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.250	[Permit to Operate is subject to suspension or revocation for violation].	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
030.300	Fee and Fee Schedule	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.305	Plan Review Fees	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.310	[Permit to Operate—Schedule of Fees].	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3101	Fuel burning equipment	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3102	Incinerators	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3103	Storage tanks	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3104	Processes	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3105	Hazardous materials processes.	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
030.3107	[Fee for transfer]	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
030.3108	[Cost of replacement]	5/23/79 (adopted)	46 FR 43141 (8/27/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(ix).
PROHIBITED EMISSIONS				
040.005	Visible Air Contaminants	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
040.010	Particulate Matter	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.015	Specific Contaminants	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.020	Dust and Fumes	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.025	Exceptions	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.030	Dust Control	11/1/02	72 FR 25969 (5/8/07)	Adopted on 7/26/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(2).
040.031	Street Sanding Operations	2/27/02	71 FR 14386 (3/22/06)	Adopted on 2/27/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(1).
040.032	Street Sweeping Operations	2/27/02	71 FR 14386 (3/22/06)	Adopted on 2/27/02. Submitted on 8/5/02. See 40 CFR 52.1490(c)(55)(i)(A)(1).
040.035	Open Fires	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.040	Burning Permit Conditions	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.045	Refuse Disposal	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.050	Incinerator Emissions	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.051	Wood Stove/Fireplace Insert Emissions.	2/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
040.060	Sulfur Content of Fuel	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.065	Reduction of Animal Matter	2/1/72	38 FR 12702 (5/14/73)	Submitted on 6/12/72. See 40 CFR 52.1490(c)(2).
040.070	Storage of Petroleum Products.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.075	Gasoline Loading into Tank Trucks and Trailers.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.080	Gasoline Unloading from Tank Trucks and Trailers into Storage Tanks.	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.085	Organic Solvents	1/24/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.090	Cut-Back Asphalts	5/23/79 (adopted)	46 FR 21758 (4/14/81)	Submitted on 7/24/79. See 40 CFR 52.1490(c)(16)(iii).
040.095	Oxygen content of motor vehicle fuel.	9/22/05	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(69)(i)(A)(*1*).
[Related to 040.095].	Washoe County District Board of Health Meeting, September 22, 2005, Public Hearing—Amendments—Washoe County District Board of Health Regulations Governing Air Quality Management; to Wit: Rule 040.095 (Oxygen Content of Motor Vehicle Fuel).	9/22/05	73 FR 38124 (7/3/08)	See 52.1490(c)(69)(i)(A)(*1*)(*i*).
EMERGENCY EPISODE PLAN				
050.001	Emergency Episode Plan	3/23/06	72 FR 33397 (6/18/07)	Submitted on 5/5/06. See 40 CFR 52.1490(c)(63)(i)(A)(*1*).
060.010	Emergency Authority to Act	2/1/72	38 FR 12702 (5/14/73)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS—Continued

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
060.015	Sampling Stations and Air Sampling.	2/1/72	38 FR 12702 (5/14/73)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).
060.020	Reports	2/1/72	38 FR 12702 (5/14/73)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).
060.025	Continuing Program of Voluntary Cooperation.	2/1/72	38 FR 12702 (5/14/73)	Submitted on June 12, 1972. See 40 CFR 52.1490(c)(2).

(d) *EPA-approved State source-specific permits.*

[Reserved]

(e) *EPA-approved Nevada nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
AIR QUALITY IMPLEMENTATION PLAN FOR THE STATE OF NEVADA[1]				
Section 1—Legal authority.	State-wide	1/28/72	37 FR 10842 (5/31/72)	See 40 CFR 52.1490(b). Statutes approved into the SIP are listed at the end of this table.
Legal opinions concerning the plan.	State-wide	11/17/72	38 FR 12702 (5/14/73).	See 40 CFR 52.1490(c)(4).
Section 2—Control regulations.	State-wide, Clark County and Washoe County air districts, and certain city and county jurisdictions.	(*)	Not applicable	See paragraph (c) of 40 CFR 52.1470, above.
Section 3—Air quality data summary (excluding subsection 3.2).	State-wide	1/28/72	37 FR 10842 (5/31/72)	See 40 CFR 52.1490(b). An amended subsection 3.2 was submitted on 12/10/76 and approved at 43 FR 26932 (8/21/78).
Subsection 3.2 (SO_2 Data).	State-wide	12/10/76	43 FR 26932 (8/21/78)	Superseded subsection 3.2 from the original SIP. See 40 CFR 52.1490(c)(12).
Section 4—Emissions summary (excluding subsection 4.2).	State-wide	1/28/72	37 FR 10842 (5/31/72)	See 40 CFR 52.1490(b). An amended subsection 4.2 was submitted on 12/10/76 and approved at 43 FR 26932 (8/21/78).
Subsection 4.2 (Exceptions).	State-wide	12/10/76	43 FR 26932 (8/21/78)	Superseded subsection 4.2 from the original SIP. See 40 CFR 52.1490(c)(12).
Section 5—Control strategy (excluding subsection 5.1 and table 5.1).	State-wide	1/28/72	37 FR 10842 (5/31/72)	See 40 CFR 52.1490(b). Errata sheet correcting page 5–21 was submitted by Nevada on 4/26/72 and approved with the original SIP on 1/28/72. See 40 CFR 52.1490(c)(1). Subsection 5.1 and table 5.1 was superseded by amended provisions at 43 FR 26932 (8/21/78).
Subsection 5.1 (Approach).	State-wide	12/10/76	43 FR 26932 (8/21/78)	Superseded subsection 5.1 from the original SIP. See 40 CFR 52.1490(c)(12).
Table 5.1 (Classification of regions).	State-wide	12/10/76	43 FR 26932 (8/21/78)	Superseded table 5.1 from the original SIP. See 40 CFR 52.1490(c)(12).
Table 5.2 (Set 1 Pollutants).	Clark County	12/10/76	43 FR 26932 (8/21/78)	Specifies SO_2 control strategy analysis for Clark County. See 40 CFR 52.1490(c)(12).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Nevada State Implementation Plan for Interstate Transport to Satisfy the Requirements of Clean Air Act 110(a)(2)(D)(i) for the 8-hour Ozone and $PM_{2.5}$ NAAQS Promulgated in July 1997 (January 31, 2007).	State-wide	2/5/07	72 FR 41629 (7/31/07)	See 40 CFR 52.1490(c)(64)(i)(A)(*1*).
Mason Valley #108 (Yerington) and Fernley Area #76 Air Quality Implementation Plan.	Mason Valley and Fernley Area.	12/29/78	46 FR 21758 (4/14/81)	TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). TSP plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).
Letter from Michael L. Eckstein, P.E., Lyon County Engineer, 2/27/79.	Yerington and Fernley	7/24/79	46 FR 21758 (4/14/81)	Relates to paving schedule to reduce TSP emissions. See 40 CFR 52.1490(c)(16)(iv).
Lander County Air Quality Improvement Plan.	Lander County	12/29/78	46 FR 21758 (4/14/81)	TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). TSP plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).
Resolution, County of Lander, May 3, 1979.	Lander County	7/24/79	46 FR 21758 (4/14/81)	See 40 CFR 52.1490(c)(16)(iv).
Carson Desert (#101 (Fallon) Air Quality Implementation Plan.	Carson Desert	12/29/78	46 FR 21758 (4/14/81)	TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). TSP plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).
Letter from Ben T. Bartlett, P.E., City Engineer, City of Fallon, 12/20/78.	City of Fallon	7/24/79	46 FR 21758 (4/14/81)	Relates to paving schedule to reduce TSP emissions. See 40 CFR 52.1490(c)(16)(iv).
Winnemucca Segment (#70) Air Quality Implementation Plan.	Winnemucca Segment	12/29/78	46 FR 21758 (4/14/81)	TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). TSP plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).
Letter from Leslie F. Harmon, Councilman, City of Winnemucca, 11/11/79.	City of Winnemucca	7/24/79	46 FR 21758 (4/14/81)	Relates to paving schedule to reduce TSP emissions. See 40 CFR 52.1490(c)(16)(iv).
Redesignation Request and Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley.	Central Steptoe Valley, White Pine County.	2/14/95	67 FR 17939 (4/12/02)	Sulfur dioxide redesignation request and maintenance plan. See 40 CFR 52.1490(c)(39)(i)(A).
Supplement to Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley.	Central Steptoe Valley, White Pine County.	2/27/02	67 FR 17939 (4/12/02)	Supplement consists of a letter from Allen Biaggi, Administrator, NDEP, to Wayne Nastri, EPA Region IX Regional Administrator, dated 2/27/02. See 40 CFR 52.1490(c)(40)(i)(A).
Las Vegas Valley Air Quality Implementation Plan, 12/5/78.	Las Vegas Valley, Clark County.	12/29/78	46 FR 21758 (4/14/81)	Carbon monoxide, photochemical oxidant, and TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). The plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Two memoranda of understanding between Clark County, the Health District, and the Transportation Policy Committee.	Las Vegas Valley, Clark County.	7/24/79	46 FR 21758 (4/14/81) ...	Amendments to the Las Vegas Valley Air Quality Implementation Plan, 12/5/78. See 40 CFR 52.1490(c)(16)(v).
Air Quality Implementation Plan, Las Vegas Valley, Clark County, Nevada, Revised 11/18/80 (excluding Clark County Air Pollution Control Regulations).	Las Vegas Valley, Clark County.	4/4/81	47 FR 15790 (4/13/82) ...	Updates Las Vegas Valley Air Quality Implementation Plan, 12/5/78, for carbon monoxide, ozone and TSP to respond to conditions placed on approval. See 40 CFR 52.1490(c)(23)(i). Clark County air pollution control regulations were included as appendix C to the plan but were not approved as part of the plan.
Air Quality Implementation Plan, Las Vegas Valley, Clark County, Nevada, Update, 6/1/82.	Las Vegas Valley, Clark County.	6/23/82	49 FR 44208 (11/5/84) ...	Submitted as required in response to EPA's approval of request for extension of CO attainment date to 1987. See 40 CFR 52.1490(c)(32).
Air Quality Implementation Plan, Las Vegas Valley, Clark County, Nevada, Post 1982 Update, July 1984.	Las Vegas Valley, Clark County.	1/11/85	51 FR 29923 (8/21/86) ...	Submitted as required in response to EPA's approval of request for extension of ozone attainment date to 1987. In addition to the plan itself, the approval includes an emissions inventory for 1995, transmitted by letter dated 3/14/86. See 40 CFR 52.1490(c)(33)(i)(A).
Emissions Inventory for 1995.	Las Vegas Valley, Clark County.	3/14/86	51 FR 29923 (8/21/86) ...	Supplements the Air Quality Implementation Plan, Las Vegas Valley, Clark County, Nevada, Post 1982 Update, 7/84. See 40 CFR 52.1490(c)(33)(ii)(A).
PM–10 State Implementation Plan for Clark County, June 2001.	Las Vegas Valley, Clark County.	7/23/01	69 FR 32273 (6/9/04)	Adopted 6/19/01. PM–10 nonattainment plan. Approval covers chapter 3, chapter 4 (excluding pages 4–125 and 4–126), chapters 5 through 7, appendices A through E, appendix J, and appendices L through N. All rules and regulations approved in appendix G have been superseded by subsequent EPA approvals of amended regulations. See 40 CFR 52.1490(c)(42)(i)(A)(*1*).
Pages 4–125 and 4–126 and appendix R (of the PM–10 State Implementation Plan for Clark County).	Las Vegas Valley, Clark County.	11/19/02	69 FR 32273 (6/9/04)	Replacement pages and an additional appendix (i.e., Appendix R—Documentation on Residential Wood Combustion Control Measures'') to the PM–10 State Implementation Plan for Clark County. See 40 CFR 52.1490(c)(44)(i)(A)(*1*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
State of Nevada State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City, Nevada, revised March 1996.	Portions of Clark County	3/20/96	69 FR 56351 (9/21/04) ...	I/M SIP. Approval includes the cover page through page 15, appendix 1 (only the Nevada attorney general's opinion and memorandum dated 11/15/93 and 6/29/94, respectively), and appendices 2 and 9. See 40 CFR 52.1490(c)(46)(i)(A)(*1*).
NV2000 Analyzer Electronic Data Transmission Equipment Specifications (June 15, 2000).	Parts of Clark County	1/30/02	69 FR 56351 (9/21/04) ...	Included in approval of I/M program for Las Vegas Valley and Boulder City. See 40 CFR 52.1490(c)(48)(ii)(A)(*1*).
Contract between Nevada Department of Motor Vehicles and MD LaserTech for on-road testing services, dated January 15, 2002.	Parts of Clark County	6/4/02	69 FR 56351 (9/21/04) ...	Included in approval of I/M program for Las Vegas Valley and Boulder City. See 40 CFR 52.1490(c)(49)(ii)(A)(*1*).
Carbon Monoxide State Implementation Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada, August 2000.	Las Vegas Valley, Clark County.	8/9/00	69 FR 56351 (9/21/04) ...	CO nonattainment plan. Adopted on 8/1/00. Approval includes the following sections within which certain exceptions are noted but excluding all sections not specifically cited: chapters 1 through 8 (with the exception of chapter 7, subsection 7.2.2, ''Contingency Measures''); appendix A, ''Emissions Inventory'', sections 1 through 7, and section 8-''Annexes'' (with the exception of appendix E, ''Quality Assurance/Quality Control''); appendix B, ''Transportation Documentation'', section 1; appendix D, ''Regulations, Policies and Public Participation Documentation'', section 1-''Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation'' (with the exception of District Board of Health of Clark County Air Pollution Control Regulations section 54 as adopted on April 22, 1999), section 2, section 3, section 4-''Nevada Administrative Code, Chapter 445B: Technician Training and Licensing'' (with the exception of NAC 445B.485–445B.487, 445B.489–445B.493, and 445B.495–445B.498), and sections 5 through 9; and appendix E, ''Supplemental Technical Support Documentation'', sections 1 through 4, and 7. See 40 CFR 52.1490(c)(47)(i)(A)(*1*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, October 2005.	Las Vegas Valley, Clark County.	2/14/06	71 FR 44587 (8/7/06)	Update to 2000 CO nonattainment plan. Adopted by Clark County on 10/4/05. Approval did not include section 7.3 (page 7–2), ''Mobile Source Emissions Budget''). See 40 CFR 52.1490(c)(57)(i)(A)(*1*).
Section 7.3 (page 7–2), ''Mobile Source Emissions Budget'') of the Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada.	Las Vegas Valley, Clark County.	5/12/06	71 FR 44587 (8/7/06)	Replacement section for 2005 CO Plan. Adopted by Clark County on 5/2/06. See 40 CFR 52.1490(c)(58)(i)(A)(*1*).
Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (September 2008), excluding the appendices.	Las Vegas Valley, Clark County.	9/18/08	75 FR 59090 (9/27/10) ...	See 40 CFR 52.1490(c)(73)(ii)(B).
Resolution of the Clark County Board of Commissioners Adopting the Clark County Carbon Monoxide Redesignation Request and Maintenance Plan, adopted by the Clark County Board of Commissioners on September 2, 2008.	Las Vegas Valley, Clark County.	9/18/08	75 FR 59090 (9/27/10) ...	See 40 CFR 52.1490(c)(73)(ii)(A).
Letter from Anthony Lesperance, Director, Nevada Department of Agriculture, to Lewis Wallenmeyer, Director, Clark County Department of Air Quality and Environmental Management, dated June 22, 2010.	Las Vegas Valley, Clark County.	8/30/10	75 FR 59090 (9/27/10) ...	See 40 CFR 52.1490(c)(75). Letter sets forth the Nevada Department of Agriculture's commitment to seek reinstatement of the Low RVP wintertime gasoline requirement in Clark County if necessary under the Las Vegas Valley Carbon Monoxide Maintenance Plan to address future carbon monoxide violations.
Clark County Transportation Conformity Plan (January 2008).	Portions of Clark County	4/1/08	73 FR 66182 (11/7/08) ...	40 CFR 52.1490(c)(72)(i)(A).
Correspondence dated March 6, 2007 from the Nevada Department of Motor Vehicles to the Nevada Division of Environmental Protection.	Portions of Clark County and Washoe County.	5/11/07	73 FR 38124 (7/3/08)	The letter describes an upgrade to the NV2000 emission analyzer to make emissions testing possible on motor vehicles containing a certified on-board diagnostic system which uses controller area network communication. See 40 CFR 52.1490(c)(71)(ii)(A)(*1*).
Truckee Meadows Air Quality Implementation Plan, 12/6/78.	Truckee Meadows, Washoe County.	12/29/78	46 FR 21758 (4/14/81) ...	Carbon monoxide, photochemical oxidant, and TSP nonattainment plan. See 40 CFR 52.1490(c)(14)(iii). The plan was approved with conditions, but conditions were revoked at 47 FR 15790 (4/13/82).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Request for Extension of the CO Attainment Date for the Truckee Meadows CO Nonattainment Area.	Truckee Meadows, Washoe County.	8/19/80	46 FR 45605 (9/14/81) ...	See 40 CFR 52.1490(c)(20).
Resolution of the Washoe Council of Governments adopted 8/28/81 and Endorsement of the State Environmental Commission dated 10/15/81.	Truckee Meadows, Washoe County.	11/17/81	47 FR 15790 (4/13/82) ...	Commitments satisfy a condition placed on approval of the 1978 Truckee Meadows Air Quality Implementation Plan. See 40 CFR 52.1490(c)(24)(ii).
Truckee Meadows Air Quality Implementation Plan (AQIP), 1982 Update (Revised).	Truckee Meadows, Washoe County.	9/14/83	49 FR 31683 (8/8/84)	CO nonattainment plan. Attainment and RFP demonstrations and the Legally Enforceable Measures portions of the plan were not included in the approval. See 40 CFR 52.1490(c)(26)(ii).
Maintenance Plan for the Washoe County 8-Hour Ozone Attainment Area (April 2007), excluding appendices.	Washoe County	5/30/07	73 FR 3389 (1/18/08)	CAA section 110(a)(1) maintenance plan. See 40 CFR 52.1490(c)(65)(i)(A)(*1*).
Redesignation Request and Maintenance Plan for the Truckee Meadows Carbon Monoxide Non-Attainment Area (September 2005), excluding appendices B, C, and D.	Truckee Meadows, Washoe County.	11/4/05	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(69)(i)(A)(*2*).
Basic I/M Performance Standard.	Portions of Washoe County.	11/2/06	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(70)(i)(A)(*1*) and (c)(70)(ii)(A)(*1*).
Washoe County District Board of Health Meeting, September 28, 2006, Public Hearing-State Implementation Plan (SIP).	Portions of Washoe County.	11/2/06	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(70)(i)(A)(*1)(i*). ''Basic Program-Inspection and Maintenance (I/M) of Motor Vehicles—Truckee Meadows Planning Area, Nevada;'' to Wit: Basic Inspection and Maintenance (I/M) Performance Standard.
State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), including the cover page through page 9, appendix 1, appendix 2 (only the certificate of compliance and Nevada attorney general's opinion), and appendices 3, 6, 8, and 10.	Portions of Washoe County.	6/3/94	73 FR 38124 (7/3/08)	See 40 CFR 52.1490(c)(68).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Lake Tahoe Basin Nonattainment Area Plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	7/24/79	47 FR 27065 (6/23/82) ...	Carbon monoxide nonattainment plan. Also, includes elements related to photochemical oxidant. See 40 CFR 52.1490(c)(16)(vii). The plan was approved with conditions, but conditions were revoked at 49 FR 6897 (2/24/84).
Amendments to the Lake Tahoe Basin Nonattainment Area Plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	12/9/82	49 FR 6897 (2/24/84)	Submitted in response to conditions placed on approval of 1979 Lake Tahoe Plan. Amendments include: (i) Emission reduction estimates and/or changes in vehicular activity for the adopted control measures; (ii) A modeling analysis indicating 1982 attainment; (iii) Documentation of the modeling analysis including air quality, traffic and meteorological data; (iv) Evidence of implementation and/or future commitments for the adopted control measures; and (v) Appendix of previous reports, measured data and other official correspondence including: (A) Resource commitments from the responsible agencies for implementing the RFP, (B) 1979 and 1980 Annual Reports for the Lake Tahoe Air Basin, and (C) 1981 Nevada Air Quality Report. See 40 CFR 52.1490(c)(27).
Amendments to the Lake Tahoe Basin Nonattainment Area Plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	12/16/82	49 FR 6897 (2/24/84)	Submitted in response to conditions placed on approval of 1979 Lake Tahoe Plan. Amendments include: (i) Additional evidence of commitment to the control evidence by the responsible state and/or local agencies; and (ii) Additional supporting documentation for the 1982 attainment modeling analysis which included revised technical data on measured and modeled CO traffic volumes, and a revised narrative on the calibration constant and the impacts to the model. See 40 CFR 52.1490(c)(28).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Amendments to the Lake Tahoe Basin Nonattainment Area Plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	1/28/83	49 FR 6897 (2/24/84)	Submitted in response to conditions placed on approval of 1979 Lake Tahoe Plan. Amendments include: (i) Response to EPA's preliminary evaluation, specifying documentation for calibrating the model, the mobile source emission factors, and additional traffic data; (ii) Conversion factors for the model; and (iii) A revised 1982 attainment modeling analysis and supporting documentation including: (A) 1979, 1980–82 traffic data for the Stateline Area, (Appendix A); (B) Stateline Cold Start/Hot Start Analysis, (Appendix B); (C) Portions of the Highway 50 Corridor Study, June 1979 (Appendix C); (D) Reference from Transportation and Traffic Engineering Handbook, (1979), (Appendix D); and (E) Revised Caline 3 and Mobile 2 modeling analysis using both 27% and 50% cold start factors, (Appendix E). See 40 CFR 52.1490(c)(29).
Amendments to the Lake Tahoe Basin Nonattainment Area Plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	5/5/83	49 FR 6897 (2/24/84)	Submitted in response to conditions placed on approval of 1979 Lake Tahoe Plan. Amendments include: (i) ''Stateline, Nevada, 1983 Carbon Monoxide Study''—a traffic, ambient air monitoring and predictive modeling report; and (ii) A revised analysis of the Caline 3 model verifying 1982 attainment, based on data collected in February and March 1983. See 40 CFR 52.1490(c)(30).
Carbon Monoxide Redesignation Request and Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, October 2003.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	10/27/03	68 FR 69611 (12/15/03)	Adopted on 9/18/03. See 40 CFR 52.1490(c)(45)(i)(A)(*1*). Approval includes: *(1)* Attainment year (2001) emissions inventory, monitoring network and verification of continued attainment, and contingency plan, including commitments to follow maintenance plan contingency procedures by the Nevada Division of Environmental Protection, the Tahoe Metropolitan Planning Organization, the Nevada Department of Transportation, and the Washoe County District Health Department.

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Transmittal Letter for the Carbon Monoxide Redesignation Request and Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, October 2003.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	10/27/03	68 FR 69611 (12/15/03)	See 40 CFR 52.1490(c)(45)(i)(B). Includes a State commitment to track CO concentrations and to adopt, submit as a SIP revision, and implement expeditiously any and all measures to achieve the level of CO emissions reductions needed to maintain the CO NAAQS in the event that an exceedance of the CO NAAQS is monitored, and to work with the involved jurisdictions to ensure that sufficient measures are adopted and implemented in a timely fashion to prevent a violation.
Addendum to the October 27, 2003 letter of transmittal of the redesignation request and maintenance plan.	Nevada portion of Lake Tahoe Basin—portions of Carson City, Douglas and Washoe counties.	10/27/03	68 FR 69611 (12/15/03)	See 40 CFR 52.1490(c)(45)(i)(C). Includes emissions projections for on-road motor vehicles through 2016.
Section 6—Emergency episode plan (excluding subsections 6.1.4, 6.5.2.2; tables 6.1, 6.2 and 6.3; Air Pollution Episode Notice and; Episode Communication Checklist).	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b). Subsections 6.1.4, 6.5.2.2; tables 6.1, 6.2 and 6.3; Air Pollution Episode Notice and; Episode Communication Checklist from the original SIP were superseded by amended provisions approved at 45 FR 46384 (7/10/80).
Subsections 6.1.4 (Emergency Episode Criteria) and 6.5.2.2 (Episode Actions); table 6.1 (Episode stage definitions), table 6.2 (Stage 1 episode, Stage 2 episode, and Stage 3 episode), and table 6.3 (Source list); Air Pollution Episode Notice and; Episode Communication Checklist.	State-wide	12/29/78	45 FR 46384 (7/10/80) ...	Amends provisions from original SIP. See 40 CFR 52.1490(c)(14)(i).
Section 7—Compliance schedule.	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b).
Section 8—Source surveillance.	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b).
Section 9—Review of new sources and modifications.	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b).
Section 10—State of Nevada Ambient Air Quality Monitoring and Surveillance.	State-wide	6/24/80	46 FR 40512 (8/10/81) ...	See 40 CFR 52.1490(c)(19)(i).
Section 11—Intergovernmental relations.	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b).
Section 12—Resources ..	State-wide	1/28/72	37 FR 10842 (5/31/72) ...	See 40 CFR 52.1490(b).
State Implementation Plan Revision for Lead.	State-wide	11/17/81	48 FR 6105 (2/10/83)	Lead (Pb) SIP. See 40 CFR 52.1490(c)(24)(v).
State Implementation Plan Revision for Ambient Lead in Las Vegas Valley, Clark County, Nevada, 2/11/80.	Las Vegas Valley, Clark County.	6/24/80	47 FR 28374 (6/30/82) ...	Lead (Pb) SIP. See 40 CFR 52.1490(c)(19)(iii).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Adopted Lead Implementation Plan for the Truckee Meadows Basin, 4/26/84.	Truckee Meadows, Washoe County.	5/30/84	49 FR 26736 (6/29/84) ...	Lead (Pb) SIP. See 40 CFR 52.1490(c)(31)(i).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	State-wide	6/28/94	61 FR 4901 (2/9/96)	See 40 CFR 52.1490(c)(34)(i)(A).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	State-wide	7/5/95	61 FR 4901 (2/9/96)	See 40 CFR 52.1490(c)(35)(i)(A).
Nevada Revised Statutes, Title 0, Preliminary Chapter—General Provisions				
0.039	''Person'' defined	3/24/06	71 FR 51766 (08/31/06)	See 40 CFR 52.1490(c)(59)(i)(A)(*1*).
Nevada Revised Statutes, Title 32, Revenue and Taxation, Chapter 365, Taxes on Certain Fuels for Motor Vehicles and Aircraft				
365.060	''Motor vehicle fuel'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 32, Revenue and Taxation, Chapter 366, Tax on Special Fuel				
366.060	''Special fuel'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: General Provisions				
445B.105	Definitions	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.110	''Air contaminant'' defined.	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.115	''Air pollution'' defined	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.120	''Commission'' defined ...	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.125	''Department'' defined	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.130	''Director'' defined	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.135	''Federal Act'' defined	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.140	''Hazardous air pollutant'' defined.	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.145	''Operating permit'' defined.	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.150	''Person'' defined	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.155	''Source'' and ''indirect source'' defined.	1/12/06	71 FR 51766 (8/31/06) ...	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: State Environmental Commission				
445B.200	Creation and composition; chairman; quorum; compensation of members and employees; disqualification; technical support.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.205	Department designated as State Air Pollution Control Agency.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.210	Powers of commission	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.220	Additional powers of commission.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.225	Power of commission to require testing of sources.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.230	Powers and duties of department.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.235	Additional powers of department.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.240	Power of representatives of department to enter and inspect premises.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.245	Power of department to perform or require test of emissions from stacks.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: Local Hearing Board				
445B.275	Creation; members; terms.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.280	Attendance of witnesses at hearing; contempt; compensation.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Chapter 445B, Air Pollution: Provisions for Enforcement				
445B.300	Operating permit for source of air contaminant; notice and approval of proposed construction; administrative fees; failure of commission or department to act.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.310	Limitations on enforcement of federal and state regulations concerning indirect sources.	6/26/07	74 FR 15219 (4/3/09)	Nevada Revised Statutes (2003). See 40 CFR 52.1470(c)(66)(i)(A)(*4*).
445B.320	Approval of plans and specifications required before construction or alteration of structure.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.340	Appeals to commission: notice of appeal.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.350	Appeals to commission: hearings.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
445B.360	Appeals to commission: appealable matters; action by commission; regulations.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: Violations				
445B.450	Notice and order by director; hearing; alternative procedures.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.460	Injunctive relief	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: Program for Control of Air Pollution				
445B.500	Establishment and administration of program; contents of program; designation of air pollution control agency of county for purposes of federal act; powers and duties of local air pollution control board; notice of public hearings; delegation of authority to determine violations and levy administrative penalties; cities and smaller counties; regulation of certain electric plants prohibited.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.510	Commission may require program for designated area.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.520	Commission may establish or supersede county program.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.530	Commission may assume jurisdiction over specific classes of air contaminants.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.540	Restoration of superseded local program; continuation of existing local program.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: Miscellaneous Provisions				
445B.560	Plan or procedure for emergency.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.570	Confidentiality and use of information obtained by Department; penalty.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.580	Officer of Department may inspect or search premises; search warrant.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
445B.595	Governmental sources of air contaminants to comply with state and local provisions regarding air pollution; permit to set fire for training purposes; planning and zoning agencies to consider effects on quality of air.	1/12/06	71 FR 51766 (8/31/06)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*4*).
445B.600	Private rights and remedies not affected.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
445B.610	Provisions for transition in administration.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Air Pollution: Penalties				
445B.640	Levy and disposition of administrative fines; additional remedies available; penalty.	1/12/06	72 FR 11 (01/03/07)	Nevada Revised Statutes (2003). See 40 CFR 52.1490(c)(56)(i)(A)(*8*).
Nevada Revised Statutes, Title 40, Public Health and Safety, Chapter 445B, Air Pollution: Control of Emissions from Engines				
445B.700	Definitions	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.705	''Approved inspector'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.710	''Authorized inspection station'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.715	''Authorized maintenance station'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.720	''Authorized station'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.725	''Commission'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.730	''Evidence of compliance'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.735	''Fleet station'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.737	''Heavy-duty motor vehicle'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.740	''Light-duty motor vehicle'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.745	''Motor vehicle'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.747	''Motor vehicle fuel'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.750	''Passenger car'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.755	''Pollution control device'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
445B.757	''Special fuel'' defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.758	''Used motor vehicle'' defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.759	Inapplicability to military tactical vehicles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.760	Authority of Commission to prescribe standards for emissions from mobile internal combustion engines; trimobiles; standards pertaining to motor vehicles to be approved by Department of Motor Vehicles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.765	Information concerning program for control of emissions from motor vehicles: Collection, interpretation and correlation; public inspection.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.770	Regulations of Commission: Control of emissions from motor vehicles; program for inspection and testing of motor vehicles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.775	Regulations of Commission: Requirements for licensing of stations by Department of Motor Vehicles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.780	Program for regulation of emissions from heavy-duty motor vehicles; equipment used to measure emissions; waiver from requirements of program.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.785	Regulations of Department of Motor Vehicles: Licensing of stations; performance of inspection and issuance of evidence of compliance; diagnostic equipment; fee, bond or insurance; informational pamphlet; distribution.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.790	Regulations concerning inspection of stations; grounds for denial, suspension or revocation of license of inspector or station.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.795	Compulsory program for control of emissions: Limitations.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
445B.798	Authority of Department of Motor Vehicles, in larger counties, to conduct test of emissions from motor vehicle being operated on highway.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.800	Evidence of compliance: Requirements for registration, sale or long-term lease of used vehicles in certain counties.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.805	Evidence of compliance: Exemptions from requirements.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.810	State Department of Conservation and Natural Resources to provide assistance.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.815	Evidence of compliance: Duty of employees and agents of Department of Motor Vehicles; submission by owner or lessee of fleet.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.820	Installation and inspection of pollution control device.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.825	Exemption of certain classes of motor vehicles; waiver from provisions of NRS 445B.770 to 445B.815, inclusive.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.830	Fees to be paid to Department of Motor Vehicles; Pollution Control Account; expenditure of money in Account; quarterly distributions to local governments; annual reports by local governments; grants; creation and duties of advisory committee; submission and approval of proposed grants.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.832	Surcharge for electronic transmission of information: Authority to impose; inclusion as separate entry on form certifying emission control compliance; definition.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.834	Additional fee for form certifying emission control compliance: Retention of portion of fee by station performing inspection; definition.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.835	Administrative fine; hearing; additional remedies to compel compliance.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
445B.840	Unlawful acts	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
445B.845	Criminal penalty; enforcement of provisions by peace officer; mitigation of offense.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 481, Administration of Laws Relating to Motor Vehicles: Department of Motor Vehicles				
481.019	Creation; powers and duties.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.023	Administration of laws by Department; exceptions.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.027	General functions of Department of Motor Vehicles and Department of Transportation respecting state highways.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.031	Office of Director of Department created.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.035	Director of Department: Appointment; classification; other employment prohibited; employment of deputies and staff.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.047	Appointment of personnel.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.0473	Divisions of Department	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.0475	Duties of Administrative Services Division.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.048	Division of Compliance Enforcement: Appointment and duties of investigators.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.0481	Section for Control of Emissions From Vehicles and Enforcement of Matters Related to Use of Special Fuel: Creation; appointment and duties of investigators, officers and technicians.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.051	Powers and duties of Director: Generally.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.0515	Powers and duties of Director: References to names of persons in documents and records.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.052	Powers and duties of Director: Adoption of definition of 'seasonal resident' by regulation.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
481.0535	Powers and duties of Director: Expenditure of appropriations to assist certain entities to purchase and obtain evidence; receipt and safekeeping of money.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.055	Department to keep main office in Carson City; maintenance of branch offices.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.057	Offices of Department: Extended hours of operation.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.063	Collection and deposit of fees for publications of Department and private use of files and records of Department; limitations on release and use of files and records; regulations.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.065	Acceptance of donations for programs for traffic safety.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.079	Money collected to be deposited in Motor Vehicle Fund; exception; dishonored payments; adjustment of deposits.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.081	Arrearage in tax, fee or assessment administered by Department: Department authorized to file certificate; certificate as lien; extension of lien.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.082	Arrearage in tax, fee or assessment administered by Department: Release or subordination of lien; certificate issued by Department as conclusive evidence.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.083	Money for administration of chapter; claims.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
481.087	Administrative expenses deemed cost of administration of operation of motor vehicles on public highways.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases				
482.029	Electric personal assistive mobility device defined.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases—Administration				
482.155	Enforcement of provisions of chapter by Department, its officers and peace officers.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
482.160	Administrative regulations; branch offices; appointment of agents and designation of county assessor as agent; compensation of certain agents.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.162	Department to adopt regulations setting forth criteria for determination of whether person is farmer or rancher; presentation of evidence to Department.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.165	Director to provide forms	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.170	Records of Department concerning registration and licensing.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.171	List of registered owners to be provided for selection of jury; reimbursement of Department.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.173	Schedule for retention and disposition of certain records of Department.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.175	Validity of registration: Powers and duties of Department and registered dealers.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.180	Motor Vehicle Fund: Creation: deposits; interest and income; dishonored payments; distribution of money collected for basic governmental services tax; transfers.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.1805	Revolving Account for Issuance of Special License Plates: Creation; deposit of certain fees; use of money in Account; transfer of excess balance to State Highway Fund.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.181	Governmental services taxes: Certification of amount collected each month; distribution.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.183	Motor Vehicle Revolving Account: Creation; use; deposits.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.186	Certain odometers deemed to register mileage reflected on odometer plus 100,000 miles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.187	Department authorized to enter into written agreements for periodic payment of delinquent taxes or fees; regulations.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
482.188	Waiver of penalty or interest for failure timely to file return or pay tax, penalty or fee in certain circumstances.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases—Original and Renewal of Registration				
482.205	Registration required for certain vehicles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.206	Periods of registration for motor vehicles; exceptions.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.208	Registration of leased vehicles by long-term lessor or long-term lessee.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.210	Exemptions from registration.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.215	Application for registration.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.216	Department may authorize new vehicle dealer to accept applications for registration and transfer of registration of new motor vehicles and to issue certificates of registration; duties of dealer; prohibited acts; regulations.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.220	Application for specially constructed, reconstructed, rebuilt or foreign vehicle; certificate of inspection; charge for inspection.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.225	Collection of sales or use tax upon application for registration of certain vehicles purchased outside this State; payment of all applicable taxes and fees required for registration; refund of tax erroneously or illegally collected.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.230	Grounds requiring refusal of registration.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.235	Registration indexes and records; assignment of registration number by registered dealer.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.240	Issuance of certificates of registration and title by Department or registered dealer; period of validity of certificate.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.245	Contents of certificates of registration and title.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
482.255	Placement of certificate of registration; surrender upon demand of peace officer, justice of the peace or deputy of Department; limitation on conviction.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.260	Duties of Department of Motor Vehicles and its agents relative to registration of vehicle; issuance of certificate of title; fees and taxes.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.265	License plates issued upon registration; stickers, tabs or other devices issued upon renewal of registration; return of plates; fee for and limitations on issuance of special license plates.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.266	Manufacture of license plates substantially similar to license plates issued before January 1, 1982: Written request; fee; delivery; duties of Department; retention of old plates authorized if requested plates contain same letters and numbers.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.267	License plates: Production at facility of Department of Corrections.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.268	License plates: Additional fee for issuance; deposit of fee.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.270	License plates: General specifications; redesign; configuration of special license plates designed, prepared and issued pursuant to process of direct application and petition.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.2703	License plates: Samples; form; fee; penalty.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.2705	License plates: Passenger cars and trucks.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.271	License plates: Decals; fees.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.2715	License plates: Registrant entitled to maintain code if continuously renewed; exceptions; issuance of replacement plates with same code after expiration of registration; fee.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

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Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
482.2717	License plates to be issued to automobile wreckers and operators of salvage pools.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.272	License plates: Motorcycles.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.274	License plates: Trailers	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.275	License plates: Display	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.280	Expiration and renewal of registration.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.2805	Department not to renew registration if local authority has filed notice of nonpayment pursuant to NRS 484.444; fee for service performed by Department.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.2807	Requirements for registration if local government has filed notice of nonpayment pursuant to NRS 484.444.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.281	Authority of Department of Motor Vehicles to allow authorized inspection station or authorized station to renew certificates of registration; adoption of regulations.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.283	Change of name or place of residence: Notice to Department required; timing and contents of notice.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.285	Certificates, decals and number plates: Illegibility, loss, mutilation or theft; obtaining of duplicates or substitutes; fees and taxes.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
482.290	Assignment and recording of new number for identification of vehicle if old number destroyed or obliterated; fee; penalty for willful defacement, alteration, substitution or removal of number with intent to defraud.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases—Permits for Unregistered Motor Vehicles				
482.385	Registration of vehicle of nonresident owner not required; exceptions; registration of vehicle by person upon becoming resident of this State; penalty; taxes and fees; surrender or nonresident license plates and registration certificate; citation for violation.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases—Cancellation of Registration				
482.461	Failure of mandatory test of emissions from engines; notification; cost of inspection.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes, Title 43, Public Safety; Vehicles; Watercraft; Chapter 482, Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases—Penalties				
482.565	Administrative fines for violations other than deceptive trade practices; injunction or other appropriate remedy; enforcement proceedings.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Revised Statutes (2005), Title 43, Public Safety; Vehicles; Watercraft; Chapter 484, Traffic Laws—Other Equipment				
484.101	Passenger car defined	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
484.644	Device for control of pollution: Use required; disconnection or alteration prohibited; exceptions.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
484.6441	Device for control of pollution: Penalty; proof of conformity may be required.	5/11/07	73 FR 38124 (7/3/08)	Nevada Revised Statutes (2005). See 40 CFR 52.1490(c)(71)(i)(A)(*1*).
Nevada Regional Haze State Implementation Plan (October 2009), excluding the BART determination and the associated emission limits for NO_X at Reid Gardner Generating Station in sections 5.5.3, 5.6.3 and 7.2.	State-wide	11/18/09	77 FR 17334, 3/26/12	Excluding Appendix A (''Nevada BART Regulation''). The Nevada BART regulation, including NAC 445B.029, 445B.22095, and 445B.22096, is listed above in 40 CFR 52.1470(c).

* Not applicable.

[1] The organization of this table generally follows from the organization of the State of Nevada's original 1972 SIP, which was divided into 12 sections. Nonattainment and maintenance plans, among other types of plans, are listed under Section 5 (Control Strategy). Lead SIPs and Small Business Stationary Source Technical and Environmental Compliance Assistance SIPs are listed after Section 12 followed by nonregulatory or quasi-regulatory statutory provisions approved into the SIP. Regulatory statutory provisions are listed in 40 CFR 52.1470(c).

[77 FR 14864, Mar. 13, 2012, as amended at 77 FR 17340, Mar. 26, 2012]

§52.1471 Classification of regions.

The Nevada plan is evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Las Vegas Intrastate	I	IA	III	I	I
Northwest Nevada Intrastate	I	III	III	III	III
Nevada Intrastate	IA	IA	III	III	III

[45 FR 7545, Feb. 4, 1980]

§52.1472 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Nevada's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act.

(b) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph.

(1) Mason Valley/Fernley Area for TSP.

(2) Lower Reese River Valley/Clovers Area for TSP.

(3) Carson Desert for TSP.

(4) Winnemucca Segment for TSP.

(5) Truckee Meadows for TSP and CO.

(6) Las Vegas Valley for TSP and CO.

(7) Lake Tahoe Basin for CO.

(c) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in the 1977, for the nonattainment areas listed in this paragraph. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the State Implementation Plan (SIP) depends on the adoption and submittal by January 1, 1981 of reasonably available control technology (RACT) requirements for sources covered by Control Technique Guidelines (CTG's) published between January 1978 and January 1979.

(1) Truckee Meadows for O_3.

(2) Las Vegas Valley for O_3.

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 27069, June 23, 1982]

§52.1473 General requirements.

(a) The requirements of §51.116(c) of this chapter are not met in Washoe County, since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public. In addition, Chapter 020.065 of the ''Air Pollution Control Regulations'' of the District Board of Health of Washoe County in the Northwest Nevada Intrastate Region is disapproved since it contains provisions which restrict the public availability of emission data as correlated with applicable emission limitations and other control measures.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of

the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[37 FR 10878, May 31, 1972, as amended at 37 FR 15086, July 27, 1972; 38 FR 12708, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 1342, Jan. 24, 1978; 51 FR 40676, Nov. 7, 1986]

§ 52.1474 Part D conditional approval.

(a) The following portions of the Nevada SIP contain deficiencies with respect to Part D of the Clean Air Act which must be corrected within the time limit indicated.

(1)–(4) [Reserved]

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 15792, Apr. 13, 1982; 47 FR 27069, June 23, 1982; 49 FR 6900, Feb. 24, 1984]

§ 52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's ''Air Quality Regulations'' (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986; 72 FR 32531, June 13, 2007]

§ 52.1476 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter;* Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates,* from the Nevada Control Strategy, submitted on October 7, 1976.

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

[37 FR 10877, May 31, 1972, as amended at 45 FR 8011, Feb. 6, 1980; 46 FR 43142, Aug. 27, 1981; 51 FR 40676, Nov. 7, 1986]

§ 52.1477 Nevada air pollution emergency plan.

Section 6.1.5 of the Emergency Episode Plan submitted on December 29, 1978 is disapproved since termination of the episode is left to the discretion of the Control Officer and not specified

criteria and it does not meet the requirements of 40 CFR 51.16 and Appendix L. The old rule 6.1.5 submitted on January 28, 1972 is retained.

[45 FR 46385, July 10, 1980]

§ 52.1478 Extensions.

The Administrator, by the authority delegated under section 186(a)(4) of the Clean Air Act as amended in 1990, hereby extends for one year, until December 31, 1996, the attainment date for the Clark County (Las Vegas Valley), Nevada carbon monoxide nonattainment area.

[61 FR 57333, Nov. 6, 1996]

§ 52.1479 Source surveillance.

(a) The requirements of § 51.211 of this chapter are not met, except in Clark County, since the plan does not provide adequate legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report, information on the nature and amount of emissions.

(b) The requirements of § 51.214 of this chapter are not met since the plan does not provide adequate legally enforceable procedures to require stationary sources subject to emission standards to submit information relating to emissions and operation of the emission monitors to the State as specified in Appendix P of part 51.

[37 FR 10878, May 31, 1972, as amended at 38 FR 12709, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 36933, Aug. 21, 1978; 51 FR 40677, Nov. 7, 1986]

§§ 52.1480–52.1481 [Reserved]

§ 52.1482 Compliance schedules.

(a)–(b) [Reserved]

(c) The compliance schedule revisions submitted for the sources identified below are disapproved as not meeting the requirement of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Jack N. Tedford, Inc	Fallon	Not given	Aug. 14, 1972.
Basic, Inc	Gabbs	Article 4	Feb. 13, 1973.
		Article 7	June 26, 1973.
Duval Corp	Battle Mountain	Article 5	Feb. 13, 1973.
Mohave Generating Station, Southern California Edison Co.	Laughlin	Clark County, Section 16.	Jan. 11, 1973.
		Section 26	July 17, 1973.

[39 FR 14209, Apr. 22, 1974, as amended at 40 FR 3995, Jan. 27, 1975; 51 FR 40676, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.1483 Malfunction regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from applicable emission limitations under certain situations and therefore they do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Clark County District Board of Health

(i) Previously approved on May 14, 1973 and deleted without replacement on August 27, 1981: Section 12 (Upset, Breakdown, or Scheduled Maintenance).

(ii) Section 25, Rule 25.1, submitted by the Governor on July 24, 1979.

(iii) Section 25, Rules 25.1–25.1.4, submitted by the Governor on November 17, 1981.

[49 FR 10259, Mar. 20, 1984, as amended at 69 FR 54019, Sept. 7, 2004]

§ 52.1484 [Reserved]

§ 52.1485 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan, except as it applies to the Clark County Health District, does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The

provisions of § 52.21 except paragraph (a)(1) are incorporated and made a part of the applicable State plan for the State of Nevada except for that portion applicable to the Clark County Health District.

(c) All applications and other information required pursuant to § 52.21 from sources located in the jurisdiction of the State of Nevada shall be submitted to the Director, Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, Nevada instead of the EPA Region 9 Office.

[47 FR 26621, June 21, 1982, as amended at 48 FR 28271, June 21, 1983; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.1486 Control strategy: Hydrocarbons and ozone.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for ozone in the Las Vegas Intrastate Region (§ 81.80 of this chapter).

[45 FR 67347, Oct. 10, 1980, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1487 Public hearings.

(a) The requirements of § 51.102 (a) and (e) of this chapter are not met since NAQR, Article 2.11.4.2 allows variances (compliance schedules), to be renewed without a public hearing, thus allowing further postponement of the final compliance date for sources whose emissions contribute to violations of the national standards. Therefore, NAQR, Article 2.11.4.2 is disapproved.

[43 FR 1343, Jan. 24, 1978, as amended at 51 FR 40675, Nov. 7, 1986]

§ 52.1488 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of Nevada. The provisions of § 52.28 are hereby incorporated and made a part of the applicable plan for the State of Nevada except for that portion applicable to the Clark County Department of Air Quality and Environmental Management.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Nevada.

(d) This paragraph (d) is applicable to the Mohave Generating Station located in the Las Vegas Intrastate Air Quality Control Region (§ 81.80 of this chapter).

(1) *Definitions*.

Administrator means the Administrator of EPA or her/his designee.

Boiler-operating-day shall mean any calendar day in which coal is combusted in the boiler of a unit for more than 12 hours. If coal is combusted for more than 12 but less than 24 hours during a calendar day, the calculation of that day's sulfur dioxide (SO_2) emissions for the unit shall be based solely upon the average of hourly Continuous Emission Monitor System data collected during hours in which coal was combusted in the unit, and shall not include any time in which coal was not combusted.

Coal-fired shall mean the combustion of any coal in the boiler of any unit. If the Mohave Generating Station is converted to combust a fuel other than coal, such as natural gas, it shall not emit pollutants in greater amounts than that allowed by paragraph (d) of this section.

Current owners shall mean the owners of the Mohave Generating Station on December 15, 1999.

Owner or operator means the owner(s) or operator(s) of the Mohave Generating Station to which paragraph (d) of this section is applicable.

Rolling average shall mean an average over the specified period of boiler-operating-days, such that, at the end of the first specified period, a new daily average is generated each successive boiler-operating-day for each unit.

(2) *Emission controls and limitations*. The owner or operator shall install the following emission control equipment, and shall achieve the following air pollution emission limitations for each coal-fired unit at the Mohave Generating Station, in accordance with the

deadlines set forth in paragraphs (d) (3) and (4) of this section.

(i) The owner or operator shall install and operate lime spray dryer technology on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall design and construct such lime spray dryer technology to comply with the SO_2 emission limitations, including the percentage reduction and pounds per million BTU in the following requirements:

(A) SO_2 emissions shall be reduced at least 85% on a 90-boiler-operating-day rolling average basis. This reduction efficiency shall be calculated by comparing the total pounds of SO_2 measured at the outlet flue gas stream after the baghouse to the total pounds of SO_2 measured at the inlet flue gas stream to the lime spray dryer during the previous 90 boiler-operating-days.

(B) SO_2 emissions shall not exceed .150 pounds per million BTU heat input on a 365-boiler-operating-day rolling average basis. This average shall be calculated by dividing the total pounds of SO_2 measured at the outlet flue gas stream after the baghouse by the total heat input for the previous 365 boiler-operating-days.

(C) Compliance with the SO_2 percentage reduction emission limitation above shall be determined using continuous SO_2 monitor data taken from the inlet flue gas stream to the lime spray dryer compared to continuous SO_2 monitor data taken from the outlet flue gas stream after the baghouse for each unit separately. Compliance with the pounds per million BTU limit shall be determined using continuous SO_2 monitor data taken from the outlet flue gas stream after each baghouse. The continuous SO_2 monitoring system shall comply with all applicable law (e.g., 40 CFR Part 75, or such other provisions as may be enacted). The inlet SO_2 monitor shall also comply with the quality assurance-quality control procedures in 40 CFR part 75, appendix B.

(D) For purposes of calculating rolling averages, the first boiler-operating-day of a rolling average period for a unit shall be the first boiler-operating-day that occurs on or after the specified compliance date for that unit. Once the unit has operated the necessary number of days to generate an initial 90 or 365 day average, consistent with the applicable limit, each additional day the unit operates a new 90 or 365 day (''rolling'') average is generated. Thus, after the first 90 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the 85 percent sulfur removal limit based on a 90-boiler-operating-day rolling average each subsequent boiler-operating-day. Likewise, after the first 365 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the .150 sulfur limit based on a 365-boiler-operating-day rolling average each subsequent boiler-operating-day.

(E) Nothing in this paragraph (d) shall prohibit the owner or operator from substituting equivalent or superior control technology, provided such technology meets applicable emission limitations and schedules, upon approval by the Administrator.

(ii) The owner or operator shall install and operate fabric filter dust collectors (also known as FFDCs or baghouses), without a by-pass, on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall design and construct such FFDC technology (together with or without the existing electrostatic precipitators) to comply with the following emission limitations:

(A) The opacity of emissions shall be no more than 20.0 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack.

(B) In the event emissions from the Mohave Generating Station exceed the opacity limitation set forth in paragraph (d) of this section, the owner or operator shall not be considered in violation of this paragraph if they submit to the Administrator a written demonstration within 15 days of the event that shows the excess emissions were caused by a malfunction (a sudden and unavoidable breakdown of process or control equipment), and also shows in writing within 15 days of the event or immediately after correcting the malfunction if such correction takes longer than 15 days:

(*1*) To the maximum extent practicable, the air pollution control equipment, process equipment, or processes were maintained and operated in a manner consistent with good practices for minimizing emissions;

(*2*) Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations would be exceeded or were being exceeded. Individuals working off-shift or overtime were utilized, to the maximum extent practicable, to ensure that such repairs were made as expeditiously as possible;

(*3*) The amount and duration of excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(*4*) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality; and

(*5*) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(C) Notwithstanding the foregoing, the owner or operator shall be excused from meeting the opacity limitation during cold startup (defined as the startup of any unit and associated FFDC system after a period of greater than 48 hours of complete shutdown of that unit and associated FFDC system) if they demonstrate that the failure to meet such limit was due to the breakage of one or more bags caused by condensed moisture.

(D) Compliance with the opacity emission limitation shall be determined using a continuous opacity monitor installed, calibrated, maintained and operated consistent with applicable law (e.g., 40 CFR Part 60, or such other provisions as may be enacted).

(iii) The owner or operator shall install and operate low-NO_X burners and overfire air on Unit 1 and Unit 2 at the Mohave Generating Station.

(3) *Emission control construction deadlines.* The owner or operator shall meet the following deadlines for design and construction of the emission control equipment required by paragraph (d)(2) of this section. These deadlines and the design and construction deadlines set forth in paragraph (d)(4)(iii) of this section are not applicable if the emission limitation compliance deadlines of paragraph (d)(4) of this section are nonetheless met; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005 and thereafter recommence operation in accordance with the emission controls and limitations obligations of paragraph (d)(2) of this section.

(i) Issue a binding contract to design the SO_2, opacity and NO_X control systems for Unit 1 and Unit 2 by March 1, 2003.

(ii) Issue a binding contract to procure the SO_2, opacity and NO_X control systems for Unit 1 and Unit 2 by September 1, 2003.

(iii) Commence physical, on-site construction of SO_2 and opacity equipment for Unit 1 and Unit 2 by April 1, 2004.

(iv) Complete construction of SO_2, opacity and NO_X control equipment and complete tie in for first unit by July 1, 2005.

(v) Complete construction of SO_2, opacity and NO_X control equipment and complete tie in for second unit by December 31, 2005.

(4) *Emission limitation compliance deadlines.* (i) The owner's or operator's obligation to meet the SO_2 and opacity emission limitations and NO_X control obligations set forth in paragraph (d)(2) of this section shall commence on the dates listed below, unless subject to a force majeure event as provided for in paragraph (d)(7) of this section:

(A) For one unit, January 1, 2006; and

(B) For the other unit, April 1, 2006.

(ii) The unit that is to meet the emission limitations by April 1, 2006 may only be operated after December 31, 2005 if the control equipment set forth in paragraph (d)(2) of this section has been installed on that unit and the equipment is in operation. However, the control equipment may be taken out of service for one or more periods of time between December 31, 2005 and April 1, 2006 as necessary to assure its proper operation or compliance with the final emission limits.

(iii) If the current owners' entire (*i.e.*, 100%) ownership interest in the Mohave Generating Station is sold either contemporaneously, or separately to the

same person or entity or group of persons or entities acting in concert, and the closing date or dates of such sale occurs on or before December 30, 2002, then the emission limitations set forth in paragraph (d)(2) of this section shall become effective for one unit three years from the date of the last closing, and for the other unit three years and three months from the date of the last closing. With respect to interim construction deadlines, the owner or operator shall issue a binding contract to design the SO_2, opacity and NO_X control systems within six months of the last closing, issue a binding contract to procure such systems within 12 months of such closing, commence physical, on-site construction of SO_2 and opacity control equipment within 19 months of such closing, and complete installation and tie-in of such control systems for the first unit within 36 months of the last closing and for the second unit within 39 months of the last closing.

(5) *Interim emission limits.* (i) For the period of time between the date of the consent decree (December 15, 1999) and the date on which each unit must commence compliance with the final emission limitations set forth in paragraph (d)(2) of this section (''interim period''), the following SO_2 and opacity emission limits shall apply:

(i) SO_2: SO_2 emissions shall not exceed 1.0 pounds per million BTU of heat input calculated on a 90-boiler-operating-day rolling average basis for each unit;

(ii) Opacity: The opacity of emissions shall be no more than 30 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack, with no more than 375 exceedances of 30 percent allowed per calendar quarter (including any pro rated portion thereof), regardless of reason. If the total number of excess opacity readings from the date of the consent decree (December 15, 1999) to the time the owner or operator demonstrates compliance with the final opacity limit in paragraph (d)(2) of this section, divided by the total number of quarters in the interim period (with a partial quarter included as a fraction), is equal to or less than 375, the owner or operator shall be in compliance with this interim limit.

(6) *Reporting.* (i) Commencing on January 1, 2001, and continuing on a bi-annual basis through April 1, 2006, or such earlier time as the owner or operator demonstrates compliance with the final emission limits set forth in paragraph (d)(2) of this section, the owner or operator shall provide to the Administrator a report that describes all significant events in the preceding six month period that may or will impact the installation and operation of pollution control equipment described in this paragraph, including the status of a full or partial sale of the Mohave Generating Station based upon non-confidential information. The owner's or operator's bi-annual reports shall also set forth for the immediately preceding two quarters: all opacity readings in excess of 30 percent, and all SO_2 90-boiler-operating-day rolling averages in BTUs for each unit for the preceding two quarters.

(ii) Within 30 days after the end of the first calendar quarter for which the emission limitations in paragraph (d)(2) of this section first take effect, but in no event later than April 30, 2006, the owner or operator shall provide to the Administrator on a quarterly basis the following information:

(A) The percent SO_2 emission reduction achieved at each unit during each 90-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter. This report shall also include a list of the days and hours excluded for any reason from the determination of the owner's or operator's compliance with the SO_2 removal requirement.

(B) All opacity readings in excess of 20.0 percent, and a statement of the cause of each excess opacity reading and any documentation with respect to any claimed malfunction or bag breakage.

(C) Each unit's 365-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter following the first full 365 boiler-operating-days after the .150 pound SO_2 limit in paragraph (d)(2) of this section takes effect.

(7) *Force majeure provisions.* (i) For the purpose of this paragraph (d), a

''force majeure event'' is defined as any event arising from causes wholly beyond the control of the owner or operator or any entity controlled by the owner or operator (including, without limitation, the owner's or operator's contractors and subcontractors, and any entity in active participation or concert with the owner or operator with respect to the obligations to be undertaken by the owner or operator pursuant to paragraph (d)), that delays or prevents or can reasonably be anticipated to delay or prevent compliance with the deadlines in paragraphs (d)(3) and (4) of this section, despite the owner's or operator's best efforts to meet such deadlines. The requirement that the owner or operator exercise ''best efforts'' to meet the deadline includes using best efforts to avoid any force majeure event before it occurs, and to use best efforts to mitigate the effects of any force majeure event as it is occurring, and after it has occurred, such that any delay is minimized to the greatest extent possible.

(ii) Without limitation, unanticipated or increased costs or changed financial circumstances shall not constitute a force majeure event. The absence of any administrative, regulatory, or legislative approval shall not constitute a force majeure event, unless the owner or operator demonstrates that, as appropriate to the approval: they made timely and complete applications for such approval(s) to meet the deadlines set forth in paragraph (d)(3) of this section or paragraph (d)(4) of this section; they complied with all requirements to obtain such approval(s); they diligently sought such approval; they diligently and timely responded to all requests for additional information; and without such approval, the owner or operator will be required to act in violation of law to meet one or more of the deadlines in paragraph (d)(3) of this section or paragraph (d)(4) of this section.

(iii) If any event occurs which causes or may cause a delay by the owner or operator in meeting any deadline in paragraphs (d) (3) or (4) of this section and the owner or operator seeks to assert the event is a force majeure event, the owner or operator shall notify the Administrator in writing within 30 days of the time the owner or operator first knew that the event is likely to cause a delay (but in no event later than the deadline itself). The owner or operator shall be deemed to have notice of any circumstance of which their contractors or subcontractors had notice, provided that those contractors or subcontractors were retained by the owner or operator to implement, in whole or in part, the requirements of paragraph (d) of this section. Within 30 days of such notice, the owner or operator shall provide in writing to the Administrator a report containing: an explanation and description of the reasons for the delay; the anticipated length of the delay; a description of the activity(ies) that will be delayed; all actions taken and to be taken to prevent or minimize the delay; a timetable by which those measures will be implemented; and a schedule that fully describes when the owner or operator proposes to meet any deadlines in paragraph (d) of this section which have been or will be affected by the claimed force majeure event. The owner or operator shall include with any notice their rationale and all available documentation supporting their claim that the delay was or will be attributable to a force majeure event.

(iv) If the Administrator agrees that the delay has been or will be caused by a force majeure event, the Administrator and the owner or operator shall stipulate to an extension of the deadline for the affected activity(ies) as is necessary to complete the activity(ies). The Administrator shall take into consideration, in establishing any new deadline(s), evidence presented by the owner or operator relating to weather, outage schedules and remobilization requirements.

(v) If the Administrator does not agree in her sole discretion that the delay or anticipated delay has been or will be caused by a force majeure event, she will notify the owner or operator in writing of this decision within 20 days after receiving the owner's or operator's report alleging a force majeure event. If the owner or operator nevertheless seeks to demonstrate a force majeure event, the matter shall be resolved by the Court.

(vi) At all times, the owner or operator shall have the burden of proving that any delay was caused by a force majeure event (including proving that the owner or operator had given proper notice and had made ''best efforts'' to avoid and/or mitigate such event), and of proving the duration and extent of any delay(s) attributable to such event.

(vii) Failure by the owner or operator to fulfill in any way the notification and reporting requirements of this Section shall constitute a waiver of any claim of a force majeure event as to which proper notice and/or reporting was not provided.

(viii) Any extension of one deadline based on a particular incident does not necessarily constitute an extension of any subsequent deadline(s) unless directed by the Administrator. No force majeure event caused by the absence of any administrative, regulatory, or legislative approval shall allow the Mohave Generating Station to operate after December 31, 2005, without installation and operation of the control equipment described in paragraph (d)(2) of this section.

(ix) If the owner or operator fails to perform an activity by a deadline in paragraphs (d)(3) or (4) of this section due to a force majeure event, the owner or operator may only be excused from performing that activity or activities for that period of time excused by the force majeure event.

(e) *Approval.* On November 18, 2009, the Nevada Division of Environmental Protection submitted the ''Nevada Regional Haze State Implementation Plan.'' With the exception of the BART determination and the associated emission limits for NO_X at Reid Gardner Generating Station in sections 5.5.3, 5.6.3 and 7.2, the Nevada Regional Haze State Implementation Plan, as supplemented and amended on February 18, 2010 and September 20, 2011, meets the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.308.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 67 FR 6133, Feb. 8, 2002; 69 FR 54019, Sept. 7, 2004; 77 FR 17341, Mar. 26, 2012]

§ 52.1489 Particulate matter (PM–10) Group II SIP commitments.

(a) On March 29, 1989, the Air Quality Officer for the State of Nevada submitted a revision to the State Implementation Plan for Battle Mountain that contains commitments, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM–10 Group II SIPs.

(b) The Nevada Division of Environmental Protection has committed to comply with the PM–10 Group II, State Implementation Plan (SIP) requirements.

[55 FR 18111, May 1, 1990]

§ 52.1490 Original identification of plan.

(a) This section identified the original ''Air Quality Implementation Plan for the State of Nevada'' and all revisions submitted by the State of Nevada that were federally approved prior to September 28, 2010.

(b) The plan was officially submitted on January 28, 1972.

(1) Previously approved on May 31, 1972 and now deleted without replacement Rules 2.8 and 2.11.

(2) Previously approved on May 31, 1972 in paragraph (b) and now deleted without replacement: Articles 2.10.1, 2.10.1.1, 3.3.4, 4.3.4, and Section 13, Nos. 15 and 19 of Senate Bill No. 275.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Errata sheet to the plan was submitted on April 26, 1972, by the Division of Health.

(2) Washoe County regulations submitted on June 12, 1972, by the Governor.

(i) Previously approved on July 27, 1972 in paragraph (c)(2) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 020.020, 020.030, 020.075, and 040.055.

(3) Compliance schedules submitted on July 14, 1972, by the Governor.

(4) Legal opinions concerning the plan submitted on November 17, 1972, by the Office of the Attorney General.

(5) Amended Clark County regulations submitted on January 19, 1973, by the Governor.

(i) Previously approved on May 14, 1973 in paragraph (c)(5) of this section and now deleted without replacement: Section 15 (Prohibition of Nuisance Conditions) and Section 29 (Odors in the Ambient Air).

(6) Amendments to the Nevada Air Quality Regulations NAQR to regulate construction of complex sources (Article 13) submitted on April 1, 1974, by the Governor.

(7) Amendments to the NAQR to regulate sulfur emissions from nonferrous smelters; (Article 8.1); to regulate and monitor visible emissions from stationary sources (Article 4); and to allow supplementary control systems (Article 14); submitted on June 14, 1974, by the Governor.

(i) Previously approved on February 6, 1975 in paragraph (7) and now deleted without replacement: Article 8.1.

(8) Amendments to the NAQR to regulate open burning (Article 5.2.3 and 5.2.4), and to regulate the construction of complex sources (Article 13), submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for the review of complex sources submitted on December 11, 1974, by the Governor's representative.

(10) Amendments to the Nevada Revised Statutes (NRS) (1975 Legislative Session) on motor vehicle inspection and testing (NRS 445.640, 445.700, 482.640 and 169.125), public availability of emission data (NRS 445.576), organization (NRC 445.481 and 481.——). (Section 1 of 1975 Assembly Bill 326), stack testing (NRS 445.447), and alleged violations (NRS 445.526) submitted on September 10, 1975 by the Governor.

(11) Amendments to the NAQR, as amended through September 18, 1975, submitted on October 31, 1975, by the Governor, as follows:

Article 1—Definitions: 1.6–1.13, 1.15–1.33, 1.35–1.69;
Article 2—General Provisions: 2.4.1–2.4.4, 2.5.1, 2.5.2, 2.5.4, 2.6.1–2.6.4, 2.7.1, 2.8.1, 2.8.4, 2.8.5.1, 2.9.1–2.9.3, 2.9.5–2.9.7, 2.10.1.2, 2.10.2–2.10.4, 2.11.4.2;
Article 3—Registration Certificates and Operating Permits: 3.1.3, 3.1.5, 3.1.6, 3.1.8a & d-i, 3.1.9, 3.2.2–3.2.6, 3.3.2, 3.3.5, 3.4.1, 3.4.6–3.4.14;
Article 4—Visible Emissions From Stationary Sources: 4.1, 4.2, 4.3.5, 4.4–4.4.2;
Article 5—Open Burning: 5.2.3, 5.2.4;
Article 6—Incinerator Burning: 6.3–6.6.2;
Article 7—Particulate Matter: 7.1.3, 7.2.1–7.2.3, 7.3.1–7.3.3;
Article 8—Sulfur Emissions: 8.1.1, 8.1.2, 8.1.4, 8.2.2.1, 8.3–8.4;
Article 9—Organic Solvent, Other Volatile Compounds: 9.1, 9.2–9.2.1.1, 9.2.2, 9.2.3;
Article 10—Odors: 10.2.1.1, 10.2.1.2;
Article 11—Mobile Equipment: 11.3–11.7.1, 11.7.4–11.7.5, 11.10, 11.10.1, 11.11–11.14.17.

(i) Previously approved on January 9, 1978 in paragraph (11) and now deleted without replacement: Articles 2.10.1.2, 2.10.2, 2.10.3, 8.1.1, 8.1.2, and 8.1.4.

(12) Amendments to miscellaneous Nevada air quality control regulations and to other sections of the State plan submitted on December 10, 1976, by the Governor, as follows:

Article 1—Definitions: 1.1–1.213;
Article 2—General Provisions: 2.5.3, 2.6.2–2.6.9, 2.7.1–2.7.4, 2.8.5.2, 2.16, 2.17;
Article 3—Registration Certificates and Operating Permits, 3.1.9.1, 3.2.1;
Article 7—Particulate Matter: 7.2.4;
Article 8—Sulfur Emissions: 8.2.2–8.2.4;
Article 11—Mobile Equipment: 11.7.6, 11.8, 11.9, 11.10.2;
Section 3—Air quality data: 3.2;
Section 4—Emissions summary: 4.2;
Section 5—Control strategy: 5.1, table 5.1, table 5.2;
Section 10—Air quality surveillance network: Monitoring network table, sampling sites modification table.

(i) Previously approved on August 21, 1978 in paragraph (12) and now deleted without replacement: Article 2.7.4.

(13) Amendments to the NAQR and the control strategy submitted on October 7, 1976, by the Governor.

(i) Article 7—Particulate Matter: 7.2.7; Table 4.2—Emissions Inventory Summary for Particulates.

Table 5.2—Summary of Control Strategy Analysis for Particulates.

(14) The following amendments to the plan were submitted on December 29, 1978, by the Governor.

(i) Nevada State Emergency Episode Plan Sections: 6.1.4, 6.1.5, 6.5.2.2; Tables: 6.1, 6.2 (Stages 1, 2, and 3), 6.3; Air Pollution Episode Notice; Episode Communication Checklist.

(ii) Nevada Revised Statutes Policy Declarations; Definitions:

445.401, 445.406, 445.411, 445.416, 445.421, 445.424, 445.427, 445.431, 445.441, 445.446; State Environmental Commission: 445.451, 445.456, 445.461, 445.466, 445.471, 445.472, 445.473, 445.474,

445.476; Local Hearing Boards: 445.486; Enforcement Provisions: 445.491, 445.496, 445.497, 445.498, 445.499, 445.501; Variances: 445.506, 445.511, 445.516, 445.521; Hearings, Orders Respecting Violations: 445.529; Local Air Pollution Control Programs: 445.546, 445.551, 445.556, 445.561, 445.566; Miscellaneous Provisions: 445.571, 445.581, 445.586, 445.596, 445.598; Penalties: 445.601; Deletions: Senate Bill 275, Sections 8.5, 17(1–4, 6, 7), 27, 38.

(A) Previously approved on July 10, 1980 and now deleted without replacement Statutes 445.506, 445.511, 445.516, and 445.521.

(iii) Nonattainment area plans for Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley.

(iv) Nevada Revised Statutes, Engine Emission Controls:

445.610, 445.620, 445.625, 445.630, 445.640, 445.650, 445.660, 445.670, 445.680, 445.690, 445.700, 445.705, and 445.710.

(v) Nevada Air Quality Regulations for Mobile Equipment:

Article 1—Sections 1.1 to 1.38; Article 2—Sections 2.1 to 2.2; Article 3—Sections 3.1 to 3.14.6; and Article 4—Sections 4.1 to 4.20.

(vi) Nevada Revised Statute 445.493, Limitations on Enforcement of Regulations as to Indirect Sources and Authority to Review New Indirect Sources.

(vii) Amendments to the Nevada Air Quality Regulations:

Article 1, Rules 1.44, 1.53, 1.60, 1.98.1; Article 2, Rules 2.2.2, 2.11.7, 2.17.3.2 a/b, 2.17.4, 2.17.4.1, 2.17.9.8, 2.17.10, 2.17.10.1; Article 3, Rules 3.1.1, 3.1.2, 3.1.3, 3.4.11; Article 4, Rule 4.3.[6]4; Article 5, Rule 5.2.4; Article 6, Rule 6.3; Article 7 Rules 7.1.[3]2, 7.3.3; Article 8, Rules 8.2.1.1, 8.2.1.2, 8.2.2, and Article 12, Rule 12.1.

(A) Previously approved on August 27, 1981 in paragraph (c)(14)(vii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Rule 2.11.7.

(viii) Amendments to the Nevada Air Quality Regulations:

Article 1; Article 7, Rules 7.2.8.1—7.2.8.3; Article 16, Rules 16.3.1.2—16.3.3 and Rules 16.15.1—16.15.4.

(ix) Previously approved on June 18, 1982 in paragraph (14)(viii) and now deleted without replacement: Article 16: Rules 16.3.1.2, 16.3.2, 16.3.2.1, 16.3.2.2, 16.15, 16.15.1, 16.15.1.1, 16.15.1.2, 16.15.2, 16.15.2.1, 16.15.2.2, 16.15.3, 16.15.3.1, 16.15.3.2, and 16.15.4.

(x) Previously approved on June 18, 1982 in paragraph (c)(14)(viii) of this section and now deleted without replacement: Article 16: Rules 16.3.3.1.

(xi) Previously approved on July 10, 1980 in paragraph (14)(ii) and now deleted without replacement: Nevada Revised Statutes (NRS) sections: 445.401, 445.466, and 445.497.

(15) Redesignation of the Clark-Mohave Interstate AQCR submitted on March 23, 1979, by the Governor.

(16) The following amendments to the plan were submitted on July 24, 1979, by the Governor.

(i) Amendments to the Nevada Air Quality Regulations:

Article I—Definition: No. 2—LAER.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 15—Source Registration, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, and 15.12; Section 50—Storage of Petroleum Products; Section 51—Petroleum Product Loading into Tank Trucks, and Trailers; and Section 52—Handling of Gasoline at Service Stations, Airports and Storage Tanks.

(iii) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Definitions, Sections 010.011, 010.014, 010.028, 010.057, 010.059, 010.071, 010.072, 010.091, 010.106, 010.107B, 010.108, 010.116, 010.117, 010.136, 010.148, 010.149, 010.151, 010.166, 010.197, and 010.1751; Source Registration and Operation, Sections 030.000, 030.005, 030.010, 030.015, 030.025, 030.030, 030.110, 030.115 (1 and 5)B, 030.120, 030.1201, 030.205, 030.210, 030.215, 030.245, and 030.250; Section 040.070—Storage of Petroleum Products; Section 040.075—Gasoline Loading into Tank Trucks and Trailers; Section 040.080—Gasoline unloading from Tank Trucks and Trailers into Storage Tanks; Section 040.085—Organic Solvents; and Section 040.090—Cut-Back Asphalt.

(iv) Paving schedules for the following Nonattainment Area Plans: Mason Valley/Fernley Area, Carson Desert, Winnemucca Segment, and Lander County.

(v) Amendments to the Las Vegas Valley Nonattainment Area Plan: Two memoranda of understanding between Clark County, the Health District, and the Transportation Policy Committee.

(vi) Nevada Revised Statutes, Engine Emission Control: 445.632, 445.634, 445.635, and 445.644.

(vii) Lake Tahoe Basin Nonattainment Area Plan.

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 2, Rules 2.1, 2.2, 2.3; Section 3, Rule 3.1; Section 4, Rules 4.1—4.11; Section 5, Rule 5.1; Section 6, Rule 6.1; Section 7, Rules 7.1—7.19; Section 8, Rules 8.1, 8.2, 8.7 (deletion); Section 9, Rules 9.1—9.3; Section 10; Section 16, Rules 16.1,—16.5, 16.6 (Operating Permits), 16.6 (Emission of Visible Air Contaminants) (deletion), 16.7—16.9; Section 17, Rules 17.1—17.8; Section 18, Rules 18.1—18.12; Section 23, Rules 23.1—23.5; Section 24, Rules 24.1—24.5; Section 25, Rules 25.1, 25.2, 25.4 (deletion); Section 26, Rules 26.1—26.3; Section 27, Rules 27.1, 27.2, 27.3, 27.4; Section 28, Rules 28.1, 28.2; Section 29; Section 30, Rules 30.1—30.7; Section 31; Section 32, Rules 32.1, 32.2; Section 40, Rule 40.1; Section 41, Rules 41.1—41.4; Section 42, Rules 42.1—42.4; Section 43, Rule 43.1; Section 70, Rules 70.1—70.6; Sections 80, and 81.

(A) Previously approved on August 27, 1981 and now deleted without replacement Section 9, Rules 9.2 to 9.3.

(B) Previously approved on August 27, 1981 at (c)(16)(viii) and now deleted Section 17, Rules 17.1–17.8.

(C) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted without replacement: Section 40, Rule 40.1 (Prohibition of Nuisance Conditions); Section 42, Rule 42.2 (open burning); and Section 43, Rule 43.1 (Odors in the Ambient Air).

(D) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Clark County District Board of Health Air Pollution Control Regulations: Section 3, Rule 3.1.

EDITORIAL NOTE: At 47 FR 27071, June 23, 1982, the following paragraph (c)(16)(viii) was added to § 52.1470.

(viii) Repeal and removal of all references to Indirect (Complex) Sources in the following rules or portions of rules in the Nevada Air Quality Regulations.

Article 1—Definitions: 1.12, 1.95, 1.147(b), and 1.202. Article 2—Registration Certificates and Operating Permits: 3.1.9, 3.2.1, 3.2.2, and 3.2.5. Article 13—Point Sources: 13.1.1, 13.1.2, 13.2, and 13.2.1 to 13.5.3.

(ix) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Sections 020.055, 030.300, 030.305, 030.310, 030.3101–030.3105, 030.3107, and 030.3108 and the following deletions: 010.115, 050.005, 050.010, 050.015, 050.020, 050.025, 050.030, and 050.035.

(A) Previously approved on August 27, 1981 in paragraph (c)(16)(ix) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 030.3105, 030.3107, and 030.3108.

(x) Amendments to the Nevada Air Quality Regulations: Article 12, Lead (Pb).

(17) The following amendments to the plan were submitted on September 18, 1979, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions (except 1.14, 1.15, 1.79, and 1.94); Section 15.14—Source Registration Requirements for Areas Exceeding Air Quality Standards; and Section 60—Evaporation and Leakage.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1, Rules 1.79, 1.94; Section 11, Rules 11.1, 11.1.1–11.1.8, 11.2, 11.2.1–11.2.3, 11.3, 11.3.1, 11.3.2, 11.4, and Section 13, Rule 13.5 (deletion).

(A) Previously approved on August 27, 1981 in paragraph (c)(17)(ii) of this section and now deleted without replacement: Section 1, Rules 1.79, 1.94.

(18) Amendments to the Nevada Air Quality Regulations submitted on March 17, 1980, by the Governor.

(i) Article 13.1.3—Point Sources and Registration Certificates.

(A) Previously approved on April 14, 1981 in paragraph (c)(18)(i) of this section and now deleted without replacement: Nevada Air Quality Regulations (NAQR) article 13.1.3(3).

(19) The following amendments to the plan were submitted on June 24, 1980, by the Governor.

(i) Section 10—State of Nevada Ambient Air Quality Monitoring and Surveillance.

(ii) Amendment to the Nevada Air Quality Regulations: Article 4, Rule 4.3.6.

(iii) Clark County, Nevada Lead SIP.

(20) The following amendment to the plan was submitted on August 19, 1980 by the Governor.

(i) Request for Extension of the Carbon Monoxide Attainment Date for the Truckee Meadows Nonattainment Area.

(21) The following amendments to the plan were submitted on October 13, 1980, by the Governor.

(i) Amendments to the Nevada Revised Statutes: 704.820 through 704.900 (Utility Environmental Protection Act).

(ii) Rule 25, of General Order No. 3, Nevada Public Service Commission.

(22) The following amendments to the plan were submitted on November 5, 1980, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rules 4.12, 4.12.1–4.12.3.

(ii) Amendments to the Nevada Air Quality Regulations: Article 7, Rules 7.2.5, 7.2.5.1, 7.2.9; and Article 8, Rule 8.3.4.

(iii) Previously approved on June 18, 1982 in paragraph (22)(ii) and now deleted without replacement: Articles 7.2.5, 7.2.9, and 8.3.4.

(23) The following amendments to the plan were submitted on March 4, 1981, by the Governor:

(i) Las Vegas Valley Air Quality Implementation Plan (excluding Clark County Air Pollution Control Regulations).

(24) The following amendments to the plan were submitted on November 17, 1981 by the Governor.

(i) Amendments to the Nevada Air Quality Regulations: Article 14.1.

(ii) Resolution of the Washoe Council of Governments adopted August 28, 1981 and Endorsement of the State Environmental Commission dated October 15, 1981.

(iii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions 1.7, 1.13, 1.14, 1.15, 1.32, 1.48, 1.50, 1.52, 1.57, 1.67, 1.72, 1.90 and the addition of the following unnumbered definitions: ''Emission Unit,'' ''Criteria Pollutant,'' ''Non-Criteria Pollutant,'' ''Baseline Area,'' ''Begin Actual Construction,'' ''Building, Structure, Facility, or Installation,'' ''Particulate Precursor,'' ''Secondary Emissions,'' and ''Significant.''

Section 15—Source Registration, 15.1, 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.6, 15.1.7, 15.1.8, 15.2; 15.2.1, 15.2.2, 15.3, 15.4, 15.5; Preconstruction Review for New and Modified Sources, 15.6, 15.6.1, 15.6.1.1, 15.6.1.2 (deleted), 15.6.1.6, 15.6.2, 15.6.2.1 (deleted), 15.6.2.2, 15.6.2.3, 15.6.2.4, 15.6.2.5, 15.6.3, 15.6.3.1, 15.6.3.2 to 15.6.3.5 (added), 15.6.6, 15.7, 15.8, 15.9, 15.10, 15.10.1, 15.10.2, 15.10.3, 15.10.4, 15.11, 15.12; Prevention of Significant Deterioration, 15.13 (added); Preconstruction Review Requirements for New or Modified Sources in Areas Exceeding Air Quality Standards (''Offset'' Rules), 15.14.1, 15.14.1.2, 15.14.1.3 (added), 15.14.3.1, 15.14.3.2, 15.14.4, 15.14.4.1, 15.14.4.3, 15.14.3.3 (added), 15.14.4.3.4 (added), 15.14.4.3.5 (added) and, 15.14.4.4 (deleted).

(iv) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 4, Rule 4.7.3; Section 7; Section 9, Rules 9.1; Section 16; Section 17, Rules 17.2.1 and 17.6.1; Section 18, Rules 18.1—18.5.2; Section 23, Rules 23.2.1—23.3.1.2 and Rules 23.3.4—23.3.5; Section 27; Section 30, Rules 30.4 and 30.8; Section 52, Rules 52.4.2.3 and 52.7.2; and Section 60, Rules 60.4.3.

(A) Previously approved on June 18, 1982 and now deleted without replacement Section 7, Rules 7.1 to 7.19 and Section 9, Rule 9.1.

(B) Previously approved on June 18, 1982 at (c)(24)(iv) and now deleted Section 17, Rules 17.2.1 and 17.6.1.

(v) Nevada State Lead SIP Revision submitted by the State on November 5, 1981.

(vi) Amendment to the Clark County District Board of Health Air Pollution Control Regulations: Section 60, Rule 60.4.2.

(25) The following amendments to the plan were submitted on October 26, 1982, by the Governor.

(i) Amendments of Chapter 445 of the Nevada Administrative Code.

(A) New or amended sections 445.430–445.437, 445.439–445.447, 445.451, 445.453–445.472, 445.474–445.477, 445.480–445.504, 445.509–445.519, 445.522–445.537, 445.539, 445.542–445.544, 445.546–445.549, 445.551, 445.552, 445.554–445.568, 445.570, 445.572–445.587, 445.589–445.605, 445.608–445.612, 445.614–445.622, 445.624, 445.626, 445.627, 445.629–445.655, 445.660, 445.662–445.667, 445.682, 445.685–445.700, 445.704–445.707, 445.712–445.716, 445.721, 445.723, 445.729–445.732, 445.734, 445.742, 445.743,

445.746, 445.753, 445.754, 445.764, 445.844, and 445.845.

(ii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections: 445.447, 445.554, 445.596, 445.662, 445.695, 445.698, 445.700, and 445.844.

(iii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections: 445.440, 445.442–445.443, 445.446, 445.451, 445.453–445.456, 445.459–445.463, 445.465–445.469, 445.474–445.476, 445.481, 445.483–445.485, 445.487, 445.489–445.491, 445.493–445.498, 445.502–445.503, 445.509–445.511, 445.514–445.515, 445.518–445.519, 445.522–445.524, 445.526–445.532, 445.534, 445.539, 445.543–445.544, 445.546, 445.547, 445.551, 445.566–445.568, 445.572–445.573, 445.576–445.580, 445.582–445.583, 445.586–445.587, 445.591, 445.593–445.595, 445.598, 445.600, 445.602–445.605, 445.608–445.611, 445.614–445.616, 445.619–445.620, 445.626, 445.629, 445.631–445.632, 445.634–445.646, 445.648, 445.652, 445.654, and 445.723.

(iv) Previously approved on March 27, 1984 in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.535.

(v) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.655.

(vi) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section 445.706(2).

(26) The following amendments to the plan were submitted on September 14, 1983 by the Governor.

(i) Amendments to Chapter 445 of the Nevada Administrative Code.

(A) New or amended Sections 445.732, 445.808 (paragraphs (1), (2)(a-c), and (3)–(5)), 445.815 (paragraphs (1), (2)(a)(1 and 2), and (3)–(5)), 445.816 (paragraphs (1), (2)(a-i), and (3)–(5)), 445.843, and 445.846 (paragraphs (1), (3), and (4)).

(B) Previously approved on March 27, 1984, in paragraph (26)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections 445.815 (paragraphs (1), (2)(a)(1)–(2), and (3)–(5)) and 445.816 (paragraph (2)(a)–(c) and (e)–(i)).

(ii) The Truckee Meadows Air Quality Implementation Plan 1982 Update except for the attainment and RFP demonstrations and Legally Enforceable Measures portions of the plan.

(iii) Amendments related to Nevada's inspection and maintenance (I/M) program.

(A) State legislation (AB 677) which defers the start-up of the annual I/M program from July 1, 1983 to October 1, 1983.

(B) An I/M public education plan.

(C) Revisions to the Engine Emission Control Regulations (Nevada Administrative Code 455.851 to 445.945).

(27) The following amendments to the plan were submitted on December 9, 1982, by the State:

(i) Emission reduction estimates and/or changes in vehicular activity for the adopted control measures.

(ii) A modeling analysis indicating 1982 attainment.

(iii) Documentation of the modeling analysis including air quality, traffic and meteorological data:

(iv) Evidence of implementation and/or future commitments for the adopted control measures.

(v) Appendix of previous reports, measured data and other official correspondence including:

(A) Resource commitments from the responsible agencies for implementing the RFP,

(B) 1979 and 1980 Annual Reports for the Lake Tahoe Air Basin, and

(C) 1981 Nevada Air Quality Report.

(28) The following amendments to the plan were submitted on December 16, 1982 by the State:

(i) Additional evidence of commitment to the control evidence by the responsible state and/or local agencies,

(ii) Additional supporting documentation for the 1982 attainment modeling analysis which included revised technical data on measured and modeled CO traffic volumes, and a revised narrative on the calibration constant and the impacts to the model.

(29) The following amendments to the plan were submitted on January 28, 1983 by the State:

(i) Response to EPA's preliminary evaluation, specifying documentation

for calibrating the model, the mobile source emission factors, and additional traffic data.

(ii) Conversion factors for the model.

(iii) A revised 1982 attainment modeling analysis and supporting documentation including:

(A) 1979, 1980–82 traffic data for the Stateline Area, (Appendix A);

(B) Stateline Cold Start/Hot Start Analysis, (Appendix B);

(C) Portions of the Highway 50 Corridor Study, June 1979 (Appendix C);

(D) Reference from Transportation and Traffic Engineering Handbook, (1979), (Appendix D); and

(E) Revised Caline 3 and Mobile 2 modeling analysis using both 27% and 50% cold start factors, (Appendix E).

(30) The following amendments to the plan were submitted on May 5, 1983 by the State:

(i) ''Stateline, Nevada, 1983 Carbon Monoxide Study''—a traffic, ambient air monitoring and predictive modeling report, and

(ii) A revised analysis of the Caline 3 model verifying 1982 attainment, based on data collected in February and March 1983.

(31) The following amendments to the plan were submitted on May 30, 1984, by the Governor.

(i) Washoe County, Nevada Lead SIP Revision.

(32) The Las Vegas Valley 1982 Air Quality Implementation Plan (AQIP) Update for carbon monoxide submitted by the Governor on June 23, 1982.

(33) On January 11, 1985, the following amendments to the plan were submitted by the State.

(i) Incorporation by reference.

(A) Las Vegas Valley Air Quality Implementation Plan, Post 1982 Update for Ozone adopted on October 16, 1984 (including section 33 (Chlorine in Chemical Processes)), adopted May 18, 1984).

(ii) Additional material.

(A) Emissions Inventory for 1995, transmitted by a letter dated March 14, 1986.

(34) Program elements were submitted on June 28, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on June 28, 1994.

(35) Program elements were submitted on July 5, 1995 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on July 5, 1995.

(36)–(37) [Reserved]

(38) On August 7, 1998, regulations for the following Health District were submitted by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Health District.

(*1*) Section 53 adopted on September 25, 1997.

(39) The following plan was submitted on February 14, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Redesignation Request and Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley, adopted by Nevada Division of Environmental Protection on February 14, 1995.

(40) The following plan supplement was submitted on February 27, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Supplement to the Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley (Letter from Allen Biaggi, Administrator, Nevada Division of Environmental Protection, to Wayne Nastri, Regional Administrator, EPA Region IX, dated February 27, 2002).

(41) Regulations for the following agencies were submitted on November 19, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Air Quality Management Board.

(*1*) Clark County Building Code, section 3708, adopted on November 20, 1990.

(*2*) City of Las Vegas Building Code, section 3708, adopted on November 21, 1990.

(*3*) City of North Las Vegas Building Code, section 13.16.150, adopted on September 18, 1991.

(*4*) City of Henderson Building Code, section 15.40.010, adopted on October 15, 1996.

(42) The following plan was submitted on July 23, 2001, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) PM–10 State Implementation Plan for Clark County including: Chapter 3, Chapter 4 (excluding pages 4–125 and 4–126), Chapters 5 through 7, Appendices A through E, Appendix G (excluding pages 90–1 through 90–10, 91–1 through 91–9, 92–1 through 92–7, 93–1 through 93–8, and the following paragraphs of pages 0–1 through 0–46: 0.1–0.24, 0.26–0.32, 0.34, 0.35, 0.38–0.42, 0.44, 0.49, 0.50, 0.52–0.57, 0.59–0.64, 0.66–0.69, 0.71–0.80, 0.82, 0.83, 0.85–0.109, 0.112, 0.113, 0.115, 0.116, 0.118, 0.119, 0.121–0.126, 0.128–0.131, 0.134–0.139, 0.142–0.146, 0.148–0.161, 0.163, 0.165, and 0.167–0.172), Appendix J, and Appendices L through N adopted on June 19, 2001.

(43) The following regulations were submitted on October 24, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Sections 90, 91, 92 and 93 adopted on November 20, 2001.

(44) The following plan amendments were submitted on November 19, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Pages 4–125 and 4–126 and Appendix R adopted on November 19, 2002.

(45) The following plan was submitted on October 27, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Carbon Monoxide Redesignation Request and Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, dated October 2003, adopted by the State Environmental Commission on September 18, 2003.

(*1*) Attainment year (2001) emissions inventory, monitoring network and verification of continued attainment, and contingency plan, including commitments to follow maintenance plan contingency procedures by the Nevada Division of Environmental Protection, the Tahoe Metropolitan Planning Organization, the Nevada Department of Transportation, and the Washoe County District Health Department.

(B) Letter of October 27, 2003, from the Nevada Division of Environmental Protection, transmitting the redesignation request and maintenance plan for the Lake Tahoe Nevada CO nonattainment area and including a State commitment to track CO concentrations and to adopt, submit as a SIP revision, and implement expeditiously any and all measures to achieve the level of CO emissions reductions needed to maintain the CO NAAQS in the event that an exceedance of the CO NAAQS is monitored, and to work with the involved jurisdictions to ensure that sufficient measures are adopted and implemented in a timely fashion to prevent a violation.

(C) Additional material—Addendum to the October 27, 2003 letter of transmittal of the redesignation request and maintenance plan: emissions projections for on-road motor vehicles through 2016.

(46) The following plan revision was submitted on March 20, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) State of Nevada State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City, Nevada, revised March 1996, transmitted by letter dated March 20, 1996, including the cover page through page 15, appendix 1 (only the Nevada attorney general's opinion and memorandum dated November 15, 1993 and June 29, 1994, respectively), and appendices 2 through 9.

(47) The following plan revision was submitted on August 9, 2000, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) Carbon Monoxide State Implementation Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada, August 2000, adopted on August 1, 2000, including the following sections within which certain exceptions are noted but excluding all sections not specifically cited: chapters 1 through 8

(with the exception of chapter 7, subsection 7.2.2, ''Contingency Measures''); appendix A, ''Emissions Inventory'', sections 1 through 7, and section 8—''Annexes'' (with the exception of appendix E, ''Quality Assurance/Quality Control''); appendix B, ''Transportation Documentation'', section 1; appendix D, ''Regulations, Policies and Public Participation Documentation'', section 1— ''Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation'' (with the exception of District Board of Health of Clark County Air Pollution Control Regulations section 54 as adopted on April 22, 1999), section 2, section 3, section 4—''Nevada Administrative Code, Chapter 445B: Technician Training and Licensing'' (with the exception of NAC 445B.485–445B.487, 445B.489–445B.493, and 445B.495–445B.498), and sections 5 through 9; and appendix E, ''Supplemental Technical Support Documentation'', sections 1 through 4, and 7.

(48) The following plan revision was submitted on January 30, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended regulations implementing Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City: Nevada Administrative Code, chapter 445B, sections 445B.400–445B.774 (*i.e.*, ''Emissions from Engines''), including the sections under the subheadings ''General Provisions,'' ''Facilities for Inspection and Maintenance,'' ''Inspectors,'' ''Exhaust Gas Analyzers,'' ''Control of Emissions: Generally'' [excluding sections 445B.576–445B.578, and excluding section 445B.594 (''Inspections required in Washoe County'')], ''Restored Vehicles,'' ''Miscellaneous Provisions,'' but excluding the sections under the subheading ''Control of Emissions: Heavy-Duty Motor Vehicles'' (*i.e.*, sections 445B.737–445B.774), codification as of February 2002 by the Legislative Counsel Bureau.

(*2*) Previously approved on September 21, 2004, in paragraph (c)(48)(i)(A)(1) of this section and now deleted from the SIP without replacement: Nevada Administrative Code (NAC) sections: 445B.461(3)(d) and 445B.595(2)(d).

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) NV2000 Analyzer Electronic Data Transmission Equipment Specifications (June 15, 2000), revision 5, November 8, 2000.

(49) The following plan revisions were submitted on June 4, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 40, chapter 445B, sections 445B.210, 445B.700, 445B.705, 445B.710, 445B.715, 445B.720, 445B.725, 445B.730, 445B.735, 445B.740, 445B.745, 445B.750, 445B.755, 445B.758, 445B.760, 445B.765, 445B.770, 445B.775–445B.778, 445B.780, 445B.785, 445B.790, 445B.795, 445B.798, 445B.800, 445B.805, 445B.810, 445B.815, 445B.820, 445B.825, 445B.830, 445B.832, 445B.834, 445B.835, 445B.840, and 445B.845, and title 43, chapter 482, section 482.461, transmitted by letter dated June 4, 2002.

(*2*) New regulation establishing the State's low Reid Vapor Pressure wintertime requirement for gasoline sold in Clark County: Nevada Administrative Code, chapter 590, section 590.065 as adopted on October 28, 1998 (made effective December 14, 1998) by the State Board of Agriculture.

(*3*) Regulation R017–02, adopted on March 8, 2002 by the Nevada State Environmental Commission: New or amended rules in Chapter 445B of the Nevada Administrative Code removing the limitation on applicability of, and removing the restrictive trigger for effectuating the implementation of, the on-board diagnostics systems test for Nevada's vehicle inspection and maintenance program.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) Contract between Nevada Department of Motor Vehicles and MD LaserTech for on-road testing services, dated January 15, 2002.

(50) The following plan revision was submitted on September 9, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to Nevada's vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 43, chapter 481, sections 481.019, 481.023, 481.027, 481.031, 481.035, 481.043, 481.047, 481.0473, 481.0475, 481.0477, 481.048, 481.0481, 481.051, 481.052, 481.055, 481.057, 481.063, 481.065, 481.079, 481.081, 481.082, 481.083, 481.085, and 481.087; title 43, chapter 482, sections 482.155, 482.160, 482.162, 482.165, 482.170, 482.171, 482.173, 482.175, 482.180, 482.1805, 482.181, 482.183, 482.186–482.188, 482.205, 482.206, 482.208, 482.210, 482.215, 482.216, 482.220, 482.225, 482.230, 482.235, 482.240, 482.245, 482.255, 482.260, 482.265–482.268, 482.270, 482.2703, 482.2705, 482.271, 482.2715, 482.2717, 482.272, 482.274, 482.275, 482.280, 482.2805, 482.2807, 482.281, 482.283, 482.285, 482.290, 482.385, and 482.565; and title 43, chapter 484, sections 484.644 and 484.6441, transmitted by letter dated September 9, 2003.

(51) The following plan revision was submitted on September 24, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Regulation R178–01, adopted on July 11, 2002 by the Nevada Department of Motor Vehicles (and made effective August 21, 2002): New or amended rules in Chapter 445B of the Nevada Administrative Code establishing on-board diagnostics systems test procedures for Nevada's vehicle inspection and maintenance program.

(52) The following plan revision was submitted on November 10, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(*1*) New or amended Section 53—Oxygenated Gasoline Program, and Section 54—Cleaner Burning Gasoline (CBG): Wintertime Program, adopted on May 20, 2003 (made effective June 3, 2003).

(53) The following plan revision was submitted on October 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) New or amended rules adopted on October 7, 2003 by the Clark County Board of County Commissioners: Clark County Air Quality Regulations section 0 (Definitions), section 11 (Ambient Air Quality Standards), section 12 (Preconstruction Review for New or Modified Stationary Sources), excluding subsection 12.2.18 and 12.2.20, section 58 (Emission Reduction Credits), and section 59 (Emission Offsets), excluding subsection 59.2 (''Local Offset Requirements'').

(54) The following plan revision was submitted on November 20, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada Administrative Code section 445B.22083, adopted March 3, 1994 (effective March 29, 1994), by the State Environmental Commission.

(55) The following plan revision and regulations were submitted on August 5, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Board of Health.

(*1*) Rules 040.031 and 040.032, adopted on February 27, 2002.

(*2*) Regulation 040.030 adopted on July 26, 2002.

(56) The following regulations and statutes were submitted on January 12, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976: 445B.002, 445B.009, 445B.022, 445B.042, 445B.047, 445B.053, 445B.080, 445B.086, 445B.091, 445B.095, 445B.106, 445B.121, 445B.122, 445B.127, 445B.129, 445B.144, 445B.161, 445B.163, 445B.167, 445B.174, 445B.176,

445B.185, 445B.198, 445B.205, 445B.207, 445B.2204, and 445B.2209.

(*ii*) November 8, 1977: 445B.168.

(*iii*) September 12, 1978: 445B.125.

(*2*) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) August 19, 1982: 445B.004 and 445B.060.

(*ii*) September 3, 1987: 445B.018, 445B.030, 445B.051, 445B.072, 445B.097, 445B.119, 445B.151, and 445B.209.

(*iii*) August 29, 1990: 445B.073.

(*iv*) November 18, 1991: 445B.135.

(*v*) November 3, 1993: 445B.055, 445B.056, and 445B.061.

(*vi*) March 3, 1994: 445B.075, 445B.103, 445B.109, and 445B.182.

(*3*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.005, 445B.059, 445B.077, 445B.112, 445B.116, 445B.130, 445B.145, 445B.152, 445B.177, 445B.180, 445B.22037, and 445B.227.

(*ii*) January 22, 1998: 445B.011, 445B.0425, 445B.058, 445B.22027, and 445B.22033.

(*iii*) September 9, 1999: 445B.2203 and 445B.22047.

(*iv*) May 10, 2001: 445B.113 and 445B.1135.

(*v*) September 18, 2001: 445B.006.

(*vi*) February 26, 2004: 445B.22067, 445B.2207, and 445B.22097.

(*vii*) August 19, 2004: 445B.001, 445B.211, 445B.22043, 445B.2205, and 445B.230.

(*viii*) October 4, 2005: 445B.22017 (effective April 1, 2006) and 445B.2202 (effective April 1, 2006).

(*4*) Title 40, Chapter 445B of Nevada Revised Statutes (2003): Sections 445B.105, 445B.110, 445B.115, 445B.120, 445B.125, 445B.130, 445B.135, 445B.140, 445B.145, 445B.150, 445B.155, 445B.210, 445B.220, 445B.225, 445B.235, 445B.245, 445B.275, 445B.280, 445B.300, 445B.320, 445B.500, 445B.510, 445B.520, 445B.530, 445B.540, 445B.560, and 445B.595.

(*5*) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976: 445B.134, 445B.257, 445B.258, 445B.259, 445B.260, 445B.261, and 445B.263.

(*6*) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) April 26, 1984: 445B.265.

(*ii*) November 3, 1993: 445B.084.

(*iii*) March 3, 1994: 445B.202.

(*7*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.015, 445B.062, and 445B.256.

(*ii*) August 22, 2000: 445B.264.

(*iii*) September 18, 2003: 445B.262 and 445B.267.

(*iv*) October 4, 2005: 445B.063, 445B.153, and 445B.22093.

(*8*) Title 40, Chapter 445B of Nevada Revised Statutes (NRS)(2003): Sections 445B.200, 445B.205, 445B.230, 445B.240, 445B.340, 445B.350, 445B.360, 445B.450, 445B.460, 445B.570, 445B.580, 445B.600, 445.610, and 445.640.

(*9*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed in paragraph (c)(56)(i)(A)(*9*) of this section:

(*i*) September 18, 2003: 445B.252.

(57) The following plan revision was submitted on February 14, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on October 4, 2005 by the Clark County Board of Commissioners (with the exception of section 7.3 (page 7–2), ''Mobile Source Emissions Budget'').

(58) The following plan revision was submitted on May 12, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Section 7.3 (page 7–2), ''Mobile Source Emissions Budget'' of the Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on May 2, 2006 by the Clark County Board of Commissioners.

(59) The following statute was submitted on March 24, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Title 0, Preliminary Chapter-General Provisions, of Nevada Revised Statutes: Section 0.039, effective April 29, 1985.

(60) The following plan revision was submitted on January 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Sections 90 and 92, adopted June 22, 2000 by the Clark County Board of Commissioners, and amended on December 17, 2002.

(61) The following plan revision was submitted on March 26, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Section 93, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 4, 2003; Section 94, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003; and, the ''Construction Activities Dust Control Handbook'', adopted June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003.

(62) The following plan revision was submitted on December 8, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on September 6, 2006: 445B.134, 445B.230, 445B.258, 445B.259, and 445B.260.

(63) New or amended regulations were submitted on May 5, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Rules 010.117, 040.005, and 040.051, revised on February 23, 2006, and Rule 050.001, adopted on March 23, 2006.

(64) The following plan was submitted on February 5, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada State Implementation Plan for Interstate Transport to Satisfy the Requirements of Clean Air Act 110(a)(2)(D)(i) for the 8-hour Ozone and $PM_{2.5}$ NAAQS Promulgated in July 1997 (January 31, 2007), adopted by the Nevada Division of Environmental Protection on February 5, 2007.

(65) The following plan was submitted on May 30, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department, Air Quality Management Division.

(1) Maintenance Plan for the Washoe County 8-Hour Ozone Attainment Area (April 2007), Washoe County District Health Department, excluding appendices.

(66) The following plan revision was submitted on June 26, 2007 by the Governor's designee. All section citations listed below refer to the January 2007 codification of chapter 445B of the Nevada Administrative Code as published by the Nevada Legislative Counsel Bureau.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) The following section of the Nevada Air Quality Regulations was adopted on the date listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(*i*) September 16, 1976, effective date December 4, 1976: 445B.172, ''Six-Minute Period defined.''

(*2*) The following section of Chapter 445 of the Nevada Administrative Code was adopted on the date listed below and recodified as Chapter 445B of the

Nevada Administrative Code in November 1994:

(*i*) November 3, 1993: 445B.190, ''Stop order defined.''

(*3*) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(*i*) October 3, 1995: 445B.225, ''Prohibited conduct: Concealment of emissions;'' and 445B.229, ''Hazardous emissions: Order for reduction or discontinuance.''

(*ii*) August 19, 2004, effective date September 24, 2004: 445B.001, ''Definitions;'' 445B.22043, ''Sulfur emissions: Exceptions for stationary sources;'' and 445B.2205, ''Sulfur emissions: Other processes which emit sulfur.''

(*iii*) October 4, 2005: 445B.063, ''Excess emissions defined;'' 445B.153, ''Regulated air pollutant defined;'' 445B.22017, ''Visible emissions: Maximum opacity; determination and monitoring of opacity;'' 445B.2202, ''Visible emissions: Exceptions for stationary sources;'' and 445B.22093, ''Organic solvents and other volatile compounds.''

(*iv*) March 8, 2006: 445B.275, ''Violations: Acts constituting; notice;'' and 445B.277, ''Stop orders.''

(*v*) September 6, 2006: 445B.220, ''Severability.''

(*4*) Nevada Revised Statutes (NRS) (2003), chapter 445B, section 445B.310 (''Limitations on enforcement of federal and state regulations concerning indirect sources'').

(67) New or amended regulations were submitted on August 20, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) Nevada Administrative Code (January 2007 codification by the Legislative Counsel Bureau) section 445B.22083, ''Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels;'' and section 445B.250, ''Notification of Director: Construction, reconstruction and initial start-up; demonstration of continuous monitoring system performance;'' adopted by the State Environmental Commission on October 4, 2005.

(68) The following plan revision was submitted on June 3, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), including the cover page through page 9.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), appendix 1, appendix 2 (only the certificate of compliance and Nevada attorney general's opinion), and appendices 3, 6, 8, and 10.

(69) The following plan revision was submitted on November 4, 2005 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Rule 040.095, ''Oxygen content of motor vehicle fuel,'' revised on September 22, 2005.

(*i*) Washoe County District Board of Health Meeting, September 22, 2005, Public Hearing—Amendments—Washoe County District Board of Health Regulations Governing Air Quality Management; to Wit: Rule 040.095 (Oxygen Content of Motor Vehicle Fuel).

(*2*) Redesignation Request and Maintenance Plan for the Truckee Meadows Carbon Monoxide Non-Attainment Area (September 2005), excluding appendices B, C, and D.

(70) The following plan revision was submitted on November 2, 2006 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(*1*) Basic I/M Performance Standard, excluding appendices A through D.

(*i*) Washoe County District Board of Health Meeting, September 28, 2006, Public Hearing—State Implementation Plan (SIP)—''Basic Program—Inspection and Maintenance (I/M) of Motor Vehicles—Truckee Meadows Planning

Area, Nevada;'' to Wit: Basic Inspection and Maintenance (I/M) Performance Standard.

(ii) Additional material.

(A) Washoe County District Health Department.

(*1*) Basic I/M Performance Standard, appendices A through D.

(71) The following plan revision was submitted on May 11, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(*1*) New or amended statutes related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Revised Statutes (2005), chapter 365, section 365.060, ''Motor vehicle fuel defined;'' chapter 366, section 366.060, ''Special fuel defined;'' chapter 445B, sections 445B.210, ''Powers of Commission,'' 445B.700, ''Definitions,'' 445B.705, ''Approved inspector defined,'' 445B.710, ''Authorized inspection station defined,'' 445B.715, ''Authorized maintenance station defined,'' 445B.720, ''Authorized station defined,'' 445B.725, ''Commission defined,'' 445B.730, ''Evidence of compliance defined,'' 445B.735, ''Fleet station defined,'' 445B.737, ''Heavy-duty motor vehicle defined,'' 445B.740, ''Light-duty motor vehicle defined,'' 445B.745, ''Motor vehicle defined,'' 445B.747, ''Motor vehicle fuel defined,'' 445B.750, ''Passenger car defined,'' 445B.755, ''Pollution control device defined,'' 445B.757, ''Special fuel defined,'' 445B.758, ''Used motor vehicle defined,'' 445B.759, ''Inapplicability to military tactical vehicles,'' 445B.760, ''Authority of Commission to prescribe standards for emissions from mobile internal combustion engines; trimobiles; standards pertaining to motor vehicles to be approved by Department of Motor Vehicles,'' 445B.765, ''Information concerning program for control of emissions from motor vehicles: Collection, interpretation and correlation; public inspection,'' 445B.770, ''Regulations of Commission: Control of emissions from motor vehicles; program for inspection and testing of motor vehicles,'' 445B.775, ''Regulations of Commission: Requirements for licensing of stations by Department of Motor Vehicles,'' 445B.780, ''Program for regulation of emissions from heavy-duty motor vehicles; equipment used to measure emissions; waiver from requirements of program,'' 445B.785, ''Regulations of Department of Motor Vehicles: Licensing of stations; performance of inspection and issuance of evidence of compliance; diagnostic equipment; fee, bond or insurance; informational pamphlet; distribution,'' 445B.790, ''Regulations concerning inspection of stations; grounds for denial, suspension or revocation of license of inspector or station,'' 445B.795, ''Compulsory program for control of emissions: Limitations,'' 445B.798, ''Authority of Department of Motor Vehicles, in larger counties, to conduct test of emissions from motor vehicle being operated on highway,'' 445B.800, ''Evidence of compliance: Requirements for registration, sale or long-term lease of used vehicles in certain counties,'' 445B.805, ''Evidence of compliance: Exemptions from requirements,'' 445B.810, ''State Department of Conservation and Natural Resources to provide assistance,'' 445B.815, ''Evidence of compliance: Duty of employees and agents of Department of Motor Vehicles; submission by owner or lessee of fleet,'' 445B.820, ''Installation and inspection of pollution control device,'' 445B.825, ''Exemption of certain classes of motor vehicles; waiver from provisions of NRS 445B.770 to 445B.815, inclusive,'' 445B.830, ''Fees to be paid to Department of Motor Vehicles; Pollution Control Account; expenditure of money in Account; quarterly distributions to local governments; annual reports by local governments; grants; creation and duties of advisory committee; submission and approval of proposed grants,'' 445B.832, ''Surcharge for electronic transmission of information: Authority to impose; inclusion as separate entry on form certifying emission control compliance; definition,'' 445B.834, ''Additional fee for form certifying emission control compliance: Retention of portion of fee by station performing inspection; definition,'' 445B.835, ''Administrative fine; hearing; additional remedies to compel compliance,'' 445B.840, ''Unlawful acts,'' and 445B.845, ''Criminal penalty; enforcement of provisions by peace officer;

mitigation of offense;'' chapter 481, sections 481.019, ''Creation; powers and duties,'' 481.023, ''Administration of laws by Department; exceptions,'' 481.027, ''General functions of Department of Motor Vehicles and Department of Transportation respecting state highways,'' 481.031, ''Office of Director of Department created,'' 481.035, ''Director of Department: Appointment; classification; other employment prohibited; employment of deputies and staff,'' 481.047, ''Appointment of personnel,'' 481.0473, ''Divisions of Department,'' 481.0475, ''Duties of Administrative Services Division,'' 481.048, ''Division of Compliance Enforcement: Appointment and duties of investigators,'' 481.0481, ''Section for Control of Emissions From Vehicles and Enforcement of Matters Related to Use of Special Fuel: Creation; appointment and duties of investigators, officers and technicians,'' 481.051, ''Powers and duties of Director: Generally,'' 481.0515, ''Powers and duties of Director: References to names of persons in documents and records,'' 481.052, ''Powers and duties of Director: Adoption of definition of 'seasonal resident' by regulation,'' 481.0535, ''Powers and duties of Director: Expenditure of appropriations to assist certain entities to purchase and obtain evidence; receipt and safekeeping of money,'' 481.055, ''Department to keep main office in Carson City; maintenance of branch offices,'' 481.057, ''Offices of Department: Extended hours of operation,'' 481.063, ''Collection and deposit of fees for publications of Department and private use of files and records of Department; limitations on release and use of files and records; regulations,'' 481.065, ''Acceptance of donations for programs for traffic safety,'' 481.079, ''Money collected to be deposited in Motor Vehicle Fund; exception; dishonored payments; adjustment of deposits,'' 481.081, ''Arrearage in tax, fee or assessment administered by Department: Department authorized to file certificate; certificate as lien; extension of lien,'' 481.082, ''Arrearage in tax, fee or assessment administered by Department: Release or subordination of lien; certificate issued by Department as conclusive evidence,'' 481.083, ''Money for administration of chapter; claims,'' and 481.087, ''Administrative expenses deemed cost of administration of operation of motor vehicles on public highways;'' chapter 482, sections 482.029, ''Electric personal assistive mobility device defined,'' 482.155, ''Enforcement of provisions of chapter by Department, its officers and peace officers,'' 482.160, ''Administrative regulations; branch offices; appointment of agents and designation of county assessor as agent; compensation of certain agents,'' 482.162, ''Department to adopt regulations setting forth criteria for determination of whether person is farmer or rancher; presentation of evidence to Department,'' 482.165, ''Director to provide forms,'' 482.170, ''Records of Department concerning registration and licensing,'' 482.171, ''List of registered owners to be provided for selection of jury; reimbursement of Department,'' 482.173, ''Schedule for retention and disposition of certain records of Department,'' 482.175, ''Validity of registration: Powers and duties of Department and registered dealers,'' 482.180, ''Motor Vehicle Fund: Creation: deposits; interest and income; dishonored payments; distribution of money collected for basic governmental services tax; transfers,'' 482.1805, ''Revolving Account for Issuance of Special License Plates: Creation; deposit of certain fees; use of money in Account; transfer of excess balance to State Highway Fund,'' 482.181, ''Governmental services taxes: Certification of amount collected each month; distribution,'' 482.183, ''Motor Vehicle Revolving Account: Creation; use; deposits,'' 482.186, ''Certain odometers deemed to register mileage reflected on odometer plus 100,000 miles,'' 482.187, ''Department authorized to enter into written agreements for periodic payment of delinquent taxes or fees; regulations,'' 482.188, ''Waiver of penalty or interest for failure timely to file return or pay tax, penalty or fee in certain circumstances,'' 482.205, ''Registration required for certain vehicles,'' 482.206, ''Periods of registration for motor vehicles; exceptions,'' 482.208, ''Registration of leased vehicles by long-term lessor or long-term lessee,'' 482.210, ''Exemptions from registration,'' 482.215, ''Application for registration,'' 482.216, ''Department may authorize

new vehicle dealer to accept applications for registration and transfer of registration of new motor vehicles and to issue certificates of registration; duties of dealer; prohibited acts; regulations,'' 482.220, ''Application for specially constructed, reconstructed, rebuilt or foreign vehicle; certificate of inspection; charge for inspection,'' 482.225, ''Collection of sales or use tax upon application for registration of certain vehicles purchased outside this State; payment of all applicable taxes and fees required for registration; refund of tax erroneously or illegally collected,'' 482.230, ''Grounds requiring refusal of registration,'' 482.235, ''Registration indexes and records; assignment of registration number by registered dealer,'' 482.240, ''Issuance of certificates of registration and title by Department or registered dealer; period of validity of certificate,'' 482.245, ''Contents of certificates of registration and title,'' 482.255, ''Placement of certificate of registration; surrender upon demand of peace officer, justice of the peace or deputy of Department; limitation on conviction,'' 482.260, ''Duties of Department of Motor Vehicles and its agents relative to registration of vehicle; issuance of certificate of title; fees and taxes,'' 482.265, ''License plates issued upon registration; stickers, tabs or other devices issued upon renewal of registration; return of plates; fee for and limitations on issuance of special license plates,'' 482.266, ''Manufacture of license plates substantially similar to license plates issued before January 1, 1982: Written request; fee; delivery; duties of Department; retention of old plates authorized if requested plates contain same letters and numbers,'' 482.267, ''License plates: Production at facility of Department of Corrections,'' 482.268, ''License plates: Additional fee for issuance; deposit of fee,'' 482.270, ''License plates: General specifications; redesign; configuration of special license plates designed, prepared and issued pursuant to process of direct application and petition,'' 482.2703, ''License plates: Samples; form; fee; penalty,'' 482.2705, ''License plates: Passenger cars and trucks,'' 482.271, ''License plates: Decals; fees,'' 482.2715, ''License plates: Registrant entitled to maintain code if continuously renewed; exceptions; issuance of replacement plates with same code after expiration of registration; fee,'' 482.2717, ''License plates to be issued to automobile wreckers and operators of salvage pools,'' 482.272, ''License plates: Motorcycles,'' 482.274, ''License plates: Trailers,'' 482.275, ''License plates: Display,'' 482.280, ''Expiration and renewal of registration,'' 482.2805, ''Department not to renew registration if local authority has filed notice of nonpayment pursuant to NRS 484.444; fee for service performed by Department,'' 482.2807, ''Requirements for registration if local government has filed notice of nonpayment pursuant to NRS 484.444,'' 482.281, ''Authority of Department of Motor Vehicles to allow authorized inspection station or authorized station to renew certificates of registration; adoption of regulations,'' 482.283, ''Change of name or place of residence: Notice to Department required; timing and contents of notice,'' 482.285, ''Certificates, decals and number plates: Illegibility, loss, mutilation or theft; obtaining of duplicates or substitutes; fees and taxes,'' 482.290, ''Assignment and recording of new number for identification of vehicle if old number destroyed or obliterated; fee; penalty for willful defacement, alteration, substitution or removal of number with intent to defraud,'' 482.385, ''Registration of vehicle of nonresident owner not required; exceptions; registration of vehicle by person upon becoming resident of this State; penalty; taxes and fees; surrender or nonresident license plates and registration certificate; citation for violation,'' 482.461 ''Failure of mandatory test of emissions from engines; notification; cost of inspection,'' 482.565, ''Administrative fines for violations other than deceptive trade practices; injunction or other appropriate remedy; enforcement proceedings;'' and chapter 484, sections 484.101, ''Passenger car defined,'' 484.644, ''Device for control of pollution: Use required; disconnection or alteration prohibited; exceptions,'' and 484.6441, ''Device for control of pollution: Penalty; proof of conformity may be required.''

(*2*) New or amended rules related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), sections 445B.400, ''Scope,'' 445B.401, ''Definitions,'' 445B.403, ''Approved inspector defined,'' 445B.4045, ''Authorized inspection station defined,'' 445B.405, ''Authorized station defined,'' 445B.408, ''Carbon monoxide defined,'' 445B.409, ''Certificate of compliance defined,'' 445B.4092, ''Certified on-board diagnostic system defined,'' 445B.4096, ''Class 1 approved inspector defined,'' 445B.097, ''Class 1 fleet station defined,'' 445B.098, ''Class 2 approved inspector defined,'' 445B.4099, ''Class 2 fleet station defined,'' 445B.410, ''CO_2 defined,'' 445B.411, ''Commission defined,'' 445B.413, ''Department defined,'' 445B.415, ''Director defined,'' 445B.416, ''Emission defined,'' 445B.418, ''EPA defined,'' 445B.419, ''Established place of business defined,'' 445B.420, ''Evidence of compliance defined,'' 445B.421, ''Exhaust emissions defined,'' 445B.422, ''Exhaust gas analyzer defined,'' 445B.424, ''Fleet station defined,'' 445B.4247, ''Gross vehicle weight rating defined,'' 445B.426, ''Heavy-duty motor vehicle defined,'' 445B.427, ''Hydrocarbon defined,'' 445B.428, ''Hz defined,'' 445B.432, ''Light-duty motor vehicle defined,'' 445B.433, ''Mini motor home defined,'' 445B.434, ''Motor home defined,'' 445B.435, ''Motor vehicle defined,'' 445B.440, ''New motor vehicle defined,'' 445B.442, ''Opacity defined,'' 445B.443, ''Person defined,'' 445B.444, ''ppm defined,'' 445B.449, ''Smoke defined,'' 445B.450, ''Special mobile equipment defined,'' 445B.451, ''Standard defined,'' 445B.4515, ''State electronic data transmission system defined,'' 445B.452, ''Tampering defined,'' 445B.4525, ''Test station defined,'' 445B.453, ''Truck defined,'' 445B.454, ''Used motor vehicle defined,'' 445B.455, ''Van conversion defined,'' 445B.4553, ''Vehicle inspection report defined,'' 445B.4556, ''Vehicle inspection report number defined,'' 445B.456, ''Severability,'' 445B.460, ''Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location,'' 445B.461, ''Compliance by Federal Government, state agencies and political subdivisions,'' 445B.462, ''Test station: Application for license to operate; inspection of premises; issuance of license,'' 445B.463, ''Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license,'' 445B.464, ''Test station: Hearing concerning denial, suspension or revocation of license,'' 445B.465, ''Authorized station or authorized inspection station: Requirements for bond or deposit,'' 445B.466, ''Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses,'' 445B.467, ''Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit,'' 445B.468, ''Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit,'' 445B.469, ''Authorized station or authorized inspection station: Posting of signs and placards,'' 445B.470, ''Test station: Display of licenses; availability of reference information,'' 445B.471, ''Test station: Advertising; provision by Department of certain informational material for public,'' 445B.472, ''Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers,'' 445B.473, ''Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports,'' 445B.474, ''Test station: Failure to employ approved inspector,'' 445B.475, ''Authorized station or class 2 fleet station: Requirements for employees,'' 445B.476, ''Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license,'' 445B.478, ''Fleet station: Licensing; powers and duties,'' 445B.480, ''Test station: Requirements concerning business hours,'' 445B.485, ''Prerequisites to licensing,'' 445B.486, ''Examination of applicants for licensing,'' 445B.487, ''Denial of license,'' 445B.489, ''Grounds for denial, suspension or revocation of license,'' 445B.490, ''Hearing on suspension or revocation of license,'' 445B.491, ''Temporary suspension or refusal to renew license,''

445B.492, ''Duration of suspension; surrender of license,'' 445B.493, ''Limitation on reapplication after revocation or denial or license; surrender of revoked license; permanent revocation of license,'' 445B.495, ''Contents of license,'' 445B.496, ''Expiration of license,'' 445B.497, ''Requirements for renewal of license,'' 445B.498, ''Performance of emission inspection without license prohibited; expiration of license; license ratings,'' 445B.4983, ''Issuance of access code to approved inspector; use of access code and identification number,'' 445B.4985, ''Violations,'' 445B.499, ''Fees,'' 445B.501, ''Report of change in place of employment or termination of employment,'' 445B.502, ''Submission of certificate of employment to report change,'' 445B.5049, ''Connection to state electronic data transmission system,'' 445B.505, ''Availability of list of approved analyzers and their specifications,'' 445B.5052, ''Approved analyzer: Use and equipment; deactivation by Department,'' 445B.5055, ''Revocation of approval of analyzer,'' 445B.5065, ''Manufacturer of approved analyzer: Required warranty,'' 445B.5075, ''Manufacturer of approved analyzer: Required services; administrative fine for violations,'' 445B.575, ''Device to control pollution: General requirement; alteration or modification,'' 445B.576, ''Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines,'' 445B.577, ''Devices used on stationary rails: Restrictions on visible emissions,'' 445B.578, ''Exceptions to restrictions on visible emissions,'' 445B.579, ''Inspection of vehicle: Devices for emission control required,'' 445B.580, ''Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer,'' 445B.5805, ''Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer,'' 445B.581, ''Inspection of vehicle: Place and equipment for performance,'' 445B.5815, ''Inspection of vehicle: Certified on-board diagnostic systems,'' 445B.582, ''Repair of vehicle; reinspection or testing,'' 445B.583, ''Evidence of compliance: Purpose; records,'' 445B.584, ''Evidence of compliance: Purchase of vehicle inspection report numbers,'' 445B.585, ''Evidence of compliance: Issuance by approved inspector,'' 445B.586, ''Evidence of compliance: Return of fee,'' 445B.587, ''Test of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity,'' 445B.588, ''Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment,'' 445B.589, ''Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap,'' 445B.5895, ''Dissemination of list of authorized stations,'' 445B.590, ''Waiver of standards for emissions,'' 445B.591, ''Form for registration of vehicle in area where inspection of vehicle not required,'' 445B.5915, ''Requirements for registration of vehicle temporarily being used and maintained in another state,'' 445B.592, ''Applicability of certain standards for emissions and other requirements,'' 445B.593, ''Evidence of compliance required for certain vehicles based in Clark County,'' 445B.594, ''Evidence of compliance required for certain vehicles based in Washoe County,'' 445B.595 (excluding subsection(2)), ''Inspections of vehicles owned by State or political subdivisions or operated on federal installations,'' 445B.596, ''Standards for emissions,'' 445B.598, ''Imposition and statement of fee for inspection and testing; listing of stations and fees,'' 445B.599, ''Prescription and notice of maximum fees for inspections and testing,'' 445B.600, ''Procedure for setting new fee,'' 445B.601, ''Concealment of emissions prohibited,'' 445B.6115, ''Exemption of vehicle from certain provisions,'' 445B.6125, ''Certification of vehicle for exemption,'' 445B.7015, ''Annual and additional inspections,'' 445B.7025, ''Alteration of emission control system of vehicle used to conduct inspection,'' 445B.7035, ''Preliminary written notice of violation; reinspection of vehicle,'' 445B.7045, ''Administrative fines and other penalties for certain violations,'' 445B.727, ''Administrative fines and other penalties,'' and 445B.735, ''Program for licensure to install, repair and adjust devices for control of emissions.''

(*3*) Previously approved on July 3, 2008, in paragraph (c)(71)(i)(A)(2) of this section and now deleted from the SIP

without replacement: Nevada Administrative Code (NAC) section: 445B.461(3)(d).

(*4*) New or amended rules related to mobile sources, including Nevada's vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), paragraphs (a), (b), and (c) of subsection (2) of section 445B.595, ''Inspections of vehicles owned by State or political subdivisions or operated on federal installations.''

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(*1*) Correspondence dated March 6, 2007 from the Nevada Department of Motor Vehicles to the Nevada Division of Environmental Protection describing an upgrade to the NV2000 emission analyzer to make emissions testing possible on motor vehicles containing a certified on-board diagnostic system which uses controller area network communication.

(72) The following plan revision was submitted on April 1, 2008, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Clark County Transportation Conformity Plan (January 2008), adopted by the Clark County Board of County Commissioners on January 15, 2008.

(73) The following plan revision was submitted on September 18, 2008, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Resolution of the Clark County Board of Commissioners Adopting the Clark County Carbon Monoxide Redesignation Request and Maintenance Plan, adopted by the Clark County Board of Commissioners on September 2, 2008.

(B) Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (September 2008), adopted by the Clark County Board of Commissioners on September 2, 2008 (excluding the appendices).

(74) The following plan revision was submitted on March 26, 2010 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(*1*) Clark County Board of County Commissioners, Ordinance No. 3809, ''An Ordinance to Suspend the Applicability and Enforceability of All Provisions of Clark County Air Quality Regulation Section 54, the Cleaner Burning Gasoline Wintertime Program; and Provide for Other Matters Properly Relating Thereto,'' adopted September 15, 2009, effective (for state purposes) on September 29, 2009.

(B) Nevada Department of Agriculture.

(*1*) Nevada Board of Agriculture, Adopted Regulation of the State Board of Agriculture LCB File No. R111–08, including an amended version of Nevada Administrative Code (NAC) section 590.065, effective (for state purposes) on January 28, 2010, (excluding newly designated subsection (7) of NAC section 590.065).

(75) The following plan revision was submitted on August 30, 2010, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Letter from Anthony Lesperance, Director, Nevada Department of Nevada, to Lewis Wallenmeyer, Director, Clark County Department of Air Quality and Environmental Management, dated June 22, 2010, setting forth the Nevada Department of Agriculture's commitment to seek reinstatement of the Low RVP wintertime gasoline requirement in Clark County if necessary under the Las Vegas Valley Carbon Monoxide Maintenance Plan to address future carbon monoxide violations.

[37 FR 10878, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1490, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1491 Interstate transport.

(a) *Approval.* On February 7, 2007, the Nevada Division of Environmental Protection submitted the ''Nevada State Implementation Plan for Interstate

Transport to Satisfy the Requirements of the Clean Air Act 110(a)(2)(D)(i) for the 8-hour Ozone and $PM_{2.5}$ NAAQS Promulgated in July 1997'' (''2007 Interstate Transport SIP''). The 2007 Interstate Transport SIP meets the requirements of Clean Air Act section 110(a)(2)(D)(i) for the 1997 8-hour ozone and 1997 $PM_{2.5}$ NAAQS other than the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) regarding interference with other states' measures to protect visibility.

(b) *Approval.* The requirements of Clean Air Act section 110(a)(2)(D)(i)(II) regarding interference with other states' measures to protect visibility for the 1997 8-hour ozone and 1997 $PM_{2.5}$ NAAQS are met by the ''Nevada Regional Haze State Implementation Plan,'' as supplemented and amended on February 18, 2010 and September 20, 2011.

[77 FR 17341, Mar. 26, 2012]

Subpart EE—New Hampshire

§ 52.1519 Identification of plan—conditional approval.

(a) The following plan revisions were submitted on the dates specified.

(1) On January 12, 1993, the New Hampshire Department of Environmental Services submitted a small business stationary source technical and environmental compliance assistance program (PROGRAM). On May 19, 1994, New Hampshire submitted a letter deleting portions of the January 12, 1993 submittal. In these submissions, the State commits to designate a state agency to house the small business ombudsman and to submit adequate legal authority to establish and implement a compliance advisory panel and a small business ombudsman. Additionally, the State commits to have a fully operational PROGRAM by November 15, 1994.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Department of Environmental Services dated January 12, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(B) State Implementation Plan Revision for a Small Business Technical and Environmental compliance Assistance Program dated January 12, 1993.

(C) Letter from the New Hampshire Department of Environmental Services dated May 19, 1994 revising the January 12, 1993 submittal.

(ii) Additional materials.

(A) Non-regulatory portions of the State submittal.

(2) [Reserved]

(b)–(c) [Reserved]

[59 FR 50506, Oct. 4, 1994, as amended at 59 FR 51517, Oct. 12, 1994; 60 FR 47290, Sept. 12, 1995; 66 FR 1871, Jan. 10, 2001]

§ 52.1520 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for New Hampshire under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 18, 2009, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c) and (d) of this section with EPA approval dates after August 18, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of August 18, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, Boston, MA 02109–3912; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from the EPA Regional Office,

please call (617) 918–1668; for materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(c) *EPA approved regulations.*

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date[1]	Explanations
Env-A 100	Organizational Rules: Definitions.	12/21/2010	2/6/2012, 77 FR 5700	Added sections 101.35, Env-A 101.96, and Env-A 101.115.
Env-A 200	Procedural Rules	7/23/2001	10/28/2002, 67 FR 65710	Parts Env-A 206; 208; and Sections Env-A 209.01 through 209.04 are not part of the approved SIP.
Env-A 300	Ambient Air Quality Standards.	4/21/1989	8/19/1994, 59 FR 42766	Part Env-A 304 is not part of the approved SIP.
Env-A 400	Sulfur Content Limits in Fuels.	12/24/1990	8/14/1992, 57 FR 36603	Section Env-A 405.05 (c) and (d); and Part Env-A 406 are not part of the SIP.
Env-A 600	Statewide Permit System	12/21/2010	2/6/2012, 77 FR 5700	Added section Env-A 619.03(b)–(e).
Env-A 700	Permit Fee System	12/24/1990	8/14/1992, 57 FR 36603	Approved Parts Env-A 701 through 705.
Env-A 800	Testing and Monitoring Procedures.	8/21/1995	3/10/1998, 63 FR 11600	Approved Parts Env-A 801 through 807.
Env-A 900	Owner or Operator Obligations.	8/21/1995	3/10/1998, 63 FR 11600	Approved Sections Env-A 901 through 903.
Env-A 1000	Prevention, Abatement, and Control of Open Source Air Pollution.	5/19/1989	8/19/1994, 59 FR 42766	Approved Part Env-A 1001.
Env-A 1200	Prevention, Abatement, and Control of Stationary Source Air Pollution.	8/21/1995	7/23/2002, 67 FR 48033	Approved Parts Env-A 1201 through 1208; and 1211. Approval of 1201.05 shall not be construed to supersede New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and the regulations controlling emissions from major new or modified stationary sources in attainment and non-attainment areas.
Env-A 1500	Conformity of General Federal Actions.	4/19/1996	8/16/1999, 64 FR 44417	Approved Part Env-A 1502.
Env-A 3200	NOx Budget Trading Program.	7/27/1998	11/14/2000, 65 FR 68078	Approved Parts Env-A 3201 through 3218.
Env-A 3600	National Low Emission Vehicle (National LEV) Program.	7/21/1999	3/9/2000, 65 FR 12476	Approved Parts Env-A 3601 through 3603
NHCAR, Part Saf-C 3221A	Emission Amendments to Official Motor Vehicle Inspection Requirements..	11/17/1998	1/10/2001, 66 FR 1868	Part Saf-C 3221A ''Emission Amendments to Official Motor Vehicle Inspection Requirements'' adopted on November 17, 1998.
NHCAR, Part Saf-C 5800	Roadside Diesel Opacity Inspection Program Rules.	11/17/1998	1/10/2001, 66 FR 1868	Part Saf-C 5800 ''Roadside Diesel Opacity Inspection Program Rules'' adopted on November 17, 1998.

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved State Source specific requirements.*

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date [2]	Additional explanations/ § 52.1535 citation
The James River—Berlin/ Gorham, Inc. Berlin, NH.	.....	5/2/1984	9/27/1984, 49 FR 38104	See 52.1535(c)(33). Administrative order issued May 2, 1984 to the James River Corporation.
Operating limits for boilers at Dartmouth College.	Permit Number PO–B–1501, condition 5.	1/6/1986	2/2/1987, 52 FR 3117	See 52.1535(c)(35).
Operating limits for boilers at Dartmouth College.	Permit Number PO–B–1502, condition 5.	1/6/1986	2/2/1987, 52 FR 3117	See 52.1535(c)(35).
Operating limits for boilers at Dartmouth College.	Permit No. PO–B–1503, condition 5.	1/6/1986	2/2/1987, 52 FR 3117	See 52.1535(c)(35).
Operating limits for boilers at Dartmouth College.	Temporary Permit TP–B–150, condition 2, 3 and 4.	1/6/1986	2/2/1987, 52 FR 3117	See 52.1535(c)(35).
The James River Corporation, Groveton, NH.	Permit Number PO–B–1550, Conditions 5B, 5C, and 5D.	9/6/1985	12/14/1987, 52 FR 47392	See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH.
The James River Corporation, Groveton, NH.	Permit Number PO–B–213, Conditions 2 and 5A.	9/6/1985	12/14/1987, 52 FR 47392	See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH.
The James River Corporation, Groveton, NH.	Permit No. PO–B–214, Conditions 2 and 5A.	9/6/1985	12/14/1987, 52 FR 47392	See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH.
The James River Corporation, Groveton, NH.	Permit No. PO–B–215, Conditions 2 and 5A.	9/6/1985	12/14/1987, 52 FR 47392	See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH.
The James River Corporation, Groveton, NH.	Permit No. PO–BP–2240, Condition 5B.	9/6/1985	12/14/1987, 52 FR 47392	See 52.1535(c)(38). The air permit conditions limit sulfur-in-fuel content to 2.2% sulfur by weight at the James River Corporation, Groveton, NH.
Source specific NO_X RACT order for Groveton Paperboard Corp., Groveton, NH.	Order ARD–95–001	5/10/1995	4/9/1997, 62 FR 17087 ...	See 52.1535(c)(50).
Source specific NO_X RACT order for Plymouth Cogeneration Ltd. Partnership, Plymouth, NH.	Order ARD–95–002	9/12/1995	4/9/1997, 62 FR 17087 ...	See 52.1535(c)(50).
Source specific NO_X RACT order for Waterville Valley Ski Area Ltd., Waterville Valley, NH.	Order ARD–95–003	9/19/1995	4/9/1997, 62 FR 17087 ...	See 52.1535(c)(50).
VOC RACT for L.W. Packard and Company, Inc. Ashland, NH.	Order ARD–94–001	5/5/1995	3/10/1998, 63 FR 11600	See 52.1535(c)(51).

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date [2]	Additional explanations/ § 52.1535 citation
VOC RACT for Kalwall Corporation, Manchester, NH.	Order ARD–95–010	9/10/1996	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
VOC RACT for Textile Tapes Corporation, Gonic, NH.	Order ARD–96–001	10/4/1996	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
Source specific NO_X RACT order for Public Service of New Hampshire, Bow, NH.	Order ARD–97–001	4/14/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Source specific NO_X RACT order for Hampshire Chemical Corporation, Nashua, NH.	Order ARD–95–011	5/6/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Source specific NO_X RACT order for Crown Vantage, Berlin, NH.	Order ARD–97–003	9/24/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Source-specific NO_X RACT order and discrete emission reduction protocols for Public Service of New Hampshire.	Order ARD–98–001	7/17/1998	11/14/2000, 65 FR 68078	See 52.1535(c)(64).
VOC RACT for Anheuser-Busch, Merrimack, NH.	Order ARD–00–001	4/15/2002	7/23/2002, 67 FR 48033	See 52.1535(c)(68).

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(e) *Nonregulatory.*

NEW HAMPSHIRE NONREGULATORY

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
"State of New Hampshire Implementation Plan".	Statewide	1/27/1972	5/31/1972, 37 FR 10842	The plan was officially submitted on January 27, 1972.
Miscellaneous non-regulatory additions to the plan correcting minor deficiencies.	Statewide	2/23/1972	7/27/1972, 37 FR 15080	See 52.1535(c)(1).
Non-regulatory provisions for retention and availability of air quality data.	Statewide	3/23/1972	7/27/1972, 37 FR 15080	See 52.1535(c)(2).
Attainment dates of national primary and secondary air quality standards.	Statewide	8/8/1972	9/22/1972, 37 FR 19806	See 52.1535(c)(3).
Compliance schedules	Statewide	2/14/1973	6/20/1973, 38 FR 16144	See 52.1535(c)(5).
Compliance schedules	Statewide	3/22/1973	6/20/1973, 38 FR 16144	See 52.1535(c)(6).
Revision exempting steam locomotives from the plan.	Statewide	4/3/1973	12/14/1973, 38 FR 34476	See 52.1535(c)(7).
AQMA identification material.	Statewide	5/20/1974	6/2/1975, 40 FR 23746 ...	See 52.1535(c)(9).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions.	Statewide	5/29/1979	4/11/1980, 45 FR 24869	See 52.1535(c)(12).
November 6, 1979 letter from New Hampshire Assistant Attorney General.	Statewide	11/6/1979	4/11/1980, 45 FR 24869	See 52.1535(c)(12).
March 17, 1980 letter addressing external emission offsets.	Statewide	3/17/1980	4/11/1980, 45 FR 24869	See 52.1535(c)(12).
Attainment plans to meet the requirements of Part D for total suspended particulates and sulfur dioxide in Berlin, NH.	Areas designated non-attainment for one or more pollutants.	9/19/1979	6/23/1980, 45 FR 41942	See 52.1535(c)(13).
A plan to provide comprehensive public participation and an analysis of the effects of the New Hampshire 1979 SIP revisions.	Statewide	2/28/1980	9/9/1980, 45 FR 59313	See 52.1535(c)(15).
A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR Part 58.	Statewide	1/30/80	12/18/1980, 45 FR 83227	See 52.1535(c)(17).
A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards.	Statewide	4/15/1980	7/15/1981, 46 FR 36699	See 52.1535(c)(18).
A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods.	Statewide	12/9/1980	7/15/1981, 46 FR 36699	See 52.1535(c)(18).
Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester.	City of Manchester	1/12/1981	1/7/1982, 47 FR 763	See 52.1535(c)(19). These revisions supplement the 1979 CO attainment plan.
Revision to the January 12, 1981 CO Attainment Plan for Manchester, NH.	City of Manchester	2/18/1981	1/7/1982, 47 FR 763	See 52.1535(c)(19).
Carbon monoxide attainment plan revisions for the City of Manchester which meet the requirements of Part D of the Act for 1982 SIP revisions.	City of Manchester	10/5/1982	6/27/1983, 48 FR 29479	See 52.1535 (c)(23).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Revision to the October 5, 1982 CO Attainment Plan for Manchester, NH.	City of Manchester	12/20/1982	6/27/1983, 48 FR 29479	See 52.1535(c)(23).
The TSP Plan to attain primary standards in Berlin, New Hampshire.	Berlin, NH	5/9/1984	9/27/1984, 49 FR 38104	See 52.1535(c)(33).
Letter from the New Hampshire Air Resources Commission submitting revisions to the SIP.	Statewide	4/26/1985	9/17/1987, 52 FR 35081	See 52.1535(c)(37).
Letter interpreting NH's regulation for Continuous Emission Monitoring Systems.	Statewide	1/20/1986	9/17/1987, 52 FR 35081	See 52.1535(c)(37).
NH Letter of intent to implement applicable emission limits required by EPA's New Source Performance Standard (NSPS).	Statewide	5/12/1987	9/17/1987, 52 FR 35081	See 52.1535(c)(37).
Letter submitting a revision to the CO Attainment Plan for the City of Nashua, NH.	Nashua and 11 surrounding towns.	9/12/1985	8/25/1988, 53 FR 32391	See 52.1535(c)(39). Attainment plans for carbon monoxide for the City of Nashua including an extension of the attainment date to December 31, 1990.
Narrative submittals, including an attainment demonstration for carbon monoxide for the City of Nashua.	Nashua and 11 surrounding towns.	2/26/1985	8/25/1988, 53 FR 32391	See 52.1535(c)(39).
Letter identifying extensions to the Nashua intersection-specific measures (Build I).	Nashua and 11 surrounding area.	12/3/1985	8/25/1988, 53 FR 32391	See 52.1535(c)(39).
Letter submitting final motor vehicle emissions inspection (I&M) program for the Nashua, NH area.	Nashua and 11 surrounding towns.	10/7/1986	8/25/1988, 53 FR 32391	See 52.1535(c)(39).
Letter from Governor John H. Sununu to Michael R. Deland committing to take legislative measures to convert the Inspection/Maintenance program in the Nashua area to the use of computerized emission analyzers in the event that the program is found to not be achieving the necessary emission reductions.	Nashua and 11 surrounding towns.	3/6/1987	8/25/1988, 53 FR 32391	See 52.1535(c)(39).
Letter from NH DES, Air Resources Division providing additional information on Nashua intersection-specific traffic flow improvements in Nashua, NH CO Attainment Plan.	Nashua and 11 surrounding towns.	5/12/1987	8/25/1988, 53 FR 32391	See 52.1535(c)(39).
Letter from NH DES, Air Resources Division submitting additions to the Nashua, NH CO Attainment Plan.	Nashua and 11 surrounding towns.	10/15/1987	8/25/1988, 53 FR 32391	See 52.1535(c)(39).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Letter from the New Hampshire Air Resources Division dated July 6, 1989 submitting revisions to the NH SIP.	Statewide	7/6/1989	8/19/1994, 59 FR 42766	See 52.1535(c)(40).
Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting a revision to the NH SIP.	Statewide	2/12/1991	8/14/1991, 56 FR 40252	See 52.1535(c)(41).
Nonregulatory portions of the State submittal.	Statewide	2/12/1991	8/14/1991, 56 FR 40252	See 52.1535(c)(41).
Letter from the New Hampshire Air Resources Division dated November 21, 1989 submitting a revision to the NH SIP.	Statewide	11/21/1989	6/13/1991, 56 FR 27197	See 52.1535(c)(43).
Letter from Robert W. Varney, Commissioner of the Department of Environmental Services of New Hampshire, to John B. Hammond, Acting Director of the New Hampshire Office of Legislative Services, dated November 15, 1989, adopting final rules.	Statewide	11/21/1989	6/13/1991, 56 FR 27197	See 52.1535(c)(43).
Letter from the New Hampshire Air Resources Division dated September 12, 1990 submitting a revision to the NH SIP that withdraws nine source-specific operating permits incorporated by reference at 40 CFR 52.1535(c)(21), (c)(25) and (c)(32).	Statewide	9/12/1990	12/12/1991, 56 FR 64703	See 52.1535(c)(44).
Letter from the New Hampshire Air Resources Division dated July 2, 1991 submitting documentation of a public hearing.	Statewide	7/2/1991	12/12/1991, 56 FR 64703	See 52.1535(c)(44).
Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting revisions to the NH SIP.	Statewide	2/12/1991	8/14/1992, 57 FR 36603	See 52.1535(c)(45).
Letter from the New Hampshire Air Resources Division dated May 7, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal.	Statewide	5/7/1991	8/14/1992, 57 FR 36603	See 52.1535(c)(45).
Letter from the New Hampshire Air Resources Division dated August 20, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal.	Statewide	8/20/1991	8/14/1992, 57 FR 36603	See 52.1535(c)(45).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Letter from the New Hampshire Air Resources Division dated August 26, 1991 withdrawing certain portion of the February 12, 1991 SIP submittal.	Statewide	8/26/1991	8/14/1992, 57 FR 36603	See 52.1535(c)(45).
Letter from the New Hampshire Air Resources Division dated March 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal.	Statewide	3/6/1992	8/14/1992, 57 FR 36603	See 52.1535(c)(45).
Letter from the New Hampshire Air Resources Division dated May 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal.	Statewide	5/6/1992	8/14/1992, 57 FR 36603	See 52.1535(c)(45).
Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the NH SIP.	Statewide	5/15/1992	1/19/1993, 58 FR 4902	See 52.1535(c)(46). Revisions to the SIP consisting of amendments to Emission Control Methods for Cutback and Emulsified Asphalt.
Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the NH SIP.	Statewide	5/15/1992	5/25/1993, 58 FR 29973	See 52.1535(c)(47).
Letter from the New Hampshire Air Resources Division dated December 21, 1992, submitting revisions to the NH SIP.	Statewide	12/21/1992	4/9/1997, 62 FR 17087	See 52.1535(c)(49).
Letter from the New Hampshire Air Resources Division dated June 17, 1994 submitting revisions to the NH SIP.	Statewide	6/17/1994	4/9/1997, 62 FR 17087	See 52.1535(c)(49).
Letter from the New Hampshire Air Resources Division dated July 7, 1995 submitting revisions to the NH SIP.	Statewide	7/7/1995	4/9/1997, 62 FR 17087	See 52.1535(c)(50).
Letter from the New Hampshire Air Resources Division dated September 18, 1995 submitting revisions to the NH SIP.	Statewide	9/18/1995	4/9/1997, 62 FR 17087	See 52.1535(c)(50).
Letter from the New Hampshire Air Resources Division dated October 18, 1995, submitting revisions to the NH SIP.	Statewide	10/18/1995	4/9/1997, 62 FR 17087	See 52.1535(c)(50).
Letter from the New Hampshire Air Resources Division dated December 9, 1996 submitting revisions to the NH SIP.	Gonic, NH	12/9/1996	3/10/1998, 63 FR 11600	See 52.1535(c)(51).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Letter from the New Hampshire Air Resources Division dated June 28, 1996 submitting revisions to the NH SIP.	Statewide	6/28/1996	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
Letter from the New Hampshire Air Resources Division dated October 24, 1996 submitting revisions to the NH SIP.	Manchester, NH	10/24/1996	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
Letter from the New Hampshire Air Resources Division dated July 10, 1995 submitting revisions to the NH SIP.	Statewide	7/10/1995	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
Letter from the New Hampshire Air Resources Division dated December 21, 1992 submitting revisions to the NH SIP.	Statewide	12/21/1992	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
Letter dated November 21, 1997 withdrawing Env-A 1204.06 from the SIP submittal.	Statewide	11/21/1997	3/10/1998, 63 FR 11600	See 52.1535(c)(51).
NH–DES letter dated December 13, 1994, and signed by Thomas M. Noel, Acting Director, NH DES.	Statewide	12/13/1994	10/27/1997, 62 FR 55521	See 52.1535(c)(52).
State of New Hampshire Photochemical Assessment Monitoring Stations—Network Plan—Network Overview.	Statewide	12/13/1994	10/27/1997, 62 FR 55521	See 52.1535(c)(52).
Letter from the New Hampshire Air Resources Division dated August 29, 1996 submitting a revision to the NH SIP.	Portsmouth-Dover-Rochester serious ozone nonattainment area, and the NH portion of the Boston-Lawrence-Worcester serious ozone nonattainment area.	8/29/1996	10/27/1997, 62 FR 55521	See 52.1533. Revisions to the SIP for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirement of section 172(c)(9) of the Clean Air Act.
Letter from the New Hampshire Air Resources Division dated April 14, 1997 submitting revisions to the NH SIP.	Statewide	4/14/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Letter from the New Hampshire Air Resources Division dated May 6, 1997 submitting revisions to the NH SIP.	Nashua, NH	5/6/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Letter from the New Hampshire Air Resources Division dated September 24, 1997 submitting revisions to the NH SIP.	Statewide	9/24/1997	5/13/1998, 63 FR 26455	See 52.1535(c)(54).
Letter from the New Hampshire Air Resources Division dated July 27, 1998 submitting a revision to the NH SIP.	Statewide	7/27/1998	11/14/2000, 65 FR 68078	See 52.1535(c)(57).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Letter from the New Hampshire Air Resources Division dated November 24, 1992 submitting a revision to the New Hampshire State Implementation Plan.	Statewide	11/24/1992	12/7/1998, 63 FR 67405	See 52.1535(c)(58).
New Hampshire Department of Environmental Services ''Stage II Equivalency Demonstration,'' dated November 1992.	Statewide	11/24/1992	12/7/1998, 63 FR 67405	See 52.1535(c)(58).
Nonregulatory portions of the submittal.	Statewide	7/2/1993	12/7/1998, 63 FR 67405	See 52.1535(c)(58). NH's Gasoline Vapor Recovery Testing Procedures and Inspection Manual.
Letter from the New Hampshire Air Resources Division dated November 20, 1998 submitting a revision to the NH SIP.	Statewide	11/20/1998	1/10/2001, 66 FR 1868	See 52.1535(c)(59).
Letter from the New Hampshire Air Resources Division dated September 4, 1998 submitting a revision to the NH SIP.	Statewide	9/4/1998	1/10/2001, 66 FR 1868	See 52.1535(c)(59).
Document entitled ''Alternative New Hampshire Motor Vehicle Inspection/Maintenance State Implementation Plan Revision'' dated September 4, 1998.	Statewide	9/4/1998	1/10/2001, 66 FR 1868	See 52.1535(c)(59).
Letter from the New Hampshire Air Resources Division dated August 6, 2001 submitting a revision to the NH SIP.	Statewide	8/9/2001	10/28/2002, 67 FR 65710	See 52.1535(c)(60).
Letter from the New Hampshire Air Resources Division dated April 26, 1995 submitting a revision to the NH SIP.	Statewide	4/26/1995	10/28/2002, 67 FR 65710	See 52.1535(c)(60).
Nonregulatory portions of the State submittal..	Statewide	4/26/1995	10/28/2002, 67 FR 65710	See 52.1535(c)(60).
Document entitled ''New Hampshire Stage II Comparability Analysis,'' prepared by the New Hampshire Department of Environmental Services, dated July 1, 1998.	Statewide	7/9/1998	9/29/1999, 64 FR 52434.	See 52.1535(c)(61).
Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the NH SIP.	Statewide	6/7/1994	9/29/1999, 64 FR 52434.	See 52.1535(c)(62).
Document entitled ''Clean Fuel Fleet Equivalency Demonstration,'' prepared by the New Hampshire Department of Environmental Services, dated May, 1994.	Statewide	6/7/1994	9/29/1999, 64 FR 52434.	See 52.1535(c)(62).

NEW HAMPSHIRE NONREGULATORY—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date [3]	Explanations
Letter from the New Hampshire Department of Environmental Services dated July 10, 1996 submitting a revision to the NH SIP.	Statewide	7/10/1996	8/16/1999, 64 FR 44417	See 52.1535(c)(63).
Letter from the New Hampshire Air Resources Division dated July 17, 1998 submitting Final RACT Order 98–001 as a revision to the NH SIP.	Statewide	7/17/1998	11/14/2000, 65 FR 68078	See 52.1535(c)(64).
Letter from the New Hampshire Department of Environmental Services dated August 16, 1999 submitting the Low Emission Vehicle program as a revision to the NH SIP.	Statewide	8/16/1999	3/9/2000, 65 FR 12476	See 52.1535(c)(65).
Letter from the New Hampshire Air Resources Division dated July 29, 1993 submitting a revision to the New Hampshire State Implementation Plan.	Statewide	7/29/1993	7/27/2001, 66 FR 39100	See 52.1535(c)(66).
Letter from the New Hampshire Air Resources Division dated July 2, 1999 submitting a revision to the New Hampshire State Implementation Plan.	Statewide	7/2/1999	7/27/2001, 66 FR 39100	See 52.1535(c)(66).
Letter from the New Hampshire Department of Environmental Services dated September 11, 1998 stating a negative declaration for the aerospace coating operations Control Techniques Guideline category.	Statewide	9/11/1998	7/10/2000, 65 FR 42290	See 52.1535(c)(67).
Letter from the DES, dated April 15, 2002, submitting revised Anheuser-Busch order to EPA as a SIP revision and withdrawing previous submittal for this facility dated June 20, 2000.	Merrimack, NH	4/15/2002	7/23/2002, 67 FR 48033	See 52.1535(c)(68).
Letter from the DES, dated March 22, 2002, containing information on New Filcas of America.	Nashua, NH	3/22/2002	7/23/2002, 67 FR 48033	See 52.1535(c)(68).
Submittal to meet Clean Air Act Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard.	State of New Hampshire	December 14, 2007	July 8, 2011, 76 FR 40248.	This action addresses the following Clean Air Act requirements: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[74 FR 50120, Sept. 30, 2009, as amended at 76 FR 40257, July 8, 2011; 76 FR 49672, Aug. 11, 2011; 77 FR 5702, Feb. 6, 2012]

§ 52.1521 Classification of regions.

The New Hampshire plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Androscoggin Valley Interstate	IA	IA	III	III	III
Central New Hampshire Intrastate	III	III	III	III	III
Merrimack Valley-Southern New Hampshire Interstate	I	I	III	III	III

[37 FR 10879, May 31, 1972, as amended at 45 FR 24876, Apr. 11, 1980]

§ 52.1522 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves New Hampshire's plan as identified in § 52.1520 of this subpart for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below.

(b) To insure Federal approval of State issued new source review permits pursuant to section 173 of the Clean Air Act, the provisions of Section V of the emission offset interpretative rule published January 16, 1979, (44 FR 3274) must be met.

[45 FR 24876, Apr. 11, 1980, as amended at 48 FR 50078, Oct. 31, 1983; 75 FR 82557, Dec. 30, 2010; 77 FR 5703, Feb. 6, 2012]

§ 52.1523 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in New Hampshire's plan.

Air quality control region	SO_2		PM_{10}	NO_2	CO	O_3
	Primary	Secondary				
NH portion Andoscoggin Valley Interstate AQCR 107	a	b	a	a	a	a
Central NH Intrastate AQCR 149	a	b	a	a	a	a
NH portion Merrimack Valley-Southern NH Interstate 121:						
Belknap County	a	b	a	a	a	a
Sullivan County	a	b	a	a	a	a
Cheshire County	a	b	a	a	a	d
Portmouth-Dover-Rochester area (See 40 CFR 81.330)	a	b	a	a	a	e
NH portion Boston-Lawrence-Worcester area (See 40 CFR 81.330)	a	b	a	a	a	f
Manchester area (See 40 CFR 81.330)	a	b	a	a	a	c

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. November 15, 1993.
d. November 15, 1995.
e. November 15, 1999.
f. November 15, 2007.

[45 FR 24876, Apr. 11, 1980, as amended at 50 FR 51250, Dec. 16, 1985; 51 FR 21550, June 13, 1986; 65 FR 71065, Nov. 29, 2000; 67 FR 72575, Dec. 6, 2002]

§ 52.1524 Compliance schedules.

(a) Compliance schedules for the sources identified below are approved as meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Markem Corporation	Keene, NH	No. 1204.05	Feb. 10, 1984	Feb. 19, 1981	July 1, 1985.

(b) The requirements of § 51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Brown Co	Berlin, N.H	No. 15	May 14, 1973.

(d) Federal compliance schedules. The compliance schedules for the sources identified below are promulgated herein in satisfaction of the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations ofthe State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Brown Co.:				
(a) No. 11 Kraft recovery	Berlin, N.H.	15	Immediately	Jan. 1973.
(b) No. 11 Kraft recovery	do	15	do	Jan. 1974.
(c) No. 8 Kraft recovery boiler main stack	do	15	do	July 1974.
(d) No. 8 Kraft recovery smelt tank vent	do	15	do	Dec. 1974.
(e) Heavy black liquor oxidation	do	15	do	June 1974.
(f) No. 1 lime kiln stack	do	15	do	Jan. 1973.
(g) No. 2 lime kiln stack	do	15	do	Dec. 1974.

[38 FR 12713, May 14, 1973, as amended at 38 FR 16145, June 20, 1973; 38 FR 22744, Aug. 23, 1973; 49 FR 38102, Sept. 27, 1984; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25259, June 14, 1989]

§ 52.1525 EPA-approved new Hampshire state regulations.

The following table identifies that State regulations which have been submitted to and approved by EPA as revisions to the New Hampshire State Implementation Plan. This table is for informational purposes only and does not have any independent regulatory effect. To determine regulatory requirements for a specific situation consult the plan identified in § 52.1520. To the extent that this table conflicts with § 52.1520, § 52.1520 governs.

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE

Title/subject	State citation chapter [2]	Date adopted State	Date approved EPA	FEDERAL REGISTER citation	52.1520	Explanation
Organizational Rules: Definitions.	CH Air 100	12/17/81	3/15/83	48 FR 10830	(c)(22)	Sections Air 101.01–.03; .27; .31; .50; .52; .57; .63; .70–.73; .76; .78; .90; .97 and PARTs Air 102 and 103 are not part of the approved SIP.
		7/21/83	2/01/84	49 FR 3989	(c)(28)	Approved Section Air 101.74, Def. of 'process weight.'

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

Title/subject	State citation chapter [2]	Date adopted State	Date approved EPA	FEDERAL REGISTER citation	52.1520	Explanation
	Env-A 100	11/16/89	6/13/91	56 FR 27197	(c)(43)	Approved Sections Env-A 101.79, Def. of 'Reasonable Available Control Technology' and Env-A 101.98, Def. of 'Volatile Organic Compound.'
		12/24/90	8/14/92	57 FR 36605	(c)(45)	Part Env-A 101 renumbered and completely replaced; Sections Env-A 101.21; .27; .33; .51; .53; .58; .63; .98; and Parts Env-A 102 and 103 are not part of the approved SIP.
Procedural Rules	CH Air 200	12/17/81	3/15/83	48 FR 10830	(c)(22)	Parts Air 201–204 and Parts Air 206–210 are not part of the approved SIP.
		10/21/82	4/21/83	48 FR 17077	(c)(24)	Section Air 205.10 added.
	Env-A 200	12/24/90	8/14/92	57 FR 36605	(c)(45)	Parts Env-A 206 and 208 and Sections Env-A 209.01–04 are not part of the approved SIP.
Procedural Rules	Env-A 200	2/17/95 & 7/23/01	10/28/02	67 FR 65710	(c)(60)	Approving Env-A 205.03 & Env-A 205.04 as amended 7/23/01.
Ambient Air Quality Standards.	CH Air 300	12/17/81	3/15/83	48 FR 10830	(c)(22)	Part Air 304 is not part of the approved SIP.
	Env-A 300	12/24/90	8/14/92	57 FR 36605	(c)(45)	Part Env-A 304 is not part of the approved SIP.
Particulate matter	Env-A 303	4/21/89	8/19/94	59 FR 42768	(c)(40)	303.01 303.015
Sulfur Content Limits in Fuels.	CH Air 400	12/17/81	3/15/83	48 FR 10830	(c)(22)	Section Air 402.02 is not part of the approved SIP.
		2/20/75	3/23/84	49 FR 11094	(c)(26)	Section Air 402.02 added, raising allowable sulfur-in-oil limit for but 10 sources.
		10/20/83	8/07/84	49 FR 31415	(c)(29)	Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 5 source excluded at (c)(26) above.
		12/15/83	8/01/84	49 FR 30695	(c)(31)	Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for 2 sources excluded at (c)(26) above.
		4/17/86	2/02/87	52 FR 3117	(c)(35)	Revision restricting emission limits for Dartmouth College.
		1/17/85	4/15/87	52 FR 12164	(c)(36)	Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Cascade.
		9/09/85	12/14/87	52 FR 47392	(c)(38)	Revision to Section Air 402.02, raises allowable sulfur-in-oil limit for James River Corp.—Groveton.
	Env-A 400	12/24/90	8/14/92	57 FR 36605	(c)(45)	Part Env-A 405 renumbered and completely replaced; Section Env-A 405.05 (c) and (d); and Part Env-A 406 are not part of the approved SIP.
Statewide Permit System.	CH Air 600	12/17/81	3/15/83	48 FR 10830	(c)(22)	Part Air 609 repealed at (c)(16).
		1/26/84	3/13/85	50 FR 10004	(c)(36)	Revisions to Part Air 610.
	Env-A 600	12/24/90	8/14/92	57 FR 36606	(c)(45)	Part Env-A 603 renumbered and completely replaced; Sections Env-A 603.02(p), 603.03(f) and 603.03(g) are not part of the approved SIP.

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

Title/subject	State citation chapter [2]	Date adopted State	Date approved EPA	FEDERAL REGISTER citation	52.1520	Explanation
Statewide Permit System.	Env-A 600	5/21/93 6/26/97 1/29/99	7/27/01 ..	FR 39104	(c)(66)	Part Env-622 (formally 610) Adopted NSR CAA requirements Adopted plantwide definition Adopted CAA sections 173(a)(4) & (5).
Statewide Permitting System.	Env-A 600	7/23/01	10/28/02	67 FR 65710	(c)(60)	Adding Part Env-A 623: New Hampshire's PSD permit requirements.
Permit Fee System	CH Air 700	12/17/81	3/15/83 ..	48 FR 10830	(c)(22)	
		12/20/84	9/17/87 ..	52 FR 35082	(c)(37)	Revisions to Sections Air 704.01–.02 and Air 706.01–.02.
	Env-A 700	12/24/90	8/14/92 ..	57 FR 36605	(c)(45)	
Testing and Monitoring	CH Air 800	12/17/81	3/15/83 ..	48 FR 10830	(c)(22)	Part Air 803 is not part of the approved SIP.
	Env-A 800	11/16/89	6/13/91 ..	56 FR 27197	(c)(43)	Part Env-A 804 added; Revision to Section Env-A 802.07.
		12/24/90	8/14/91 ..	56 FR 40253	(c)(41)	Sections Env-A 802.09–.10 added.
		12/24/90	8/14/92 ..	57 FR 36605	(c)(45)	Part Env-A 803 is not part of the approved SIP.
Testing Requirements	CH Air 800	1/17/92	5/25/93 ..	58 FR 29974	(c)(47)	Part Env-A 805 Capture Efficiency Test Procedures
Purpose	CH air 800, Part Env-A 801.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Testing and Monitoring for Stationary Sources: General Requirements.	CH air 800, Part Env-A 802.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
VOC Testing	CH air 800, Part Env-A 803.	8/21/95	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Capture Efficiency	CH air 800, Part Env-A 804.	8/21/95	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Continuous Emission Monitoring.	CH air 800, Part Env-A 805.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Testing for Diesel Engines and Motor Vehicles.	CH air 800, Part Env-A 806.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Approval of Alternate Methods.	CH air 800, Part Env-A 807.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds testing and monitoring procedures.
Owner or Operator Obligations.	CH Air 900	12/17/81	3/15/83 ..	48 FR 10830	(c)(22)	
	Env-A 900	11/16/89	6/13/91 ..	56 FR 27197	(c)(43)	Sections Env-A 901.021–.022 and 901.05 added; Revision to Section Env-A 901.02.
		12/24/90	8/14/92 ..	57 FR 36605	(c)(45)	
Recordkeeping requirements.	CH Air 900, Part Env-A 901, section Env-A 901.06.	11/13/92	4/9/97	62 FR 17092	(c)(49)	Adds NO_X recordkeeping requirements.
	CH Air 900, Part Env-A 901, section Env-A 901.07.	11/13/92	4/9/97	62 FR 17092	(c)(49)	Adds NO_X reporting requirements.
Recordkeeping and Reporting by Sources.	CH air 900, Part Env-A 901, sections 901.01, 901.03, 901.09.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds recordkeeping and reporting requirements.
Recordkeeping and Reporting by Sources.	CH air 900, Part Env-A 901, sections 901.02, 901.04, 901.05, and 901.08.	8/21/95	3/10/98 ..	63 FR 11600	(c)(51)	Adds recordkeeping and reporting requirements.

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

Title/subject	State citation chapter [2]	Date adopted State	Date approved EPA	FEDERAL REGISTER citation	52.1520	Explanation
Malfunctions and Breakdowns of Air Pollution Control Equipment.	CH air 900, Part Env-A 902.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds recordkeeping and reporting requirements.
Compliance Schedules	CH air 900, Part Env-A 903.	11/13/92	3/10/98 ..	63 FR 11600	(c)(51)	Adds recordkeeping and reporting requirements.
Prevention, Abatement, and Control of Open Source Air Pollution.	CH Air 1000	12/17/81	3/15/83 ..	48 FR 10830	(c)(22)	Part Air 1002 is not part of the approval SIP.
	Env-A 1000	12/24/90	8/14/92 ..	57 FR 36605	(c)(45)	Part Env-A 1002 is not part of the approval SIP.
Open-Air Burning	Env-A 1001	5/19/89	8/19/94.	59 FR 42768	(c)(40)	1001.02
Prevention, Abatement, and Control of Stationary Source Air Pollution Part.	CH Air 1200	6/17/82	3/15/83 ..	48 FR 10830	(c)(22)	Section Air 1201.07 and Part Air 1206 are not part of the approved SIP.
		2/19/80	10/31/83	48 FR 50077	(c)(27)	Revisions to Section 1204.02(c) and 1204.21(j); Section 1204.17 added.
		7/21/83	2/01/84 ..	49 FR 3989 ..	(c)(28)	Revision to Section Air 1204.01.
		2/16/84	6/01/84 ..	49 FR 24724	(c)(30)	Section Air 1201.05(e) added.
		12/20/84	9/17/87 ..	52 FR 35082	(c)(37)	Revisions to Sections Air 1202.07–.09; Section Air 1202.10 added.
Prevention, Abatement and Control of Stationary Source Air Pollution.	CH Air 1200	1/17/92	5/25/93 ..	58 FR 29974	(c)(47)	Part Env-A Sections 1204.02; 1204.04; 1204.05 through 1204.08; 1204.14 through 1204.15.
	Env-A 1200	11/16/89	6/13/91 ..	56 FR 27197	(c)(43)	Revisions to Sections Env-A 1204.01–.16; Section Env-A 1204.19 added.
		12/24/90	8/14/92 ..	57 FR 36605	(c)(45)	Section Env-A 1206.03 is not part of the approved SIP.
	Env-A 1200	1/17/92	1/19/93 ..	58 FR 4904 ..	(c)(46)	Revisions to Section Env-A 1204.12.
Nitrogen oxides emission limits.	CH Air 1200 Part Env-A 1211.	5/20/94	4/9/97	62 FR 17092	(c)(49)	Adds NO_X RACT requirements.
Stationary Sources of Volatile Organic Compounds.	CH air 1204, Part Env-A 1204 (except 1204.09).	8/21/95	3/10/98 ..	63 FR 11600	c(51)	Adds VOC RACT requirements. Limited approval only of Env-A 1204.27
Applicability Criteria and Compliance Options for Miscellaneous and Multi-category Stationary VOC Sources.	Env-A 1204.27 ..	8/21/95	7/23/02 ..	67 FR 48036	(c)(68)	Rule fully approved for the New Hampshire portion of the eastern Massachusetts serious ozone nonattainment area.
Source Specific Order	Order ARD–94–001.	5/5/95	3/10/98 ..	63 FR 11600	(c)(51)	VOC RACT for L.W. Packard.
Source specific order ..	Order ARD–95–001.	5/10/95	4/9/97	62 FR 17092	(c)(52)	Source specific NO_X RACT order for Groveton Paperboard Corp., in Groveton, NH.
	Order ARD–95–002.	9/12/95	4/9/97	62 FR 17093	(c)(50)	Source specific NO_X RACT order for Plymouth Cogeneration Ltd. Partnership, in Plymouth, NH.
	Order ARD–95–003.	9/19/95	4/9/97	62 FR 17093	(c)(50)	Source specific NO_X RACT order for Waterville Valley Ski Area Ltd., in Waterville Valley, NH.
Source Specific Order	Order ARD–95–010.	9/10/96	3/10/98 ..	63 FR 11600	(c)(51)	VOC RACT for Kalwall, Manchester.
Source Specific Order	Order ARD–96–001.	10/4/96	3/10/98 ..	63 FR 11600	(c)(51)	VOC RACT for Textile Tapes.
Source specific order ..	Order ARD–97–001.	04/14/97	5/13/98 ..	63 FR 26460	(c)(54)	Source specific NO_X RACT order for Public Service of New Hampshire in Bow, NH.

TABLE 52.1525—EPA-APPROVED RULES AND REGULATIONS [1]—NEW HAMPSHIRE—Continued

Title/subject	State citation chapter [2]	Date adopted State	Date approved EPA	FEDERAL REGISTER citation	52.1520	Explanation
Source specific order ..	Order ARD–95–011.	05/06/97	5/13/98 ..	63 FR 26460	(c)(54)	Source specific NO_X RACT order for Hampshire Chemical Corporation in Nashua, NH.
Source specific order ..	Order ARD–97–003.	9/24/97	5/13/98 ..	63 FR 26460	(c)(54)	Source specific NO_X RACT order for Crown Vantage in Berlin, NH.
Source specific order ..	Order ARD 98–001.	7/17/98	11/14/00	65 FR 68082	(c)(64)	Source-specific NO_X RACT order and discrete emission reduction protocols for Public Service of New Hampshire.
Source Specific Order	Order ARD–00–001.	4/15/02	7/23/02 ..	67 FR 48036	(c)(68)	VOC RACT for Anheuser-Busch.
Conformity of General Federal Actions.	CH Env-A 1500, Part Env-A 1502.	4/19/96	8/16/99 ..	64 FR 44420	(c)(63)	None.
National Low Emission Vehicle Program.	CH air 3600	7/21/99	3/9/00	65 FR 12480	(c)(65)	Approval of commitment to National Low Emission Vehicle Program.
NO_X Budget Trading Program.	Part Env-A 3200	7/27/98	11/14/00	65 FR 68082	(c)(57)	Approval of OTC NO_X budget and allowance trading program.
Emission Amendments to Official Motor Vehicle Inspection Req.	NHCAR, Part Saf-C 3221A.	11/17/98	1/10/01 ..	66 FR 1871	(c)(59)	Part Saf-C 3221A "Emission Amendments to Official Motor Vehicle Inspection Requirements" adopted on November 17, 1998;
Roadside Diesel Opacity Inspection Program Rules.	NHCAR, Part Saf-C 5800.	11/17/98	1/10/01 ..	66 FR 1871	(c)(59)	Part Saf-C 5800 "Roadside Diesel Opacity Inspection Program Rules" adopted on November 17, 1998.

[1] These regulations are applicable statewide unless otherwise noted in the Explanation section.
[2] When the New Hampshire Department of Environmental Services was established in 1987, the citation chapter title for the air regulations changed from CH Air to Env-A.

[50 FR 767, Jan. 7, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1525, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1526 [Reserved]

§ 52.1527 Rules and regulations.

(a) [Reserved]

(b) The following elements are not part of the approved SIP:

(1) Intergovernmental consultations

(2) Public notification

(3) Conflict of Interest

(4) Non-SIP regulations' numbers listed below:

- Chapter Env-A 100: Sections Env-A 101.21, .27, .33, .51, .53, .58., .63 and
- 98; and Parts Env-A 102–103
- Chapter Env-A 200: Part Env-A 206; Part Env-A 208; and Sections 209.01–.04
- Chapter Env-A 300: Part Env-A 304
- Chapter Env-A 400: Section Env-A 405.05(c)–(d) and Part Env-A 406
- Chapter Env-A 500: Parts Env-A 501–506
- Chapter Env-A 600: Sections Env-A 603.02(p), 603.03(f)–(g)
- Chapter Env-A 800: Part Env-A 803
- Chapter Env-A 1000: Part Env-A 1002
- Chapter Env-A 1100:Part Env-A 1101
- Chapter Env-A 1200: Sections Env-A 1206.03
- Chapter Env-A 1300; Parts Env-A 1301–1305

[48 FR 10833, Mar. 15, 1983, as amended at 48 FR 48665, Oct. 20, 1983; 50 FR 51250, Dec. 16, 1985; 57 FR 36607, Aug. 14, 1993]

§ 52.1528 Control strategy: Carbon monoxide.

(a) Approval—On February 1, 1999, the New Hampshire Department of Environmental Services submitted a revision to the State Implementation Plan to remove the Nashua Inspection/Maintenance program for carbon monoxide that ceased operating on January 1,

1995. The Nashua Inspection/Maintenance was originally approved at §52.1520(c)(39). The Nashua Inspection/Maintenance program was replaced with controls consisting of the existing federal Tier 1 emission standards for new vehicles and the federal reformulated gasoline program.

(b) Approval—On February 2, 1999, the New Hampshire Department of Environmental Services submitted a request to redesignate the City of Manchester carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1990 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit additional information in eight years acknowledging that the maintenance plan will remain in effect through the year 2020, as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), New Hampshire will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes the enhanced safety inspection program and New Hampshire's low emission vehicle program (NLEV) as contingency measures. The redesignation request establishes a motor vehicle emissions budget of 55.83 tons per day for carbon monoxide to be used in determining transportation conformity for the Manchester area. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(c) Approval—On February 2, 1999, the New Hampshire Department of Environmental Services submitted a request to redesignate the City of Nashua carbon monoxide nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1990 attainment year) emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2010 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit additional information in eight years acknowledging that the maintenance plan will remain in effect through the year 2020, as required by the Clean Air Act. If the area records a violation of the carbon monoxide NAAQS (which must be confirmed by the State), New Hampshire will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes the enhanced safety inspection program and New Hampshire's low emission vehicle program (NLEV) as contingency measures. The redesignation request establishes a motor vehicle emissions budget of 60.13 tons per day for carbon monoxide to be used in determining transportation conformity for the Nashua area. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(d) Approval—On May 30, 2007, the New Hampshire Department of Environmental Services submitted a modification to the Nashua maintenance plan approved in paragraph (c) of this section. New Hampshire will not conduct CO monitoring in Nashua, but instead commits to continue to collect and review CO monitoring data from nearby Manchester, NH on an on-going basis. In the event the second highest CO concentration in any calendar year monitored in Manchester reaches 75 percent of the federal 1-hour or 8-hour national ambient air quality standard for CO, New Hampshire will, within 9 months of recording such concentrations, re-establish a CO monitoring site in Nashua consistent with EPA siting criteria, and resume analyzing and reporting those data. New Hampshire commits to implement its contingency

program in Nashua in the event that a CO violation is monitored at the re-established Nashua monitoring site at any time during the maintenance period. If the Manchester CO monitor measures a violation of the either the federal 1-hour or 8-hour NAAQS for CO, contingency measures will be implemented in Nashua as well, until a re-established CO monitor in Nashua shows that the area is in attainment of the CO standard.

[65 FR 71066, Nov. 29, 2000, as amended at 72 FR 51567, Sept. 10, 2007]

§ 52.1529 Significant deterioration of air quality.

New Hampshire's Part Env-A 623, ''Requirements for Prevention of Significant Deterioration Permits,'' as submitted on August 6, 2001, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[67 FR 65713, Oct. 28, 2002]

§ 52.1530 Requirements for State implementation plan revisions relating to new motor vehicles.

New Hampshire must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1531 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of New Hampshire.

(c) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Hampshire.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.1532 Stack height review.

The State of New Hampshire has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on March 21, 1986. The State has further declared in a letter from Dennis Lunderville, dated July 25, 1986, that, ''As part of our new source review activities under the New Hampshire SIP and our delegated PSD authority, the New Hampshire Air Resources Agency will follow EPA's stack height regulation as revised in the FEDERAL REGISTER on July 8, 1985 (50 FR 27892).'' Thus, New Hampshire has satisfactorily demonstrated that its regulations meet 40 CFR 51.118 and 51.164.

[52 FR 49407, Dec. 31, 1987]

§ 52.1533 Emission inventories.

(a) The Governor's designee for the State of New Hampshire submitted a 1990 base year emission inventory for the entire state on January 26, 1993 as a revision to the State Implementation Plan (SIP). Subsequent revisions to the State's 1990 inventories were made, the last of which occurred on August 29, 1996. The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the three nonattainment areas in the State. The three areas are the Portsmouth-Dover-Rochester serious area, the New Hampshire portion of the Boston-Lawrence-Worcester serious area, and the Manchester marginal area.

(b) The inventory is for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventory covers point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The Portsmouth-Dover-Rochester serious nonattainment area includes all of Strafford County and part of Rockingham County. The New Hampshire portion of the Boston-Lawrence-Worcester serious area includes portions of Hillsborough and Rockingham Counties. The Manchester marginal area contains all of Merrimack County and portions of Hillsborough and Rockingham Counties.

[62 FR 55525, Oct. 27, 1997]

§52.1534 Control strategy: Ozone.

(a) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on September 27, 1996. These revisions are for the purpose of satisfying the rate of progress requirement of section 182(c)(2)(B), and the contingency measure requirements of section 182(c)(9) of the Clean Air Act, for the Portsmouth-Dover-Rochester serious area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious area.

(b) Approval—Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Protection on June 1, 1998. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act, for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. The revision establishes a one-hour attainment date of November 15, 2007 for the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets of 10.72 tons per day of volatile organic compounds (VOC) and 21.37 tons per day of nitrogen oxides (NO_X) to be used in transportation conformity in the New Hampshire portion of the Boston-Lawrence-Worcester, MA-NH serious ozone nonattainment area.

(c) *Determination of Attainment*. Effective March 18, 2008, EPA is determining that the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area has attained the 8-hour ozone standard. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area does not monitor any violations of the 8-hour ozone standard. If a violation of the ozone NAAQS is monitored in the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area, this determination shall no longer apply.

(d) Approval—Revision to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on May 28, 2008. This revision establishes Year 2009 motor vehicle emission budgets of 15.31 tons per summer day of volatile organic compounds (VOC) and 28.53 tons per summer day of nitrogen oxides (NO_X) to be used in transportation conformity in the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area.

(e) *Determination of Attainment*. Effective April 18, 2011, EPA is determining that the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard based on 2007–2009 monitoring data. Under the provisions of EPA's ozone implementation rule (*see* 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area does not monitor any violations of the 1997 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area, this determination shall no longer apply. In addition, this area met its June 15, 2010 attainment deadline for the 1997 ozone standard.

(f) *Determination of Attainment for the One-Hour Ozone Standard*. Effective June 28, 2012, EPA is determining that the Boston-Lawrence-Worcester, MA–NH one-hour ozone nonattainment area met the one-hour ozone standard, by the area's applicable attainment date of November 15, 2007, based on 2005–2007 complete, certified, quality-assured ozone monitoring data at all monitoring sites in the area.

[67 FR 18497, Apr. 16, 2002, as amended at 67 FR 72576, Dec. 6, 2002; 73 FR 14388, Mar. 18, 2008; 74 FR 8867, Feb. 27, 2009; 76 FR 14807, Mar. 18, 2011; 77 FR 31498, May 29, 2012]

§52.1535 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of New Hampshire'' and all revisions submitted by New Hampshire

that were federally approved prior to August 18, 2009.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 23, 1972, by the New Hampshire Air Pollution Control Agency.

(2) Non-regulatory provisions for retention and availability of air quality data submitted on March 23, 1972, by the New Hampshire Air Pollution Control Agency.

(3) Attainment dates of national primary and secondary air quality standards submitted on August 8, 1972, by the New Hampshire Air Pollution Control Agency.

(4) Revision of regulation No. 5, section 111.A, limiting sulfur content of fuels submitted on September 26, 1972, by the New Hampshire Air Pollution Control Agency.

(5) Compliance schedules submitted on February 14, 1973, by the New Hampshire Air Pollution Control Agency.

(6) Compliance schedules submitted on March 22, 1973, by the New Hampshire Air Pollution Control Agency.

(7) Revision exempting steam locomotives from the plan submitted on April 3, 1973, by the New Hampshire Air Pollution Control Agency.

(8) Regulation No. 20 requiring review of indirect sources submitted on December 13, 1973, by New Hampshire Air Pollution Control Agency.

(9) AQMA identification material submitted on May 20, 1974, by the New Hampshire Air Pollution Control Agency.

(10) Miscellaneous revisions to Regulation numbers, 4, 6, 8, 10, 11, 13, 14, and 17 submitted on June 6, 1974, by the New Hampshire Air Pollution Control Agency.

(11) Revision to Regulation 18, ''Requirements for Recordkeeping at Facilities which Discharge Air Contaminants,'' submitted on May 28, 1975, by the New Hampshire Air Pollution Control Agency.

(12) Attainment plans to meet the requirements of Part D for carbon monoxide for Metropolitan Manchester and ozone for AQCR 121, programs for the review of construction and operation of new and modified major stationary sources of pollution in both attainment and non-attainment areas and certain miscellaneous provisions were submitted on May 29, 1979, November 6, 1979, and March 17, 1980.

(13) Attainment plans to meet the requirements of Part D for total suspended particulates and sulfur dioxide in Berlin were submitted by the Governor of New Hampshire on September 19, 1979.

(14) Revisions to Regulation 5, Prevention, Abatement, and Control of Sulfur Emission from Stationary Combustion Equipment, submitted by the Governor of New Hampshire on July 12, 1973 and April 11, 1975.

(15) A plan to provide comprehensive public participation and an analysis of the effects of the New Hampshire 1979 SIP revisions were submitted on February 28, 1980.

(16) Revised regulations to assure reasonable further progress and compliance by owners of proposed new sources with Federal as well as state regulations were submitted on July 8, 1980.

(17) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the New Hampshire Air Resource Agency Director on January 30, 1980.

(18) A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards was submitted on April 15, 1980. A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods was submitted on December 9, 1980 by the Director of the Air Resources Agency.

(19) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for attaining carbon monoxide standards in the City of Manchester which were submitted on January 12, 1981 and February 18, 1981. The revisions supplement the 1979 CO attainment plan (§ 52.1520(c)(12)) and include three air quality-improving transportation projects and a schedule for submitting

a plan which will demonstrate attainment by no later than December 31, 1987.

(20) Revisions to meet ozone attainment requirements of Part D (VOC Control Regulations) were submitted on August 17, 1981 and are approved as follows: Regulations Air 1204.03, 1204.11(d), 1204.12, 1204.13, 1204.18 and 1204.21.

(21) Operating permits with compliance schedules for VOC sources were submitted May 2, 1980, May 16, 1980, November 20, 1981 and January 8, 1982. Approved are operating permits for Mobil Oil Corporation; ATC Petroleum, Inc.; Velcro USA, Inc.; and Nashua Corporation's facility at Nashua.

(22) Revisions to (i) provide a new format and renumber the SIP regulations with associated miscellaneous language changes for purposes of consistency; (ii) to delete redundant regulations and definitions; (iii) amend several regulations; and (iv) to add additional regulations submitted by the New Hampshire Air Resources Commission on June 17, 1982 and August 31, 1982. The federally-approved regulations of the New Hampshire SIP are as follows:

- CHAPTER 100, PART Air 101, Sections Air 101.04–101.26, 101.28–101.30, 101.32–101.49, 101.51, 101.53–101.56, 101.58–101.62, 101.64–101.69, 101.74–101.75, 101.77, 101.79–101.89, 101.91–101.96, 101.98.
- CHAPTER Air 200, PART Air 205.
- CHAPTER Air 300, PARTs Air 301–303.
- CHAPTER Air 400, PARTs Air 401; 402, Sections Air 402.01, 402.03, 402.04; PARTs Air 403–405.
- CHAPTER Air 600, PARTs Air 601–616.
- CHAPTER Air 700, PARTs Air 701–706.
- CHAPTER Air 800, PARTs Air 801–802.
- CHAPTER Air 900, PARTs Air 901–903.
- CHAPTER Air 1000, PART Air 1001.
- CHAPTER Air 1200, PART Air 1201, Sections 1201.01–1201.06, 1201.08–1201.11; PARTs Air 1202; 1203; 1204, Sections 1204.01–1204.16, 1204.18–1204.21; PARTs Air 1205; 1207; 1208.

(23) Carbon monoxide attainment plan revisions for the City of Manchester which meet the requirements of Part D of the Act for 1982 SIP revisions. The revisions were submitted on October 5, 1982 and December 20, 1982 by the New Hampshire Air Resources Agency.

(24) A revision specifying the State will follow Federal permit notice and hearing procedures for applications subject to PSD requirements was submitted by the Air Resources Commission on November 19, 1982.

(25) Revisions to the State Implementation Plan for ozone, consisting of emission limits and compliance schedules for Oak Materials Group, Ideal Tape Co., Markem Corp., Essex Group, and Nashua Corp.'s Merrimack Facility, were submitted on December 23, 1982, December 30, 1982, January 19, 1983, and March 18, 1983.

(26) Revisions to CHAPTER Air 400, Section Air 402.02 (formerly Regulation 5). raising the allowable sulfur-in-oil limit for all but ten sources, were submitted by New Hampshire on July 12, 1973, April 11, 1975, December 21, 1982 and March 29, 1983. The excluded sources are:

1. International Packings Corp., Bristol.
2. Dartmouth College, Hanover.
3. Hinsdale Products Co., Inc., Hinsdale.
4. Groveton Paper Co., Northumberland.
5. James River Corp./Cascade Division, Gorham.
6. Velcro USA, Inc., Manchester.
7. ATC Petroleum, Newington.
8. Anheuser-Busch, Inc., Merrimack.
9. Hoague-Sprague Corp., West Hopkinton.
10. Public Service Co., Manchester Steam, Manchester.

(27) Amendments to Regulation Air 1204.02(c), defining ''equivalent'' to include ''solids-applied basis'' and Air 1204.21(j), altering the maximum time for compliance schedule extensions from December 31, 1987 to July 1, 1985 were submitted on August 9, 1983. An additional regulation, Air 1204.17, ''Emission Standards for Miscellaneous Metal Parts and Products'' was submitted on August 17, 1981.

(28) Revisions to Air 1204.01, updating the list of volatile organic compounds exempted from PART Air 1204, and a revision to Air 101.74, 'Process weight' were submitted on November 10, 1983.

(29) Revisions raising the allowable sulfur-in-oil limit to 2.0% for five sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at subparagraph (c)(26) above), submitted on November 1, 1983. The five sources, and the source specific emission limits where applicable, are:

1. International Packings Corp., Bristol.
2. Velcro USA, Inc., Manchester.

3. Dartmouth College, Hanover (Limited to a maximum allowable hourly production of 164,000 pounds of steam.).

4. Sprague Energy-Atlantic Terminal Corp., Newington (Limited to firing any three of four boilers, or if all four boilers are fired, the sulfur content is limited 1.5%.).

5. Hoague-Sprague Corp., Hopkinton (Limited to firing any one of two boilers.)

(30) Revisions to Air 1201.05 adding paragraph (e), concerning hazardous waste incinerators, was submitted on April 9, 1984. Approval of this regulation shall not be construed to supercede New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and the regulations controlling emissions from major new or modified stationary sources in attainment and non-attainment areas.

(31) Revisions raising the allowable sulfur-in-oil limit to 2.0% for two sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at paragraph (c)(26) of this section), submitted on January 13, 1984. The two sources, and the source specific restrictions at each, are:

(i) Manchester Steam Station, Public Service Company of N.H., Manchester (The auxiliary boiler is allowed to burn 2.0% sulfur oil as long as the main boilers remain inactive. If either or both of the main boilers are reactivated, the maximum sulfur content of oil burned in any boiler shall not exceed 1.7% by weight. In addition, each main boiler shall not operate until its stack height is increased to 45 m.)

(ii) Hinsdale Products Co., Inc., Hinsdale (Limited to a maximum hourly fuel firing rate of 213 gallons.)

(32) A revision submitted on December 22, 1983 which requires Markem Corporation to install an incinerator. The installation of the incinerator must be completed by July 1, 1985.

(33) The TSP plan to attain primary standards in Berlin, New Hampshire and the administrative order issued May 2, 1984 to the James River Corporation which were submitted by the Air Resources Agency on May 9, 1984.

(34) Revisions to Part (Air) 610 of Chapter 600, ''Statewide Permit System'' for the preconstruction permitting of new major sources and major modifications in nonattainment areas submitted on April 9, 1984 and September 10, 1984 by the New Hampshire Air Resources Commission.

(35) A revision to approve operating limits for boilers at Dartmouth College, submitted on May 19, 1986 by the Director of the New Hampshire Air Resources Agency.

(i) Incorporation by reference.

(A) Permits to Operate issued by the State of New Hampshire Air Resources Agency to Dartmouth College, No. PO–B–1501.5, No. PO–B–1502.5, and No. PO–B–1503.5, and Temporary Permit TP–B–150.2, 3, and 4, dated January 6, 1986.

(36) Approval of a revision to allow the James River Corporation (Cascade Mill), Gorham, to burn oil having a 2.2% sulfur-by-weight limit in accordance with previously approved SIP regulation Chapter Air 400, Section Air 402.02, submitted on February 11, 1985. This sources was excluded from revisions pertaining to New Hampshire regulation Chapter Air 400, Section Air 402.02 (identified at paragraph (c)(26) of this section), but New Hampshire has now submitted adequate technical support for approval.

(37) Revisions to the State Implementation Plan submitted on April 26, 1985, January 20, 1986 and May 12, 1987 by the Air Resources Commission.

(i) Incorporation by reference.

(A) Letter dated April 26, 1985 from the New Hampshire Air Resources Commission submitting revisions to the State Implementation Plan for EPA approval.

(B) Revisions to New Hampshire Code of Administrative Rules, Part Air 704.01, ''Permit Review Fee for Large Fuel Burning Devices,'' Part Air 704.02, ''Permit Review Fee for All Other Devices,'' Part Air 706.01, ''Renewal Review Fee For Large Fuel Burning Devices,'' Part Air 706.02, ''Renewal Review Fee For All Other Devices,'' Part Air 1202, ''Fuel Burning Devices,'' effective on December 27, 1984.

(C) Certification from the State of New Hampshire dated April 26, 1985.

(D) Letter from the State of New Hampshire dated January 20, 1986.

(E) Letter from the State of New Hampshire dated May 12, 1987.

(38) Approval of a revision to allow the James River Corporation, Groveton, to burn oil having a 2.2% sulfur-by-weight limit in accordance with

previously approved SIP regulation CHAPTER Air 400, Section Air 402.02, submitted on January 22, 1986. This source was previously excluded from revisions pertaining to New Hampshire regulation CHAPTER Air 400, Section Air 402.02 (identified at paragraph (c)(26) of this section), but New Hampshire has now submitted adequate technical support for approval.

(i) Incorporation by reference.

(A) The conditions in the following five Permits to Operate issued by the State of New Hampshire Air Resources Agency on September 6, 1985, to the James River Corporation—Groveton Group: Permit No. PO–B–1550, Conditions 5B, 5C, and 5D; Permit No. PO–B–213, Conditions 2 and 5A; Permit No. PO–B–214, Conditions 2 and 5A; Permit No. PO–B–215, Conditions 2 and 5A; and Permit No. PO–BP–2240, Condition 5B. These conditions limit the sulfur-in-fuel content at the James River Corporation, Groveton, to 2.2% sulfur by weight.

(39) Attainment plans for carbon monoxide for the City of Nashua including an extension of the attainment date to December 31, 1990 as submitted on September 12, 1985, December 3, 1985, October 7, 1986, March 6, 1987, May 12, 1987 and October 15, 1987.

(i) Incorporation by reference.

(A) The New Hampshire Code of Administrative Rules, Department of Safety, Chapter 900, Emission Inspections, Part Saf–M, 901, Part Saf–M 902, Part Saf–M 903, Part Saf–M 904, Part Saf–M 905, Part Saf–M 906,Part Saf–M 907, Part Saf–M 908, Part Saf–M 909, and Part Saf–M 910, effective October 6, 1986.

(B) Section 715.02 Introductory Text and paragraph (1) of Part Saf–M–715, and §716.01 Introductory Text and paragraph (g) of Part Saf–M–716, submitted to New Hampshire Department of Safety by the State of New Hampshire on August 14, 1985.

(ii) Additional material.

(A) A letter from Governor John H. Sununu to Michael R. Deland, dated March 6, 1987, committing to take legislative measures to convert the Inspection/Maintenance program in the Nashua area to the use of computerized emission analyzers in the event that the program is found to not be achieving the necessary emission reductions.

(B) Narrative submittals, including an attainment demonstration.

(40) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 6, 1989.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated July 6, 1989 submitting revisions to the New Hampshire State Implementation Plan.

(B) Revisions to New Hampshire's Rule Env-A 303.01 entitled ''Particulate Matter,'' effective April 21, 1989.

(C) Revisions to New Hampshire's Rule Env-A 1001.02 entitled ''permissible Open Burning,'' effective May 26, 1989.

(41) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting a revision to the New Hampshire State Implementation Plan.

(B) Env-A 802.09 and Env-A 802.10 of the New Hampshire Administrative Rules Governing the Control of Air Pollution entitled ''Continuous Emission Monitoring'' and ''CEM Recordkeeping Requirements,'' respectively. These regulations were effective on December 27, 1990.

(ii) Additional materials.

(A) Nonregulatory portions of the State submittal.

(42) [Reserved]

(43) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on November 21, 1989.

(i) Incorporation by reference.

(A) Letter form the New Hampshire Air Resources Division dated November 21, 1989 submitting a revision to the New Hampshire State Implementation Plan.

(B) Amendments to regulations for the State of New Hampshire's Administrative Rules Governing Air Pollution in Chapters Env-A 100, 800, 900 and 1200 which were effective November 16, 1989.

(C) Letter from Robert W. Varney, Commissioner of the Department of

Environmental Services of New Hampshire, to John B. Hammond, Acting Director of the New Hampshire Office of Legislative Services, dated November 15, 1989, adopting final rules.

(44) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 12, 1990.

(i) Incorporation by reference.

Letter from the New Hampshire Air Resources Division dated September 12, 1990 submitting a revision to the New Hampshire State Implementation Plan that withdraws nine source-specific operating permits incorporated by reference at 40 CFR 52.1520(c)(21), (c)(25) and (c)(32).

(ii) Additional materials.

Letter from the New Hampshire Air Resources Division dated July 2, 1991 submitting documentation of a public hearing.

(45) Revisions to the State Implementation Plan consisting of a readoption of the Rules Governing the Control of Air Pollution for the State of New Hampshire submitted by the New Hampshire Air Resources Division on February 12, 1991.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated February 12, 1991 submitting revisions to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on December 27, 1990:

• Chapter Env-A 100: Sections Env-A 101.01–.20, 101.22–.26, 101.28–.32, 101.34–50, 101.52, 101.54–.57, 101.59–.62, 101.64–.97 and 101.99.

• Chapter Env-A 200: Parts Env-A 201–205; Part Env-A 207; Section Env-A 209.05; and Part Env-A 210.

• Chapter Env-A 300: Parts Env-A 301–303.

• Chapter Env-A 400: Part Env-A 401–404; Sections Env-A 401–404; Sections Env-A 405.01–.05(b) and 405.06.

• Chapter Env-A 600: Parts Env-A 601–602; Sections Env-A 603.01–.02(o) and 603.03(a)-(e); and Parts Env-A 604–616.

• Chapter Env-A 700: Parts Env-A 701–705.

• Chapter Env-A 800: Parts Env-A 801–802; and Part Env-A 804.

• Chapter Env-A 900: Parts Env-A 901–903.

• Chapter Env-A 1000: Part Env-A 1001.

• Chapter Env-A 1200: Parts Env-A 1201–1203; Sections 1204.01–.11 and 1204.13–.19; Part Env-A 1205; Sections Env-A 1206.01–.02 and 1206.04–.06; and Parts Env-A 1207–1208.

(ii) Additional materials.

(A) Letters from the New Hampshire Air Resources Division dated May 7, August 20, and August 26, 1991, March 6, and May 6, 1992 withdrawing certain portion of the February 12, 1991 SIP submittal.

(46) Revisions to the State Implementation Plan consisting of amendments to Chapter Env-A 1204.12 *Emission Control Methods for Cutback and Emulsified Asphalt* submitted by the New Hampshire Air Resources Division on May 15, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on January 17, 1992: Chapter Env-A 1200: PART Env-A 1204.12 *Emission Control Methods for Cutback and Emulsified Asphalt*.

(47) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on May 15, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated May 15, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) The following portions of the Rules Governing the Control of Air Pollution for the State of New Hampshire effective on January 17, 1992:

—Chapter Env-A 800: Part Env-A 805

—Chapter Env-A 1200: Sections Env-A 1204.02, 1204.04, 1204.05–1204.08, 1204.14–1204.15.

(48) [Reserved]

(49) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on June 17, 1994, and December 21, 1992.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated June 17, 1994, and December 21, 1992, submitting revisions to the New Hampshire State Implementation Plan.

(B) Regulations Chapter Env-A 1200, Part Env-A 1211, ''Nitrogen Oxides (NO_X),'' effective on May 20, 1994, and

Chapter Env-A 900, Part Env-A 901, sections Env-A 901.06 ''NO_X Recordkeeping Requirements,'' and Env-A 901.07, ''NO_X Reporting Requirements,'' effective on November 13, 1992.

(50) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 7, 1995, September 18, 1995, and October 18, 1995.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated July 7, 1995, September 18, 1995, and October 18, 1995, submitting revisions to the New Hampshire State Implementation Plan.

(B) New Hampshire NO_X RACT Order ARD–95–001, concerning Groveton Paperboard Corporation, effective on May 10, 1995.

(C) New Hampshire NO_X RACT Order ARD–95–002, concerning Plymouth Cogeneration Limited Partnership, effective September 12, 1995.

(D) New Hampshire NO_X RACT Order ARD–95–003, concerning Waterville Valley Ski Area Limited, effective September 19, 1995.

(51) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on December 9, 1996, June 28, 1996, October 24, 1996, and July 10, 1995.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated December 9, 1996, June 28, 1996, October 24, 1996, July 10, 1995 and December 21, 1992 submitting revisions to the New Hampshire State Implementation Plan (SIP), and a letter dated November 21, 1997 withdrawing Env-A 1204.06 from the SIP submittal.

(B) Regulations Part Env-A 801 ''Purpose;'' Part Env-A 802 ''Testing and Monitoring for Stationary Sources: General Requirements;'' Part Env-A 902 ''Malfunctions and Breakdowns of Air Pollution Control Equipment;'' and Part Env-A 903 ''Compliance Schedules'' all effective November 15, 1992.

(C) Regulations Part Env-A 803 ''VOC Testing;'' Part Env-A 804 ''Capture Efficiency;'' Sections Env-A 901.01 through 901.05, 901.08 and 901.09 of Part Env-A 901 ''Recordkeeping and Reporting by Sources;'' and Part Env-A 1204 ''Stationary Sources of Volatile Organic Compounds (VOCs) (except 1204.06),'' all effective on August 31, 1995.

(D) New Hampshire VOC RACT Order ARD–94–001, concerning L.W. Packard, effective May 5, 1995.

(E) New Hampshire VOC RACT Order ARD–95–010, concerning Kalwall in Manchester, NH, effective September 10, 1996.

(F) New Hampshire VOC RACT Order ARD–96–001, concerning Textile Tapes Corporation, NH, effective October 4, 1996.

(52) A revision to the New Hampshire SIP regarding ozone monitoring. The State of New Hampshire will modify its SLAMS and its NAMS monitoring system to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.

(i) Incorporation by reference.

(A) State of New Hampshire Photochemical Assessment Monitoring Stations—Network Plan—Network Overview.

(ii) Additional material.

(A) NH-DES letter dated December 13, 1994, and signed by Thomas M. Noel, Acting Director, NH-DES.

(53) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on August 29, 1996. This revision is for the purpose of satisfying the rate-of-progress requirement of section 182(b) and the contingency measure requirement of section 172(c)(9) of the Clean Air Act, for the Portsmouth-Dover-Rochester serious ozone nonattainment area, and the New Hampshire portion of the Boston-Lawrence-Worcester serious ozone nonattainment area.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated August 29, 1996 submitting a revision to the New Hampshire State Implementation Plan.

(54) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on April 14, 1997, May 6, 1997, and September 24, 1997.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated April 14, 1997, May 6, 1997, and September 24, 1997

submitting revisions to the New Hampshire State Implementation Plan.

(B) New Hampshire NO_X RACT Order ARD–97–001, concerning Public Service Company of New Hampshire in Bow, effective on April 14, 1997.

(C) New Hampshire NO_X RACT Order ARD–95–011, concerning Hampshire Chemical Corporation, effective on May 6, 1997.

(D) New Hampshire NO_X RACT Order ARD–97–003, concerning Crown Vantage, effective September 24, 1997.

(55)–(56) [Reserved]

(57) Revision to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 27, 1998.

(i) Incorporation by reference.

(A) Regulation Chapter Env-A 3200 NO_X Budget Trading Program adopted and effective on July 17, 1998.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated July 27, 1998 submitting Chapter Env-A 3200 NO_X Budget Trading Program as a revision to the New Hampshire State Implementation Plan.

(58) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on November 25, 1992.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Air Resources Division dated November 24, 1992 submitting a revision to the New Hampshire State Implementation Plan.

(B) Part Env-A 1205 ''Volatile Organic Compounds (VOC): Gasoline Dispensing Facilities and Gasoline Tank Trucks,'' effective in the State of New Hampshire on August 17, 1992.

(ii) Additional materials.

(A) New Hampshire Department of Environmental Services ''Stage II Equivalency Demonstration,'' dated November 1992.

(B) Nonregulatory portions of the submittal.

(59) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 4, 1998 and November 20, 1998.

(i) Incorporation by reference.

(A) New Hampshire Code of Administrative Rules, Part Saf-C 3221A ''Emission Amendments to Official Motor Vehicle Inspection Requirements'' as adopted on November 17, 1998; and Part Saf-C 5800 ''Roadside Diesel Opacity Inspection Program Rules'' as adopted on November 17, 1998.

(ii) Additional material.

(A) Document entitled ''Alternative New Hampshire Motor Vehicle Inspection/Maintenance State Implementation Plan Revision'' dated September 4, 1998.

(B) Letters from the New Hampshire Air Resources Division dated September 4, 1998 and November 20, 1998 submitting a revision to the New Hampshire State Implementation Plan.

(60) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division August 6, 2001 and April 26, 1995.

(i) Incorporation by reference.

(A) Section 623.01 and sections 623.03 through 623.06 of New Hampshire's rule PART Env-A 623 rule entitled, ''Prevention of Significant Deterioration (PSD) Of Air Quality Permit Requirements.'' This regulation was adopted in the State of New Hampshire on July 23, 2001.

(B) New Hampshire's rules PART Env-A 205.03, ''Applications Subject to PSD Requirements,'' and PART Env-A 205.04, ''Applications Subject to Nonattainment Requirements.'' These regulations were adopted in the State of New Hampshire on February 22, 1995 and amended on July 23, 2001.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated August 6, 2001 submitting a revision to the New Hampshire State Implementation Plan.

(B) Letter from the New Hampshire Air Resources Division dated April 26, 1995 submitting a revision to the New Hampshire State Implementation Plan.

(C) Nonregulatory portions of the State submittal.

(61) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on July 9, 1998.

(i) Additional materials.

(A) ''New Hampshire Stage II Comparability Analysis,'' prepared by the New Hampshire Department of Environmental Services, dated July 1, 1998.

(62) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on June 7, 1994.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the New Hampshire State Implementation Plan.

(B) ''Clean Fuel Fleet Equivalency Demonstration,'' prepared by the New Hampshire Department of Environmental Services, dated May, 1994.

(63) Revisions to the State Implementation Plan Submitted by the New Hampshire Department of Environmental Services on July 10, 1996.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Department of Environmental Services dated July 10, 1996 submitting a revision to the New Hampshire State Implementation Plan.

(B) Part Env-A 1502 of Chapter Env-A 1500 of the New Hampshire Code of Administrative Rules titled ''Conformity of General Federal Actions,'' adopted in the State of New Hampshire on April 25, 1996.

(64) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 27, 1998.

(i) Incorporation by reference.

(A) Order ARD 98–001 issued by the New Hampshire Department of Environmental Services to Public Service Company of New Hampshire on July 17, 1998, with attachments: Discrete emission reduction protocol for Public Service of New Hampshire's Schiller Station, Units 4, 5 and 6, submitted to the New Hampshire Department of Environmental Services on April 10, 1998; and Discrete emission reduction protocol for Public Service of New Hampshire's Newington Station, Unit 1, submitted to the New Hampshire Department of Environmental Services on April 10, 1998.

(ii) Additional materials.

(A) Letter from the New Hampshire Air Resources Division dated July 17, 1998 submitting Final RACT Order 98–001 as a revision to the New Hampshire State Implementation Plan.

(65) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on August 16, 1999.

(i) Incorporation by reference. New Hampshire regulation Chapter Env-A 3600, entitled ''National Low Emission Vehicle (National LEV) Program'' adopted July 21, 1999.

(ii) Additional material. Letter from the New Hampshire Department of Environmental Services dated August 16, 1999 submitting the Low Emission Vehicle program as a revision to the State Implementation Plan.

(66) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on July 29, 1993 and July 2, 1999.

(i) Incorporation by reference.

(A) New Hampshire's PART Env-A 610 ''Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region'' adopted on May 21, 1993.

(B) New Hampshire's PART Env-A 622 (Formally Env-A 610) ''Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region'' incorporating the ''Plant-wide Source,'' adopted on June 26, 1997.

(C) New Hampshire's PART Env-A 622 (Formally Env-A 610) ''Additional Requirements in Non-attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region,'' addition of the requirements for section 173(a)(4) and (5) of the CAA, adopted on January 29, 1999.

(D) Letter from the New Hampshire Air Resources Division dated July 29, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(E) Letter from the New Hampshire Air Resources Division dated July 2, 1999 submitting a revision to the New Hampshire State Implementation Plan.

(67) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on September 11, 1998.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated September 11, 1998 stating a negative declaration for the aerospace coating operations Control Techniques Guideline category.

(68) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on June 28, 1996 and April 15, 2002.

(i) Incorporation by reference.

(A) Order ARD–00–001 issued by the New Hampshire DES to Anheuser-Busch Incorporated, effective April 15, 2002.

(B) Env-A 1204.27, ''Applicability Criteria and Compliance Options for Miscellaneous and Multi-category Stationary VOC Sources,'' effective August 21, 1995, is granted full approval for the New Hampshire portion of the eastern Massachusetts serious ozone nonattainment area.

(ii) Additional materials.

(A) Letter from the DES, dated April 15, 2002, submitting revised Anheuser-Busch order to EPA as a SIP revision and withdrawing previous submittal for this facility dated June 20, 2000.

(B) Letter from the DES, dated March 22, 2002, containing information on New Filcas of America.

[37 FR 10879, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1535, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart FF—New Jersey

§ 52.1570 Identification of plan.

(a) Title of plan: ''New Jersey State Implementation Plan to meet National Air Quality Standards.''

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on April 17, 1972, by the New Jersey Department of Environmental Protection.

(2) List of permits issued to sources allowing them particulate emissions in excess of 25 tons per year submitted on May 15, 1972, by the New Jersey Department of Environmental Protection.

(3) Legal opinion of State Attorney General on State's authority to make available to the public emission data reported by sources submitted on June 23, 1972, by the New Jersey Department of Law and Public Safety.

(4) Copies of the permits and certificates issued to sources exceeding 25 tons per year of particulate emissions submitted on July 6, 1972, by the New Jersey Department of Environmental Protection.

(5) Revisions correcting deficiencies in the new source review procedure submitted on March 22, 1973, by the Governor.

(6) Legal opinion of the State Attorney General on the State's authority to deny a permit to construct or modify a source submitted on April 18, 1973, by the New Jersey Department of Environmental Protection.

(7) Revision to sulfur-in-fuel regulation, section 7:1–3.1 of New Jersey Air Pollution Control Code, submitted on November 20, 1973, by the New Jersey Department of Environmental Protection.

(8) Revision to the control of open burning regulation, section 7:27–2.1 of the New Jersey Air Pollution Control Code, submitted on November 19, 1975, by the New Jersey Department of Environmental Protection.

(9) Letter, dated January 16, 1976, from the New Jersey Department of Environmental Protection stating that there would be no net increase in hydrocarbon emissions as a result of the revisions to N.J.A.C. 7:27–2.1.

(10) Regulation entitled: ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' New Jersey Administrative Code (N.J.A.C.) 7:27–16.1 et seq., submitted on January 8, 1976 by the New Jersey Department of Environmental Protection.

(11) Technical justification supporting N.J.A.C. 7:27–16 et seq. submitted on March 3, 1976.

(12) Revisions consisting of 16 administrative orders issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a) and technical support for these orders received on April 27, 1976 from the New Jersey Department of Environmental Protection.

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a), dated June 15, 1976, and technical support for this order received by EPA on

April 27, 1976, both from the New Jersey Department of Environmental Protection.

(14) Revision to the Permits and Certificates regulation of the New Jersey Air Pollution Control Code, N.J.A.C. 7:27–8.1 et seq., submitted on June 8, 1976 by the New Jersey Department of Environmental Protection.

(15) Revision consisting of an administrative order issued on September 14, 1976 to Owens Illinois, Inc., Cumberland County, New Jersey pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27–9.5(a) and submitted on September 17, 1976 by the New Jersey Department of Environmental Protection.

(16) A revision submitted by the New Jersey Department of Environmental Protection consisting of an October 27, 1976 letter indicating the extension, to July 12, 1977, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 et seq., Sulfur in Fuel, for 18 facilities; and supplemental technical information submitted in a November 22, 1976 letter. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these ''variances'', their location and applicable sulfur in fuel oil limitation until July 12, 1977 are as follows:

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz-USA	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp	Salem City, Salem County.	2.0
Atlantic City Electric Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc	Salem City, Salem County.	2.0
Atlantic City Electric B. L. England Station.	Beesley Point, Cape May County.	2.0
Hunt Wesson Foods, Inc.	Bridgeton City, Cumberland County.	2.5
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries	Bridgeton City, Cumberland County.	2.5
Owens Illinois, Inc	.....do	1.5
Progresso Food Corp	Vineland City, Cumberland County.	2.5
Bridgeton Dying & Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Whitehead Bros. Co	Haleyville, Cumberland County.	2.5
Vineland Chemical Co	Vineland City, Cumberland County.	2.5

(17) A revision submitted by the New Jersey Department of Environmental Protection consisting of a January 10, 1978 letter indicating the extension, to July 12, 1978, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27—9.1 et seq., Sulfur in Fuel, for 17 facilities and accompanying supplemental information. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State implementation plan. The facilities affected by these ''variances,'' their locations, and applicable sulfur-in-fuel-oil limitations until July 12, 1978 are as follows:

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz-U.S.A	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp	Salem City, Salem County.	2.0
Atlantic City Electric, Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc	Salem City, Salem County.	2.0
Atlantic City Electric, B. L. England Station.	Beesley Point, Cape May County.	2.0
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries	Bridgeton, Cumberland County.	2.5
Progresso Food Corp	Vineland City, Cumberland County.	2.5

Source	Location	Sulfur in fuel oil limitation (percent by weight)
Bridgeton Dyeing & Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Vineland Chemical Co ..	Vineland City, Cumberland County.	2.5
Hunt-Wesson Foods, Inc.	Bridgeton, Cumberland County.	2.5
Owens Illinois, Inc	.....do	1.5

(18) A revision submitted by the New Jersey Department of Environmental Protection consisting of a June 26, 1978 letter indicating the extension, to January 12, 1979 or until such time as the State places into effect revised permanent sulfur-in-fuel-oil regulations, of ''variances'' to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuel*, for 17 facilities and accompanying supplemental information. The extended ''variances'' including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these ''variances'', their locations, and applicable sulfur-in-fuel-oil limitations until January 12, 1979 or until such time as the State places into effect and EPA approves revised permanent sulfur-in-fuel-oil regulations are as follow:

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz—U.S.A	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp ...	Salem City, Salem County.	2.0
Atlantic City Electric, Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc	Salem City, Salem County.	2.0
Atlantic City Electric, B. L. England Station.	Beesley Point, Cape May County.	2.0
Kerr Glass Manufacturing Corp.	Milville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries	Bridgeton, Cumberland County.	2.5
Progresso Food Corp ...	Vineland City, Cumberland County.	2.5
Bridgeton Dyeing and Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Vineland Chemical Co ..	Vineland City, Cumberland County.	2.5
Hunt-Wesson Foods, Inc.	Bridgeton, Cumberland County.	2.5
Owens Illinois, Inc	.....do	1.5

(19) A revision submitted by the New Jersey Department of Environmental Protection on July 6, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–10.1 *et seq.*, *Sulfur in Coal*, and accompanying supplemental information.

(20) A revision consisting of all but one of the sections of the revised regulation, N.J.A.C. 7:27–6.1 *et seq.*, submitted by the New Jersey Department of Environmental Protection with a March 31, 1977 cover letter which also transmitted the basis and background document and the Report of the Public Hearing. The one section that is not approved as submitted by the State is Section 6.5, ''Variances.''

(21) A revision submitted by the New Jersey Department of Environmental Protection on August 10, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuels*, and accompanying supplemental information.

(22) A comprehensive revision for nonattainment areas entitled, ''Proposed New Jersey State Implementation Plan for the Attainment and Maintenance of Air Quality Standards,'' submitted, as required by Part D of the Clean Air Act, on December 29, 1978 by the New Jersey Department of Environmental Protection.

(23) Supplementary submittals, pertaining to the plan revision for nonattainment areas required by Part D of the Clean Air Act, from the New Jersey Department of Environmental Protection as follows:

A package dated April 17, 1979 from the New Jersey Department of Environmental

Protection to EPA entitled, ''N.J. SIP Supplement 1,'' and covering the State's schedule for future actions, expected costs and sources of funding, ongoing consultation process, graphical representation of reasonable further progress, schedule for promulgation of emission offset rule, commitment to adoption of tall stack policy and comments on EPA's proposed tall stack policy, discussion and schedule for resolution of the Bridgeton particulate downwash problem, summary of particulate emissions inventories for non-attainment areas, request for extension for submittal of SIP for secondary TSP standard, and expanded explanation of current I/M program.

A Supplement 2 to the proposed SIP revision consisting of a cover letter dated June 20, 1979 and four attachments from the New Jersey Department of Environmental Protection to EPA covering a proposed version of the State's new source review regulation, a discussion of reasonable further progress with respect to volatile organic substance sources, the design values for ozone in the Metropolitan New York and Metropolitan Philadelphia Interstate Air Quality Control Regions, and a proposed version of the State's regulation for the control of volatile organic substances (VOS).

A submittal dated July 5, 1979 from the New Jersey Department of Environmental Protection to EPA covering the State's draft regulation controlling VOS, operating and maintenance procedures for open top tanks and surface cleaners covered under the State's draft VOS control regulation, and evaporative losses from VOS storage tanks.

A package consisting of a cover letter dated October 3, 1979 from the New Jersey Department of Environmental Protection to EPA and an accompanying report covering an analysis of the Bridgeton particulates downwash problem and the State's effort to execute memoranda of understanding with its Metropolitan Planning Organization.

A cover letter received by EPA dated October 19, 1979 from the New Jersey Department of Environmental Protection together with the State's adopted regulation for control of VOS, N.J.A.C. 7:27–16.1 *et seq.*, and ''Report of Public Hearing and Basis for promulation .

A package consisting of a letter dated January 9, 1980 from the New Jersey Department of Environmental Protection to EPA covering the conditions on SIP approval which were listed by EPA in the proposed rulemaking notice for the SIP revision and four references covering the October 3, 1979 Bridgeton particulates analysis, an updated Bridgeton particulates analysis, and an energy analysis of certain VOS controls called for in N.J.A.C. 7:27–16.1 *et seq.* justifying the State's position on seasonal variances for certain VOS sources.

(24) A supplementary submittal, dated February 27, 1980 from the New Jersey Department of Environmental Protection consisting of five memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and the following metropolitan planning organizations:

Atlantic County Urban Area Transportation Study
Cumberland County Urban Area Transportation Study
Delaware Valley Regional Planning Commission
Philipsburg Urban Area Transportation Study
Wilmington Metropolitan Area Planning Council

(25) Supplementary submittals, dated March 5, April 9 and April 10 from the New Jersey Department of Environmental Protection consisting of test methods to be used in determining compliance with the provisions of N.J.A.C. 7:27–16.1 *et seq.*, ''Control and Prohibition of Air Pollution by Volatile Organic Substances.''

(26) A supplementary submittal, dated April 22, 1980, from the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation consisting of three documents entitled ''The Transportation Planning Process in New Jersey,'' ''Summary of Financial Resources for Transportation-Air Quality Planning,'' and ''Program for Selection of Needed Transportation Control Measures, April 1980.''

(27) A supplementary submittal dated August 5, 1980 from the New Jersey Department of Environmental Protection consisting of revisions to Subchapter 18 of the New Jersey Administrative Code, entitled, ''Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas'' (Emission Offset Rule), N.J.A.C. 7:27–18.1 *et seq.*

(28) A supplementary submittal from the State of New Jersey Department of Environmental Protection, consisting of an Ambient Air Quality Monitoring SIP revision dated August 1.

(29) A June 30, 1980 submittal by the New Jersey Department of Environmental Protection (NJDEP) consisting of an Amended Consent Order entered

into by NJDEP and the Atlantic City Electric Company. This revision to the New Jersey State Implementation Plan establishes a construction and testing schedule designed to bring units 1 and 2 at Atlantic City Electric Company's B.L. England Generating Station at Beesley's Point, New Jersey, into compliance with New Jersey Administrative Code (N.J.A.C.) 7:27–3.1 *et seq.*, Control and Prohibition of Smoke from Combustion of Fuel; N.J.A.C. 7:27–4.1 *et seq.*, Control and Prohibition of Particulates from Combustion of Fuel; and N.J.A.C. 7:27–10.1 *et seq.*, Sulfur in Coal, by March 31, 1982 and June 1, 1982, respectively.

(30) A supplementary submittal dated April 27, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to a regulation concerning the Control and Prohibition of Open Burning, N.J.A.C. 7:27–21 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(31) A supplementary submittal dated July 8, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to Subchapter 10, Sulfur in Solid Fuels, N.J.A.C. 7:27–10.1 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(32) Revisions submitted on March 17, 1982 and April 27, 1982 by the New Jersey State Department of Environmental Protection which grant ''cullet variances'' to furnace number 2 of the Anchor Hocking Corporation's Salem plant and furnaces G, Y, J, K, L, M, R of the Owens-Illinois, Inc. Vineland plant. The ''cullet variances'' will remain in effect for up to two years from August 10, 1982.

(33) A revision submitted by the New Jersey Department of Environmental Protection on December 16, 1982 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27–9.1 *et seq.*, *Sulfur in Fuels*, to provide for ''sulfur dioxide bubbles'' and ''clean conversion incentives.''

(34) Revisions to the New Jersey State Implementation Plan submitted on November 23, 1982, January 18, 1983, February 14, 1983, July 11, 1983, July 28, 1983 and September 26, 1983 by the New Jersey Department of Environmental Protection.

(35) A supplementary submittal dated July 11, 1983, from the Department of Environmental Protection consisting of adopted revisions to: Subchapter 3—''Control and Prohibition of Smoke from Combustion of Fuel,'' dated October 12, 1977, Subchapter 4—''Control and Prohibition of Particles from Combustion of Fuel,'' dated October 12, 1977, and Subchapter 5—''Prohibition of Air Pollution,'' dated October 12, 1977, of Title 7, Chapter 27 of the New Jersey Administrative Code; the proposed Regulatory Amendments; the Report of the Public Hearing; and the Order of Adoption.

(36) A revision submitted by the New Jersey Department of Environmental Protection to allow U.S. Gypsum Co. temporarily to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2, or #3 at its Clark, New Jersey plant. The New Jersey submittal consists of an April 14, 1983 letter transmitting a State issued February 14, 1983 Public Notice and a letter dated March 14, 1983 transmitting an Administrative consent order detailing procedures to be used by the State to determine compliance. This revision will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first.

(37) Three permanently adopted regulations were submitted on January 27, 1984 and February 1, 1984 regarding the operation of the inspection and maintenance program. These regulations pertain specifically to operating procedures for private inspection stations (New Jersey Administrative Code (N.J.A.C.) 13:20–33.1, 33.2, 33.50, and 33.51.), mechanic certification requirements (N.J.A.C. 13:20–32.4, 32.14, and 32.15), and specifications for exhaust gas analyzers (N.J.A.C. 7:27–15.1).

(38) The New Jersey State Implementation Plan for attainment and maintenance of the lead standards was submitted on May 1 and August 15, 1984, and on April 22, April 29, May 17, and July 16, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) Revisions to N.J.A.C. 7:27–8, ''Permits and Certificates,'' effective April 5, 1985.

(B) Revisions to N.J.A.C. 7:27–13, ''Ambient Air Quality Standards,'' effective June 25, 1985.

(C) Revisions to N.J.A.C. 7:27–18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule),'' effective March 11, 1985.

(D) A July 16, 1985 letter from the Department of Environmental Protection; with attachment of letter dated July 15, 1985, contains schedules for revising N.J.A.C. 7:27–6, ''Control and Prohibition of Particles from Manufacturing Process,'' to incorporate maximum allowable emission rates for lead and for adopting a new section, N.J.A.C. 7:27–19, to govern the combustion of liquid fuels, if necessary.

(E) ''RACT-plus studies'' to determine strategies to eliminate violation of the lead standards in the vicinity of Heubach, Inc., Newark and Delco Remy, New Brunswick will be completed by November 1, 1985 and control measures will be selected by January 1986.

(ii) Additional material.

(A) Narrative submittal of the Lead SIP, including attainment demonstration, air quality data and summary of both current and projected lead emissions.

(39) A revision to the plan for attainment of the particulate matter standards submitted by the New Jersey Department of Environmental Protection on February 21, March 14, and November 18, 1985.

(i) Incorporation by reference.

(A) Revisions to N.J.A.C. 7:27–14, ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles,'' effective July 1, 1985.

(B) Adoption of a new section of N.J.A.C. 7:27B–4 entitled ''Air Test Method 4, Testing Procedures for Motor Vehicles,'' effective July 1, 1985.

(C) The following sections of N.J.A.C. 16:53 ''Autobus Specifications which was effective on October 17, 1983:

Subchapter 3, Autobus Specifications
3.23 Certificate of Inspection
3.24 Maintenance and inspection
3.27 Exhaust Systems

Subchapter 6, Autobus Specifications for Small Bus
6.15 Exhaust System
6.21 Certificate of Inspection
6.30 Maintenance and inspection

Subchapter 7, Specifications for Special Autobus Type Recreational Vehicles
7.14 Exhaust Systems
7.17 Certificate of Inspection
7.23 Maintenance and inspection

Subchapter 8, Specifications for Sedan Type Autobuses
8.15 Exhaust System
8.22 Certificate of Inspection
8.25 Maintenance and inspection

(40) A revision to the New Jersey State Implementation Plan for attainment and maintenance of the ozone standards was submitted on April 22, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) Table 2 in section 18.4(b) of N.J.A.C. 7:27–18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule),'' effective March 11, 1985.

(41) A revision to the New Jersey State Implementation Plan (SIP) for lead was submitted on December 1, 1986, by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

(A) The following operating permit amendments for the Delco Remy facility in New Brunswick:

Permit amendment numbers	Permit amendment dates
286–1166 through 286–1184	All permits effective 9/24/86.

(B) The following operating permit amendments for the Heubach Inc. facility in Newark:

Permit amendment numbers	Permit amendment dates
286–0523 through 286–0531	All permits effective 4/30/86.
286–0286, 286–0287, 286–0289, 286–0290.	All permits effective 2/26/86.

(ii) Additional material.

(A) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Delco Remy, New Brunswick.

(B) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Heubach Inc., Newark.

(42) A revision to the New Jersey State Implementation Plan (SIP) for lead submitted on July 23, 1987 by the New Jersey Department of Environmental Protection (NJDEP) and finalized on September 25, 1987.

(i) Incorporation by reference.

(A) A March 4, 1986 Administrative Order and Notice of Civil Administrative Penalty Assessment (Log # A860244) from the New Jersey Department of Environmental Protection to the United States Metals Refining Company (USMR).

(B) Letter of March 11, 1987 from Greenberg and Prior, attorneys for USMR, to Anthony J. McMahon, Department of Environmental Protection, Trenton, New Jersey.

(ii) Additional material.

(A) July 1987 Modeling Analysis for the Anchor Abrasives facility.

(B) Summary of public comments and response to comments for the revision of the N.J. SIP for lead in the vicinity of USMR.

(C) USMR's comments on the revised N.J. SIP for lead in the vicinity of USMR.

(43) [Reserved]

(44) A revision to the State Implementation Plan for Ozone submitted on October 13, 1987 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

Subchapter 2A of chapter 26, title 7 of the New Jersey Administrative Code, ''Additional, Specific Disposal Regulations for Sanitary Landfills,'' effective June 1, 1987.

(ii) Additional material.

New Jersey Department of Environmental Protection memorandum on landfill gas emissions and control, dated October 7, 1987.

(45) Revisions to the New Jersey State Implementation Plan (SIP) for ozone submitted on January 27, 1989 by the New Jersey State Department of Environmental Protection (NJDEP) for its state gasoline volatility program, including any waivers that may be granted under the program by the state. In 1989, the control period will begin on June 30.

(i) Incorporation by reference. Subchapter 25 of chapter 27, title 7 of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' adopted on January 27, 1989 and effective on February 21, 1989.

(ii) Additional material. April 27, 1989 letter from Christopher Daggett, NJDEP, to William Muszynski, EPA Region II.

(46) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning motor vehicle refueling controls dated February 22, 1988, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to sections 16.1 and 16.3 of subchapter 16 of title 7 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective January 19, 1988.

(ii) Additional material:

(A) February 22, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(B) April 18, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, providing copies of the test methods and permit approval conditions applicable to Stage II vapor recovery systems in New Jersey.

(47) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the motor vehicle inspection and maintenance (I/M) program dated March 6, 1987, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to title 7, chapter 27, subchapter 15 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles,'' effective January 21, 1985.

(B) Amendments to title 13, chapter 20, subchapter 28 of the New Jersey Administrative Code, entitled ''Enforcement Service Inspection of New Passenger Vehicles and New Motorcycles,'' effective January 21, 1985.

(ii) Additional material.

(A) July 24, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, submitting the results of the study by Pacific Environmental Services on the health risks of performing the fuel inlet restrictor inspections.

(B) July 1, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, notifying of the resumption of fuel inlet restrictor inspections.

(48) A revision submitted on June 3, 1988 by the New Jersey Department of Environmental Protection (NJDEP) to revise its implementation plan to include revised testing procedures.

(i) Incorporation by reference: New Jersey Administrative Code 7:27B–3, ''Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Substances from Source Operations,'' effective 9/8/86.

(ii) Additional material: October 15, 1990 letter from William O'Sullivan, NJDEP to William S. Baker, EPA.

(49) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of fugitive gasoline vapors resulting from the loading of marine transport vessels, dated June 20, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective February 6, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective December 4, 1989.

(ii) Additional material.

(A) June 20, 1990, letter from Anthony J. McMahon, NJDEPE, to Conrad Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(50) Regulation entitled ''Volatile Organic Substances in Consumer Products'' N.J.A.C. 7–27–23.1 *et seq.*, dated July 30, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective February 21, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective December 12, 1989.

(C) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled ''Volatile Organic Substances in Consumer Products'' effective August 9, 1990.

(ii) Additional material:

(A) July 30, 1990 letter from Anthony J. McMahon, NJDEPE, to Conrad Simon, EPA, requesting EPA approval of Subchapter 23.

(51) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated March 31, 1987, December 7, 1989, and March 13, 1992, submitted by the New Jersey State Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective September 22, 1986,

(B) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Substances,'' effective June 19, 1989,

(C) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code: Subchapter 8, ''Permits and Certificates, Hearings, and Confidentiality,'' effective March 2, 1992; Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' effective March 2, 1992, Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances,'' effective March 2, 1992; Subchapter 23, ''Prevention of Air Pollution by Architectural Coatings and Consumer Products,'' effective March 2, 1992; Subchapter 25, ''Control and Prohibition of Air Pollution from Vehicular Fuels,'' effective March 2, 1992; and Subchapter 3, ''Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations,'' effective March 2, 1992.

(ii) Additional material.

(A) March 31, 1987, letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(B) December 7, 1989, letter from Anthony McMahon, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(C) March 13, 1992, letter from Nancy Wittenberg, NJDEPE, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(52) Amendments submitted on April 21, 1993 by the New Jersey Department of Environmental Protection and Energy to New Jersey Air Code 7:27–25 revising the testing requirements to gasoline providers in New Jersey are subject.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 25, ''Control and Prohibition of Air Pollution from Vehicular Fuels,'' effective September 3, 1991.

(53) A revision to the New Jersey State Implementation Plan (SIP) for an Emission Statement Program dated February 19, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 21, of the New Jersey Administrative Code entitled, ''Emission Statements,'' effective March 15, 1993.

(ii) Additional information:

(A) May 24, 1993 letter from John Elston to Conrad Simon, EPA, transmitting supporting documentation necessary for approval of the SIP revisions. These items included:

(*1*) Notice of Adoption, March 15, 1993.

(*2*) Justification of Gasoline Dispensing Facility Exemption.

(B) October 29, 1993 letter from John Elston to Conrad Simon, EPA, transmitting legislative language to reflect change in New Jersey's Air Pollution Control Act regarding confidentiality provisions.

(C) February 3, 1994 letter from John Elston to Conrad Simon, EPA, requesting the use of EPA's Emission Statement waiver provision.

(54) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated November 15, 1992 and November 21, 1994 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules),'' effective March 15, 1993.

(ii) Additional material.

(A) November 21, 1994, Technical update to the New Jersey Carbon Monoxide SIP.

(55)–(56) [Reserved]

(57) The redesignation and maintenance plan for Camden County and the Nine not-classified areas (the City of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City) submitted by the New Jersey Department of Environmental Protection on September 28, 1995, as part of the New Jersey SIP. The 1990 Baseline CO Emission Inventory for the State of New Jersey was submitted on November 15, 1992 and a Technical Update was submitted on November 21, 1994.

(i) Incorporation by reference.

(A) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation And Maintenance Plan For Camden County,'' section 5.f, effective date September 28, 1995.

(B) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment Areas,'' section 5.f, effective date September 28, 1995.

(ii) Additional material.

(A) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation And Maintenance Plan For Camden County'' with appendices, September 28, 1995.

(B) ''New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment

Areas'' with appendices, September 28, 1995.

(58) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxygen content of motor vehicle gasoline, dated November 15, 1992 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Chapter 27, Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' effective October 5, 1992 (as limited in §52.1605).

(59) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on May 26, 1995, November 8, 1995, January 10, 1996 and October 10, 1996.

(i) Incorporation by reference.

(A) Conditions of Approval Documents (COAD):

The following facilities have been issued conditions of approval documents by New Jersey:

(*1*) Edgeboro Disposal's landfill gas flares, Middlesex County, NJ COAD approval dated April 13, 1995, revised October 19, 1995 (effective November 6, 1995).

(*2*) E.I. duPont DeNemours and Co.'s carbon regeneration furnace, Salem County, NJ COAD approval dated June 7, 1995.

(*3*) Hoeganaes Corp.'s electric arc furnace and tunnel kiln, Burlington County, NJ COAD approval dated February 3, 1995.

(*4*) E.I. duPont DeNemours and Co.'s hazardous waste incinerator, Salem County, NJ COAD approval dated July 7, 1995.

(*5*) Rollins Environmental Services' hazardous waste incinerator, Gloucester County, NJ COAD approval dated May 25, 1995.

(*6*) American Ref-Fuel's Municipal Waste Incinerator, Essex County, NJ NO_X RACT approval dated February 6, 1995.

(*7*) Union County Utilities Authority's Municipal Waste Incinerator, Union County; NJ NO_X RACT approval dated May 10, 1994 with an attached permit to construct, operate, and a PSD permit dated December 29, 1989.

(*8*) PSE&G's Hudson Station Unit No. 2 utility boiler, Hudson County, NJ COAD approval dated May 9, 1995.

(*9*) Algonquin Gas Transmission Co.'s simple cycle combustion turbines, Morris County, NJ COAD approval dated March 31, 1995.

(*10*) Hoffmann-La Roche's combined cycle combustion turbines, Essex County, NJ COAD approval dated May 8, 1995.

(*11*) International Flavors and Fragrances' non-utility boiler Number 5, Monmouth County, NJ COAD approval dated June 9, 1995.

(*12*) Parsippany-Troy Hills Township Sewer Authority's sewage sludge incinerators, Morris County, NJ COAD approval dated October 13, 1995.

(*13*) Johnson Matthey's multi-chamber metals recovery furnace, Gloucester County, NJ COAD approval dated June 13, 1995.

(*14*) 3M Company's rotary kiln and dryers, Somerset County, NJ COAD approval dated May 4, 1995.

(*15*) Sandoz Pharmaceuticals Corporation's trash fired boiler, Morris County, NJ COAD approval dated March 23, 1995.

(*16*) General Motors Corporation's non-utility boiler (No.4), Mercer County, NJ COAD approval dated June 22, 1995.

(*17*) General Motors Corporation's Topcoat system, Union County, NJ COAD approval dated November 6, 1995.

(*18*) United States Pipe and Foundry Company's cupolas and annealing ovens (No. 2 and No. 3), Burlington County, NJ COAD approval dated October 16, 1995.

(*19*) Griffin Pipe Products Company's cupola and annealing furnace, Burlington County, NJ COAD approval dated December 14, 1995.

(*20*) Texas Eastern Transmission Corporation's internal combustion engines, Hunterdon County, NJ COAD approval dated May 9, 1995.

(*21*) Texas Eastern Transmission Corporation's internal combustion engines, Union County, NJ COAD approval dated May 9, 1995.

(ii) Additional information. Documentation and information to support NO_X RACT facility-specific emission

limits or alternative emission limits in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) May 26, 1995 for two SIP revisions;

(B) November 8, 1995 for eight SIP revisions;

(C) January 10, 1996 for ten SIP revisions; and

(D) October 10, 1996 for two SIP revisions.

(60) A revision to the New Jersey State Implementation Plan (SIP) for ozone for adoption of rules for application of reasonably available control technology (RACT) for oxides of nitrogen (NO_X dated November 15, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective December 20, 1993.

(ii) Additional information:

(A) November 15, 1993 letter from Jeanne Fox, NJDEPE, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 19.

(61) [Reserved]

(62) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from consumer and commercial products, dated January 25, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 24, of the New Jersey Administrative Code entitled ''Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products'' effective November 6, 1995.

(ii) Additional material.

(A) January 25, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 24.

(63) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated November 15, 1993 and two revisions dated June 21, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments effective December 20, 1993 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(B) Amendments effective June 20, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code: Subchapter 8, ''Permits and Certificates'' (sections 8.1 and 8.2), Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances,'' Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings and Consumer Products,'' and Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels.'' Amendments effective June 20, 1994 to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—''Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations.''

(C) Amendments effective December 5, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(D) Amendments effective May 15, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(E) Amendments effective July 17, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''

(ii) Additional material:

(A) November 15, 1993 letter from Jeanne Fox, NJDEP, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 16.

(B) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox,

EPA, requesting EPA approval of Subchapters 8, 16, 17, 23, 25 and Air Test Method 3.

(C) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 16.

(64) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on June 18, 1996, July 10, 1996, December 17, 1996 and May 2, 1997.

(i) Incorporation by reference.

(A) *Conditions of Approval Documents (COAD) or Facility Wide Permit*. The following facilities have been issued COADs or facility wide permits by New Jersey:

(*1*) Geon Company's direct-fired dryers, Salem County, NJ facility wide permit dated January 30, 1997. Incorporation by reference includes only the pages with permit limits related to the dryers.

(*2*) PQ Corporation/Industrial Chemicals' Sodium Silicate Furnace, Middlesex County, NJ COAD approval dated December 2, 1994.

(*3*) Air Products and Chemicals' Hazardous Waste Incinerator, Gloucester County, NJ COAD approval dated January 25, 1996.

(*4*) Stony Brook Regional Sewerage Authority's sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1995 and modified on May 16, 1996.

(*5*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ COAD approval dated September 20, 1996.

(*6*) Atlantic States Cast Iron Pipe Company's cupola and annealing oven, Warren County, NJ COAD approval dated November 22, 1994.

(*7*) Warren County Resource Recovery Facility's Municipal Waste Incinerators, Warren County, NJ COAD dated August 1, 1996.

(*8*) Hercules Incorporated's Nitration System, Acid Concentrators, and Open Pit Burner, Union County, NJ COAD dated May 1, 1996.

(*9*) US Department of Navy, Naval Air Warfare Center Aircraft Division's jet engine test cells, Mercer County, NJ COAD approval dated October 31, 1995.

(*10*) Atlantic Electric Company's Utility Boiler #8, Salem County, NJ COAD approval dated February 25, 1997.

(*11*) U.S. Generating Company—Carneys Point Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*12*) U.S. Generating Company—Logan Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(*13*) Schering Corporation's heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

(*14*) [Reserved]

(*15*) Elizabethtown Water Company's internal combustion engines, Somerset County, NJ COAD approval dated May 8, 1996.

(ii) Additional information—Documentation and information to support NO_X RACT facility-specific emission limits, alternative emission limits, or repowering plan in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) June 18, 1996 for four SIP revisions,

(B) July 10, 1996 for three SIP revisions,

(C) December 17, 1996 for five SIP revisions,

(D) May 2, 1997 for three SIP revisions.

(65) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting a New Jersey Clean Fleets program with Ozone Transport Commission Low Emission Vehicle (OTC-LEV) program as an effective backstop, substituted for the Clean Fuel Fleet program, dated February 15, 1996, March 29, 1996, and March 6, 1997, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference. Title 7, Chapter 27, Subchapter 26, ''Ozone Transport Commission Low Emission Vehicles Program,'' effective December 18, 1995.

(ii) Additional material.

(A) Letter dated February 15, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox transmitting first version of NJCF program.

(B) Letter dated March 29, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox supplementing February 15, 1996 submittal.

(C) ''SIP Revision for the Attainment and Maintenance of the Ozone National Ambient Air Quality Standards, New Jersey Clean Fleets (NJCF) SIP,'' March 6, 1997.

(*1*) NJCF Appendix D: ''New Jersey Clean Fleets (NJCF) Program (1996 Action Plan Recommendations).''

(*2*) NJCF Appendix H: Response to Public Comments, NJCF Program, dated February 14, 1997.

(*3*) February 20, 1998 letter from Sharon Haas, Principal Environmental Specialist, NJDEP, to George Krumenacker, Transportation Services Specialist I, Bureau of Transportation Services, New Jersey Department of Treasury.

(*4*) March 25, 1998 Memo from Colleen Woods, Acting Director, Motor Vehicle Services, to Sharon Haas, Principal Environmental Specialist, NJDEP.

(66) A revision to the New Jersey State Implementation Plan (SIP) for ozone concerning revisions to the rule for requiring reasonably available control technology (RACT) for sources emitting oxides of nitrogen (NO_X) dated March 24, 1995, submitted by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective April 17, 1995.

(ii) Additional information:

(A) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of revisions to Subchapter 19.

(67) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting amended New Jersey Ozone Transport Commission—Low Emission Vehicle (OTC-LEV) program, Opting into the National Low Emission Vehicle (National LEV) Program, dated February 22, 1999, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Title 7, Chapter 27, Subchapter 26, ''Ozone Transport Commission—Low Emission Vehicles Program,'' effective March 1, 1999.

(ii) Additional information: Letter from the New Jersey Department of Environmental Protection Commissioner Shinn, dated February 22, 1999, submitting a revision to the New Jersey State Implementation Plan for the National Low Emission Vehicle program.

(68) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxyfuel program, dated August 7, 1998, submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' effective August 17, 1998 (as limited in section 52.1605).

(69) A revision to the State Implementation Plan submitted on April 26, 1999 and supplemented on July 31, 2000 by the New Jersey Department of Environmental Protection that establishes the NO_X Budget Trading Program.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 31, of the New Jersey Administrative code entitled ''NO_X Budget Program'' adopted on June 17, 1998, and effective on July 20, 1998.

(ii) Additional information.

(A) Letter from the New Jersey Department of Environmental Protection dated April 26, 1999, submitting the NO_X Budget Trading Program as a revision to the New Jersey State Implementation Plan for ozone.

(B) Letter from the New Jersey Department of Environmental Protection dated July 29, 1999, committing to correcting the violation definition deficiency within one year of EPA's final action.

(C) Letter from the New Jersey Department of Environmental Protection dated July 31, 2000, supplementing the April 26, 1999 SIP submittal with the amended violation provisions.

(D) Guidance for Implementation of Emissions Monitoring Requirements for the NO_X Budget Program, dated January 28, 1997.

(E) NO_X Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(F) Electronic Data Reporting, Acid Rain/NO_X Budget Program, dated July 3, 1997.

(G) Measurement Protocol for Commercial, Industrial and Residential Facilities, April 28, 1993.

(70) Revisions to the State Implementation Plan submitted on December 10, 1999 and July 31, 2000 by the State of New Jersey Department of Environmental Protection that establishes the NO_X Budget Trading Program, a 2007 Statewide NO_X emissions budget, and a commitment by New Jersey to comply with the section 51.122 reporting requirements.

(i) Incorporation by reference:

(A) Regulation Subchapter 31 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''NO_X Budget Program,'' adopted on July 31, 2000 and effective on August 21, 2000.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated December 10, 1999, requesting EPA approval of the Ozone SIP, entitled ''State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; Meeting the Requirements of the Regional NO_X Cap Program and Transportation Conformity Budgets Related to the Attainment of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; December 1, 1999,'' as a revision to the State of New Jersey Implementation Plan for ozone.

(B) Letter from State of New Jersey Department of Environmental Protection dated July 31, 2000, requesting EPA approval of the NO_X Budget Program as a revision to the New Jersey State Implementation Plan for ozone. This submittal also contains 2007 State-wide NO_X emissions budget information that is supplemental to the December 10, 1999 SIP submittal.

(71) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 20, 2001 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC) Subchapter 15, ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles,'' effective November 15, 1999.

(B) Amendments to Title 7, Chapter 27B of the NJAC Subchapter 4, ''Air Test Method 4: Testing Procedures for Motor Vehicles,'' effective November 15, 1999.

(C) Amendments to Title 13, Chapter 20 of the NJAC Subchapter 28, ''Inspection of New Motor Vehicles'' (Sections: 28.3, 28.4, 28.6), effective December 6, 1999.

(D) Title 13, Chapter 20 of the NJAC: Subchapter 7, ''Vehicle Inspection'' (Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6); Subchapter 24, ''Motorcycles'' (Section: 24.20); Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles'' (Section: 26.16); Subchapter 29, ''Mobile Inspection Unit'' (Sections: 29.1, 29.2, 29.3); Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities''; Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities''; Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program''; Subchapter 44, ''Private Inspection Facility Licensing''; and Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration'', effective December 6, 1999.

(E) Title 13, Chapter 21 Subchapter 5, ''Registrations'' (Section: 5.12) and Subchapter 15, ''New Jersey Licensed Motor Vehicle Dealers'' (Section: 15.7), effective December 6, 1999.

(72) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on December 3, 2002 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) New Jersey Revised Statutes.

(*1*) Public Law 2002, Chapter 34, paragraph 15 amending N.J.S.A. 39:8–2.c, enacted on July 1, 2002.

(73) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on January 21, 1998, June 12, 1998 and April 26, 1999; and a letter which notified EPA of a revised permit limit submitted by the New Jersey Department of Environmental Protection on February 21, 2001.

(i) Incorporation by reference:

(A) Conditions of Approval Documents (COAD) or modified prevention of significant deterioration (PSD) permit: The following facilities have been issued COADs or modified PSD permit by New Jersey:

(*1*) American Ref-Fuel Company/Essex County Resource Recovery Facility, Newark, Essex County, NJ PSD permit modification dated July 29, 1997. Incorporation by reference includes only the NO_X emission limits in section A.6 of the July 29, 1997 PSD permit.

(*2*) Co-Steel Corporation's (formerly New Jersey Steel Corporation) electric arc furnace/melt shop and billet reheat furnace, Sayreville, Middlesex County, NJ COAD approval dated September 3, 1997.

(*3*) Co-Steel Raritan Corporation's electric arc furnace/ladle metallurgy system and billet reheat furnace, Perth Amboy, Middlesex County, NJ COAD approval dated June 22, 1998.

(*4*) Homasote Company's natural gas dryer (wet fibreboard mat dryer), West Trenton, Mercer County, NJ COAD approval dated October 19, 1998.

(*5*) Milford Power Limited Partnership's combined cycle cogeneration facility, Milford, Hunterdon County, NJ COAD approval dated August 21, 1997.

(*6*) University of Medicine and Dentistry of New Jersey's cogeneration units and Cleaver Brooks non-utility boilers, Newark, Essex County, NJ COAD dated June 26, 1997.

(*7*) Roche Vitamins Inc's cogeneration facility and Boiler No. 1, Belvidere, Warren County, NJ COAD dated June 10, 1998. The cogeneration facility consists of one reciprocal engine (21.5 MW) and one heat recovery steam generator (HRSG) equipped with a duct burner (Boiler No. 6).

(*8*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ permit revision dated December 21, 2000.

(ii) Additional information—Documentation and information to support NO_X RACT facility-specific emission limits, alternative emission limits, or repowering plan in three SIP revisions addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. and one letter addressed to Acting Regional Administrator William J. Muszynski from Dr. Iclal Atay, Chief Bureau of Air Quality Engineering dated:

(A) January 21, 1998 SIP revision for two sources,

(B) June 12, 1998 SIP revision for one source,

(C) April 26, 1999 SIP revision for four sources,

(D) February 21, 2001 for a revised permit limit for one source.

(74) Revisions to the State Implementation Plan submitted on June 4, 2003 and January 6, 2004 by the State of New Jersey Department of Environmental Protection that establishes control programs for mobile equipment repair and refinishing operations, solvent cleaning operations and refueling of motor vehicles at gasoline service stations.

(i) Incorporation by reference:

(A) Regulation Subchapter 16 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution from Volatile Organic Compounds,'' adopted on April 30, 2003 and effective on June 29, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 4, 2003, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 16 ''Control and Prohibition of Air Pollution from Volatile Organic Compounds.''

(B) Letter from State of New Jersey Department of Environmental Protection dated January 6, 2004 providing a compiled version of Subchapter 16 which include the amendments.

(75) Revisions to the State Implementation Plan submitted on January 23,

2003 by the State of New Jersey Department of Environmental Protection for the purpose of enhancing an existing Emission Statement Program for stationary sources in New Jersey. The SIP revision was submitted by New Jersey to satisfy the Clean Air Act requirements for stationary sources to report annually to the State on their emissions of volatile organic compounds (VOC), oxides of nitrogen (NO_X) and carbon monoxide (CO), in order for the State to make this data available to EPA and the public.

(i) Incorporation by reference:

(A) Amended Regulation Subchapter 21 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Emission Statements,'' adopted on January 23, 2003 and effective on February 18, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated January 23, 2003, requesting EPA approval of a revision to the Ozone and CO SIP which contains amendments to the Subchapter 21 ''Emission Statements.''

(76) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 13, 2003 by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Title 13, Chapter 20 of the NJAC: Subchapter 7, ''Vehicle Inspections'' (Section: 7.1); Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles'' (Sections: 26.2, 26.16); Subchapter 28, ''Inspection of New Motor Vehicles'' (Section 28.3); Subchapter 29, ''Mobile Inspection Unit'' (Section: 29.2); Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities''; Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities''; Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program''; Subchapter 44, ''Private Inspection Facility Licensing''; and Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration,'' effective May 19, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated August 13, 2003, requesting EPA approval of a revision to the Enhanced Inspection and Maintenance Program SIP which contains amendments to the Subchapter 16 ''Control and Prohibition of Air Pollution from Volatile Organic Compounds.''

(77) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on July 1, 1999 and supplemented on September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003.

(i) Incorporation by reference:

Conditions of Approval Document: Conditions of Approval Document issued by New Jersey on July 1, 1999 to Repauno Products, LLC's sodium nitrite manufacturing plant, Gibbstown, Gloucester County.

(ii) Additional information—Documentation and information to support NO_X RACT facility-specific emission limits in SIP revision addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr.:

(A) July 1, 1999 SIP revision,

(B) September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003 supplemental information to the SIP revision,

(C) May 14, 2004 commitment letter from New Jersey.

(78) Revisions to the State Implementation Plan submitted on July 28, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for architectural coatings.

(i) Incorporation by reference:

(A) Regulation Subchapter 23 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Prevention of Air Pollution From Architectural Coatings,'' adopted on May 21, 2004 and effective on July 20, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated July 28, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments

to the Subchapter 23 ''Prevention of Air Pollution From Architectural Coatings.''

(79) Revisions to the State Implementation Plan submitted on June 22, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for consumer products including portable fuel containers.

(i) Incorporation by reference:

(A) Regulation Subchapter 24 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Prevention of Air Pollution From Consumer Products,'' adopted on April 7, 2004 and effective on June 6, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 22, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 24 ''Prevention of Air Pollution From Consumer Products.''

(80) Revision to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from the Schering Corporation's CoGEN II cogeneration facility located in Union County submitted by the New Jersey Department of Environmental Protection (NJDEP), dated March 31, 2005.

(i) Incorporation by reference:

(A) Conditions of Approval, Alternative Maximum Emission Rate For NO_X, Schering Corporation, Union, Union County, New Jersey facility identification number 40084 approved March 9, 2005.

(81) Revisions to the State Implementation Plan for ozone dated December 16, 2005 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes revised control measures for achieving additional reductions of NO_X emissions from stationary combustion sources.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution from Oxides of Nitrogen,'' effective October 17, 2005 and Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code entitled ''Control and Prohibition of Air Pollution by Volatile Organic Compounds,'' effective October 17, 2005.

(ii) Additional information:

(A) December 16, 2005 letter from Commissioner Bradley M. Campbell, NJDEP, to Alan J. Steinberg, EPA, requesting EPA approval of revisions to Subchapters 8, 16, 19, and 22.

(82) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's second generation Low Emission Vehicle (LEV) program.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Low Emission Vehicle (LEV) Program,'' except sections 29.6, 29.7, and 29.13(g) (incorporation by reference of Title 13, Chapter 1, Article 2, Sections 1961.1 and 1962 of the California Code of Regulations only), adopted on November 28, 2005.

(83) Revisions to the State Implementation Plan and submitted on February 6, 2007 as proposed, and subsequently adopted and submitted on July 9, 2007 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes rules for the allowance allocation of oxides of nitrogen (NO_X) for the annual and ozone season Clean Air Interstate Rule (CAIR) NO_X Cap and Trade Programs. The submission also establishes a date when the CAIR NO_X Trading Programs will replace the State's NO_X Budget Program, and satisfies New Jersey's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 30 of the New Jersey Administrative Code entitled ''Clean Air Interstate Rule (CAIR) NO_X Trading Program,'' effective July 16, 2007 and Title 7, Chapter 27, Subchapter 31, Section 23 of the New Jersey Administrative Code entitled ''NO_X Budget Program,'' effective July 16, 2007.

(ii) Additional information:

(A) February 2, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting

proposed SIP revision, and request for parallel processing.

(B) June 26, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting SIP revision.

(C) December 29, 2006 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, indicating how New Jersey has addressed the required elements of 110(a)(2)(D)(i).

(84) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's Zero Emission Vehicle (ZEV) provisions.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Low Emission Vehicle (LEV) Program,'' sections 29.6, 29.7, and the incorporation of California Section 1962, ''Zero Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles,'' within section 29.13(g), effective on January 17, 2006.

(85) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from Trigen-Trenton Energy Co., L.P., dated August 7, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) a letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, USEPA, dated August 7, 2007, and Attachment 1 to the letter, titled ''Conditions of Approval, Alternative Maximum Emission Rate for NO_X for Two (2) Cooper Bessemer Distillate Oil or Dual Fuel Fired 4-Stroke Diesel Internal Combustion Engines,'' Trigen-Trenton Energy Company L.P., Trenton, NJ. APC Plant ID No. 61015, approved January 11, 2007.

(86) Revisions to the New Jersey State Implementation Plan (SIP) for particulate matter granting a variance from Subchapter 6, Control and Prohibition of Particles from Manufacturing Processes for the cooling tower at the PSEG Nuclear LLC Hope Creek and Salem Generating Stations located in Lower Alloways Creek Township, Salem County dated November 2, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP) which establishes hourly emission limits for TSP and PM–10 (total) of less than or equal to 42 pounds per hour and annual emission limits for TSP and PM–10 (total) of less than or equal to 65.9 tons per year.

(i) Incorporation by reference:

(A) A letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, Regional Administrator, EPA, dated November 2, 2007 submitting the variance for PSEG Nuclear LLC Hope Creek and Salem Generating Stations without the attachments.

(B) Section J, Facility Specific Requirements, Emission Unit U24 Cooling Tower, (Significant Modification Approval date August 7, 2007) contained in the Air Pollution Control Operating Permit, Significant Modification and Preconstruction Approval, PSEG Nuclear LLC Hope Creek and Salem Generating Stations, Permit Activity Number: BOP05003.

(d) Plan revisions were submitted on September 26, 1972.

(87) Revisions to the State Implementation Plan submitted on September 13, 2007, by the New Jersey Department of Environmental Protection which consists of the State's revised diesel idling rule.

(i) Incorporation by reference:

(A) Regulation Subchapter 14 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles,'' section 14.1, effective on July 2, 2007, section 14.2, effective on September 15, 1997, and section 14.3, effective on July 2, 2007.

(88) A revision submitted on April 21, 2009, as supplemented on May 7, 2010, by the New Jersey Department of Environmental Protection (NJDEP) that establishes revised control measures for achieving additional reductions of NOx, SO_2, fine particulate, and VOC emissions from stationary sources that will help achieve attainment of the national ambient air quality standard for

ozone and fine particles, as well as help to reduce regional haze.

(i) Incorporation by reference:

(A) New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27): Subchapter 4 ''Control and Prohibition of Particles from Combustion of Fuel'' with an effective date of April 20, 2009; Subchapter 10 ''Sulfur in Solid Fuels'' with an effective date of April 20, 2009; Subchapter 16 ''Control and Prohibition of Air Pollution by Volatile Organic Compounds'' with an effective date of April 20, 2009; Subchapter 19 ''Control and Prohibition of Air Pollution from Oxides of Nitrogen'' with an effective date of April 20, 2009 (including two Administrative Corrections published in the New Jersey Register on June 15, 2009 and July 6, 2009); and Subchapter 21 ''Emission Statements'' with an effective date of April 20, 2009.

(ii) Additional information:

(A) Letter dated April 21, 2009 from Acting Commissioner Mark N. Mauriello, NJDEP, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the SIP revision for Subchapters 4, 8, 10, 16, 19 and 21.

(B) Letter dated May 7, 2010 from Director William O'Sullivan, NJDEP, to Barbara Finazzo, Director, Division of Environmental Planning and Protection, EPA Region 2, submitting supplemental SIP information for Subchapter 19.

(89) A revision submitted on April 9, 2009, by the New Jersey Department of Environmental Protection (NJDEP) that establishes new and revised control measures for achieving additional reductions of VOC emissions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) New rules contained in New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27) with effective date of December 1, 2008 and Operative date of December 29, 2008:

(*1*) Subchapter 26, ''Prevention of Air Pollution From Adhesives, Sealants, Adhesive Primers and Sealant Primers,'' and

(*2*) Subchapter 34, ''TBAC Emissions Reporting.''

(B) Amendments to NJAC 7:27 with effective date of December 1, 2008 and Operative date of December 29, 2008:

(*1*) Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings,'' 23.2 Definitions;

(*2*) Subchapter 24, ''Prevention of Air Pollution From Consumer Products,'' 24.1 Definitions, 24.2 Applicability, 24.4 Chemically formulated consumer products: standards, 24.5 Chemically formulated consumer products: registration and labeling, 24.6 Chemically formulated consumer products: recordkeeping and reporting, 24.7 Chemically formulated consumer products: testing, 24.8 Portable fuel containers and spill-proof spouts: certification requirements, 24.9 Portable fuel containers and spill proof spouts: labeling, 24.10 Portable fuel containers and spill proof spouts: recordkeeping and reporting, 24.12 Penalties and other requirements imposed for failure to comply; and

(*3*) Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels,'' 25.1 Definitions.

(C) Repeal to NJAC 7:27 with effective date of December 1, 2008 and Operative date of December 29, 2008: Subchapter 24, ''Prevention of Air Pollution From Consumer Products,'' section 24.11 Portable fuel containers and spill-proof spouts: testing, repealed without replacement and reserved.

(ii) Additional information.

(A) Letter dated April 9, 2009 from Acting Commissioner Mark N. Mauriello, NJDEP, to George Pavlou Acting Regional Administrator, EPA Region 2, submitting the SIP revision containing Subchapters 23, 24, 25, 26, and 34.

(90) Revision to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from Naval Weapons Station Earle dated May 14, 2009 and supplementary information dated May 21, 2009 submitted by the New Jersey State Department of Environmental Protection.

(i) Incorporation by reference:

(A) A letter from Mr. Frank Steitz, Chief, Bureau of Air Permits, New Jersey Department of Environmental Protection, addressed to Captain G.A. Maynard, Commanding Officer, Naval Weapons Station Earle titled ''Alternative Maximum Emission Rate (AEL)

for Nitrogen Oxides (NO_X) Pursuant to N.J.A.C. 7:27–19.13 and Significant Modification of Operating Permit,'' dated and approved May 21, 2009 including Attachment 1 ''Conditions of Approval Alternative Maximum Emission Rate For NO_X For Two (2) Detroit Diesel Distillate Oil Fuel Fired 2–Stroke Diesel Internal Combustion Engines, Naval Weapons Station Earle.''

(91) A revision submitted on July 28, 2009, as supplemented on December 9, 2010, March 2, 2011 and December 7, 2011, by the New Jersey Department of Environmental Protection (NJDEP) that addresses the regional haze requirements of Clean Air Act section 169A. The December 9, 2010 submittal also addresses an element of the $PM_{2.5}$ SIP revision.

(i) Incorporation by reference:

(A) Amendments to New Jersey Administrative Code, Title 7, Chapter 27 (NJAC 7:27) Subchapter 9, ''Sulfur In Fuels,'' Section 9.2 Sulfur content standards, with effective date of September 20, 2010 and operative date of October 25, 2010.

(B) The following Air Pollution Control Operating Permit, Significant Modifications and Preconstruction Approvals:

(*1*) PSEG Fossil LLC Hudson Generating Station dated March 8, 2011, Permit BOP110001, Program Interest 12202 for units: U1–OS Summary, U1–OS1, U1–OS2, U2–OS Summary, U15–OS Summary and U16–OS Summary.

(*2*) Chevron Products Company dated March 4, 2011, Permit BOP100001, Program Interest 18058 for unit 15, process heaters: OS Summary (E1501 and E1502).

(*3*) ConocoPhillips (Linden City) dated September 21, 2011, Permit BOP110001, Program Interest 41805 for unit 3, process heaters: OS Summary, OS1–E241, OS2–E243, OS3–E245, OS4–E246, OS5–E247, OS6–E248, OS7–E249, OS8–E250, OS11–E242, OS13–E253, and OS15–E258.

(*4*) Vineland Municipal Electric Utility—Howard M. Down dated September 26, 2011, Permit BOP110001, Program Interest 75507 for units: U10–OS Summary, U10–OS2, U10–OS3, and U22–OS Summary.

(*5*) BL England Generating Station dated December 16, 2010, Permit BOP100003, Program Interest 73242 for units: GR2 U2, U1–OS Summary, U1–OS1, U2–OS Summary, U2–OS1, U3–OS Summary, U3–OS1, U6–OS Summary, U6–OS1, U7–OS1, U7–OS2, U7–OS4, U7–OS5, U7–OS6, U7–OS7, U7–OS10, U7–OS11, U7–OS12, U8–OS Summary, and U8–OS1.

(ii) Additional information.

(A) Letter dated December 9, 2010 from Commissioner Bob Martin, NJDEP, to Regional Administrator Judith A. Enck, EPA Region 2, submitting the SIP revision containing Subchapter 9.

(B) December 7, 2011, letter from Director William O'Sullivan, NJDEP, to Acting Director John Filippelli, Division of Environmental Planning and Protection, EPA Region 2, submitting a supplement to the 2009 Regional Haze SIP which contains the Best Available Retrofit Technology (BART) determinations and enforceable BART emission limits for five facilities.

(92) Revisions to the New Jersey State Implementation Plan (SIP) submitted by the New Jersey Department of Environmental Protection for New Jersey's enhanced inspection and maintenance (I/M) program, dated December 15, 2009.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code, Subchapter 15, ''Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles,'' effective November 16, 2009, and Appendix B–5, ''Air Test Method 5: Testing Procedures for Gasoline-Fueled Motor Vehicles,'' effective November 16, 2009.

(B) Amendments to Chapter 20, Title 13 of the New Jersey Administrative Code, Subchapter 7, ''Vehicle Inspection'' (Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6); Subchapter 24, ''Motorcycles'' (Section: 24.20); Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles'' (Sections: 26.2 and 26.16); Subchapter 28, ''Inspection of New Motor Vehicles'' (Sections 28.3, 28.4 and 28.6); Subchapter 29, ''Mobile Inspection Unit'' (Sections: 29.1, 29.2, 29.3); Subchapter 32, ''Inspection Standards

and Test Procedures To Be Used By Official Inspection Facilities''; Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities''; Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program''; Subchapter 44, ''Private Inspection Facility Licensing''; and Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration,'' all effective October 19, 2009.

(C) Amendments to Chapter 21, Title 13 of the New Jersey Administrative Code, Subchapter 15, ''New Jersey Licensed Motor Vehicle Dealers'' (Sections: 15.8 and 15.12), effective October 19, 2009.

(D) Amendments to Chapter 8, Title 39 of the Revised Statutes of the State of New Jersey at R.S. 39:8–1, 39:8–2, and 39:8–3, effective July 1, 2010.

(ii) Additional material:

(A) December 15, 2009, letter from Mark N. Mauriello, Acting Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of a revision to the State of New Jersey's I/M program SIP.

(B) October 12, 2010, letter from Bob Martin, Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of the supplemental revision to the State of New Jersey's I/M program SIP.

(C) July 8, 2010, letter from Bob Martin, Commissioner, NJDEP, to Judith A. Enck, Regional Administrator, EPA, requesting EPA approval of the supplemental revision to the State of New Jersey's I/M program SIP.

[37 FR 10880, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1570, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1571 Classification of regions.

The New Jersey plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
New Jersey-New York-Connecticut Interstate	I	I	I	I	I
Metropolitan Philadelphia Interstate	I	I	III	I	I
Northeast Pennsylvania-Upper Delaware Valley Interstate	I	II	III	III	III
New Jersey Intrastate	III	IA	III	I	III

[37 FR 10880, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.1572 Extensions.

Pursuant to section 186(a)(4) of the Clean Air Act, as amended in 1990, the Regional Administrator hereby extends for one year (until December 31, 1996) the attainment date for the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide nonattainment area.

[61 FR 56900, Nov. 5, 1996]

§ 52.1573 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves New Jersey's plans for attainment and maintenance of the national ambient air quality standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below in § 52.1581. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) *Visibility protection.* EPA approves the Regional Haze SIP revision submitted by the New Jersey Department

of Environmental Protection on July 28, 2009, as supplemented on December 9, 2010, March 2, 2011 and December 7, 2011 as meeting the requirements of Clean Air Act section 169A and 40 CFR 51.308. In particular, EPA approves the New Jersey Regional Haze SIP as meeting the requirements of 40 CFR 51.308(e) regarding Best Available Retrofit Technology and 40 CFR 51.308(d)(2) and (d)(4)(v) regarding the calculation of baseline and natural conditions for the Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area.

[45 FR 15541, Mar. 11, 1980, as amended at 77 FR 21, Jan. 3, 2012]

§ 52.1574 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§ 52.1575 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 26:2C–9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C–9 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1576 Determinations of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2008 to 2010, EPA determined that Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 8-hour ozone moderate nonattainment area (the Philadelphia Area) attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the

area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Philadelphia Area nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Philadelphia-Wilmington, PA-NJ-DE fine particle ($PM_{2.5}$) nonattainment area attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Philadelphia-Wilmington, PA-NJ-DE $PM_{2.5}$ nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

[77 FR 17344, Mar. 26, 2012, as amended at 77 FR 28785, May 15, 2012]

EFFECTIVE DATE NOTE: At 77 FR 36169, June 18, 2012, § 52.1576 was amended by designating the existing text as paragraph (a), adding and reserving paragraph (b), and adding new paragraphs (c) and (d), effective July 18, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1576 Determinations of attainment.

* * * * *

(c) Based upon EPA's review of the air quality data for the three-year period 2005 to 2007, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007. Separate from and independent of this determination, based on 2008–2010 complete, quality-assured ozone monitoring data at all monitoring sites in the area, and data for 2011, EPA determined, as of June 18, 2012, that the NY-NJ-CT one-hour ozone nonattainment area has attained the one-hour ozone standard.

(d) Based upon EPA's review of complete, quality-assured and certified air quality data for the three-year period 2007 to 2009, and data for 2011, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) eight-hour ozone moderate nonattainment area attained the 1997 eight-hour ozone NAAQS by the applicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the NY-NJ-CT nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

§ 52.1577 Compliance schedules.

(a) [Reserved]

(b) The requirements of § 51.261 of this chapter are not met since Chapter 7, section 7.1(c) of New Jersey's ''Air Pollution Control Code'' permits certain sources to defer compliance with Chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of § 51.262(a) of this chapter are not met since Chapter 7 of New Jersey's ''Air Pollution Control Code'' does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) *Regulation for increments of progress.* (1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification;

initiation of onsite construction or installation of emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(3) Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

[37 FR 10880, May 31, 1972, as amended at 37 FR 23090, Oct. 28, 1972; 38 FR 12713, May 14, 1973; 40 FR 30962, July 24, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.1578 Review of new sources and modifications.

(a) Subchapter 18 of the New Jersey Administrative Code, entitled, ''Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas (Emission Offset Rule),'' N.J.A.C. 7:27–18.1 *et seq.*, as submitted to EPA on August 5, 1980 by the New Jersey Department of Environmental Protection, is approved for the entire State of New Jersey, with the following provisions:

(1) The definition of ''significant emission increase'' as it appears in section 7:27–18.1, entitled, ''Definitions,'' is disapproved. The following definition of ''significant emission increase'' is applicable: ''An increase, since December 21, 1976, in the rate of allowable emissions, including fugitive pollutant emissions, at a facility of any criteria pollutant greater than or equal to 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, not including decreases in the rates of allowable emissions except where such decreases are contemporaneous with emission increases. The increase in the rates of allowable emissions shall be the cumulative total of increases from all new or altered equipment for which permits have been issued on or after December 21, 1976 and for which permit applications have been received by the Department, and the fugitive emissions associated with that equipment. The hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard for a period not exceeding 24 hours has been established.

(2) Subsection (e)(1) under section 7:27–18.2, entitled, ''General Provisions,'' is disapproved and replaced with the following: ''The requirements of paragraphs (c)(3), (c)(4), and (c)(5) of this section shall again become applicable when proposed new construction or alterations at the facility would cause the increase in the rate of allowable emissions of that criteria pollutant to again exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour whichever is most restrictive. The accumulation of increases in the rate of allowable emissions shall resume from zero after each application of paragraphs (c)(3) and (c)(4) of this section.''

[39 FR 7282, Feb. 25, 1974, as amended at 46 FR 21996, Apr. 15, 1981; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

§ 52.1579 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met since the plan does not adequately describe the responsibilities of local agencies.

[37 FR 10880, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.1580 Conditional approval.

(a) *Enhanced inspection and maintenance.* (1) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 22, 1997, is conditionally approved based on certain contingencies, for an interim period to last 18 months. If New Jersey fails to start its program by November 15, 1997, the interim approval granted under the provisions of the NHSDA, which EPA believes allows the State to

take full credit in its 15 percent plan for all of the emission reduction credits in its proposal, will convert to a disapproval after a finding letter is sent to the State by EPA. If the State fails to submit to EPA the final modeling demonstrating that its program will meet the relevant enhanced I/M performance standard by February 1, 1998, the conditional approval will automatically convert to a disapproval as explained under Section 110(k) of the Clean Air Act.

(2) In addition to the above condition, the State must correct eight minor, or de minimus, deficiencies related to the CAA requirements for enhanced I/M. The minor deficiencies are listed in EPA's conditional interim final rulemaking on New Jersey's motor vehicle inspection and maintenance program published on May 14, 1997. Although satisfaction of these deficiencies does not affect the conditional interim approval status of the State's rulemaking, these deficiencies must be corrected in the final I/M SIP revision to be submitted at the end of the 18-month interim period.

(3) EPA is also approving this SIP revision under Section 110(k), for its strengthening effect on the plan.

(b) [Reserved]

[62 FR 26405, May 14, 1997, as amended at 62 FR 35102, June 30, 1997; 64 FR 19916, Apr. 23, 1999]

§ 52.1581 Control strategy: Carbon monoxide.

(a) Approval—The September 28, 1995 revision to the carbon monoxide state implementation plan for Camden County and the Nine not-classified areas (the city of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City). This revision included a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2007.

(b) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the entire State. The inventory was submitted on November 15, 1992 and amended on September 28, 1995 by the New Jersey Department of Environmental Protection as a revision to the carbon monoxide State Implementation Plan.

(c) Approval—The November 15, 1992, October 4, 1993, and August 7, 1998 revisions to the carbon monoxide state implementation plan for the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area. This included an attainment demonstration and the control measures needed to attain the National Ambient Air Quality Standard for carbon monoxide. The January 15, 2002, request to redesignate the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area from nonattainment to attainment of the National Ambient Air Quality Standard for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2014.

(d) The 1997 and 2007 carbon monoxide motor vehicle emission budgets for Camden County and the Nine Not Classified Areas included in New Jersey's May 21, 2004 SIP revision are approved.

(e)(1) Approval—The May 18, 2006 revision to the carbon monoxide maintenance plan for Camden County and the Nine Not Classified Areas. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2017.

(2) The 2007 and 2014 carbon monoxide conformity emission budgets for five counties in the New York/Northern New Jersey/Long Island carbon monoxide maintenance area included in New Jersey's May 18, 2006 SIP revision are approved.

[67 FR 54579, Aug. 23, 2002, as amended at 69 FR 52836, Aug. 30, 2004; 71 FR 38772, July 10, 2006]

§ 52.1582 Control strategy and regulations: Ozone.

(a) Subchapter 16 of the New Jersey Administrative Code, entitled ''Control

and Prohibition of Air Pollution by Volatile Organic Substances,'' N.J.A.C. 7:27–16.1 et seq. as revised on December 31, 1981 and effective March 1, 1982, is approved with the following provisions and conditions:

(1) Subsections 16.6(c)(4) and 16.6(c)(5) are approved. The State must comply with the public participation procedures it submitted to EPA on December 19, 1980 and must supply to EPA a copy of each notice of a proposed bubble that it supplies the public. In addition, the State must promptly transmit to EPA notice setting forth each set of emission limits approved by the state pursuant to subsections 16.6(c)(4) and 16.6(c)(5) as well as the emission limitations previously applicable. Finally, the State must transmit any relevant additional material EPA may request, and it must notify the public of an approved set of emission limits at the time it transmits notice of those limits to EPA.

(2) Emission limitations required by subsections 16.5(a), 16.6(a) and 16.6(b) are applicable requirements of the New Jersey SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the State under and which comply with subsections 16.6(c) (4) and (5) shall be the applicable requirements of the New Jersey SIP in lieu of those contained in subsections 16.5(a), 16.6(a) and 16.6(b) and shall be enforceable by EPA and by citizens, if the State meets the requirements set out in paragraph (d)(1) of this section.

(3) Although EPA approves the variance provisions in subchapter 7:27–16.9 and 7:27–16.10, in order to be considered as part of the SIP, each variance issued under these provisions must be submitted to and approved by EPA as a SIP revision.

(4) The December 17, 1979 version of Subchapter 16 is approved as a part of the SIP only to the extent that it addresses compliance dates for Group I Control Techniques Guideline source categories.

(b) Subchapter 17 of the New Jersey Administrative Code, entitled ''Control and Prohibition of Air Pollution by Toxic Substances,'' N.J.A.C. 7:27–17.1 et seq. as revised on October 17, 1979 and effective December 17, 1979, is approved for the regulation of perchloroethylene dry cleaners, as further clarified in a New Jersey Department of Environmental Protection memorandum ''Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems'' dated October 25, 1982.

(c) The November 15, 1993 SIP revision submitted by the New Jersey Department of Environmental Protection and Energy demonstrates the fulfillment of section 182(b)(2)(B) of the Clean Air Act for states to adopt RACT regulations for all sources for which EPA has issued a CTG before enactment of the 1990 Clean Air Act.

(d)(1) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the Atlantic City, New York/ Northern New Jersey/Long Island, Philadelphia/ Wilmington/ Trenton, and Allentown/ Bethlehem/Easton areas of New Jersey. The inventory was submitted on November 15, 1993 and amended on November 21, 1994 by the New Jersey Department of Environmental Protection as a revision to the ozone State Implementation Plan (SIP). Revisions to the 1990 base year emission inventory dated December 31, 1996 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved. Revisions to the 1990 base year emission inventory dated February 10, 1999 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved.

(2) [Reserved]

(3) The 1996 and 1999 ozone projection year emission inventories included in New Jersey's July 30, 1998 addendum and February 10, 1999 State Implementation Plan revision for the New York/ Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(4) [Reserved]

(5) The photochemical assessment monitoring stations network included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/

Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(6) The demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary which was included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(7) The enforceable commitments to: participate in the consultative process to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meet rate of progress requirements, and eliminate significant contribution to nonattainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard; and implement the Ozone Transport Commission NO_X Memorandum of Understanding included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(e) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 1997, is approved pursuant to section 110 of the Clean Air Act, 42 U.S.C. 7410. However, since New Jersey failed to start its program by November 15, 1997, the interim approval granted under the provisions of Section 348 of the National Highway Systems Designation Act of 1995 (NHSDA), 23 U.S.C. 348, which allowed the State to take full credit in its 15 Percent ROP Plan for all the emission reduction credits in its proposal, converted to a disapproval when EPA sent finding letters to the State on December 12, 1997. The finding letters also informed the state that the underlying enhanced I/M program approval, pursuant to Section 110 of the Act, remained in effect as part of the federally enforceable SIP.

(f) The State of New Jersey's June 5, 1998 submittal for the conversion of the inspection frequency of the current inspection and maintenance (I/M) program from annual to biennial in order to facilitate the upgrade of the existing state lanes to accommodate the testing equipment for the enhanced program has been approved by EPA. The State will be adding a gas cap inspection to the current I/M program, which will result in a net increase in overall emissions reductions.

(g) The 15 Percent Rate of Progress (ROP) Plans and the recalculation of the 9 Percent ROP Plans included in the July 30, 1998 addendum and the February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(h)(1) The statewide 1996 periodic emission inventory included in New Jersey's April 11, 2001 State Implementation Plan revision is approved.

(2) The 2002 and 2005 ozone projection year emission inventories for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 ozone projection year emission inventories for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(3) The 2002 and 2005 Reasonable Further Progress Plans for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 Reasonable Further Progress Plans for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(4) The contingency measures for the New Jersey portions of the Philadelphia/Wilmington/Trenton nonattainment area and the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(5) [Reserved]

(6) The Reasonably Available Control Measure Analysis for the New Jersey

portion of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island nonattainment areas included in New Jersey's October 16, 2001 State Implementation Plan revision is approved.

(7) The revisions to the State Implementation Plan submitted by New Jersey on August 31, 1998, October 16, 1998, and April 26, 2000 are approved. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act for the New Jersey portions of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island severe ozone nonattainment areas. The revisions establish attainment dates of November 15, 2005 for the Philadelphia/Wilmington/Trenton nonattainment area and November 15, 2007 for the New York-Northern New Jersey-Long Island ozone nonattainment area. The revisions include the enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality:

(i) To adopt additional control measures by October 31, 2001 to meet the level of reductions identified by EPA for attainment of the 1-hour ozone standard;

(ii) To submit revised State Implementation Plan and motor vehicle emissions budgets by October 31, 2001 if additional adopted measures affect the motor vehicle emissions inventory;

(i)(1) The revised 1996, 2005 and 2007 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's April 8, 2003 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area included in New Jersey's April 8, 2003 State Implementation Plan revision are approved.

(3) [Reserved]

(4) The revised commitment to perform a mid-course review and submit the results by December 31, 2004 included in the April 8, 2003 SIP revision is approved.

(j)(1) The revised 1997, 2005, 2007 and 2014 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's May 21, 2004 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2005 and 2007 conformity emission budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 21, 2004 State Implementation Plan revision are approved.

(k)(1) The Statewide 2002 base year ozone precursor emission inventories included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(2) The revisions to the 2005 and 2007 motor vehicle emissions budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(3) The conformity emission budgets for the McGuire Air Force Base included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(l) *Attainment Determination*. EPA is determining that the 1-hour ozone nonattainment areas in New Jersey listed below have attained the 1-hour ozone standard on the date listed and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) (contingency measures) of the Clean Air Act do not apply to these areas.

(1) Philadelphia-Wilmington-Trenton (consisting of Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties) as of November 15, 2005. EPA also has determined, as of November 15, 2005, the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees.

(2) Atlantic City (consisting of Atlantic and Cape May Counties) as of *January 6, 2010*.

(m)(1) The 2008 Reasonable Further Progress Plans and associated 2008 ozone projection year emission inventories for the New Jersey portion of the New York-Northern New Jersey-Long

Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(2) The contingency measures for failure to meet the 2008 RFP Plan milestones for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(3) The moderate area Reasonably Available Control Measure Analysis for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(4) The 2008 motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(5) The general conformity budgets for McGuire AFB and Lakehurst NAS included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(6) The Statewide reasonably available control technology (RACT) analysis for the 8-hour ozone standard included in the August 1, 2007 State Implementation Plan revision is approved based on EPA's approval of the April 9, 2010 and April 21, 2010 SIP revisions.

(n) *Attainment determination.* EPA has determined, as of March 26, 2012, that based on 2008 to 2010 ambient air quality data, Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 8-hour ozone moderate nonattainment area has attained the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual 8-hour ozone NAAQS.

[46 FR 20556, Apr. 6, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1582 see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 77 FR 36169, June 18, 2012, § 52.1582 was amended by designating paragraph (n) as paragraph (n)(1) and adding new paragraph (n)(2), effective July 18, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1582 Control strategy and regulations: Ozone.

* * * * *

(n) *Attainment determination.* (1) * * *

(2) EPA has determined, as of June 18, 2012, that based on 2007 to 2009 complete, quality-assured and certified ambient air quality data, additional data showing continued attainment through 2011, the New York-Northern New Jersey-Long Island, NY-NJ-CT, eight-hour ozone moderate nonattainment area has attained the 1997 eight-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual eight-hour ozone NAAQS.

§ 52.1583 Requirements for state implementation plan revisions relating to new motor vehicles.

New Jersey must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1584 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR NO_X Annual Trading Program in subparts AA through II of part 97 of this chapter

must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan (SIP) as meeting the requirements of CAIR for $PM_{2.5}$ relating to NO_X under §51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under §51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_X allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_X allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_X allowances for those years.

(b)(1) The owner and operator of each NO_X source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR NO_X Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO_X under §51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under §51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_X Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_X Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_X Ozone Season allowances for those years.

(c) Notwithstanding any provisions of paragraphs (a) and (b) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions in paragraphs (a) and (b) of this section relating to NO_X annual or ozone season emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter;

(2) The Administrator will not deduct for excess emissions any CAIR NO_X allowances or CAIR NO_X Ozone Season allowances allocated for 2012 or any year thereafter;

(3) By November 7, 2011, the Administrator will remove from the CAIR NO_X Allowance Tracking System accounts all CAIR NO_X allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_X allowances will be required with regard to emissions or excess emissions for such control periods; and

(4) By November 7, 2011, the Administrator will remove from the CAIR NO_X Ozone Season Allowance Tracking System accounts all CAIR NO_X Ozone Season allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_X Ozone Season allowances will be required with regard to emissions or excess emissions for such control periods.

(d)(1) The owner and operator of each source and each unit located in the State of New Jersey and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to New Jersey's State Implementation Plan (SIP) as correcting the SIP's deficiency that

is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, if, at the time of the approval of New Jersey's SIP revision described in paragraph (d)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(e)(1) The owner and operator of each source and each unit located in the State of New Jersey and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to New Jersey's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (e)(1) of this section, if, at the time of the approval of New Jersey's SIP revision described in paragraph (e)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62351, Nov. 2, 2007, as amended at 76 FR 48370, Aug. 8, 2011]

§ 52.1585 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO_2 source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR SO_2 Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan as meeting the requirements of CAIR for $PM_{2.5}$ relating to SO_2 under § 51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.124(r) of this chapter.

(b) Notwithstanding any provisions of paragraph (a) of this section and subparts AAA through III of part 97 of this chapter and any State's SIP to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions of paragraph (a) of this section relating to SO_2 emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AAA through III of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR SO_2 allowances allocated for 2012 or any year thereafter.

(c)(1) The owner and operator of each source and each unit located in the State of New Jersey and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to New Jersey's State Implementation Plan (SIP)

as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of New Jersey's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62352, Nov. 2, 2007, as amended at 76 FR 48370, Aug. 8, 2011]

§§ 52.1586–52.1600 [Reserved]

§ 52.1601 Control strategy and regulations: Sulfur oxides.

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1–3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved: [1]

Company	Plant	City	Boiler unit(s)
Atlantic City Electric	Deepwaters	Deepwaters	5/7, 7/9, 3/5, 4/6.
Public Service Electric & Gas	Essex	Newark	All.
Do	Sewaren	Woodbridge	Do.
Do	Bergen	Bergen	No. 1.
Do	Burlington	Burlington	1–4.
Do	Kearney	Kearney	All.
Do	Hudson	Jersey City	No. 1.
Jersey Central Power & Light	Sayreville	Sayreville	All.
Do	E. H. Werner	South Amboy	Do.

(b) Before any steam or electric power generating facility in Zone 3, as defined in N.J.A.C. 7:27–10.1, burning fuel oil on June 4, 1979, having a rated hourly gross heat input greater than 200,000,000 British Thermal Units (BTU's), and capable of burning coal without major reconstruction or construction, which facility was in operation prior to May 6, 1968, or group of such facilities having a combined rated hourly capacity greater than 450,000,000 BTU's may be permitted by the State to convert to the use of coal, the State shall submit to EPA a copy of the proposed permit together with an air quality analysis employing methodology acceptable to EPA. If EPA determines, on the basis of the submitted analysis, that the proposed coal conversion will not interfere with the attainment or maintenance of air quality standards and will not be the cause for any Prevention of Significant Deterioration (PSD) increment to be exceeded, then the permit authorizing conversion may become effective immediately upon the publication of such a determination (as a Notice) in the FEDERAL REGISTER. If EPA determines that the submitted analysis is inadequate or that it shows that the proposed conversion will interfere with attainment or maintenance of air quality standards or cause any PSD increment to be exceeded, then EPA shall so inform the State of its determination, and the permit authorizing conversion shall not become effective and conversion shall not occur until an adequate analysis is submitted or, if necessary, until a control strategy revision which would require any necessary emission reductions is submitted by the State and placed into

[1] Action by the Administrator regarding coal conversion at the listed plants and units is being held in abeyance until the Administrator determines whether and to what extent that conversion cannot be deferred, based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.

effect as an EPA approved revision to the implementation plan. In addition, this same procedure shall apply to any State permit applied for that would authorize a relaxation in the sulfur-in-coal limitation at any such facility, as defined above in this paragraph, having already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

§ 52.1602 Control strategy and regulations: $PM_{2.5}$.

(a) Approval—On May 18, 2006, New Jersey submitted an early $PM_{2.5}$ implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct $PM_{2.5}$ and 61,676 tons per year of NO_X; Delaware Valley Regional Planning Commission: 89 tons per year of direct $PM_{2.5}$ and 4,328 tons per year of NO_X.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its early $PM_{2.5}$ implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, $PM_{2.5}$ nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct $PM_{2.5}$ and 5,056 tons per year of NO_X.

(c) Determination of Attainment. EPA has determined, as of December 15, 2010, that the New York-Northern New Jersey-Long Island, NY-NJ-CT fine particle ($PM_{2.5}$) nonattainment area has attained the 1997 $PM_{2.5}$ National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 $PM_{2.5}$ NAAQS.

(d) Determination of Attainment. EPA has determined, as of *May 16, 2012*, that the Philadelphia-Wilmington, PA-NJ-DE fine particle ($PM_{2.5}$) nonattainment area has attained the 1997 $PM_{2.5}$ National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 $PM_{2.5}$ NAAQS.

[73 FR 24870, June 5, 2008, as amended at 75 FR 69591, Nov. 15, 2010; 77 FR 28785, May 16, 2012]

§ 52.1603 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.1604 Control strategy and regulations: Total suspended particulates.

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27–6.1 *et seq.; Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section

110(a)(3)(A) of the Act, and 40 CFR, part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such variance.

(b) Particulates emissions from units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until March 31, 1982 and June 1, 1982, respectively. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after March 31, 1982 for unit 1, and June 1, 1982 for unit 2, these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

[44 FR 5427, Jan. 26, 1979 and 46 FR 26305, May 12, 1981]

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 26			
Subchapter 2A, "Additional, Specific Disposal Regulations for Sanitary Landfills."	June 1, 1987	June 29, 1990, 55 FR 26689	
Title 7, Chapter 27			
Subchapter 1, "General Provisions".	May 1, 1956	June 29, 1990, 55 FR 26689	
Subchapter 2, "Control and Prohibition of Open Burning".	June 8, 1981	Sept. 30, 1981, 46 FR 47779.	
Subchapter 3, "pontrol and Prohibition of Smoke from Combustion of Fuel".	Oct. 12, 1977	Jan. 27, 1984, 49 FR 3465.	
Subchapter 4, "Control and Prohibition of Particles from Combustion of Fuel.".	April 20, 2009	August 3, 2010, 75 FR 45483.	
Subchapter 5, "Prohibition of Air Pollution.	Oct. 12, 1977	.....do.	
Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except section 6.5).	May 23, 1977	Jan. 26, 1979, 44 FR 5427	Section 6.5, "Variances," is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)).
Subchapter 7, "Sulfur"	Mar. 1, 1967	May 31, 1972, 37 FR 10880.	
Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality".	Apr. 5, 1985	Nov. 25, 1986, 51 FR 42573.	
Section 8.11	Mar. 2, 1992	Apr. 15, 1994, 59 FR 17935.	
Sections 8.1 and 8.2	June 20, 1994 ...	August 7, 1997, 62 FR 42414.	
Subchapter 9, "Sulfur in Fuels"	Sept. 9, 2010	1/3/12, 77 FR 21	Sulfur dioxide "bubble" permits issued by the State pursuant to § 9.2 and not waived under the provisions of § 9.4 become applicable parts of the SIP only after receiving EPA approval as a SIP revision.
Subchapter 10, "Sulfur in Solid Fuels.".	April 20, 2009	August 3, 2010, 2009, 75 FR 45483.	Notification of "large zone 3 coal conversions" must be provided to EPA (40 CFR 52.1601(b)).
Subchapter 11, "Incinerators"	Aug. 15, 1968	May 31, 1972, 37 FR 10880.	
Subchapter 12, "Prevention and Control of Air Pollution Emergencies".	Mar. 27, 1972	.....do.	
Subchapter 13, "Ambient Air Quality Standards".	June 25, 1985 ...	Nov. 25, 1986, 51 FR 42573.	

State regulation	State effective date	EPA approved date	Comments
Subchapter 14, ''Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles''.	.....	.....	On September 15, 1997, section 14.2 was re-numbered to 14.6. The State did not submit this change as a SIP revision. Therefore, the July 1, 1985, version of section 14.2 will continue to be the EPA-approved regulation.
Sections 14.1–14.3	July 1, 1985	June 13, 1986..	
Section 14.1	July 2, 2007	April 17, 2009, 74 FR 17781..	
Section 14.2	September 15, 1997.	April 17, 2009, 74 FR 17781..	
Section 14.3	July 2, 2007	April 17, 2009, 74 FR 17781..	
Subchapter 15, ''Subchapter 15, ''Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles.''.	November 16, 2009.	March 15, 2012, 77 FR 15266.	
Subchapter 16, ''Control and Prohibition of Air Pollution by Volatile Organic Compounds.''.	April 20, 2009	August 3, 2010, 75 FR 45483.	
Subchapter 17, ''Control and Prohibition of Air Pollution by Toxic Substances''.	June 20, 1994 ...	August 7, 1997, 62 FR 42414	Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene.
Subchapter 18, ''Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules).''.	Mar. 15, 1993	July 25, 1996	See July 25, 1996, for items not included in this limited approval.
Subchapter 19, ''Control and Prohibition of Air Pollution from Oxides of Nitrogen.''.	April 20, 2009, as corrected on June 15, 2009 and July 6, 2009.	August 3, 2010, 75 FR 45483	Subchapter 19 is approved into the SIP except for the following provisions: (1) Phased compliance plan through repowering in § 19.21 that allows for implementation beyond May 1, 1999; and (2) phased compliance plan through the use of innovative control technology in § 19.23 that allows for implementation beyond May 1, 1999.
Subchapter 21, ''Emission Statements.''.	April 20, 2009	August 3, 2010, 75 FR 45483	Section 7:27–21.3(b)(1) and 7:27–21.3(b)(2) of New Jersey's Emission Statement rule requires facilities to report on the following pollutants to assist the State in air quality planning needs: hydrochloric acid, hydrazine, methylene chloride, tetrachlorethylene, 1, 1, 1 trichloroethane, carbon dioxide and methane. EPA will not take SIP-related enforcement action on these pollutants.
Subchapter 23, ''Prevention of Air Pollution From Architectural Coatings.''	December 29, 2008.	December 22, 2010, 75 FR 80340.	
Subchapter 24, ''Prevention of Air Pollution From Consumer Products.''	December 29, 2008.	December 22, 2010, 75 FR 80340.	
Subchapter 25, ''Control and Prohibition of Air Pollution by Vehicular Fuels.''	December 29, 2008.	December 22, 2010, 75 FR 80340.	
Subchapter 26, ''Prevention of Air Pollution From Adhesives, Sealants, Adhesive Primers and Sealant Primers.''	December 29, 2008.	December 22, 2010, 75 FR 80340.	
Subchapter 29, ''Low Emission Vehicle (LEV) Program''.	January 17, 2006.	February 13, 2008, 73 FR 8202 ...	In Section 29.13(g), Title 13, Chapter 1, Article 2, Section 1961.1 of the California Code of Regulations relating to greenhouse gas emission standards, is not incorporated into the SIP.

State regulation	State effective date	EPA approved date	Comments
Subchapter 30, ''Clean Air Interstate Rule (CAIR) NO_X Trading Program.''.	July 16, 2007	October 1, 2007, 72 FR 55672.	
Subchapter 31, ''NO_X Budget Program.''.	July 16, 2007	October 1, 2007, 72 FR 55672.	
Subchapter 34, ''TBAC Emissions Reporting.''.	December 29, 2008.	December 22, 2010, 75 FR 80340.	
Title 7, Chapter 27B			
Subchapter 3, ''Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations''.	June 20, 1994 ...	August 7, 1997, 62 FR 42414	
Subchapter 5, ''Air Test Method 5: Testing Procedures For Gasoline-Fueled Vehicles.''.	November 16, 2009.	March 15, 2012, 77 FR 15266.	
Title 13, Chapter 20:			
Subchapter 7, ''Vehicle Inspection.'' Sections: 7.1. 7.2, 7.3, 7.4, 7.5, 7.6.	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 24, ''Motorcycles.''Section 20.	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 26, ''Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles.'' Section: 26.2, 26.16.	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 28, ''Inspection of New Motor Vehicles.'' Sections: 28.3, 28.4, 28.6.	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 29, ''Mobile Inspection Unit.''Sections: 29.1, 29.2, 29.3.	November 19, 2009.	March 15, , 77 FR 15366.	
Subchapter 32, ''Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities.''	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 33, ''Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities.''	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 43, ''Enhanced Motor Vehicle Inspection and Maintenance Program.''	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 44, ''Private Inspection Facility Licensing.''	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Subchapter 45, ''Motor Vehicle Emission Repair Facility Registration.''	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Chapter 21			
Subchapter 5, ''Registrations.'' ..... Section: 5.12..	Dec. 6, 1999	January 22, 2002, 67 FR 2813.	
Subchapter 15, ''New Jersey Licensed Motor Vehicle Dealers.'' Sections 15.8 and 15.12.	November 19, 2009.	March 15, 2012, 77 FR 15366.	
Title 16, Chapter 53			
''Autobus Specifications''	Sept. 26, 1983 ...	June 13, 1986	Only Sections 3.23, 3.24, 3.27, 6.15, 6.21, 6.30, 7.14, 7.17, 7.23, 8.15, 8.22, 8.25 are approved.
Title 39, Chapter 8 Subchapters 1, 2 and 3.	July 1, 2010	March 15, 2012, 2012, 77 FR 15366.	

[46 FR 57677, Nov. 25, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1605, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EDITORIAL NOTE: At 72 FR 55672, Oct. 1, 2007, § 52.1605 was amended by revising the entry in the table for Subchapter 31 under Title 7, Chapter 27; the amendment was incorporated, however there was no Subchapter 31 of that portion of the table to revise.

§ 52.1606 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirement of 40 CFR 51.307, New source review, for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for new source review. The provisions of § 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[77 FR 21]

§ 52.1607 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implementation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
Part 1	General Provisions	4/8/2010	8/12/2010, 75 FR 48860.	
Part 2	Definitions	11/30/1995	9/26/1997, 62 FR 50514.	
Part 3	Ambient Air Quality Standards.	9/6/2006	7/15/11, 76 FR 41698.	
Part 5	Source Surveillance	11/30/1995	9/26/1997, 62 FR 50514.	
Part 7	Excess Emissions	7/10/2008	9/14/2009, 74 FR 46910.	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Part 8	Emissions Leaving New Mexico.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 10	Woodwaste Burners	11/30/1995	9/26/1997, 62 FR 50514.	
Part 11	Asphalt Process Equipment	11/30/1995	9/26/1997, 62 FR 50514.	
Part 12	Cement Kilns	11/30/1995	9/26/1997, 62 FR 50514.	
Part 13	Gypsum Processing Plants	11/30/1995	9/26/1997, 62 FR 50514.	
Part 14	Particulate Emissions From Coal Burning Equipment.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 15	Pumice, Mica and Perlite Process Equipment.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 16	Nonferrous Smelters (New and Existing)-Particulate Matter.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 17	Nonferrous Smelters (Existing)-Particulate Matter.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 18	Oil Burning Equipment-Particulate Matter.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 19	Potash, Salt, or Sodium Sulfate Processing Equipment-Particulate Matter.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 20	Lime Manufacturing Plants-Particulate Matter.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 21	Fugitive Particulate Matter Emissions from Nonferrous Smelters.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 22	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 30	Kraft Mills	11/30/1995	9/26/1997, 62 FR 50514.	
Part 31	Coal Burning Equipment-Sulfur Dioxide.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 32	Coal Burning Equipment-Nitrogen Dioxide.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 33	Gas Burning Equipment-Nitrogen Dioxide.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 34	Oil Burning Equipment-Nitrogen Dioxide.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 40	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions.	11/30/1995	9/26/1997, 62 FR 50514.	
Part 41	Nonferrous Smelters-Sulfur	11/30/1995	9/26/1997, 62 FR 50514.	
Part 60	Open Burning	11/30/1995	9/26/1997, 62 FR 50514.	
Part 61	Smoke and Visible Emissions	11/30/1995	9/26/1997, 62 FR 50514.	
Part 72	Construction Permits	11/30/1995	9/26/1997, 62 FR 50514	Subparts I, II, III, and V in SIP.
Part 73	Notice of Intent and Emissions Inventory Requirements.	4/25/2005	8/12/2010, 75 FR 48860.	
Part 74	Permits—Prevention of Significant Deterioration.	1/1/2011	7/20/2011, 76 FR 43149.	
Part 75	Construction Permit Fees	12/1/2003	3/29/2012, 77 FR 18923	NOT in SIP: subsection (B) of 20.2.75.10 and subsection (D) of 20.2.75.11. References to 20.2.70, 20.2.71, 20.2.72.400–20.2.72.499, 20.2.77, 20.2.78, 20.2.82, and 20.2.X are approved for Part 75 only; underlying and related regulations for referred Parts NOT in SIP.
Part 79	Permits—Nonattainment Areas.	12/06/2005	09/05/2007, 72 FR 50879.	
Part 80	Stack Heights	11/30/1995	9/26/1997, 62 FR 50514.	
Part 98	General Conformity	08/02/1996	9/9/1998, 63 FR 48109	Conditional approval expires on September 9, 1999.
Part 99—Transportation Conformity				
20.2.99.1	Issuing Agency	11/23/1998	3/20/2000, 65 FR 14873.	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
20.2.99.2	Scope	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.3	Statutory Authority	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.4	Duration	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.5	Effective Date	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.6	Objective	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.7	Definitions	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.8	Documents	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.9 to 20.2.99.108.	[Reserved]	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.109	Applicability	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.110	Priority	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.111	Frequency of Conformity Determinations.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.112	Frequency of Conformity Determinations—Transportation Plans.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.113	Frequency of Conformity Determinations—Transportation Improvement Programs.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.114	Frequency of Conformity Determinations—Projects.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.115	Frequency of Conformity Determinations—Triggers for Transportation Plan and Tip Conformity Determinations.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.116	Consultation	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.117	Agency Roles in Consultation	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.118	Agency Responsibilities in Consultation.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.119	General Consultation Procedures.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.120	Consultation Procedures for Specific Major Activities.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.121	Consultation Procedures for Specific Routine Activities.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.122	Notification Procedures for Routine Activities.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.123	Conflict Resolution and Appeals to the Governor.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.124	Public Consultation Procedures.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.125	Content of Transportation Plans and Timeframes of Conformity Determinations.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.126	Relationship of Transportation Plan and Tip Conformity to the NEPA Process.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.127	Fiscal Constraints for Transportation Plans and TIPs.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.128	Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects—General.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.129	Criteria and Procedures—Latest Planning Assumptions.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.130	Criteria and Procedures—Latest Emissions Model.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.131	Criteria and Procedures—Consultation.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.132	Criteria and Procedures—Timely Implementation of TCMs.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.133	Criteria and Procedures—Currently Conforming Transportation Plan and TIP.	6/1/2009	4/23/2010, 75 FR 21169.	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
20.2.99.134	Criteria and Procedures—Projects from a Transportation Plan and TIP.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.135	Criteria and Procedures—Localized Co, PM_{10}, and $PM_{2.5}$ Violations (Hot Spots).	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.136	Criteria and Procedures—Compliance with PM_{10}, and $PM_{2.5}$ Control Measures.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.137	Criteria and Procedures—Motor Vehicle Emissions Budget.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.138	Criteria and Procedures—Interim Emissions in Areas without Motor Vehicle Emissions Budgets.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.139	Consequences of Control Strategy Implementation Plan Failures.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.140	Requirements for Adoption or Approval of Projects by Other Recipients of Funds Designated Under Title 23 U.S.C. or the Federal Transit Laws.	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.141	Procedures for Determining Regional Transportation-Related Pollutant Emissions—General Requirements.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.142	Procedures for Determining Regional Transportation-Related Pollutant Emissions—Analysis in Serious, Severe, and Extreme Ozone Nonattainment Areas and Serious Carbon Monoxide Areas.	11/23/1998	3/20/2000, 65 FR 14873.	
20.2.99.143	Procedures for Determining Regional Transportation-Related Pollution Emissions—Two-Year Grace Period for Regional Emissions Analysis Requirements in Certain Ozone and Co Areas.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.144	Procedures for Determining Regional Transportation-Related Pollutant Emissions—Areas Which are not Serious, Severe or Extreme Ozone Nonattainment Areas or Serious Carbon Monoxide Areas.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.145	Procedures for Determining Regional Transportation-Related Pollutant Emissions—PM_{10} from Construction-Related Fugitive Dust.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.146	Procedures for Determining Regional Transportation—Related Pollutant Emissions—$PM_{2.5}$ from Construction—Related Fugitive Dust.	10/15/2005	4/23/2010, 75 FR 21169.	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
20.2.99.147	Procedures for Determining Regional Transportation-Related Pollutant Emissions—Reliance on Previous Regional Emissions Analysis.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.148	Procedures for Determining Localized CO, PM_{10}, and $PM_{2.5}$ Concentrations (Hot-Spot Analysis).	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.149	Using the Motor Vehicle Emissions Budget in the SIP (or Implementation Plan Submission).	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.150	Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures.	9/1/2007	4/23/2010, 75 FR 21169.	
20.2.99.151	Exemptions	6/1/2009	4/23/2010, 75 FR 21169.	
20.2.99.152	Traffic Signal Synchronization Projects.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.153	Special Exemptions from Conformity Requirements for Pilot Program Areas.	10/15/2005	4/23/2010, 75 FR 21169.	
20.2.99.154	Savings Provision	10/15/2005	4/23/2010, 75 FR 21169.	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Explanation
New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board				
Part 1 (20.11.1 NMAC)	General Provisions	09/07/04	7/21/05, 70 FR 41963.	
Part 2 (20.11.2 NMAC)	Fees	1/10/2011	5/24/2012, 77 FR 30900	NOT in SIP: references to Operating Permits (20.11.42 NMAC) in subsection (A) of 20.11.2.2, subsection (B) of 20.11.2.11, subsection (B) of 20.11.2.12, subsections (A) and (B) of 20.11.2.13, and subsection (B) of 20.11.2.21.
Part 3 (20.11.3 NMAC)	Transportation Conformity	12/17/08	4/22/10, 75 FR 20922.	
Part 4 (20.11.4 NMAC)	General Conformity	10/01/02	12/30/04, 69 FR 78314.	
Part 5 (20.11.5 NMAC)	Visible Air Contaminants	01/01/03	12/30/04, 69 FR 78314.	
Part 6 (20.11.6 NMAC)	Emergency Action Plan	10/01/02	12/30/04, 69 FR 78314.	
Part 7 (20.11.7 NMAC)	Variance Procedure	09/07/04	05/31/06, 71 FR 30805.	
Part 8 (20.11.8 NMAC)	Ambient Air Quality Standards.	09/07/04	05/31/06, 71 FR 30805.	
Part 20 (20.11.20 NMAC)	Fugitive Dust Control	3/17/2008	April 1, 2009, 74 FR 14731.	
Part 21 (20.11.21 NMAC)	Open Burning	10/01/02	12/30/04, 69 FR 78314.	
Part 22 (20.11.22 NMAC)	Woodburning	10/01/02	12/30/04, 69 FR 78314.	
Part 40 (20.11.40 NMAC)	Source Registration	10/01/02	12/30/04, 69 FR 78314.	
Part 41 (20.11.41 NMAC)	Authority to Construct	10/01/02	12/30/04, 69 FR 78314.	
Part 43 (20.11.43 NMAC)	Stack Height Requirements ..	10/01/02	12/30/04, 69 FR 78314.	
Part 49 (20.11.49 NMAC)	Excess Emissions	9/23/09	2/4/10, 75 FR 5698.	
Part 60 (20.11.60)	Permitting in Nonattainment Areas.	12/14/05	4/26/07, 72 FR 20728.	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Explanation
Part 61 (20.11.61)	Prevention of Significant Deterioration.	1/10/2011	12/29/11, 76 FR 81836	Only sections 20.11.61.6, 20.11.61.7, 20.11.61.11, 20.11.61.12, 20.11.61.20, and 20.11.61.27 of Part 61 are approved as of 12/29/11. The remainder of Part 61 remains unchanged from EPA's approval of April 26, 2007 (72 FR 20728).
Part 63 (20.11.63 NMAC)	New Source Performance Standards for Stationary Sources.	10/01/02	12/30/04, 69 FR 78314.	
Part 64 (20.11.64 NMAC)	Emission Standards for Hazardous Air Pollutants for Stationary Sources.	10/01/02	12/30/04, 69 FR 78314.	
Part 65 (20.11.65 NMAC)	Volatile Organic Compounds	9/23/09	2/4/10, 75 FR 5698.	
Part 66 (20.11.66 NMAC)	Process Equipment	10/01/02	12/30/04, 69 FR 78314.	
Part 67 (20.11.67 NMAC)	Equipment, Emissions, Limitations.	10/01/02	12/30/04, 69 FR 78314.	
Part 68 (20.11.68 NMAC)	Incinerators and Crematories	04/01/02	12/30/04, 69 FR 78314.	
Part 90 (20.11.90 NMAC)	Source Surveillance, Administration and Enforcement.	9/23/09	2/4/10, 75 FR 5698.	
Part 100 (20.11.100 NMAC).	Motor Vehicle Inspection—Decentralized.	09/07/04	7/21/05, 70 FR 41963.	
Part 102 (20.11.102 NMAC).	Oxygenated Fuels	12/11/2005	2/11/2010, 75 FR 6813.	
Part 103 (20.11.103 NMAC).	Motor Vehicle Visible Emissions.	10/01/02	12/30/04, 69 FR 78314.	

(d) *EPA-approved State Source-specific requirements.*

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State approval/effective date	EPA approval date	Explanation
None				

(e) *EPA approved nonregulatory provisions.*

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State Approval/effective date	EPA approval date	Comments
NMSA 1978—New Mexico Statutes in the Current New Mexico SIP				
74–1–4	Environmental Improvement Board—Creation—Organization.	04/20/90	June 1, 1999.	
74–2–1	Short Title	08/11/83	11/02/84, 49 FR 44101	
74–2–2	Definitions	08/11/83	11/02/84, 49 FR 44101	
74–2–3	State Air Pollution Control Agency.	08/11/83	11/02/84, 49 FR 44101	
74–2–4	Municipal or County Air Quality Control Board.	04/20/90	June 1, 1999	
74–2–5	Duties and Powers of Board	08/11/83	11/02/84, 49 FR 44101	
74–2–6	Adoption of Regulations Notice and Hearings.	08/11/83	11/02/84, 49 FR 44101	
74–2–7	Permits	08/11/83	11/02/84, 49 FR 44101	
74–2–8	Variances	08/11/83	11/02/84, 49 FR 44101	
74–2–9	Variances—Judicial Review	08/11/83	11/02/84, 49 FR 44101	
74–2–10	Emergency Procedure	08/11/83	11/02/84, 49 FR 44101	
74–2–11	Confidential Information	08/11/83	11/02/84, 49 FR 44101	
74–2–11.1	Limitations on Regulations	08/11/83	11/02/84, 49 FR 44101	

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
74–2–12	Enforcement	08/11/83	11/02/84, 49 FR 44101	
74–2–13	Inspection	08/11/83	11/02/84, 49 FR 44101	
74–2–14	Penalties	08/11/83	11/02/84, 49 FR 44101	
74–2–15	Additional Means of Enforcement.	08/11/83	11/02/84, 49 FR 44101	
74–2–15.1	Primary Nonferrous Smelter Orders.	08/11/83	11/02/84, 49 FR 44101	
74–2–16	Declaratory Judgement of Regulation.	08/11/83	11/02/84, 49 FR 44101	
74–2–17	Continuing Effect of Present Laws, Rules, and Regulations.	08/11/83	11/02/84, 49 FR 44101	
Article 16, Sections 10–16–1 through 10–16–16.	New Mexico Conflict of Interest Act.	07/16/90	June 1, 1999.	
Article 16, Supplemental.	New Mexico Environmental Improvement Board Code of Conduct.	07/16/90	June 1, 1999.	
EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions				
City of Albuquerque, Chapter 6, Article XVII Sections 6–17–1 to 6–17–3.	Metropolitan Environmental Health Advisory Board.	11/16/90	June 1, 1999.	
Bernalillo County Commission Ordinance 302.	Metropolitan Environmental Health Advisory Board.	08/05/74	June 1, 1999.	
Bernalillo County Commission Ordinance 90–19.	Metropolitan Environmental Health Advisory Board.	08/21/90	June 1, 1999	Amended Ordinance 302.
City of Albuquerque, Chapter 6, Article XVI Sections 6–16–1 to 6–16–15.	Joint Air Quality Control Board Ordinance.	08/01/89	June 1, 1999.	
Bernalillo County Commission Ordinance 88–45.	Joint Air Quality Control Board Ordinance.	12/27/88	June 1, 1999	Amended Ordinance 84–44.
City of Albuquerque Chapter 1, Article XII Sections 1–12–1 to 1–12–3.	Public Boards, Commissions and Committees.	07/01/87	June 1, 1999.	
City of Albuquerque Chapter 2, Article III Sections 2–3–1 to 2–3–13.	Conflict of Interest	07/01/85	June 1, 1999.	
City of Albuquerque Charter, Article XII.	Code of Ethics	04/01/90	June 1, 1999.	
Bernalillo County Commission Ordinance 85–3.	Code of Ethics	02/05/85	June 1, 1999.	
City of Albuquerque Code of Conduct.	City Code of Conduct	02/09/90	June 1, 1999.	
City of Albuquerque request for redesignation.	Carbon monoxide maintenance plan and motor vehicle emission budgets.	6/22/98	5/24/00, 65 FR 33460	

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
State Attorney Generals Opinion.	Statewide	09/04/72	04/09/79, 44 FR 21020	Ref 52.1640(c)(4).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Revisions to New Source Review and Source Surveillance.	Statewide	01/03/73	04/09/79, 44 FR 21020	Ref 52.1640(c)(5).
Clarification of State permit and Source Surveillance.	Statewide	01/18/73	04/09/79, 44 FR 21020	Ref 52.1640(c)(6).
Revision for Attainment of Standards.	PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO2 in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694.	Ref 52.1640(c)(11).
Ordinance for Motor Vehicle Emission I/M program.	Albuquerque	07/02/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(12).
TSP Plan, RFP, and Transportation Commitments.	Albuquerque	08/02/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(13).
Schedule for Albuquerque TSP plan, revising permit regulations, and extension request.	Albuquerque and Grant county.	09/25/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(14).
CO Strategies	Farmington and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468	Ref 52.1640(c)(15).
Compliance schedules for several industries.	Eddy, Lea, and Grant counties.	07/25/79	12/24/80, 45 FR 85006	Ref 52.1640(c)(16).
Revision for attainment of CO standard.	Bernalillo county	03/17/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(17).
Commitment to not issue permits to stationary sources.	Nonattainment areas	05/20/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(18).
Commitment to submit I/M enforcement plan.	Albuquerque, Bernalillo county.	10/10/80	03/26/81, 46 FR 18694	Ref 52.1640(c)(19).
Revision to ambient monitoring plan.	Statewide	12/12/79	08/06/81, 46 FR 40006	Ref 52.1640(c)(20).
Variance to regulation 506 for Phelps Dodge Corp.	Hidalgo Smelter in Playas, NM.	02/04/80	08/19/81, 46 FR 42065	Ref 52.1640(c)(21).
Revised SO2 control strategy.	San Juan county	02/12/81	08/27/81, 46 FR 43153	Ref 52.1640(c)(22).
Memorandum of understanding between the State and Arizona Public Service Company.	Statewide	04/16/81	08/27/81, 46 FR 43153	Ref 52.1640(c)(22).
Compliance schedule for units 4 and 5 of the Arizona Public Service.	Four Corners Power plant	03/31/80	03/30/82, 47 FR 13339	Ref 52.1640(c)(23).
Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power plant	07/31/80	03/30/82, 47 FR 13339	Ref 52.1640(c)(25).
New Mexico plan for Lead	Statewide	05/19/80	05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184.	Ref 52.1640(c)(27).
Revision to SO2 control strategy.	Grant county	05/12/81 and 08/13/81.	05/05/82, 47 FR 19333	Ref 52.1640(c)(28).
Intergovernmental Consultation program.	N/A	03/28/80	03/08/84, 49 FR 08610	Ref 52.1640(c)(31).
Public Information and Participation program.	Statewide	12/20/79	08/24/83, 48 FR 38467	Ref 52.1640(c)(33).
Revision for attainment of CO standard.	Bernalillo county	06/28/82 and 01/26/83.	07/01/83, 48 FR 30366	Ref 52.1640(c)(34).
Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power Plant	02/04/87, 10/26/87, and 02/16/88.	10/27/89, 54 FR 43814	Ref 52.1640(c)(38).
Revision to SIP for moderate PM10 nonattainment areas.	Anthony area; Dona Ana county.	11/08/91	09/09/93, 58 FR 47383	Ref 52.1640(c)(50).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Narrative plan addressing CO nonattainment areas.	Albuquerque, Bernalillo county.	11/05/92 ...	11/29/93, 58 FR 62535	Ref 52.1640(c)(52).
CO continency measures and proposed Clean Fuel Vehicle fleet demonstration.	Albuquerque, Bernalillo county.	11/12/93 ...	05/05/94, 59 FR 23167	Ref 52.1640(c)(57).
Update to supplement to control air pollution.	Bernalillo county	11/09/94 ...	06/24/96, 61 FR 32339	Ref 52.1640(c)(61).
Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan.	Albuquerque, Bernalillo nonattainment area.	05/11/95 ...	06/13/96, 61 FR 29970	Ref 52.1640(c)(63).
Waiver of NO_X control requirements..	Doña Ana County (part), marginal ozone nonattainment area.	10–01–97	2/8/02, 67 FR 6152.	
Revision for Attainment, and Maintenance Plan of SO2 Standards.	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	02/21/03 ...	9/18/03, 68 FR 54676	
Contingency Measures Plan	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	2/21/03	9/18/03, 68 FR 54676	
Maintenance plan for carbon monoxide—Albuquerque/Bernalillo County, New Mexico: Update of carbon monoxide budgets using MOBILE6.	Bernalillo County	2/12/03	10/9/03, 68 FR 58280	
Second 10-year maintenance plan (limited maintenance plan) for Albuquerque/Bernalillo County.	Bernalillo County	9/07/04	7/21/05, 70 FR 41963.	
Clean Air Action Plan and 8-hour ozone standard attainment demonstration for the San Juan County EAC area.	San Juan County	12/16/04 ...	8/17/05, 70 FR 48285.	
New Mexico Visibility Protection Plan for Phase I, Part I of the Federal Visibility Requirements, August 8, 1986.	Statewide	08/21/86 ...	01/27/06, 71 FR 4490.	
New Mexico Visibility Protection Plan for Phase I, Part II of the Federal Visibility Requirements, September 9, 1992.	Statewide	10/08/92 ...	01/27/06, 71 FR 4490.	

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS.	New Mexico	9/17/2007	6/10/2010	Revisions to prohibit significant contribution to nonattainment in any other state. Approval for revisions to prohibit interference with maintenance and PSD measures in any other state.
Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS.	New Mexico	9/17/2007	11/26/2010, 75 FR 72688	Revisions to prohibit interference with maintenance and PSD measures in any other state.
Sunland Park 1997 8-Hour Ozone Maintenance Plan.	Sunland Park, NM	5/7/2007	5/16/2011, 76 FR 28181.	
Air Pollution Episode Contingency Plan for New Mexico.	Statewide	7/7/1988	8/21/1990, 55 FR 34013.	
Infrastructure for the 1997 Ozone and 1997 $PM_{2.5}$ NAAQS.	Statewide	12/10/2007 3/3/2008	7/15/11, 76 FR 41698	Approval for 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1620, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 77 FR 35278, June 13, 2012, §52.1620 was amended by adding a new entry for Part 66 (20.2.66 NMAC) in numerical order by part number in (c) entitled ''EPA Approved New Mexico Regulations'', effective Aug. 13, 2012. For the convenience of the user, the added and text is set forth as follows:

§52.1620 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
*	* *		* *	* *
Part 66	Cotton Gins	4/7/2005	6/13/2012 [Insert *FR* page number where document begins].	
*	* *		* *	* *

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§ 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Albuquerque-Mid-Rio Grande Intrastate	I	III	III	III	I
New Mexico Southern Border Intrastate	IA	IA	III	III	III
El Paso-Las Cruces-Alamogordo Interstate	I	IA	III	I	I
Four Corners Interstate	IA	IA	III	III	III
Northeastern Plains Intrastate	III	III	III	III	III
Pecos-Permian Basin Intrastate	III	III	III	III	III
Southwestern Mountains-Augustine Plains Intrastate	III	III	III	III	III
Upper Rio Grande Valley Intrastate	III	III	III	III	III

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfiesall requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

§ 52.1623 Conditional approval.

(a) *General Conformity*. (1) A letter, dated April 22, 1998, from the Chief of Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment caused EPA to withdraw its approval. The FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

§§ 52.1624–52.1626 [Reserved]

§ 52.1627 Control strategy and regulations: Carbon monoxide.

(a) *Part D Approval*. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

(b) Approval—The Albuquerque/Bernalillo County carbon monoxide limited maintenance plan revision dated September 7, 2004, meets the requirements of section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996, as amended at 70 FR 41967, July 21, 2005]

§52.1628 Interstate pollutant transport and regional haze provisions; what are the FIP requirements for San Juan Generating Station emissions affecting visibility?

(a) *Applicability*. The provisions of this section shall apply to each owner or operator of the coal burning equipment designated as Units 1, 2, 3, or 4 at the San Juan Generating Station in San Juan County, New Mexico (the plant).

(b) *Compliance dates*. (1) Compliance with the requirements of this section is required by:

(i) SO_2: No later than 5 years after September 21, 2011.

(ii) NO_X: No later than 5 years after September 21, 2011.

(iii) H_2SO_4: No later than 5 years after September 21, 2011.

(2) On and after the compliance date of this rule, no owner or operator shall discharge or cause the discharge of NO_X, SO_2, or H_2SO_4 into the atmosphere from Units 1, 2, 3 and 4 in excess of the limits for these pollutants.

(c) *Definitions*. All terms used in this part but not defined herein shall have the meaning given them in the CAA and in parts 51 and 60 of this chapter. For the purposes of this section:

24-hour period means the period of time between 12:01 a.m. and 12 midnight.

Air pollution control equipment includes baghouses, particulate or gaseous scrubbers, and any other apparatus utilized to control emissions of regulated air contaminants which would be emitted to the atmosphere.

Boiler-operating-day means any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.

Heat input means heat derived from combustion of fuel in a unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be calculated in accordance with part 75 of this chapter, using data from certified O_2 and stack gas flow rate monitors.

Owner or Operator means any person who owns, leases, operates, controls, or supervises the plant or any of the coal burning equipment designated as Units 1, 2, 3, or 4 at the plant.

Oxides of nitrogen (NO_X) means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in 40 CFR part 60.

Regional Administrator means the Regional Administrator of EPA Region 6 or his/her authorized representative.

(d) *Emissions limitations and control measures*. (1) Within 180 days of September 21, 2011, the owner or operator shall submit a plan to the Regional Administrator that identifies the air pollution control equipment and schedule for complying with paragraph (d) of this section. The NO_X control device included in this plan shall be designed to meet the NO_X emission rate limit identified in paragraph (d) of this section with an ammonia slip of no greater than 2.0 ppm. The owner or operator shall submit amendments to the plan to the Regional Administrator as changes occur.

(2) *NO_X emission rate limit*. The NO_X emission rate limit for each unit in the plant, expressed as nitrogen dioxide (NO_2), shall be 0.05 pounds per million British thermal units (lbs/MMBtu), as averaged over a rolling 30 boiler-operating-day period. The hourly NO_X and O_2 data used to determine the NO_X emission rates shall be in compliance with the requirements in part 75 of this chapter. For each unit on each boiler-operating-day, the hourly NO_X emissions measured in lbs/MMBtu, shall be averaged over the hours the unit was in operation to obtain a daily boiler-operating-day average. Each day, the 30-day-rolling average NO_X emission rate for each unit (in lbs/MMBtu) shall be determined by averaging the daily boiler-operating-day average emission rate from that day and those from the preceding 29 days.

(3) *SO_2 emission rate limit*. The SO_2 emission rate limit for each unit in the plant shall be 0.15 pounds per million British thermal units (lbs/MMBtu), as averaged over a rolling 30 boiler-operating-day period. The hourly NO_X and O_2 data used to determine the NO_X emission rates shall be in compliance with the requirements in part 75 of this chapter. For each unit on each boiler-operating-day, the hourly SO_2 emissions measured in lbs/MMBtu, shall be

averaged over the hours the unit was in operation to obtain a daily boiler-operating-day average. Each day, the 30-day-rolling average SO_2 emission rate for each unit (in lbs/MMBtu) shall be determined by averaging the daily boiler-operating-day average emission rate from that day and those from the preceding 29 days.

(4) *Sulfuric Acid (H_2SO_4) emission rate limit*: Emissions of H_2SO_4 from each unit shall be limited to 2.6×10^{-4} lb/MMBtu on an hourly basis.

(e) *Testing and monitoring*. Notwithstanding any language to the contrary, the paragraphs in this section apply at all times to Units 1, 2, 3, and 4 at the plant.

(1) By the applicable compliance date in paragraph (b) of this section, the owner or operator shall install, calibrate, maintain and operate Continuous Emissions Monitoring Systems (CEMS) for NO_X, SO_2, stack gas flow rate, and O_2 on Units 1, 2, 3, and 4 in accordance with part 75 of this chapter. The owner or operator shall also comply with the applicable quality assurance procedures in part 75 of this chapter for these CEMS. Continuous monitoring systems for NO_X, SO_2, stack gas flow rate, and O_2 that have been certified for use under the Acid Rain Program, and that are continuing to meet the on-going quality-assurance requirements of that program, satisfy the requirements of this paragraph (e)(1). Compliance with the emission limits for NO_X and SO_2 shall be determined by using data from these CEMS.

(2) The CEMS required by this rule shall be in continuous operation during all periods of operation of the coal burning equipment, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2, NO_X, and O_2 shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. Each required CEMS must obtain valid data for at least 90.0 percent of the unit operating hours, on an annual basis.

(3) Emissions of H_2SO_4 shall be measured within 180 days of start up of the NO_X control device and annually thereafter using EPA Test Method 8A (CTM–013).

NOTE TO PARAGRAPH (e)(3): EPA Test Method 8A is available at: *http://www.epa.gov/ttn/emc/ctm/ctm-013.pdf*.

(f) *Reporting and recordkeeping requirements*. Unless otherwise stated all requests, reports, submittals, notifications, and other communications to the Regional Administrator required by this section shall be submitted, unless instructed otherwise, to the Director, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency, Region 6, to the attention of Mail Code: 6PD, at 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

(1) The owner or operator shall keep records of all CEMS data, stack test data, and CEMS quality-assurance tests required under this section for a period of at least 3 years.

(2) For each unit subject to the emission limitations for SO_2, and NO_X, in this section, the owner or operator shall comply with the excess emission reporting requirements in §§ 60.7(c) and (d) of this chapter, on a semiannual basis, unless more frequent (*e.g.*, quarterly) reporting is requested by the Regional Administrator. For SO_2 and NO_X, any day on which the 30-day rolling average emission limit in paragraph (d) of this section is not met shall be counted as an excess emissions day. The duration of the excess emissions period shall be the number of unit operating hours on that day. Any hour in which a CEMS is out-of-service (excluding hours in which required calibrations and QA tests are performed) shall be counted as an hour of monitor downtime.

(g) *Equipment operations*. At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(h) *Enforcement*. (1) Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(2) Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit.

[76 FR 52439, Aug. 22, 2011]

§52.1629 Visibility protection.

The portion of the State Implementation Plan revision received on September 17, 2007, from the State of New Mexico for the purpose of addressing the visibility requirements of Clean Air Act section 110(a)(2)(D)(i)(II) for the 1997 8-hour ozone and the 1997 fine particulate matter National Ambient Air Quality Standards is disapproved.

[76 FR 52440, Aug. 22, 2011]

§§52.1630–52.1633 [Reserved]

§52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on February 21, 1984 (as adopted by the New Mexico Environmental Improvement Board (NMEIB) on January 13, 1984), August 19, 1988 (as revised and adopted by the NMEIB on July 8, 1988), and July 16, 1990 (as revised and adopted by the NMEID on March 9, 1990), Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD) and its Supplemental document, is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality. Additionally, on November 2, 1988, EPA approved New Mexico's stack height regulation into the SIP (53 FR 44191), thereby satisfying the conditions of EPA's conditional approval of the State's PSD program on February 27, 1987 (52 FR 5964). Therefore, the conditional approval was converted to a full approval on July 15, 2011.

(b) The requirements of section 160 through 165 of the Clean Air Act are not met for federally designated Indian lands. Therefore, the provisions of §52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable implementation plan, and are applicable to sources located on land under the control of Indian governing bodies.

(c) The plan submitted by the Governor in paragraph (a) of this section for Prevention of Significant Deterioration is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993, and respectively adopted on March 8, 1989, July 12, 1989, April 11, 1990, and February 10, 1993, by the Albuquerque/Bernalillo County Air Quality Control Board, containing Regulation 29—Prevention of Significant Deterioration and its April 11, 1990, Supplemental document, is approved as meeting the requirements of part C of the Clean Air Act for the prevention of significant deterioration of air quality.

[58 FR 67333, Dec. 21, 1993, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 75 FR 82558, Dec. 30, 2010; 76 FR 41705, July 15, 2011; 76 FR 43153, July 20, 2011; 76 FR 81838, Dec. 29, 2011]

§52.1635 Rules and regulations.

(a) *Part D disapproval:* The requirements of §51.281 of this chapter are not

met since the measurement provisions of Sections A, B.2, and B.3 of New Mexico Regulation 506 make these sections unenforceable. Therefore, Sections A, B.2, and B.3 of Regulation 506 are disapproved.

(b) *Regulation for measurement of emission limitations (particulate matter from nonferrous smelters).* (1) This regulation applies to new and existing nonferrous smelters as they are defined in New Mexico Regulation 506. The requirements of this paragraph replace the requirements of Sections A, B.2, and B.3 of Regulation 506. All other requirements of Regulation 506 are approved as part of the plan.

(2) No person owning or operating a new nonferrous smelter shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry standard cubic foot (as defined in 40 CFR part 60) of discharge gas.

(3) No person owning or operating an existing nonferrous smelter shall permit, cause, suffer, or allow particulate matter to the atmosphere from:

(i) The stack or stacks serving the acid plant in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(ii) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(c) *Regulation for compliance testing (particulate matter from nonferrous smelter).* The requirements of § 60.8(f) of 40 CFR part 60 shall apply to paragraph (b)(2) of this section, and to each operation of Section B.4 of New Mexico Regulation 506.

[45 FR 24469, Apr. 10, 1980, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.1636 [Reserved]

§ 52.1637 Particulate Matter (PM_{10}) Group II SIP commitments.

(a) On August 19, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) that contained commitments, from the Director of New Mexico Environmental Improvement Division, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM_{10} Group II SIPs. The New Mexico Environmental Improvement Board adopted this SIP revision on July 7 and 8, 1988.

(b) The State of New Mexico has committed to comply with the PM_{10} Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties as provided in the New Mexico PM_{10} Group II SIPs. In addition to the SIP, a letter from the Director of New Mexico Environmental Improvement Division, dated July 15, 1988, stated that:

> This letter is in reference to PM_{10} Group II State Implementation Plan (SIP) requirements. In response to the requirements of the July 1, 1987 FEDERAL REGISTER, notice on PM_{10}, the Environmental Improvement Division has prepared a Committal SIP for Group II areas. As expressed in this SIP revision, the Division is committing to carry out all required actions such as monitoring, reporting, emission inventory development, and other tasks necessary to satisfy the SIP requirements for PM_{10} Group II areas.

[54 FR 20579, May 12, 1989]

§ 52.1638 Bernalillo County particulate matter (PM_{10}) Group II SIP commitments.

(a) On December 7, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) for Bernalillo County that contained commitments, from the Director of the Albuquerque Environmental Health Department, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM_{10} Group II SIPs. The City of Albuquerque and Bernalillo County Air Quality Control Board adopted this SIP revision on November 9, 1988.

(b) The Albuquerque Environmental Health Department has committed to comply with the PM_{10} Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Bernalillo County as provided in the County's PM_{10} Group II SIP. In addition to the SIP, a letter from the Director of the Albuquerque

Environmental Health Department, dated November 17, 1988, stated that:

(1) This letter is in reference to the PM_{10} Group II SIP requirements particularly as pertains to Bernalillo County. In response to the requirements of the July 1, 1987 FEDERAL REGISTER notice on PM_{10}, the Albuquerque Environmental Health Department has prepared a Committal SIP for all of Bernalillo County which has been classified Group II for this pollutant.

(2) As expressed in the attached SIP revision, the Department is committing to carry out all required actions such as monitoring, reporting, emission inventory development and other tasks necessary to satisfy the SIP requirements for PM_{10} Group II areas.

[54 FR 23477, June 1, 1989]

§ 52.1639 Prevention of air pollution emergency episodes.

(a) The plan submitted by the Governor of New Mexico on August 19, 1988, and as adopted on July 7, 1988, by the New Mexico Environmental Improvement Board, entitled Air Pollution Episode Contingency Plan for New Mexico, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H. This plan is only approved for the State of New Mexico outside of the boundaries of Bernalillo County.

(b) The plan submitted by the Governor in (a) for the Air Pollution Episode Contingency Plan is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, and adopted on January 26, 1989, by the Albuquerque/Bernalillo County Air Quality Control Board, entitled Air Pollution Episode Contingency Plan for Bernalillo County, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H.

[56 FR 38074, Aug. 12, 1991]

§ 52.1640 Original identification of plan section.

(a) This section identifies the original ''State of New Mexico Implementation Plan'' and all revisions submitted by New Mexico that were federally approved prior to January 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The Plan revisions listed below are submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, and 652 (adopted by the Board on January 10, 1972) on March 7, 1972.

(2) Additions of sections 12–14–1 through 12–14–13 of the State's Air Quality Control Act, and Regulations 504, 602, and 603 were submitted by the Governor on May 9, 1972.

(3) Revisions of Regulations 702, 703, 704, and 705, as adopted by the Board on July 29, 1972, and revisions of Sections IV, V, VII, and VIII, were submitted by the Environmental Improvement Agency on July 31, 1972.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of the New Source Review and Source Surveillance sections of the New Mexico Implementation Plan were submitted by the Environmental Improvement Agency on January 3, 1973. (Non-regulatory)

(6) Clarification of the State permit and source surveillance regulations was submitted by the Environmental Improvement Agency on January 18, 1973. (Non-regulatory)

(7) Regulation 705, Compliance Schedules, was submitted by the Governor on February 12, 1974.

(8) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide, as adopted by the New Mexico Environmental Improvement Board on December 13, 1974, were submitted by the Governor on October 3, 1975 (see § 52.1624).

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were submitted by the Governor on November 6, 1975 (see § 52.1633).

(10) Revisions to sections 12–14–2, 12–14–6, and 12–14–7 of the New Mexico Air Quality Control Act were submitted by the Governor on November 6, 1975.

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea Counties, sulfur dioxide in San Juan and Grant Counties; ozone in Albuquerque and carbon monoxide in Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

(12) Ordinance for motor vehicle emissions inspection/maintenance program for Albuquerque submitted by the Governor July 2, 1979.

(13) Commitments regarding the development of a TSP plan for Albuquerque, modifications to the permit regulations and commitments regarding reasonable further progress and commitments to currently planned transportation control measures for Albuquerque were submitted by the Governor on August 2, 1979.

(14) Schedule for Albuquerque TSP plan, request for 18 month extension for submission of a plan for attainment of the TSP standard in Grant County, schedule for revising permit regulations were submitted by the Governor on September 25, 1979.

(15) No action is being taken on the carbon monoxide strategies submitted by the Governor on January 23, 1979 for Farmington and Santa Fe.

(16) Compliance schedules for several industries located in Eddy, Lea and Grant Counties were submitted to EPA by the Governor of New Mexico on July 25, 1979.

(17) Revisions to the plan for attainment of the standard for carbon monoxide in Bernalillo County were submitted by the Governor on March 17, 1980.

(18) A commitment to not issue permits to stationary sources located in nonattainment areas was submitted by the Governor on May 20, 1980.

(19) A commitment to submit an enforcement plan for the Albuquerque-Bernalillo County inspection/maintenance program was submitted by the Governor on October 10, 1980.

(20) On December 12, 1979, the Governor submitted final revisions to the ambient monitoring portion of plan.

(21) A variance to Regulation 506 for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico was submitted by the Governor on February 4, 1980.

(22) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted by the New Mexico Environmental Improvement Division on April 16, 1981.

(23) A revision to Regulation 504 which extends the final compliance date for Units 4 and 5 of the Arizona Public Service Four Corners Power Plant to December 31, 1982 was submitted by the Governor on June 28, 1978. A compliance schedule for the same units was submitted by the Governor on March 31, 1980.

(24) A revision to Regulation 507, changing the emission limitations was submitted by the Governor on January 23, 1979.

(25) A variance to Regulation 603 for the Arizona Public Service Units 3, 4, and 5 at the Four Corners Generating Station, was submitted by the Governor on July 31, 1980.

(26) Revision to the plan for maintenance of pay for sources subject to nonferrous smelter orders (Section 74–2–11.1B of the New Mexico Air Quality Control Act) was submitted by the Governor on September 26, 1979.

(27) The New Mexico Plan for lead was submitted to EPA on May 19, 1980, by the Governor of New Mexico as adopted by the New Mexico Improvement Board on May 9, 1980. A clarifying letter dated February 10, 1982 also was submitted.

(28) Revisions to Regulation 652, Non-Ferrous Smelters—Sulfur, submitted by the Governor on June 22, 1981. A revised sulfur dioxide control strategy demonstration for Grant County based on the revised Regulation 652 was submitted by the New Mexico Environmental Improvement Division on May 12, 1981 and August 13, 1981.

(29) A revision to Regulation 401, Regulation to Control Smoke and Visible Emissions, was adopted by the Environmental Improvement Board on August 25, 1978 and submitted by the Governor on November 8, 1978.

(30) Revision to New Mexico Regulation 801, Excess Emissions during Malfunction, Startup, Shutdown or Scheduled Maintenance, was submitted by the Governor on May 16, 1981.

(31) Revisions to Section X, Intergovernmental Consultation and Cooperation and Interstate Pollution Abatement, submitted by the Governor on January 23, 1979, the Intergovernmental Consultation Program submitted by the Environmental Improvement Division, March 28, 1980 and copies of letters from the New Mexico Environmental Improvement Division dated November 7, 1977 to the States of Texas, Oklahoma, Arizona, Colorado, and Utah sent in compliance with section 126(a)(2) of the Clean Air Act, as amended in 1977.

(32) Revisions to Air Quality Control Regulation 652, Nonferrous Smelters—Sulfur were adopted by the New Mexico Environmental Improvement Board on June 11, 1982 and submitted to EPA by the Governor of New Mexico on July 26, 1982.

(33) Addition of Public Information and Participation Program, submitted by the Environmental Improvement Division on December 20, 1979.

(34) Revisions to the plan for attainment of the standard for Carbon Monoxide in Bernalillo County were submitted by the Governor on June 28, 1982, and January 26, 1983, which included the Albuquerque/Bernalillo County Air Quality Control Board Regulation Number 28, adopted October 19, 1982. On March 4, 1985, the vehicle inspection and maintenance portion of the SIP providing for attainment of the standard for Carbon Monoxide in Bernalillo County was disapproved.

(35) Revisions to sections 74–2–2 (9/79, 2/82, 4/83); 74–2–5 (9/79, 2/82, 4/83); 74–2–6 (2/82); 74–2–7 (9/79, 2/82, 4/83); 74–2–9 (9/79); 74–2–11 (9/79); 74–2–11.1 (9/79); 74–2–15 (9/79); and 74–2–15.1 (9/79) of the State's Air Quality Control Act were submitted by the New Mexico Secretary for Health and Environment on August 11, 1983.

(36) A revision to Air Quality Control Regulation 402 ''Regulation to Control Wood Waste Burners'' as adopted by the New Mexico Environmental Improvement Board on January 10, 1975, and revised by that Board on December 10, 1982, was submitted by the State on December 23, 1983.

(37) On February 21, 1984, the Governor of New Mexico submitted Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD), as adopted by the New Mexico Environmental Improvement Board on January 13, 1984. Regulation 707 provides authority for the State to implement the PSD program in certain areas of the State. On May 14, 1985, the Governor of New Mexico submitted a letter in which he committed the State not to issue PSD permits under Regulation 707 to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(i) Incorporation by reference.

(A) Letter from the Governor of New Mexico dated February 21, 1984 to EPA, and New Mexico Air Quality Control Regulation No. 707—Permits, Prevention of Significant Deterioration of Air Quality, except for sources that locate (or are located) on lands under control of Indian Governing Bodies, or sources that locate (or are located) in Bernalillo County, or sources that require review under EPA's stack height regulations because they have stack heights over sixty five (65) meters or use any other dispersion techniques, as defined at 40 CFR 51.1(hh), adopted on January 13, 1984.

(B) A letter from the Governor of New Mexico dated May 14, 1985, in which he committed the State not to issue PSD permits under Regulation

707 to source which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(ii) Additional material.

(A) A narrative explantion entitled ''Revision to the New Mexico State Implementation Plan—Prevention of Significant Deterioration of Air Quality.''

(38) Revisions to the New Mexico SIP for the Arizona Public Service Units 3, 4 and 5 at the Four Corners Generating Station were submitted by the Governor on February 4, 1987, October 26, 1987, and February 16, 1988.

(i) Incorporation by reference.

(A) An Order dated and effective August 7, 1986, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant granting a variance through May 31, 1987, from Air Quality Control Regulation 603.B.

(B) A Memorandum and Order dated and effective April 10, 1987, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance from May 31, 1987 through October 15, 1987.

(C) An Order dated and effective December 18, 1987, issued by the Chairman of the New Mexico Environmental Improvement board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance through September 30, 1989 for Unit 4, September 30, 1990 for Unit 3, and September 30, 1991 for Unit 5.

(ii) Additional material.

(A) Modeling Protocol, The Four Corners Power Plant, prepared by Bruce Nicholson of the New Mexico Environmental Improvement Division, November 6, 1987.

(B) Amendment to Modeling Protocol, letter of August 17, 1988, from Bruce Nicholson of the New Mexico Environmental Improvement Division to Gerald Fontenot of EPA Region 6.

(C) Modeling Report, letter of October 27, 1988 to C. V. Mathai (Arizona Public Service Company) and Bruce Nicholson (New Mexico Environmental Improvement Division) from Mark Yocke of Systems Applications Inc.

(D) An air quality impact analysis dated November 16, 1988, submitted by the Governor of New Mexico which demonstrated that the variance would not interfere with attainment or maintenance of the NO_2 NAAQS.

(39) On April 26, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Air Quality Control Regulation No. 710—Stack Height Requirements, as adopted by the New Mexico Environmental Improvement Board on March 10, 1988. Regulation No. 710 enables the State to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation No. 710—Stack Height Requirements, effective April 14, 1988.

(ii) Other material—None.

(40) On November 5, 1985, the Governor of New Mexico submitted Air Quality Control Regulation 709, Permits-Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 26, 1985, and effective on August 25, 1985. On August 19, 1988, the Governor of New Mexico submitted revisions to Air Quality Control Regulation 709, Permits—Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 8, 1988, and effective on August 31, 1988. These revisions were to Section G.3, H.4.(d), J.1.(b)(iv), and L.32. Regulation 709 establishes a program under which new major source and major modifications may be constructed in areas where a National Ambient Air Quality Standard (NAAQS) is being exceeded, without interfering with the continuing progress toward attainment of that standard. This regulation is part of New Mexico's New Source Review (NSR) program.

(i) Incorporation by reference.

(A) Incorporation of New Mexico Air Quality Control Regulation 709; adopted on July 26, 1985, effective August 25, 1985 and Revisions G.3; H.4.(d); J.1.(b)(iv); and L.32 adopted on July 8, 1988, effective August 31, 1988.

(ii) Additional material.

(A) Letter dated September 29, 1988, from the New Mexico Air Quality Bureau Chief making commitments requested by EPA in the August 31, 1988, FEDERAL REGISTER Proposed Rulemaking (51 FR 33505).

(41) Revisions to the New Mexico State Implementation Plan for particulate matter (PM_{10} Group III): (1) Air Quality Control Regulation (AQCR) 100—Definitions Sections P, Q, R, S, BB; (2) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3; and (3) AQCR 709—Permits, Nonattainment Areas sections A(1)(b), A(5), and Table 1 as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 1, 1988; and (4) Air Pollution Episode Contingency Plan for New Mexico, as adopted by the NMEID on July 7, 1988, were submitted by the Governor on August 19, 1988. Approval of the PM10 Group III SIP is partially based on previous approved AQCRs 100, 301, 401, 402, 501, 502, 506, 507, 508, 509, 510, 511, 601, 702, 707, and 709.

(i) Incorporation by reference.

(A) AQCR 100—Definitions Section P, Q, R, S, and BB as filed with State Records Center on August 1, 1988.

(B) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3, as filed with State Records Center on August 1, 1988.

(C) AQCR 709—Permits, Nonattainment Areas Sections A(1)(b), A(5), and Table 1 as filed with State Records Center on August 1, 1988.

(ii) Additional material.

(A) A letter dated May 25, 1988, from the NMEID General Counsel to EPA's Region 6 Air Programs Chief indicating that the State of New Mexico has sufficient authority to enforce the NAAQS without adopting the Federal NAAQS as State standards.

(42) [Reserved]

(43) A revision to the New Mexico State Implementation Plan (SIP) to include Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989, and submitted by the Governor of New Mexico on May 14, 1990.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989.

(44) A revision to the New Mexico State Implementation Plan (SIP) to include: Air Quality Control Regulation 110—Confidential Information Protection, and Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, and revisions to Air Quality Control Regulations 100—Definitions and 709—Permits—Nonattainment Areas, as all filed with the State Records and Archives Center on May 29, 1990, and submitted by the Governor of New Mexico on July 16, 1990; and revisions to Air Quality Control Regulation 702—Permits, as filed with the State Records and Archives Center on August 18, 1987, on October 19, 1988, and on May 29, 1990. Air Quality Control Regulation 702 was first submitted by the Governor of New Mexico to EPA on September 17, 1987. Further revisions to Air Quality Control Regulation 702 were submitted to EPA on October 28, 1988, and on July 16, 1990. The approval of Air Quality Control Regulation 703.1 allows Air Quality Control Regulation 703 to be removed from the New Mexico State Implementation Plan.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 110—Confidential Information Protection, as filed with the State Records and Archives Center on May 29, 1990.

(B) New Mexico Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, ''Part One—Definitions;'' ''Part Two—Notice of Intent;'' and ''Part Three—Emissions Inventory Requirements,'' as filed with the State Records and Archives Center on May 29, 1990.

(C) New Mexico Air Quality Control Regulation 100—Definitions, sections (B), (C), (D), (E), (F), (G), (H), (I), (J), (N), (O), (T), (U), (V), (W), (X), (Y), (Z), (AA), (CC), (DD), and (EE), as filed with the State Records and Archives Center on May 29, 1990.

(D) New Mexico Air Quality Control Regulation 702—Permits, ''Part One—Definitions,'' first paragraph and sections 1, 2, 3, 4, 5; ''Part Two—Permit Processing and Requirements,'' section A, subsections A(4), A(6); section G, ''Public Notice and Participation,'' subsections G(1) (first paragraph), G(1)(e); section H, ''Permit Decisions and Appeals,'' subsections H(1), H(2), H(3), H(5), H(6), H(7); Section I, ''Basis for Denial of Permit,'' subsections I(1), I(3); Section J, ''Additional Legal Responsibilities on Applicants;'' section K, ''Permit Conditions,'' subsections K(1), K(2), K(3), K(4); section L, ''Permit Cancellations;'' section M, ''Permittee's Notification Requirements to Division,'' subsections M (first paragraph), M(1); Section O, ''Source Class Exemption Process (Permit Streamlining),'' subsections O(1)(a), O(2); and section P, ''Emergency Permit Process,'' subsections P(2), P(3), P(4), as filed with the State Records and Archives Center on August 18, 1987; and further revisions to Air Quality Control Regulation 702, ''Part One—Definitions,'' sections 6, 7, 8, 9, 10, 11; ''Part Two—Permit Processing and Requirements,'' section A, subsection A(1)(b); section H, ''Permit Decisions and Appeals,'' subsection H(4); and section I, ''Basis for Denial of Permit,'' subsection I (first paragraph), as filed with the State Records and Archives Center on October 19, 1988; and further revisions to Air Quality Control Regulation 702, ''Part One—Definitions,'' Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; ''Part Two—Permit Processing and Requirements,'' section A, ''Application for Construction, Modification, NSPS, and NESHAP—Permits and Revisions,'' Subsections A(1)(a)(i), A(1)(a)(ii), A(1)(a)(iii), A(1)(a)(v), A(2), A(3), A(5), A(7); Section B, ''New Source Review Coordination;'' section C, ''Permit Revision;'' section D, ''Contents of Applications (except last sentence of section D, subsection D(1)(d));'' section E, ''Confidential Information Protection;'' section F, ''Construction, Modification and Permit Revision in Bernalillo County;'' section G, ''Public Notice and Participation,'' subsections G(1)(a), G(1)(b), G(1)(c), G(1)(d), G(1)(f), G(2); section I, ''Basis for Denial of Permit,'' subsections I(2), I(4), I(5), I(6), I(7); section K, ''Permit Conditions,'' subsection K(5); section M, ''Permittee's Notification Requirements to Division,'' Subsections M(2), M(3), M(4); section N, ''Startup and Followup Testing;'' Section O, ''Source Class Exemption Process (Permit Streamlining),'' subsections O(1) (first paragraph), O(1)(b), O(1)(c), O(3), O(4); section P, ''Emergency Permit Process,'' subsections P(1), P(5); section Q, ''Nonattainment Area Requirements;'' and Table 1, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on May 29, 1990.

(E) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, section A, ''Applicability,'' subsections A(1), A(3), A(4); section B, ''Source Obligation,'' subsections B(3), B(5), B(6); section C, ''Source Information,'' subsections C (first paragraph), C(1), C(2); section D, ''Source Requirements,'' subsections D(1), D(2), D(3), D(4), D(5); section E, ''Additional Requirements for Sources Impacting Mandatory Federal Class I Areas,'' subsections E(1), E(2), E(5); section H, ''Banking of Emission Reduction,'' subsection H(4)(a); section I, ''Air Quality Benefit,'' subsections I(1), I(2); section J, ''Public Participation and Notification;'' section K, ''Definitions;'' and Table 2, ''Fugitive Emissions Source Categories,'' Title only, as filed with the State Records and Archives Center on May 29, 1990.

(45) On July 11, 1986, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986. Further, on April 14, 1989, the Governor submitted revisions to AQCR 33, as filed with the State Records and Archives Center on March 16, 1989. In addition, on August 7, 1989, the Governor

submitted a commitment found in the July 12, 1989 Supplement to AQCR 33 to include specific caveat language on all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 enables Albuquerque/Bernalillo County to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

(46) Revisions to the New Mexico State Implementation Plan for Air Quality Control Regulation (AQCR) 707—Permits, Prevention of Significant Deterioration (PSD) (for PSD nitrogen dioxide increments) Sections O(4), P(7) through P(41), Table 4, and Table 5, as adopted by the New Mexico Environmental Improvement Board (NMEIB) on March 9, 1990, and filed with State Records Center on May 29, 1990, were submitted by the Governor on July 16, 1990.

(i) Incorporation by reference.

(A) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) sections O(4), P(7) through P(41), Table 4, and Table 5, as filed with State Records Center on May 29, 1990.

(ii) Additional Material—None.

(47) A revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation 702, entitled ''Source Class Permit Streamlining,'' as filed with the State Records and Archives Center on May 12, 1992, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 702—*Permits,* ''Part Four—Source Class Permit Streamlining,'' Section A, ''Definitions;'' Section B, ''Applicability;'' Section C, ''Contents of Application;'' Section D, ''Public Notice and Participation;'' Section E, ''Permit Decisions;'' Section F, ''General Requirements;'' Section G, ''Source Class Requirements;'' and Table 2, ''Permit Streamlining Source Class Categories,'' as filed with the State Records and Archives Center on May 12, 1992.

(48) A revision to the New Mexico SIP to include revisions to Air Quality Control Regulation 709—*Permits—Nonattainment Areas,* as filed with the State Records and Archives Center on June 25, 1992.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—*Permits—Nonattainment Areas,* Section D, ''Source Requirements,'' Subsections D(2), D(3)(a), D(5), D(6); Section G, ''Emission Offsets,'' Subsection G(5); Section I, ''Air Quality Benefit,'' Subsection I(1); and Section J, ''Public Participation and Notification,'' Subsection J(2) (first paragraph), as filed with the State Records and Archives Center on June 25, 1992.

(49) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter,* as filed with the State Records and Archives Center on February 17, 1983, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter,* Section 8.03, ''Soil Disturbance,'' Subsections 8.03.1, 8.03.2, 8.03.3, 8.03.4, 8.03.5, 8.03.6, 8.03.7, and 8.03.8, as filed with the State Records and Archives Center on February 17, 1983.

(50) A revision to the New Mexico State Implementation Plan (SIP) addressing moderate PM–10 nonattainment area requirements for Anthony

was submitted by the Governor of New Mexico by letter dated November 8, 1991. The SIP revision included, as per section 188(f) of the Clean Air Act, a request for a waiver of the attainment date for Anthony.

(i) Incorporation by reference.

(A) Revision to New Mexico Air Quality Control Regulation 301—Regulation to Control Open Burning, section I (definition of ''open burning''), as filed with the State Records and Archives Center on February 7, 1983.

(ii) Additional material.

(A) November 8, 1991, narrative plan addressing the Anthony moderate PM–10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A letter dated October 29, 1991, from Judith M. Price, Dona Ana County Planning Director and Assistant County Manager, to Judith M. Espinosa, Secretary of the New Mexico Environment Department, in which the County committed to implement and enforce all Dona Ana County rules, regulations, policies and practices, including those identified in the draft PM–10 SIP which reduce airborne dust in the Anthony area. The Dona Ana County rules, regulations, policies and practices identified in the draft Anthony PM–10 SIP are identical to those identified in the final Anthony PM–10 SIP.

(C) A letter dated November 21, 1991, from Cecilia Williams, Chief, New Mexico Air Quality Bureau, to Gerald Fontenot, Chief, Air Programs Branch, EPA Region 6, expressing satisfaction with the October 29, 1991, commitment letter from Judith Price to Judith Espinosa.

(D) Anthony PM–10 SIP narrative from page 10 that reads as follows: ''The State remains committed to the dust control measures implemented by Dona Ana County, moderate area control strategies as agreed to in this SIP submittal and to the established air quality monitoring schedule.''

(51) A revision to the New Mexico SIP addressing the nonattainment new source review program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, and May 17, 1993. The revision included visibility protection new source review and stack height provisions.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 32—Construction Permits—Nonattainment Areas, Section A, ''Applicability,'' Subsection A(2); Section B, ''Source Obligation,'' Subsections B(1), B(2), B(4); Section C, ''Source Information,'' Subsection C(3); Section G, ''Emission Offsets,'' Subsections G(first paragraph), G(1), G(2), G(4), G(6), G(7), G(8), G(9)(first paragraph), G(9)(a), G(9)(b), G(10); Section J, ''Public Participation and Notification,'' Subsections J(1), J(2)(a), J(2)(d), J(2)(f), J(2)(g), J(2)(h); Section K, ''Definitions,'' Subsections K(first paragraph), K(1), K(2), K(4), K(5), K(6), K(8), K(9), K(10), K(11), K(12), K(13), K(15), K(16)(first paragraph), K(16)(b), K(16)(c)(first paragraph), K(16)(c)(i), K(16)(c)(ii), K(16)(c)(iii), K(16)(c)(iv), K(16)(c)(v)(first paragraph), K(16)(c)(v)(a), K(16)(c)(vi), K(16)(c)(vii), K(16)(d), K(16)(e), K(17)(first paragraph), K(17)(a), K(17)(b), K(17)(c), K(18), K(19), K(20), K(21)(first paragraph), K(21)(a), K(21)(b)(first paragraph), K(21)(b)(i), K(21)(c), K(21)(d), K(21)(e), K(21)(f), K(23), K(26), K(28), K(29), K(31), K(32); and Table 1, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 32, Section i, ''Purpose;'' Section A, ''Applicability,'' Subsections A(1), A(3), A(4); Section B, ''Source Obligation,'' Subsections B(3), B(5), B(6); Section C, ''Source Information,'' Subsections C(first paragraph), C(1), C(2); Section D, ''Source Requirements;'' Section E, ''Additional Requirements for Sources;'' Section F, ''Emissions Offset Baseline;'' Section G, ''Emission Offsets,'' Subsections G(3), G(5), G(9)(c); Section H, ''Banking of Emission Reduction;'' Section I, ''Air Quality Benefit;'' Section J, ''Public Participation and Notification,'' Subsections J(2)(first paragraph), J(2)(b), J(2)(c), J(2)(e); Section K, ''Definitions,'' Subsections K(3), K(7), K(14), K(16)(a), K(16)(c)(v)(b), K(17)(d), K(17)(e), K(21)(b)(ii), K(22), K(24), K(25), K(27), K(30); and Table 2, ''Fugitive Emissions Source Categories,'' as filed with the State

Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Areas of Bernalillo County Designated Nonattainment, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 14, 1993. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated July 18, 1989, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to Mr. Robert E. Layton Jr., Regional Administrator, EPA Region 6, regarding a stack height commitment and an NSPS/NESHAP performance testing commitment.

(52) A revision to the New Mexico SIP addressing CO for Albuquerque/Bernalillo County was submitted by the Governor of New Mexico by letter dated November 5, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation 34–Woodburning, section 34.00, ''Purpose;'' section 34.01, ''Definitions;'' section 34.02, ''Sale of New Wood Heaters-Certification Required;'' section 34.03, ''No-burn Periods;'' section 34.04, ''Notice Required;'' Section 34.05, ''Exemptions;'' section 34.06, ''Visible Emissions;'' section 34.07, ''Test Procedures;'' and section 34.08, ''Misfueling of Solid Fuel Heating Devices Prohibited,'' as filed with the State Records and Archives Center on November 27, 1991.

(B) Albuquerque/Bernalillo County Regulation 35–Alternative Fuels, section 35.00, ''Purpose;'' section 35.01, ''Definitions;'' section 35.02, ''Oxygenated Fuels;'' section 35.03, ''Oxygenated Fuels Procedures Manual;'' and section 35.07, ''Severability Clause,'' as filed with the State Records and Archives Center on June 25, 1992.

(ii) Additional material.

(A) November 5, 1992, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the Albuquerque/Bernalillo County 1990 base year CO emissions inventory.

(B) A letter dated March 22, 1993, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department (Department), to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, in which the Department committed to submitting future amendments to Regulation 34 to correct an enforceability deficiency, and in which the Department committed to using only EPA approved test methods until the future amendment correcting the enforceability deficiency is approved by the EPA.

(C) A memorandum dated September 8, 1992, from Kent A. Salazar, Manager, Albuquerque Vehicle Pollution Management Division, to Albert Salas, Quality Assurance Specialist Supervisor, Albuquerque Vehicle Pollution Management Division, addressing the suspension of the oxygenated fuels program due to oxygenate shortage.

(53) A revision to the New Mexico SIP addressing the prevention of significant deterioration program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993. The revision included NO_2 increment provisions and visibility protection NSR.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 29—Prevention of Significant Deterioration, Section A, ''Applicability;'' Section B, ''Exemptions;'' Section C, ''Source Obligation;'' Section D, ''Source Information;'' Section E, ''Control Technology Requirements,'' Subsections E(1), E(2), E(4)(a), E(4)(b), E(4)(c), E(4)(d), E(4)(e), E(5), E(6), E(7), E(8); Section F, ''Ambient Impact Requirements,'' Subsections F(1), F(2); Section G, ''Additional Impact Requirements;'' Section H, ''Ambient Air Quality Modeling;'' Section I, ''Monitoring Requirements,'' Subsections I(1), I(2), I(3), I(4), I(5), I(7), I(8), I(9); Section J, ''Stack Height Credit;'' Section K, ''Temporary Source Exemptions;'' Section L, ''Public Participation and Notification;'' Section M, ''Restrictions on Area Classifications;'' Section N, ''Exclusions from Increment Consumption;'' Section O, ''Additional Requirements for Sources Impacting Federal Class I Areas,'' Subsections O(1), O(2), O(3), O(5), O(6), O(7); Section

P, ''Definitions,'' Subsections P(first paragraph), P(1), P(2), P(3), P(4), P(5), P(6), P(26)(first paragraph), P(26)(a), P(26)(c), P(26)(d), P(27); and Table 3, ''Significant Monitoring Concentrations,'' as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 29, Section O, ''Additional Requirements for Sources Impacting Federal Class I Areas,'' Subsection O(4); Section P, ''Definitions,'' Subsections P(8), P(9), P(10), P(12), P(13)(first paragraph), P(13)(a), P(14), P(15), P(16), P(17), P(18), P(19), P(20), P(21), P(22), P(23), P(24), P(25), P(26)(e), P(28), P(29), P(30), P(31), P(32), P(33), P(34), P(35), P(36), P(37), P(38), P(39), P(40), P(41); and Table 5, ''Maximum Allowable Increases for Class I Waivers,'' as filed with the State Records and Archives Center on April 24, 1990; and further revisions to AQCR 29, Section E, ''Control Technology Requirements,'' Subsections E(3), E(4)(first paragraph); Section F, ''Ambient Impact Requirements,'' Subsection F(3); Section I, ''Monitoring Requirements,'' Subsection I(6); Section P, ''Definitions,'' Subsections P(7), P(11), P(13)(b), P(26)(b); Table 1, ''PSD Source Categories;'' Table 2, ''Significant Emission Rates;'' Table 4, ''Allowable PSD Increments;'' and Table 6, ''Maximum Allowable Increase for Sulfur Dioxide Waiver by Governor,'' as filed with the State Records and Archives Center on February 26, 1993.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation 2—Definitions, Sections 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, and 2.52, as filed with the State Records and Archives Center on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan for Prevention of Significant Deterioration in Albuquerque/Bernalillo County, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 11, 1990. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated April 20, 1992, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, regarding a commitment to incorporate Clean Air Act Amendment revisions into the Albuquerque/Bernalillo County PSD program.

(54) A revision to the New Mexico SIP addressing the Albuquerque/Bernalillo County Permitting Program was submitted by the Governor of New Mexico by cover letter dated July 22, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 20–Authority-to-Construct Permits, Section 20.00, ''Purpose;'' Section 20.01, ''Applicability;'' Section 20.02, ''Fees for Permit Application Review;'' Section 20.03, ''Contents of Applications;'' Section 20.04, ''Public Notice and Participation;'' Section 20.05, ''Permit Decisions and Appeals;'' Section 20.06, ''Basis for Permit Denial;'' Section 20.07, ''Additional Legal Responsibilities on Applicants;'' Section 20.08, ''Permit Conditions;'' Section 20.09, ''Permit Cancellation;'' Section 20.10, ''Permittee's Notification Obligations to the Department;'' Section 20.11, ''Performance Testing Following Startup;'' Section 20.12, ''Emergency Permits;'' Section 20.13, ''Nonattainment Area Requirements;'' Section 20.14, ''Definitions Specific to Authority-to-Construct Permit Regulations;'' and Table One, ''Significant Ambient Concentrations,'' as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement Pertaining to General New Source Review in Albuquerque/Bernalillo County, New Mexico, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on May 12, 1993.

(55)–(56) [Reserved]

(57) A revision to the New Mexico SIP addressing CO contingency measures and a proposed clean fuel vehicle fleet demonstration project for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico by cover letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 35–Alternative Fuels, Section 35.02, ''Oxygenated Fuels,'' Subsection 35.02(A)(1); Section

35.03, ''Oxygenated Fuels Procedures Manual;'' and Section 35.06, ''Contingency Measures,'' as filed with the State Records and Archives Center on November 10, 1993.

(ii) Additional material.

(A) November 12, 1993, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the proposed clean fuel vehicle fleet demonstration project.

(58) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to AQCRs 602, 605, 651, and 652, submitted by the Governor by cover letter dated January 28, 1994. The revision to AQCR 605 consists of removing AQCR 605 from theNew Mexico SIP.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 602–*Coal Burning Equipment-Sulfur Dioxide*, Section A.1, Section A.2, Section A.3, Section B.1, Section C.1, Section E.2.a, Section E.2.d, Section F.1.b, Section F.7 and Section G, as filed with the State Records and Archives Center on November 17, 1993.

(B) Revisions to New Mexico Air Quality Control Regulation 651–*Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions*, Section A, Section B, Section C, Section D, Section E, Section F, Section G and Section H, as filed with the State Records and Archives Center on November 17, 1993.

(C) Revisions to New Mexico Air Quality Control Regulation 652–*Nonferrous Smelters-Sulfur*, Section B.2, Section C.1, Section D, Section G, Section H, Section I, Section J, Section K and Section L, as filed with the State Records and Archives Center on November 17, 1993.

(ii) Additional material.

(A) The document entitled ''Hidalgo Smelter Sulfur Recovery Procedures,'' including appendix 1, ''Physical Inventory for Sulfur Recovery Calculations,'' and appendix 2, ''Monthly Sulfur Recovery Calculation.''

(59) A revision to the New Mexico State Implementation Plan for Transportation Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 ''Transportation Conformity'' as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994. No action is taken on AQCR No. 42 Section 11.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 ''Transportation Conformity'' as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994. No action is taken on AQCR No. 42 Section 11.

(ii) Additional material. None.

(60) A revision to the New Mexico State Implementation Plan for General Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 ''General Conformity'' as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 ''General Conformity'' as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994.

(61) A revision to the New Mexico SIP to udpate the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment to reflect EPA's approval for lifting the construction ban in Bernalillo County, superseding the supplement dated April 14, 1993.

(i) Incorporation by reference.

(A) October 12, 1994 Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment as approved by the Albuquerque/Bernalillo County Air Quality Control Board on November 9, 1994.

(62) The Governor of New Mexico submitted revisions to 20 New Mexico Administrative Code 2.74 on June 26, 1995, to incorporate changes in the Federal PSD permitting regulations for PM–10 increments.

(i) Incorporation by reference.

(A) Revisions to 20 New Mexico Administrative Code 2.74, effective July 20, 1995.

(63) A revision to the New Mexico SIP approving a request for redesignation to attainment, a vehicle inspection and maintenance program, and the required maintenance plan for the Albuquerque/Bernalillo County CO nonattainment area, submitted by the Governor on May 11, 1995. The 1993 emissions inventory and projections were included in the maintenance plan.

(i) Incorporation by reference.

(A) A letter from the Governor of New Mexico to EPA dated April 14, 1995, in which the Governor requested redesignation to attainment based on the adopted Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 28, Motor Vehicle Inspection, as amended April 12, 1995 and effective on July 1, 1995.

(ii) Additional material. Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico, approved and adopted by the Air Quality Control Board on April 13, 1995.

(64)–(65) [Reserved]

(66) Recodified and revised regulations of the New Mexico Administrative Code submitted by the Governor on January 8, and July 18, 1996.

(i) Incorporation by reference.

(A) New Mexico Administrative Code, Title 20, Chapter 2, Parts 1 and 2, adopted by the New Mexico Environmental Improvement Board September 22, 1995, and filed with the State Records and Archives Center on September 27, 1995.

(B) New Mexico Administrative Code, Title 20, Chapter 2, Parts 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 40, 41, 60, 61, 72 (Subparts I, II and III; Subpart V, Sections 501 and 502), 73, 75, 79, and 80; adopted by the New Mexico Environmental Improvement Board on October 20, 1995, and filed with the State Records and Archives Center on October 30, 1995.

(C) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 3, Sections 109 and 111 and; Part 61, Section 111 and; repeal of Part 3, Section 112, adopted by the New Mexico Environmental Improvement Board December 8, 1995, and filed with the State Records and Archives Center on December 11, 1995.

(D) New Mexico State Records Center transmittals repealing Air Quality Control Regulations 705 and 706; adopted by the New Mexico Environmental Improvement Board December 8, 1995; and filed with the State Records and Archives Center on December 11, 1995.

(E) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 72, Section 103; adopted by the New Mexico Environmental Improvement Board on June, 18, 1996, and filed with the State Records and Archives Center on June 19, 1996.

(ii) Additional material. None.

[37 FR 10881, May 31, 1972. Redesignated and amended at 63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1640, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart HH—New York

§ 52.1670 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New York under section 110 of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, and 40 CFR part 51 to meet National Ambient Air Quality Standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to January 1, 2011, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with an EPA approval date after January 1, 2011, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 2 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations,

which have been approved as part of the SIP as of January 1, 2011.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 2, Air Programs Branch, 290 Broadway, New York, New York 10007; the EPA, Air and Radiation Docket and Information Center, EPA Headquarters Library, Infoterra Room (Room Number 3334), EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, and the National Archives and Records Administration. If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number: (202) 566–1742. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA-APPROVED NEW YORK STATE REGULATIONS

New York State regulation	State effective date	Latest EPA approval date	Comments
Title 6:			
Part 200, General Provisions, Section 200.1.	3/5/09	11/17/10, 75 FR 70140	The word odor is removed from the Subpart 200.1(d) definition of ''air contaminant or air pollutant.'' Redesignation of non-attainment areas to attainment areas (200.1(av)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYSDEC. Changes in definitions are acceptable to EPA unless a previously approved definition is necessary for implementation of an existing SIP regulation. EPA is including the definition of ''Federally enforceable'' with the understanding that (1) the definition applies to provisions of a Title V permit that are correctly identified as Federally enforceable, and (2) a source accepts operating limits and conditions to lower its potential to emit to become a minor source, not to ''avoid'' applicable requirements.
Section 200.9, Table 1 (Part 231 references).	3/5/09	11/17/10, 75 FR 70140	EPA is approving reference documents that are not already Federally enforceable.
Sections 200.6, 200.7 and 200.9	2/25/00	4/22/08, 73 FR 21548	EPA is approving reference documents that are not already Federally enforceable.
Part 201, Permits and Certificates.	4/4/93	10/3/05, 70 FR 57511	This action removes subpart 201.5(e) from the State's Federally approved SIP.
Subpart 201–2.1(b)(21), Definitions.	3/5/09	11/17/10, 75 FR 70140	EPA is including the definition of ''Major stationary source or major source or major facility'' with the understanding that the definition applies only to provisions of part 231.
Subpart 201–7.1, General	7/7/96	10/3/05, 70 FR 57511	
Subpart 201–7.2, Emission Capping Using Synthetic Minor Permits.	7/7/96	10/3/05, 70 FR 57511	
Part 202, Emissions Testing, Sampling and Analytical Determinations.	3/24/79	11/12/81, 46 FR 55690	
Subpart 202–2, Emission Statements.	5/29/05	10/31/07, 72 FR 61530	Section 202–2.3(c)(9) requires facilities to report individual HAPs that may not be classified as criteria pollutants or precursors to assist the State in air quality planning needs. EPA will not take SIP-related enforcement action on these pollutants.
Part 204, NO_X Budget Trading Program.	2/25/00	5/22/01, 66 FR 28063	Incorporates NO_XSIP Call and NO_X Budget Trading Program for 2003 and thereafter.
Part 205, Architectural and Industrial Maintenance (AIM) Coatings.	1/1/11	3/8/12, 77 FR 13974	
Part 207, Control Measures for an Air Pollution Episode.	2/22/79	11/12/81, 46 FR 55690	

EPA-APPROVED NEW YORK STATE REGULATIONS—Continued

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 211, General Prohibitions ..	1/1/11	3/8/12, 77 FR 13974	Section 211.1 (previously numbered 211.2) is not part of the approved plan. (see 11/27/98, 63 FR 65559)
Part 212, General Process Emission Sources.	9/22/94	9/25/01, 66 FR 48961	
Part 213, Contaminant Emissions from Ferrous Jobbing Foundries.	5/1/72	9/22/72, 37 FR 19814	
Part 214, By-Product Coke Oven Batteries.	9/22/94	7/20/06, 71 FR 41163	
Part 215, Open Fires	6/16/72	9/22/72, 37 FR 19814	
Part 216, Iron and/or Steel Processes.	9/22/94	7/20/06, 71 FR 41163	
Part 217, Motor Vehicle Emissions.			
Subpart 217–1, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements Until December 31, 2010.	12/5/10	2/28/12, 77 FR 11742	
Subpart 217–4, Inspection and Maintenance Program Audits Until December 31, 2010.	12/5/10	2/28/12, 77 FR 11742	
Subpart 217–6, Motor Vehicle Enhanced Inspection and Maintenance Program Requirements Beginning January 1, 2011.	12/5/10	2/28/12, 77 FR 11742	
Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines.			EPA's approval of part 218 only applies to light-duty vehicles.
Subpart 218–1: Applicability and Definitions.	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–2: Certification and Prohibitions.	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–3: Fleet Average ..	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–4: Zero Emissions Vehicle Sales Mandate.	5/28/92	1/6/95, 60 FR 2025	
Subpart 218–5: Testing	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–6: Surveillance	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–7: Aftermarket Parts.	12/28/00	1/31/05, 70 FR 4773	
Subpart 218–8: Severability	12/28/00	1/31/05, 70 FR 4773	
Part 219, Incinerators	5/1/72	9/22/72, 37 FR 19814	
Part 220, Portland Cement Plants.	3/14/73	11/12/81, 46 FR 55690	
Part 222, Incinerators—New York City, Nassau and Westchester Counties.	6/17/72	9/22/72, 37 FR 19814	
Part 223, Petroleum Refineries	8/9/84	7/19/85, 50 FR 29382	
Part 224, Sulfuric and Nitric Acid Plants.	5/10/84	7/19/85, 50 FR 29382	Variances adopted by the State pursuant to Part 224.6(b) become applicable only if approved by EPA as SIP revisions 7/19/85, 50 FR 29382.
Subpart 225–1, Fuel Composition and Use-Sulfur Limitations.	3/24/79	11/12/81, 46 FR 55690	Variances adopted by the State pursuant to §§ 225.2(b) and (c), 225.3, and 225.5(c) become applicable only if approved by EPA or SIP revisions (40 CFR 52.1675(e)).
Subpart 225–2, Fuel Composition and Use-Waste Fuel.	7/28/83	8/2/84, 49 FR 30936	
Part 225–3, Fuel Composition and Use—Gasoline.	11/4/01	9/8/05, 70 FR 53304	The Variance adopted by the State pursuant to section 225–3.5 becomes applicable only if approved by EPA as a SIP revision.
Part 226, Solvent Metal Cleaning Processes.	5/7/03	1/23/04, 69 FR 3240	

EPA-APPROVED NEW YORK STATE REGULATIONS—Continued

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 227, Stationary Combustion Installations [1972 version]/section 227.2(b)(1).	5/1/72	9/22/72, 37 FR 19814	
Part 227, Stationary Combustion Installations.			Existing Part 227 is renumbered Subpart 227–1.
Subpart 227–1, Stationary Combustion Installations.	2/25/00	5/22/01, 66 FR 28063	Renumbered sections 227–1.2(a)(2), 227–1.4(a), and 227–1.4(d) continue to be disapproved according to 40 CFR 52.1678(d) and 52.1680(a). (New York repealed existing Part 227.5.)
Subpart 227–2, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X).	2/11/04	1/13/05, 70 FR 2358	
Subpart 227–3, Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program.	3/5/99	5/22/01, 66 FR 28063	Approval of NO_X Budget Trading Program for 1999, 2000, 2001 and 2002. NO_X caps in the State during 2003 and thereafter established in Part 204.
Part 228, Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers.	9/30/10	3/8/12, 77 FR 13974	
Part 229, Petroleum and Volatile Organic Liquid Storage and Transfer.	4/4/93	12/23/97, 62 FR 67006	SIP revisions submitted in accordance with Section 229.3(g)(1) are effective only if approved by EPA.
Part 230, Gasoline Dispensing Sites and Transport Vehicles.	9/22/94	4/30/98, 63 FR 23668	
Part 231, New Source Review for New and Modified Facilities.	3/5/09	11/17/10, 75 FR 70140	Partial approval; no action taken on provisions that may require PSD permits for sources of greenhouse gas (GHG) emissions with emissions below the thresholds identified in EPA's final PSD and Title V GHG Tailoring Rule at 75 FR 31514, 31606 (June 3, 2010).
Part 232, Dry Cleaning	8/11/83	6/17/85, 50 FR 25079	EPA has not determined that §232.3(a) provides for reasonably available control technology.
Part 233, Pharmaceutical and Cosmetic Manufacturing Processes.	4/4/93	12/23/97, 62 FR 67006	SIP revisions submitted in accordance with Section 223.3(h)(1) are effective only if approved by EPA.
Part 234, Graphic Arts	7/8/10	3/8/12, 77 FR 13974	SIP revisions submitted in accordance with §234.3(f) are effective only if approved by EPA.
Part 235, Consumer Products ...	10/15/09	5/28/10, 75 FR 29897	
Part 236, Synthetic Organic Chemical Manufacturing Facility Component Leaks.	1/12/92	7/27/93, 58 FR 40059	Variances adopted by the State pursuant to Part 236.6(e)(3) become applicable only if approved by EPA as a SIP revision.
Part 239, Portable Fuel Container Spillage Control.	7/30/09	5/28/10, 75 FR 29897	The specific application of provisions associated with alternate test methods, variances and innovative products, must be submitted to EPA as SIP revisions.
Part 241, Asphalt Pavement and Asphalt Based Surface Coating.	1/1/11	3/8/12, 77 FR 13974	
Part 243, CAIR NO_X Ozone Season Trading Program.	10/19/07	1/24/08, 73 FR 4112	
Part 244, CAIR NO_X Annual Trading Program.	10/19/07	1/24/08, 73 FR 4112	
Part 245, CAIR SO_2Trading Program.	10/19/07	1/24/08, 73 FR 4112	
Title 15:			
Part 79, Motor Vehicle Inspection Regulations.	12/29/10	2/28/12, 77 FR 11742	
Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, 79.25.			

(d) *EPA approved State source-specific requirements.*

EPA-APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier/emission point	State effective/approval date	EPA approval date	Explanation
Dunlop Tire and Rubber Corporation.	Green tire spraying, bead dipping, and under tread and tread end cementing processes.	Consent Order [81–36, 9–0420]—8/19/81, Consent Order Amendment letters—1/29/82 and 3/3/82.	1/26/84, 49 FR 3436	Part 212 VOC RACT Compliance Plan.
Morton International Inc..	00027	Permit—9/1/95 Special Permit Conditions letter—8/23/95.	9/23/97, 62 FR 49617	Part 227–2, NO_X RACT determination.
University of Rochester.	00003 and 00005	Permit—4/25/96 Special Permit Conditions letter—. 3/19/96	9/23/97, 62 FR 49617	Part 227–2, NO_X RACT determination.
Algonquin Gas Transmission Company.		Special Conditions—9/23/91	9/23/97, 62 FR 49617	Part 227–2, NO_X RACT determination.
		Permit Correction—8/8/96		
	R0100	Permit—9/23/91, Special Permit Conditions letter—. 3/18/96		
	R0200	Permit—9/23/91, Special Permit Conditions letter—. 3/18/96		
	R0300	Permit—9/23/91, Special Permit Conditions letter—. 3/18/96		
	R0400	Permit—9/23/91, Special Permit Conditions letter—. 3/29/96,		
Tenneco Gas Corporation's (also known as Tenneco Gas Pipeline Company and Tennessee Gas Pipeline Company).			7/21/03, 68 FR 42981	Part 227–2, NO_X RACT determination.
Station 229	0001A through 0006A	Permits—8/22/95		
Station 245	00001 through 00006	Special Permit Conditions letter—2/24/97.		
Station 254	00001 through 00006	Permits—10/4/95 Special Permit Conditions letter—. 9/15/95		
General Chemical Corporation.	0SN1A and 0SN1B	Permit conditions letter—12/16/97	7/1/04, 69 FR 39858	Part 212, NO_X RACT determination. 6/23/05 letter informing NYDSDEC that the approval will automatically convert to a disapproval.

(e) *EPA approved nonregulatory and quasi-regulatory provisions.*

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA approval date	Explanation
SIP revision for carbon monoxide concerning the oxyfuel program.	New York-Northern New Jersey-Long Island carbon monoxide nonattainment area.	8/30/99	4/19/00, 65 FR 20909	
Stage II gasoline vapor recovery comparability plan.	Upstate portions of New York State.	4/18/00	9/29/00, 65 FR 58364	
The 1990 base year emission inventory (Volatile organic compounds (VOC), Nitrogen oxides (NO_X) and Carbon monoxide (CO)).	Areas designated nonattainment for ozone since 1991 in New York State.	2/2/99	5/10/01, 66 FR 23851	

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Action/SIP element	Applicable geographic or non-attainment area	New York submittal date	EPA approval date	Explanation
1996 and 1999 ozone projection year emission inventories.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	2/2/99	5/10/01, 66 FR 23851	
Photochemical assessment monitoring stations network.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	2/2/99	5/10/01, 66 FR 23851	
Enforceable commitments for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	2/2/99	5/10/01, 66 FR 23851	
15 Percent Rate of Progress Plan and the 9 Percent Reasonable Further Progress Plan for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	2/2/99	5/10/01, 66 FR 23851	
2002, 2005 and 2007 ozone projection year emission inventories.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	11/27/98	2/4/02, 67 FR 5194	
Reasonable Further Progress Plans for milestone years 2002, 2005 and 2007 for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	11/27/98	2/4/02, 67 FR 5194	
Contingency measures for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	11/27/98	2/4/02, 67 FR 5194	
Reasonably Available Control Measure Analysis for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	10/1/01	2/4/02, 67 FR 5194	
Attainment demonstration for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	11/27/98, supplemented on 4/15/99, and 4/18/00	2/4/02, 67 FR 5194	
Enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality standard.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	4/18/00	2/4/02, 67 FR 5194	
SIP revision to the carbon monoxide maintenance plan.	Onondaga County	6/22/04	9/8/05, 70 FR 53304	
1990 and 2007 conformity emission budgets for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	1/29/03, amended on 6/29/03 and 1/18/05	9/13/05, 70 FR 53944	
Revised commitment to perform a mid-course review for ozone.	New York portion of the New York-Northern New Jersey-Long Island 1-hour ozone nonattainment area.	1/29/03	9/13/05, 70 FR 53944	
New York reasonably available control technology (RACT) analysis for ozone.	Statewide and to the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT and the Poughkeepsie 8-hour ozone moderate non-attainment areas.	9/1/06, supplemented on 2/8/08 and 9/16/08	7/23/10, 75 FR 43069	
Reasonably available control measure (RACM) analysis for ozone.	New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone moderate non-attainment area.	2/8/08	7/23/10, 75 FR 43069	

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA approval date	Explanation
2002 base year emissions inventory; 2008 projection year emissions inventories; 2008 motor vehicle emissions budgets used for planning purposes; 2008 ozone reasonable further progress (RFP) plan; and 2008 RFP Plan contingency measures.	New York portion of the New York-Northern New Jersey-Long Island 8-hour ozone nonattainment area.	2/8/2008 supplemented on 12/28/2009 and 1/26/2011	8/18/2011	
2002 base year emissions inventory.	Poughkeepsie 8-hour ozone moderate nonattainment area.	2/8/2008 supplemented on 12/28/2009 and 1/26/2011	8/18/2011	
2002 base year emissions inventory.	State-wide	2/8/2008 supplemented on 12/28/2009 and 1/26/2011	8/18/2011	

[76 FR 41707, July 15, 2011, as amended at 76 FR 51266, Aug. 19, 2011; 77 FR 11743, Feb. 28, 2012; 77 FR 13977, Mar. 8, 2012]

§ 52.1671 Classification of regions.

The New York plans were evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Niagara Frontier Intrastate	I	I	III	III	I
Champlain Valley Interstate	II	II	III	III	III
Central New York Intrastate	I	II	III	I	I
Genesee-Finger Lakes Intrastate	II	II	III	III	I
Hudson Valley Intrastate	I	II	III	III	III
Southern Tier East Intrastate	II	II	III	III	III
Southern Tier West Intrastate	II	II	III	III	III
New Jersey-New York-Connecticut Interstate	I	I	I	I	I

[37 FR 10882, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

§ 52.1672 Extensions.

Pursuant to section 186(a)(4) of the Clean Air Act, as amended in 1990, the Regional Administrator hereby extends for one year (until December 31, 1996) the attainment date for the New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide nonattainment area.

[61 FR 56900, Nov. 5, 1996]

§ 52.1673 Approval status.

(a) With the exceptions set forth in this section, the Administrator approves the New York State Implementation Plan (SIP) for the attainment and maintenance of the national standards under section 110(a)(2) of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I of the Clean Air Act, as amended in 1977. In addition, continued satisfaction of the requirements of Part D for the ozone element of the SIP depends on the adoption and submittal of requirements for reasonable available control technology (RACT) by January 1985 and adoption and submittal by each

subsequent January of additional RACT requirements for sources covered by Control Techniques Guidelines (CTGs) issued by the previous January.

(b) [Reserved]

[50 FR 25079, June 17, 1985, as amended at 56 FR 12453, Mar. 26, 1991]

§ 52.1674 Requirements for state implementation plan revisions relating to new motor vehicles.

New York's adopted LEV program must be revised to the extent necessary for the state to comply with all aspects of the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

§ 52.1675 Control strategy and regulations: Sulfur oxides.

(a)–(c) [Reserved]

(d) Section 225.3(e) of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations, is disapproved since it does not provide for the type of permanent control necessary to assure attainment and maintenance of national standards.

(e) Any special limitation promulgated by the Commissioner under 6 NYCRR section 225.2(b) and (c), any exception issued by the Commissioner under 6 NYCRR section 225.3, and any permission issued by the Commissioner under 6 NYCRR section 225.5(c) shall not exempt any person from the requirements otherwise imposed by 6 NYCRR Part 225; provided that the Administrator may approve such special limitation, exception or permission as a plan revision when the provisions of this part, section 110 (a)(3)(A) of the Act, and 40 CFR part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such special limitation, exception or permission.

(f) The following applies to the Environmental Protection Agency's approval as a SIP revision of the ''special limitation'' promulgated by the Commissioner of the New York State Department of Environmental Conservation on November 20, 1979 permitting the purchase and use by the Consolidated Edison Company of New York, Inc. of fuel oil with a maximum sulfur content of 1.5 percent, by weight, at units 2 and 3 of its Arthur Kill generating facility on Staten Island, New York and unit 3 of its Ravenswood generating station in Queens, New York:

(1) On or before the ''Date of Conversion'' indicated below, each ''Facility'' indicated below shall combust only natural gas for the duration of the special limitation.

(a) City College of New York, Amsterdam Ave. between W. 135th St. and W. 138th St., Manhattan—

North Campus Academic Center: Converted
North Campus Main Boiler (Compton Hall): Two boilers shut-down; One boiler converted;
South Campus—Boiler Plant: Converted;
North Campus Science and Physical Education Building: October 1, 1980.

(b) Harlem Hospital, 135th St. and Lenox Ave., Manhattan: April 1, 1981;

(c) Columbia University, 116th St. and Broadway, Manhattan: Converted;

(d) New York City Housing Auth., Senator Robert F. Wagner Houses, 23–96 First Ave.: October 1, 1980;

(e) New York City Housing Auth., Frederick Douglass Houses, 880 Columbus Ave., Manhattan: October 1, 1980;

(f) New York City Housing Auth., Manhattanville Houses, 549 W. 126th St., Manhattan: October 1, 1980;

(g) New York City Housing Auth., St. Nicholas Houses, 215 W. 127th St.: October 1, 1980;

(h) New York City Housing Auth., General Grant Houses, 1320 Amsterdam Ave., Manhattan: October 1, 1980;

(i) New York City Housing Auth., Harlem River Houses, 211–0–1 W. 151st Street, Manhattan: October 1, 1980;

(j) New York City Housing Auth., Martin Luther King Towers, 90 Lenox Ave., Manhattan: October 1, 1980;

(k) New York City Housing Auth., Drew Hamilton Houses, 210 W. 142nd Street, Manhattan: October 1, 1980.

(2) If any of the facilities identified in paragraph (g)(1) of this section, fail to meet the requirements of that paragraph, the Consolidated Edison Company shall not burn fuel oil with a sulfur content in excess of 0.30 percent, by weight. For this purpose, Consolidated Edison shall maintain a reserve supply of fuel oil with a maximum sulfur content of 0.30 percent, by weight, and shall have a mechanism to switch promptly to the use of such fuel oil.

(3) EPA's approval of this revision to the New York SIP will extend for a period of twelve months from [August 11, 1980] or such longer period limited to twelve months from the date on which

fuel oil with a sulfur content exceeding 0.30 percent, by weight, is first burned at any of the affected Consolidated Edison facilities. However, once the use of high sulfur fuel oil has commenced, failure to meet any of the conversion dates specified in paragraph (g)(1) of this section shall not extend the period of EPA approval.

(4) On or before July 1, 1981 the Consolidated Edison Company of New York, Inc. shall displace the use of approximately 7.1 million gallons of residual oil, as projected on an annual basis, through a gas conversion program to be implemented within a two-mile radius of the Mabel Dean Bacon High School Annex monitor. Beginning on the first day of the month in which fuel oil with a sulfur content exceeding 0.30 percent, by weight, is first burned at any of the affected Consolidated Edison facilities and continuing for twelve months thereafter, the Consolidated Edison Company of New York, Inc. shall submit a report to the EPA, on a monthly basis, which includes, but is not limited to, the following information regarding this program:

(i) The total gallonage of fuel oil capacity converted (projected to an annual amount) as of that date,

(ii) The potential gallonage from sources at which conversion work has begun, and

(iii) The projected gallonage from sources expected to be converted by July 1, 1981.

(g) The Environmental Protection Agency has approved a New York State Implementation Plan revision relating to the SO_2 emission limit for units 4 and 5 of Orange and Rockland Utilities' Lovett generating station. The revision which allows Lovett to burn coal at units 4 and 5 was submitted by the New York State Department of Environmental Conservation (NYSDEC) on September 18, 1990, with additional materials submitted on April 12, 1991, and June 3, 1991. This action sets the emission limit applicable to the facility to 1.0 pound per million British thermal units (MMBtu) for units 4 and 5 if both are operated on coal, or to 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas or is not operated at all, as set forth in the Certificates to Operate issued by NYSDEC on April 3, 1991. The SO_2 emission limit, monitoring and recordkeeping requirements pertaining to the SO_2 emissions are incorporated by reference into the Certificates to Operate.

[37 FR 19815, Sept. 22, 1972, as amended at 38 FR 31296, Nov. 13, 1973; 39 FR 1441, Jan. 9, 1974; 39 FR 9666, Mar. 13, 1974; 39 FR 30038, Aug. 20, 1974; 40 FR 23745, June 2, 1975; 45 FR 53144, Aug. 11, 1980; 50 FR 23007, May 30, 1985; 56 FR 37477, Aug. 7, 1991; 60 FR 33923, June 29, 1995]

§ 52.1676 Control strategy: Nitrogen dioxide.

(a) The requirements of § 52.14(c)(3) of this chapter as of May 8, 1974 (39 FR 16347), are not met since the plans do not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the New York portion of the New Jersey-New York-Connecticut Interstate Region.

(b) Section 227.5(b) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR Subpart G, Control strategy: Carbon monoxide, hydrocarbons, ozone, and nitrogen dioxide.

[37 FR 19815, Sept. 22, 1972, as amended at 39 FR 16347, May 8, 1974; 46 FR 55693, Nov. 12, 1981; 51 FR 40675, 40677, Nov. 7, 1986]

§ 52.1677 Compliance schedules.

(a) The requirements of § 51.261 of this chapter are not met since the compliance schedule for Part 220 of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations, does not provide for attainment and maintenance of the national standards for particulate matter by the dates required by the Act.

(b) The requirements of § 51.262(a) of this chapter are not met since sections 223.1(a), 225.3(c), and 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's Official Compilation of Codes, Rules and Regulations do not require the reporting of periodic increments of progress toward compliance by affected sources or categories of sources.

(c) The requirements of §51.262(a) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(d) Federal compliance schedules. (1) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(2) Any owner or operator of a stationary source subject to paragraph (d)(1) of this section who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with section 225.3(c) of the codes, rules, and regulations cited in paragraph (d)(1) of this section on June 30, 1975, and October 1, 1975, respectively, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) February 28, 1975—Complete onsite modifications, if applicable.

(vii) (*a*) June 30, 1975—Final compliance with the low-sulfur fuel requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) October 1, 1975—Final compliance with the low-sulfur fuel requirements of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(3) Any owner or operator of a stationary source subject to paragraph (d)(1) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) March 31, 1974—Initiate onsite construction.

(iii) February 28, 1975—Complete onsite construction.

(iv) (*a*) June 30, 1975—Final compliance with the requirements of section 225.3(c) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(*b*) October 1, 1975—Final compliance with the requirements of Subchapter A, Title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance with subpart (3)(iv)(a) or (b) has been achieved, such a test must be completed by June 30, 1975, or October 1, 1975, respectively. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(4) The owner or operator of any boiler or furnace of more than 250 million Btu per hour heat input subject to the requirement of section 230.2(d) of Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations shall notify the Administrator no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to meet the requirements of said regulation.

(5) Any owner or operator of a stationary source subject to paragraph (d)(4) of this section who elects low-sulfur fuel shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with section 230.2(d) of the codes, rules, and regulations cited in paragraph (4) of this paragraph (d) on

October 1, 1974, and for at least one year thereafter.

(ii) December 31, 1973—Sign contracts with fuel suppliers for fuel requirements as projected above.

(iii) January 31, 1974—Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(iv) March 15, 1974—Let contracts for necessary boiler modifications, if applicable.

(v) June 15, 1974—Initiate onsite modifications, if applicable.

(vi) September 3, 1974—Complete onsite modifications, if applicable.

(vii) October 1, 1974—Final compliance with the low-sulfur fuel requirements of section 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(6) Any owner or operator of a stationary source subject to paragraph (d)(5) of this section who elects to utilize stack gas desulfurization shall be subject to the following compliance schedule:

(i) November 1, 1973—Let necessary contracts for construction.

(ii) December 31, 1973—Initiate onsite construction.

(iii) September 1, 1974—Complete onsite construction.

(iv) October 1, 1974—Final compliance with the requirements of section 230.2(d) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(v) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by October 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(7) The owner or operator of any petroleum refinery subject to the requirements of section 223.1(a) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations shall comply with the compliance schedule in paragraph (d)(8) of this section.

(8) Any owner or operator of a petroleum refinery subject to paragraph (d)(7) of this section shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 28, 1974—Let necessary contracts for construction or installation of emission control equipment.

(iii) June 30, 1974—Initiate onsite construction or installation of emission control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of emission control equipment.

(v) December 31, 1974—Final compliance with the requirements of section 223.1(a) of Subchapter A, Chapter III, Title 6 of New York State's official compilation of codes, rules, and regulations.

(9) The owner or operator of any coke oven battery subject to the requirements of Part 214, sections 214.2 and 214.4, of Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations for a facility with an environmental rating B as determined by Part 212 of Subchapter A, Chapter III, Title 6 of the New York State official compilation of codes, rules, and regulations, shall comply with the compliance schedule in paragraph (d)(10) of this section.

(10) Any owner or operator of a coke oven battery subject to paragraph (d)(9) of this section shall be subject to the following compliance schedule:

(i) November 1, 1973—Submit final control plan to the Administrator.

(ii) February 1, 1974—Let necessary contract for construction or installation of control equipment.

(iii) April 15, 1974—Initiate onsite construction or installation of control equipment.

(iv) November 30, 1974—Complete onsite construction or installation of control equipment.

(v) December 31, 1974—Final compliance with the requirements of Part 214, sections 214.2 and 214.4, of the Subchapter A, Chapter III, Title 6 of the New York State's official compilation of codes, rules, and regulations.

(11) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule,

whether or not the increment has been met.

(12) (i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(13) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraphs (d)(2), (3), (5), (6), (8), and (10) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[37 FR 19815, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1677, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1678 Control strategy and regulations: Particulate matter.

(a)–(c) [Reserved]

(d) Section 227.3(a)(2) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR Subpart G, Control strategy: Sulfur oxides and particulate matter.

(e) Determination of Attainment. EPA has determined, as of December 15, 2010, that the New York-Northern New Jersey-Long Island, NY-NJ-CT fine particle ($PM_{2.5}$) nonattainment area has attained the 1997 $PM_{2.5}$ National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably control available measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 $PM_{2.5}$ NAAQS.

[46 FR 55693, Nov. 12, 1981, as amended at 51 FR 40676, Nov. 7, 1986; 75 FR 69591, Nov. 15, 2010]

§ 52.1679 Determinations of attainment.

(a) Based upon EPA's review of complete, quality-assured air quality data for the 3-year period 2005 to 2007, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007. Separate from and independent of this determination, based on 2008–2010 complete, quality-assured ozone monitoring data at all monitoring sites in the area, and data for 2011, EPA determined, as of June 18, 2012, that the NY-NJ-CT one-hour ozone nonattainment area met the one-hour ozone NAAQS.

(b) Based upon EPA's review of complete, quality-assured and certified air quality data for the 3-year period 2007 to 2009, and data for 2011, EPA determined, as of June 18, 2012, that the New York-Northern New Jersey-Long Island (NY-NJ-CT) eight-hour ozone moderate nonattainment area attained the 1997 eight-hour ozone NAAQS by the applicable attainment date of June 15, 2010. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the NY-NJ-CT nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

[77 FR 36170, June 18, 2012]

EFFECTIVE DATE NOTE: At 77 FR 36170, June 18, 2012, § 52.1679 was added, effective July 18, 2012.

§ 52.1680 Control strategy: Monitoring and reporting.

(a) Section 227.6 (a) and (f) are disapproved because they are not consistent with the continuous monitoring and reporting requirements of 40 CFR 51.214.

[46 FR 55693, Nov. 12, 1981, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.1681 Control strategy: Lead.

As part of the attainment demonstration for lead, the State of New York has committed to rate all sources of lead or lead compound emissions with either an ''A'' or ''B'' environmental rating pursuant to 6 NYCRR Part 212.

[49 FR 30939, Aug. 2, 1984]

§ 52.1682 Control strategy: Carbon monoxide.

(a) Approval—The November 13, 1992 revision to the carbon monoxide state implementation plan for Onondaga County. This revision included a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2003.

(b) Approval—The November 13, 1992 and March 21, 1994 revisions to the carbon monoxide state implementation plan for the New York portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area. This included an attainment demonstration and the control measures needed to attain the National Ambient Air Quality Standard for carbon monoxide. In addition, the September 21, 1990 Downtown Brooklyn Master Plan and revision dated March 22, 2000 is a component of the carbon monoxide attainment plan. The November 23, 1999, request to redesignate the New York portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area from nonattainment to attainment of the National Ambient Air Quality Standard for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2012.

(c) Approval—The June 22, 2004 revision to the carbon monoxide maintenance plan for Onondaga County. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2013 and CO conformity budgets for the years 2003, 2009, and 2013.

[67 FR 19339, Apr. 19, 2002, as amended at 70 FR 53308, Sept. 8, 2005]

§ 52.1683 Control strategy: Ozone.

(a) The State of New York has certified to the satisfaction of the EPA that no sources are located in the nonattainment area of the State which are covered by the following Control Techniques Guidelines:

(1) Natural Gas/Gasoline Processing Plants.

(2) Air Oxidation Processes at Synthetic Organic Chemical Manufacturing Industries.

(3) Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.

(b)–(e) [Reserved]

(f) Attainment Determination. (1) EPA is determining that the 1-hour ozone nonattainment areas in New York listed below have attained the 1-hour ozone standard on the date listed and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) (contingency measures) of the Clean Air Act do not apply to these areas.

(i) Albany-Schenectady-Troy (consisting of Albany, Greene, Montgomery, Rensselaer, Saratoga, and Schenectady Counties) as of *January 6, 2010*.

(ii) Buffalo-Niagara Falls (consisting of Erie and Niagara Counties) as of *January 6, 2010*.

(iii) Essex County as of *January 6, 2010*.

(iv) Jefferson County, as of *January 6, 2010*.

(v) Poughkeepsie (consisting of Dutchess, and Putnam Counties and northern Orange County) as of *January 6, 2010*.

(2) EPA is determining that the 8-hour ozone nonattainment areas in New York listed below have attained the 8-hour ozone standard on the date listed. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for each of these areas as long as the area does not monitor any violations of the 8-hour ozone standard. If a violation of the ozone NAAQS is monitored this determination shall no longer apply in the area where the violation occurs.

(i) Albany-Schenectady-Troy (consisting of Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, and Schoharie Counties) as of March 25, 2008.

(ii) Jefferson County, as of March 25, 2008.

(iii) Rochester (consisting of Genesee, Livingston, Monroe, Ontario, Orleans and Wayne Counties) as of March 25, 2008.

(iv) Buffalo-Niagara Falls (consisting of Erie and Niagara Counties) as of *January 6, 2010*.

(v) Jamestown (consisting of Chautauqua County) as of *January 6, 2010*.

(vi) Poughkeepsie (consisting of Dutchess, Orange and Putnam Counties) as of *January 6, 2010*.

(vii) Essex County (consisting of Whiteface Mountain) as of *January 6, 2010*.

(g) EPA approves as a revision to the New York State Implementation Plan, the Stage II gasoline vapor recovery comparability plan for upstate portions of New York State submitted by the New York State Department of Environmental Conservation on April 18, 2000.

(h)(1) The 1990 base year emission inventory as revised on February 2, 1999 (Volatile organic compounds (VOC), Nitrogen oxides (NO_X) and Carbon monoxide (CO) for areas designated nonattainment for ozone since 1991 in New York) is approved.

(2) The 1996 and 1999 ozone projection year emission inventories included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(3) [Reserved]

(4) The photochemical assessment monitoring stations network included in New York's February 2, 1999 State Implementation Plan revision is approved.

(5) The demonstration that emissions from growth in vehicle miles traveled will not increase total motor vehicle emissions and, therefore, offsetting measures are not necessary, which was included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area is approved.

(6) The enforceable commitments to: participate in the consultative process to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meeting rate of progress requirements, and eliminating significant contribution to nonattainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard, included in New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(7) The 15 Percent Rate of Progress Plan and the 9 Percent Reasonable Further Progress Plan included in the New York's February 2, 1999 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(i)(1) The 2002, 2005 and 2007 ozone projection year emission inventories included in New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(2) The Reasonable Further Progress Plans for milestone years 2002, 2005 and 2007 included in the New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area are approved.

(3) The contingency measures included in the New York's November 27, 1998 State Implementation Plan revision for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area necessary to fulfill the RFP and attainment requirement of section 172(c)(9) of the CAA are approved.

(4) [Reserved]

(5) The Reasonably Available Control Measure Analysis for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area included in New York's October 1, 2001 State Implementation Plan revision is approved.

(6) The revisions to the State Implementation Plan submitted by New York on November 27, 1998, April 15, 1999, and April 18, 2000, are approved. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the CAA for the New York portion of the New York-Northern New Jersey-Long Island severe ozone nonattainment area. The revisions establish an attainment date of November 15, 2007, for the New York-Northern New Jersey-Long Island ozone nonattainment area. The April 18, 2000, revision includes the following enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality standard:

(i) Adopt additional control measures by October 31, 2001, to meet that level of reductions identified by EPA for attainment of the 1-hour ozone standard.

(ii) Work through the Ozone Transport Commission (OTC) to develop a regional strategy regarding the measures necessary to meet the additional reductions identified by EPA.

(iii) Adopt and submit by October 31, 2001 intrastate measures for the emission reductions (Backstop) in the event the OTC process does not recommend measures that produce emission reductions.

(iv) Submit revised State Implementation Plan and motor vehicle emissions budget by October 31, 2001 if additional adopted measures affect the motor vehicle emissions inventory.

(j)(1) The 1990 and 2007 conformity emission budgets for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area contained in New York's January 29, 2003 SIP revision, amended by New York's June 29, 2003 submittal and January 18, 2005 comment letter.

(2) The revised commitment to perform a mid-course review and submit the results by December 31, 2004 included in the January 29, 2003 SIP revision is approved.

(k)(1) The September 1, 2006 New York reasonably available control technology (RACT) analysis plan submittal, supplemented on February 8, 2008 and September 16, 2008, which applies to the entire State and to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Poughkeepsie 8-hour ozone moderate nonattainment areas is conditionally approved.

(2) The moderate area reasonably available control measure (RACM) analysis for the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area as presented in the February 8, 2008 ''New York SIP for Ozone—Attainment Demonstration for New York Metro Area'' submittal is conditionally approved.

(l)(1) The following State Implementation Plan (SIP) elements are approved: The 2002 base year emissions inventory, the 2008 projection year emissions inventories, the 2008 motor vehicle emissions budgets used for planning purposes, the 2008 ozone reasonable further progress (RFP) plan, and the 2008 RFP Plan contingency measures as they apply to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area. These elements are included in the package entitled ''New York SIP for Ozone-Attainment Demonstration for New York Metro Area,'' dated February 8, 2008 and supplemented on December 28, 2009 and January 26, 2011.

(2) The following SIP elements are approved: The 2002 base year emissions inventory for the Poughkeepsie 8-hour ozone moderate nonattainment area and the state-wide 2002 base year emissions inventory. These elements are included in a package entitled, ''New

York SIP for Ozone-Attainment Demonstration for Poughkeepsie, NY Area,'' dated February 8, 2008 and supplemented on December 28, 2009 and January 26, 2011.

[56 FR 41463, Aug. 21, 1991, as amended at 61 FR 51217, Oct. 1, 1996; 61 FR 64029, Dec. 3, 1996; 62 FR 55344, Oct. 24, 1997; 62 FR 66825, Dec. 22, 1997; 65 FR 58364, Sept. 29, 2000; 66 FR 22924, May 7, 2001; 66 FR 23851, May 10, 2001; 67 FR 5194, Feb. 4, 2002; 70 FR 53944, Sept. 13, 2005; 73 FR 15673, Mar. 25, 2008; 74 FR 63995, Dec. 7, 2009; 75 FR 43069, July 23, 2010; 76 FR 51266, Aug. 18, 2011]

EFFECTIVE DATE NOTE: At 77 FR 36170, June 18, 2012, §52.1683 was amended by adding paragraph (f)(2)(viii), effective July 18, 2012. For the convenience of the user, the added is set forth as follows:

§52.1683 Control strategy: Ozone.

* * * * *

(f) * * *

(2) * * *

(viii) New York-Northern New Jersey-Long Island, NY-NJ-CT, eight-hour ozone moderate nonattainment area (consisting of the Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester Counties) as of June 15, 2010 and data showing the area continued to attain through 2011.

* * * * *

§52.1684 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of New York and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to New York's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to New York's SIP.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of New York's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of New York and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to New York's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under §52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to New York's SIP.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of New York's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97

of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48371, Aug. 8, 2011]

§ 52.1685 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of New York and Indian country within the borders of the State and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to New York's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to New York's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of New York's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48371, Aug. 8, 2011]

§§ 52.1686–52.1688 [Reserved]

§ 52.1689 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of New York'' and all revisions submitted by New York that were Federally approved prior to January 1, 2011.

(b) The plans were officially submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Parts 175, 176, 177, 185, 197, and 203 of New York's Code, Rules and Regulation submitted February 9, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(2) Part 200 of the New York State Code and Article 9 of the New York City Code submitted on February 11, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(3) Part 192 of the New York State Air Pollution Control Code submitted on February 14, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(4) Miscellaneous non-regulatory additions to the plan submitted on March 10, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(5) Miscellaneous non-regulatory additions to the plan for New York City submitted on May 19, 1972, by the Governor.

(6) Revisions recodifying regulations 200, 201, 202, 207, 212, 215, 219, 220, 222, 226, and 230 of New York's Code, Rules and Regulations submitted on May 24, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(7) Revisions to Parts 204, 205, 214, 217, 223, 225, 227 and 230 of New York's Code, Rules and Regulations submitted on July 20, 1972, by the Governor.

(8) Miscellaneous non-regulatory revisions to the plan submitted on August 3, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(9) Revision to Part 226 of New York's Code, Rules and Regulations submitted on February 6, 1973, by the New York State Department of Environmental Conservation.

(10) Revised air quality data for 1971 and 1972 for the Hudson Valley AQCR submitted on March 7, 1973, by the New York State Department of Environmental Conservation.

(11) Revision to the photochemical oxidant and carbon monoxide control strategy for New Jersey-New York-Connecticut AQCR submitted on April 17, 1973, by the Governor.

(12) Miscellaneous non-regulatory revisions to the plan submitted on April 19, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(13) Revision to the photochemical oxidant control strategy for the Genesee-Fingerlakes AQCR submitted on April 30, 1973, by the Governor.

(14) Non-regulatory revision to the plan submitted on May 2, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(15) Requests for 2-year extension and 18-month extension for attainment of the photochemical oxidant and carbon monoxide standards in the New Jersey-New York-Connecticut AQCR submitted on May 16, 1973, by the Governor.

(16) Miscellaneous non-regulatory revisions to the plan submitted on May 21, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(17) Miscellaneous non-regulatory revisions to the plan submitted on June 11, 1973, by the New York State Department of Environmental Conservation.

(18) Revisions to Parts 200 and 201 of New York's Codes, Rules and Regulations submitted on August 15, 1973, by the New York State Department of Environmental Conservation.

(19) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on October 26, 1973, by the New York State Department of Environmental Conservation.

(20) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on November 27, 1973, by the Governor.

(21) Revision to Part 205 of New York's Code, Rules and Regulations submitted on February 17, 1974, by the New York State Department of Environmental Protection.

(22) Revisions to Transportation Control Plan for the Genesee-Fingerlakes AQCR submitted on April 8, 1974, by the New York State Department of Environmental Conservation.

(23) AQMA designations were submitted on April 29, 1974, by the New York State Department of Environmental Conservation.

(24) Revised Part 225 (Fuel Composition and Use) was submitted on August 29, 1974, by the Commissioner of the New York State Department of Environmental Conservation.

(25) Additional information on Part 225 revision was submitted on October 11, 1974, by the New York State Department of Environmental Conservation.

(26) Additional information on Part 225 revision was submitted on December 6, 1974, by the New York State Department of Environmental Conservation.

(27) Part 203 (Indirect Sources of Air Contamination) was submitted on January 27, 1975, by the New York State Department of Environmental Conservation.

(28) Additional information on Part 225 revision was submitted on February 25, 1975, by the New York State Department of Environmental Conservation.

(29) Additional information on Part 203 was submitted on May 8, 1975, by the New York State Department of Environmental Conservation.

(30) Revisions submitted on March 16, 1976 by the New York State Department of Environmental Conservation based on special limitations issued pursuant to §225.2(c) covering three power plants.

(31) Additional information on special limitations issued pursuant to §225.2(c) submitted on March 22, 1976, by the New York State Department of Environmental Conservation.

(32) Revision to Part 225 submitted on September 20, 1976 and November 5, 1976 by the New York State Department of Environmental Conservation which accomplishes the following:

(i) Upon demonstration by a source owner that the use of the higher sulfur coal will not contribute to the contravention of ambient air quality standards, coal burning sources of greater than 100 million Btu per hour heat capacity may be approved for a special limitation under § 225.2. The previous heat capacity cutoff for requiring a source-generated demonstration was 250 million Btu per hour.

(ii) The formula contained in § 225.5(a), which determines sulfur dioxide emissions from the burning of fuel mixtures, is modified to include gaseous fuels. Process gases are also included in the formula by the deletion of § 225.5(a)(2), which precluded such inclusion.

(iii) Fuel suppliers are required to furnish fuel sale records upon request of the State through revision to § 225.7.

(iv) The word ''rated'' is deleted from §§ 225.1(a)(1), 225.2 and 225.6 wherever the phrase ''rated total heat input'' previously appeared.

(33) Revision submitted on March 17, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. The ''special limitation'' relaxes until May 31, 1980, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for the Long Island Lighting Co.'s Northport Generating Facility (Units 1, 2, and 3) and Port Jefferson Generating Facility (Units 3 and 4).

(34) Revision submitted on March 3, 1977, April 5, 1977, and June 16, 1977, by the New York State Department of Environmental Conservation which grants ''special limitations'' under Part 225. These ''special limitations'' relax, until December 31, 1979, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for air pollution sources which do not have a total heat input in excess of 250 million Btu per hour in parts of the Southern Tier East, Central New York and Champlain Valley AQCRs.

(35) Revision submitted on February 14, 1977, by the New York State Department of Environmental Conservation consisting of Section 19.0305(2)(a) of New York State's Environmental Conservation Law (ECL), as amended by Chapter 760, McKinney's 1975 Session Laws of New York, and an opinion, dated January 27, 1977, by the Honorable Louis J. Lefkowitz, Attorney General of the State of New York, interpreting the amended ECL Section 19–0305(2)(a) and Part 200.2 of Title 6 of the New York State Official Compilation of Codes, Rules, and Regulations (6 NYCRR 200.2). This revision provides for adequate State legal authority to ensure for public availability of air pollutant emission data as required under 40 CFR 51.10(e) and § 51.11(a)(6).

(36) Revision to the New York City Metropolitan Area Transportation Control Plan eliminating tolls on bridges entirely within the City (Strategy B–7) is made upon application submitted by the Governor on October 19, 1977, pursuant to section 110(c)(5) of the Clean Air Act, as amended.

(37) Revision submitted on August 24, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until May 31, 1980, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for Units 1 through 5 of the Niagara Mohawk Power Corp.'s Oswego facility in Oswego, N.Y.

(38) Revision submitted on September 22, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until October 31, 1980, the sulfur-in-coal limitation to 2.8 pounds of sulfur per million Btu, gross heat content, at the Rochester Gas and Electric Corp.'s Beebee generating station, Unit 12, in Rochester, N.Y.

(39) Revision submitted on May 6, 1977, and August 1, 1977, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under part 225. Only the part of this ''special limitation'' which relaxes, until July 31, 1980, the sulfur-in-fuel-oil limitation to 1 percent sulfur, by weight, at the village of Freeport plant No. 2 generating facility, units 1 and 2, located in Nassau County, N.Y., is approved.

(40) A document entitled, ''New York State Air Quality Implementation Plan—Syracuse Area,'' submitted on March 19, 1979, by the New York State Department of Environmental Conservation.

(41) A document entitled, ''New York State Air Quality Implementation Plan—Southern Tier (Binghamton, Elmira-Corning, Jamestown),'' submitted on April 5, 1979, by the New York State Department of Environmental Conservation, only insofar as it deals with attainment of the national ambient air quality standards for particulate matter.

(42) A document entitled, ''New York State Air Quality Implementation Plan—Rochester Area,'' submitted on April 5, 1979, by the New York State Department of Environmental Conservation.

(43) A document entitled, ''New York State Air Quality Implementation Plan—Capital District and Town of Catskill,'' submitted on March 19, 1979, by the New York State Department of Environmental Conservation.

(44) Supplementary submittals of SIP revision information from the New York State Department of Environmental Conservation, insofar as they deal with all provisions except those for attainment of particulate matter standards in the Niagara Frontier Air Quality Control Region, dated:

(i) May 23, 1979, dealing with new source review and growth tracking provisions, adoption of proposed regulations, schedule for hydrocarbon emissions inventory improvements, identification of resources necessary to carry out the SIP, schedule for development of a public participation program, schedule for development of transportation planning process improvements, the need for an 18-month extension for the City of Syracuse and Village of Solvay, demonstration of control strategy adequacy for the area addressed by the Capital District and Town of Catskill plan revision document, compliance schedules for two facilities in the Hudson Valley Air Quality Control Region, and development of a local government consultation program in Jamestown, New York.

(ii) May 31, 1979, dealing with adoption of proposed regulations, hydrocarbon emission inventory improvements, schedule for development of transportation planning process improvements, and compliance schedules for two facilities in the Hudson Valley Air Quality Control Region.

(iii) June 12, 1979, providing a final draft of the proposed regulations, information on the compliance schedule for a facility in the Hudson Valley Air Quality Control Region, and general information on development of compliance schedules. The proposed regulations to be incorporated in Title 6 of the New York Code of Rules and Regulations are as follows:

(A) Part 200, General Provisions (revision);

(B) Part 211, General Prohibitions (revision);

(C) Part 212, Process and Exhaust and/or Ventilation Systems (revision);

(D) Part 223, Petroleum Refineries (revision);

(E) Part 226, Solvent Metal Cleaning Processes (new);

(F) Part 228, Surface Coating Processes (new);

(G) Part 229, Gasoline Storage and Transfer (new); and

(H) Part 231, Major Facilities.

(iv) June 18, 1979, dealing with new source review provisions, general information on development of compliance schedules, and adoption of proposed regulations.

(v) August 10, 1979, providing a comprehensive set of adopted regulations.

(vi) September 26, 1979, providing additional information regarding the EPA notice of proposed rulemaking (44 FR 44556, July 30, 1979) which deals with the adoption of regulations for control of volatile organic compound sources for source categories addressed by Control Technology Guideline documents issued subsequent to December 1977, regulatory revisions to 6 NYCRR Parts 211 and 229, the transportation planning process, emissions inventory improvements, new source review procedures, public participation and local government consultation programs, and adoption of regulations.

(vii) October 1, 1979, dealing with new source review procedures.

(viii) November 13, 1979, providing a ''declaratory ruling'' regarding interpretation of the provisions of 6 NYCRR

Part 231 in implementing the new source review program.

(ix) November 14, 1979, providing supplemental documentation on the administrative process of revising regulations.

(x) February 20, 1980, dealing with public hearings to revise Parts 229 and 231 of 6 NYCRR consistent with corrective action indicated by EPA.

(45) Revision submitted on October 24, 1979, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under Part 225. This ''special limitation'' relaxes, until (three years from the date of publication), the sulfur in fuel oil limitation to 1.0 percent, by weight, for the Long Island Lighting Company's Glenwood Generating Station (Units 4 and 5), and 1.54 percent, by weight, for its E. F. Barrett Generating Station (Units 1 and 2).

(46) Five documents entitled: (i) Volume I—New York State Air Quality Implementation Plan for Control of Carbon Monoxide and Hydrocarbons in the New York City Metropolitan Area;

(ii) Volume II—Detailed Descriptions of Reasonably Available Control Measures;

(iii) Volume III—Air Quality and Emission Inventory;

(iv) Volume IV—Public Participation;

(v) Total Suspended Particulates Secondary Standard: New York City Extension Request;

submitted on May 24, 1979, by the New York State Department of Environmental Conservation.

(47) A document entitled, ''New York State Air Quality Implementation Plan—Statewide Summary and Program,'' submitted on September 10, 1979, by the New York State Department of Environmental Conservation.

(48) Supplementary submittals of information from the New York State Department of Environmental Conservation regarding the New Jersey-New York-Connecticut Air Quality Control Region SIP revisions, dated:

(i) June 26, 1979, dealing with control of storage tanks at gasoline stations in Nassau, Rockland, Suffolk, and Westchester Counties.

(ii) July 30, 1979, dealing with new source review provisions for major sources of volatile organic compounds.

(iii) August 20, 1979, providing a commitment to meet ''annual reporting requirements.''

(iv) January 11, 1980, dealing with changes to the State's schedule for implementing a light duty vehicle inspection and maintenance program.

(v) March 12, 1980, providing a memorandum of understanding among the New York State Department of Environmental Conservation, New York State Department of Transportation, and the Tri-State Regional Planning Commission.

(49) Supplementary submittals of information from the Governor's Office regarding the New Jersey-New York-Connecticut Air Quality Control Region SIP revision, dated:

(i) August 6, 1979, dealing with the status of efforts to develop necessary legislation for implementing a light duty vehicle inspection and maintenance program.

(ii) November 5, 1979, providing the State's legal authority and a schedule for implementing a light duty vehicle inspection and maintenance program.

(iii) February 6, 1980, committing to providing additional information on systematic studies of transportation measures, committing to clarification of SIP commitments, and providing additional information on the State's light duty vehicle inspection and maintenance program.

(50) Supplementary information, submitted by the New York State Department of Transportation on October 17, 1979, providing clarification to ''reasonably available control measures'' commitments contained in the New Jersey-New York-Connecticut Air Quality Control Region SIP revision.

(51) Revision submitted on January 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes, until [three years from the date of publication], the sulfur-in-fuel-oil limitation to 0.60 percent, by weight, for Orange and Rockland Utilities', Inc. Bowline Point Generating Station, units 1 and 2, Haverstraw, New York.

(52) Revisions to Parts 229 and 231 of Title 6, New York Code of Rules and Regulations, submitted on May 1, 1980, by the New York State Department of Environmental Conservation.

(53) Revision submitted on November 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes, until one year from [the date of publication], the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, for the Consolidated Edison Company of New York, Inc. Arthur Kill generating facility, units 2 and 3, Staten Island, New York and Ravenswood generating facility, unit 3, Queens, New York.

(54) A document entitled, ''New York State Air Quality Implementation Plan—Niagara Frontier, Erie and Niagara Counties,'' submitted on May 31, 1979, by the New York State Department of Environmental Conservation. The administrative orders for Bethlehem Steel Corporation, referenced by this document, are not being incorporated as part of the plan.

(55) A supplemental submittal, dated May 21, 1980, from the New York State Department of Environmental Conservation which includes three listings of permanent projects, demonstration projects and transportation related studies committed to in the non-public transit portion of the plan for the New York City metropolitan area.

(56) Revision submitted on October 31, 1979, and supplemented on April 28, 1980, and May 20, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes to 2.8 percent, by weight, until December 31, 1982, the sulfur-in-fuel-oil limitation applicable to fuel burning sources which have a capacity less than 250 million BTU per hour and which are located in:

(i) The Southern Tier East Air Quality Control Region (AQCR), with the exception of all sources in Broome County;

(ii) The Central New York AQCR, with the exception of the Oswego Facilities Trust Company in Oswego County and all sources in Onondaga County;

(iii) The Champlain Valley (Northern) AQCR, with the exception of all sources in the City of Glens Falls and sources in the Town of Queensbury which have a total heat input greater than 100 million BTU per hour.

(57) A supplemental submittal, dated July 2, 1980, from the New York State Department of Environmental Conservation which included criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

(58) Revision submitted on September 17, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' under 6 NYCRR Part 225. This ''special limitation'' relaxes to 2.8 percent, by weight, until three years from March 19, 1981, the sulfur-in-fuel oil limitation applicable to unit 5 of Niagara Mohawk Power Corporation's Oswego generating facility, located in Oswego County.

(59) Supplemental information to ''New York State Air Quality Implementation Plan—Statewide Summary and Program,'' June 1979, submitted on December 18, 1980, by the New York State Department of Environmental Conservation dealing with provisions which commit the State to meet the subpart C requirements of 40 CFR part 58 pertaining to State and Local Air Monitoring Stations (SLAMS) including the air quality assurance requirements of Appendix A, the monitoring methodologies of Appendix C, the network design criteria of Appendix D and the probe siting criteria of Appendix E.

(60) A supplemental submittal, dated July 28, 1980, from the New York State Department of Environmental Conservation which includes:

—Key milestones associated with projects relating to transportation control measures which are part of the SIP;

—An improved program of study for the broader application of certain transportation control measures, and supplemental information on existing studies;

—Additional documentation necessary to determine the reasonableness of the measure, ''Controls on Extended Vehicle Idling;''

—Criteria and procedures for making changes to transportation projects contained in the SIP;

—Criteria and procedures for making changes to transportation studies contained in the SIP; and

—The identification of the resources necessary to carry out the transportation planning process and certain transportation elements of the SIP.

(61) A supplemental submittal entitled ''New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979,'' submitted on May 24, 1979, by the New York State Department of Environmental Conservation.

(62) [Reserved]

(63) Revision submitted on April 29, 1980, by the New York State Department of Environmental Conservation which grants a ''special limitation'' establishing, until three years from September 24, 1981, a sulfur-in-fuel-oil limitation of 2.8 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1, 2 and 3 and the Port Jefferson generating facility, units 3 and 4.

(64) Revision submitted on August 7, 1981, by the New York State Department of Environmental Conservation which grants a ''special limitation'' to relax to 1.5 percent, by weight, for up to two years from February 22, 1982, the sulfur-in-fuel-oil limitation applicable to units 2 and 3 of Consolidated Edison of New York State, Inc.'s Arthur Kill generating facility and to unit 3 of its Ravenswood generating facility, all located in New York City.

(65) Revision submitted on January 8, 1982, by the New York State Department of Environmental Conservation which grants a ''special limitation'' to relax to 2.8 percent, by weight, for up to three years from March 5, 1982, the sulfur-in-fuel-oil limitation applicable to the General Electric Company's Rotterdam Steam Generating Facility located in Schenectady, New York.

(66) Revision submitted on July 9, 1982, by the New York State Department of Environmental Conservation which grants a ''special limitation'' allowing the New York State Office of Mental Health's Kings Park Psychiatric Facility to burn coal with a maximum sulfur content of 2.2 pounds of sulfur per million Btu gross heat content, for up to three years from August 11, 1982.

(67) A March 23, 1981, letter from the New York State Department of Environmental Conservation including an interim policy memorandum detailing procedures to be used by the State to determine compliance with the State's emission standard for coke oven gas.

(68) Regulatory information submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds, dated:

(i) July 2, 1981, providing a comprehensive set of adopted regulations.

(ii) August 19, 1981, Consent Order, 81–36, 9–04.20, with Dunlop Tire and Rubber Corporation for control of volatile organic compounds.

(A) Amendment of Consent Order dated January 29, 1982.

(B) Amendment of Consent Order dated March 3, 1982.

(iii) July 25, 1983, providing final regulations to be incorporated into Title 6 of the New York Code of Rules and Regulations.

(iv) November 13, 1981, letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning applicability of regulations in redesignated AQCR's.

(v) April 27, 1983, letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning maximum operating heat input.

(69) State Implementation Plan revision dated February 15, 1984, from the Department of Environmental Conservation consisting of changes to New York State Department of Motor Vehicles monitoring and enforcement procedures for motor vehicle emission inspection stations.

(70) A State Implementation Plan for attainment of the lead (Pb) standards was submitted on September 21, 1983. Additional information was submitted in a letter dated February 16, 1984. These submittals included the following:

(i) Revision to Part 225 of Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York.

(ii) Revision to Part 231 of Title 6, Official Compilation of Rules and Regulations of the State of New York.

(iii) Air Guide-14, ''Process Sources Which Emit Lead or Lead Compounds.''

(iv) Air Guide-17, ''Trade and Use of Waste Fuel for Energy Recovery Purposes.''

(71) Revision submitted on August 21, 1984, by the New York State Department of Environmental Conservation which grants a ''special limitation'' establishing, until September 24, 1986, from December 20, 1984, a maximum sulfur-in-fuel-oil limitation of 2.8 percent, by weight, and from September 25, 1986 until December 31, 1987, a sulfur-in-fuel-oil limitation of 2.0 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1, 2 and 3, and the Port Jefferson generating facility, units 3 and 4.

(72) Revisions to the New York State Implementation Plan for attainment and maintenance of the ozone and carbon monoxide standards in the New York City metropolitan area submitted on July 1, 1982, August 3, 1982, July 25, 1983, February 7, 15, 17, 1984, and October 1, 17, 1984, November 30, 1984, January 4, and 30, 1985, and March 6, 1985, by the Governor of New York State and by the New York State Department of Environmental Conservation.

(73) Revision to the New York State Implementation Plan submitted by the New York State Department of Environmental Conservation on June 7 and October 14, 1982, to allow Orange and Rockland Utilities, Inc. to reconvert its Lovett Generating Station in Stony Point from oil to coal. This action grants the utility a ''special limitation'' under Part 225 to relax the existing emission limit for coal burning from 0.4 pounds of sulfur dioxide per million British thermal units (1b/MMBtu) to 1.0 lb/MMBtu for units 4 and 5 if both are operated on coal, or to 1.5 lb/MMBtu for one unit if the other is operated on fuel oil, natural gas, or is not operated. A letter dated September 5, 1984, from Orange and Rockland Utilities, Inc., committing to meet the terms and conditions of EPA's August 30, 1984, letter.

(74) Regulatory information submitted by New York State Department of Environmental Conservation for controlling various pollutants and establishing continuous emission monitoring requirements for sulfuric and nitric acid plants, dated December 27, 1984, providing adopted revisions to regulations Parts 201, 212, 223 and 224.

(75) A revision to the New York State Implementation Plan for attainment and maintenance of the ozone standards was submitted on January 2, 1986, by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Part 217, ''Emissions from Motor Vehicles Propelled by Gasoline Engines,'' effective January 29, 1986.

(76) [Reserved]

(77) Revisions to the State Implementation Plan submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds.

(i) Incorporation by reference. Adopted regulations Parts 200, 229, and 230, submitted on March 15, 1985.

(ii) Additional material.

(A) Letters dated December 31, 1984, and March 15, 1985, concerning SIP commitments for ''Reevaluation of RACT,'' and ''Controls at Major Facilities,'' respectively.

(B) Letters dated November 2, 1984, and April 3, 1987, concerning the manufacture of high-density polyethylene, polypropylene, and polystrene resins.

(78) A revision to the New York State Implementation Plan was submitted on November 6, 1987, and February 17, 1988, by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Operating Permit number A551800097900017 for Polychrome Corporation effective January 29, 1988, submitted by the New York State Department of Environmental Conservation.

(ii) Additional material.

(79) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on January 31, 1989, and March 13, 1989, by the New York State Department of Environmental Conservation (NYSDEC) for its state gasoline volatility control program, including any waivers under the program that New York may grant. In 1989, the control period will begin on June 30.

(i) Incorporation by reference. Subpart 225–3 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York entitled ''Fuel Composition and Use—Volatile Motor Fuels,'' adopted on December 5, 1988, and effective on January 4, 1989.

(ii) Additional material. April 27, 1989, letter from Thomas Jorling, NYSDEC, to William Muszynski, EPA Region II.

(80) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on July 9, 1987, and April 8, 1988, by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference. Amendments to part 230, title 6 of the New York Code of Rules and Regulations entitled ''Gasoline Dispensing Sites and Transport Vehicles,'' adopted on March 2, 1988.

(ii) Additional material.

(A) Explanation of Stage II Applicability Cut-offs, prepared by the NYSDEC, dated June 20, 1986.

(B) NYSDEC testing procedures for Stage II Vapor Recovery Systems.

(81) [Reserved]

(82) Revisions to the New York State Implementation Plan (SIP) for total suspended particulates in the Niagara Frontier area, dated January 5, 1987, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Part 214 of title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Byproduct Coke Oven Batteries,'' adopted on April 23, 1984, and effective May 23, 1984.

(B) Part 216 of title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Iron And/Or Steel Processes,'' adopted on April 23, 1984, and effective on May 23, 1984.

(C) Consent Order No. 84–135, dated October 29, 1984, between NYSDEC and the Bethlehem Steel Corporation.

(D) Consent Order No. 84–131, dated October 18, 1984, between NYSDEC and the Bethlehem Steel Corporation.

(E) May 24, 1985, letter from Peter J. Burke, NYSDEC, to W.T. Birmingham, Bethlehem Steel Corporation, revising Consent Order No. 84–131.

(F) Test procedures for particulate matter source emissions testing at Bethenergy's Lackawanna Coke Oven Batteries 7, 8, and 9, prepared by SENES Consultants Limited, dated January 14, 1988.

(ii) Additional material.

(A) January 5, 1987, letter from Harry H. Hovey, Jr., NYSDEC, to Raymond Werner, EPA, providing an attainment and maintenance demonstration for TSP in the South Buffalo-Lackawanna area and requesting its inclusion as part of the TSP SIP for the Niagara Frontier.

(B) August 21, 1987, letter from Edward Davis, NYSDEC, to William S. Baker, EPA, responding to July 27, 1987, letter from EPA requesting additional information needed for the review of Niagara Frontier TSP SIP request.

(C) June 20, 1988, letter from Edward Davis, NYSDEC, to William S. Baker, EPA, responding to May 19, 1988, letter from EPA requesting additional information on test procedures for Bethenergy's Lackawanna Coke Oven Batteries.

(83) A revision submitted on September 18, 1990, with additional materials submitted on April 12, 1991, and June 3, 1991, by the New York State Department of Environmental Conservation that revises the SO_2 emission limit for units 4 and 5 of Orange and Rockland Utilities' Lovett Generating Station.

(i) Incorporation by reference. Sulfur dioxide emission limits incorporated into the Certificates to Operate units 4 and 5 of the Orange and Rockland Utilities' (ORU) Lovett Generating Station issued April 3, 1991, and the materials which pertain to the SO_2 emission limits, monitoring and recordkeeping which are incorporated by reference into the Certificates to Operate for units 4 & 5. This includes the following:

(A) The special conditions attached to certificates;

(B) April 13, 1982, Decision of the Commissioner; and

(C) October 14, 1982, Amended Commissioner's Order.

(ii) Additional materials.

(A) Lovett Generating Station Model Evaluation Study, May 1989,

(B) Lovett Generating Station Emission Limitation Study, May 1989,

(C) Review of Orange and Rockland Model Evaluation Study and Emission Limitation Study for Lovett Facility for Units 4 & 5, January 27, 1990, and

(D) Lovett Generating Station Air Quality and Meteorological Monitoring Network Quarterly Reports.

(84) A revision to the New York State Implementation Plan (SIP) for attainment and maintenance of the ozone standard dated January 8, 1992, submitted by the New York State Department of Environmental Conservation.

(i) Incorporation by reference.

(A) Amendments to Part 200 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''General Provisions'' adopted on December 3, 1991, and effective January 16, 1992.

(B) New Part 236 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, entitled ''Synthetic Organic Chemical Manufacturing Facility Component Leaks'' adopted on December 16, 1991, and effective January 16, 1992.

(ii) Additional material.

(A) January 8, 1992, letter from Thomas Allen, to Conrad Simon, EPA, requesting EPA approval of the amendments to Parts 200 and 236.

(85) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from surface coating and graphic arts sources, dated October 14, 1988, December 5, 1988, and May 2, 1989, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Amendments to Title 6 of the New York Code of Rules and Regulations (NYCRR) Part 228 ''Surface Coating Processes,'' effective September 15, 1988, and Part 234 ''Graphic Arts,'' effective September 15, 1988

(ii) Additional material.

(A) May 2, 1989 letter from Thomas C. Jorling, NYSDEC, to Conrad Simon, EPA, requesting EPA substitute controls in Parts 228 and 234 for controls committed to be included in Part 212, Processes & Exhaust and/or Ventilation Systems.

(86) Revision to the state implementation plan for Onondaga County was submitted by the Governor on November 13, 1992. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for carbon monoxide through the year 2003.

(i) Incorporation by reference.

(A) Maintenance Plan—Chapter 8 of New York State Implementation Plan Redesignation Request for Onondaga County as Attainment for Carbon Monoxide, November 1992.

(ii) Additional information.

(A) New York State Implementation Plan—Redesignation Request for Onondaga County as Attainment for Carbon Monoxide, November 1992.

(B) January 12, 1993, letter from Thomas M. Allen, NYSDEC to Conrad Simon, EPA, providing the results of the public hearing on the State's proposal.

(C) January 12, 1993, letter from Thomas M. Allen, NYSDEC, to Conrad Simon, EPA, providing documentation of emission inventory submitted on November 13, 1992.

(D) June 18, 1993, letter from Thomas M. Allen, NYSDEC, to Conrad Simon, EPA, correcting submitted material.

(87) A revision to the New York State Implementation Plan (SIP) for attainment and maintenance of the ozone standard dated October 14, 1988, submitted by the New York State Department of Environmental Conservation.

(i) Incorporation by reference:

(A) New part 205 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Architectural Surface Coatings,'' effective on September 15, 1988.

(ii) Additional material.

(A) December 5, 1988 letter from Thomas Allen, to Conrad Simon, EPA, requesting EPA approval of the amendments to part 205.

(88) Revision to the New York State Implementation Plan (SIP) for ozone, submitting a low emission vehicle program for a portion of the Clean Fuel Fleet program, dated May 15, 1994 and August 9, 1994 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference. Part 218, ''Emission Standards for Motor Vehicles and Motor Vehicle Engines,'' effective May 28, 1992.

(ii) Additional material.

(A) May 1994 NYSDEC Clean Fuel Fleet Program description.

(89) Revisions to the New York State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated November 13, 1992 and March 21, 1994 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference.

(A) Subpart 225–3 of Title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Fuel Composition and Use—Gasoline,'' effective September 2, 1993 (as limited in section 1679).

(ii) Additional material.

(A) March 21, 1994, Update to the New York Carbon Monoxide SIP.

(90) [Reserved]

(91) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on February 22, 1996, June 21, 1996 and June 25, 1996.

(i) Incorporation by reference.

(A) Permits to Construct and/or Certificates to Operate: The following facilities have been issued permits to construct and/or certificates to operate by New York State and such permits and/or certificates are incorporated for the purpose of establishing NO_X emission limits consistent with Subpart 227–2:

(*1*) Morton International Inc.'s midsize gas-fired boiler, emission point 00027, Wyoming County; New York permit approval dated September 1, 1995 and Special Conditions letter dated August 23, 1995.

(*2*) University of Rochester's two oil fired boilers, emission points 00003 and 00005, Monroe County; New York permit approval dated April 25, 1996 and Special Permit Conditions issued March 19, 1996.

(*3*) Algonquin Gas Transmission Company's four gas-fired reciprocating internal combustion engines, emission points R0100, R0200, R0300, and R0400, Rockland County; New York permit and Special Conditions approval dated September 23, 1991; New York Special Conditions documents dated March 18, 1996 for emission points RO100, RO200, and RO300; and March 29, 1996 for emission point RO400; and Permit Correction dated August 8, 1996.

(ii) Additional information. Documentation and information to support NO_X RACT alternative emission limits in three letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:

(A) February 22, 1996 letter to Regional Administrator Jeanne Fox from Commissioner Michael D. Zagata for a SIP revision for Morton International, Inc.

(B) June 21, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the Algonquin Gas Transmission Company.

(C) June 25, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the University of Rochester.

(92) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from Gasoline Dispensing Sites and Transport Vehicles, dated July 8, 1994, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference:

(A) Amendments to Part 230 of title 6 of the New York Code of Rules and Regulations of the State of New York, entitled ''Gasoline Dispensing Sites and Transport Vehicles,'' effective September 22, 1994.

(ii) Additional material:

(A) July 8, 1994, letter from Langdon Marsh, NYSDEC, to Jeanne Fox, EPA, requesting EPA approval of the amendments to Part 230.

(93) Revisions to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from petroleum and volatile organic compound storage and transfer, surface coating and graphic

arts sources, dated March 8, 1993 submitted by the New York State Department of Environmental Conservation (NYSDEC).

(i) Incorporation by reference:

(A) Amendments to Title 6 of the New York Code of Rules and Regulations (NYCRR) Part 200 ''General Provisions,'' Part 201 ''Permits and Certificates,'' Part 228 ''Surface Coating Processes,'' and Part 229 ''Petroleum and Volatile Organic Liquid Storage and Transfer,'' Part 233 ''Pharmaceutical and Cosmetic Manufacturing Processes,'' and Part 234, ''Graphic Arts,'' effective April 4, 1993.

(94) A revision to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on April 9, 1996 and supplemented on October 17, 1996 and February 2, 1998 that allows Niagara Mohawk Power Corporation and Champion International Corporation to trade emissions to meet the requirements of NO_X RACT.

(i) Incorporation by reference:

(A) Permits to Construct and/or Certificates to Operate: The following facilities have been issued permits to construct and/or certificates to operate by New York State and such permits and/or certificates are incorporated for the purpose of establishing an emission trade to be consistent with Subpart 227–2:

(*1*) Niagara Mohawk Power Corporation's system-wide utility boilers; New York special permit conditions and approval letter dated December 14, 1995.

(*2*) Champion International Corporation's two coal-fired boilers, Units 1 and 2, Jefferson County; New York special permit conditions and approval letter dated December 2, 1997.

(ii) Additional information:

(A) Documentation and information to support the emission trade in three letters addressed to EPA from the New York State Department of Environmental Conservation and dated as follows:

(*1*) April 9, 1996 to Mr. Conrad Simon, Director of Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for Niagara Mohawk Power Corporation and Champion International Corporation.

(*2*) October 17, 1996 letter to Mr. Ted Gardella, EPA from Mr. Patrick Lentlie, supplementing the SIP revision with the special permit condition approval letters.

(*3*) February 2, 1998 letter to Mr. Ronald Borsellino, Chief of the Air Programs Branch from Mr. Patrick Lentlie, supplementing the SIP revision with the amended special permit conditions for Champion International Corporation.

(95) A revision to the State Implementation Plan submitted on April 29, 1999 by the New York State Department of Environmental Conservation that establishes the NO_X Budget Trading Program.

(i) Incorporation by reference:

(A) Regulation Subpart 227–3 of Title 6 of the New York Code of Rules and Regulations, entitled ''Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program'' adopted on January 12, 1999, and effective on March 5, 1999.

(B) Amendments to Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' Subpart 227–1, ''Stationary Combustion Installations,'' and Subpart 227–2, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X)'' adopted on January 12, 1999, and effective on March 5, 1999.

(ii) Additional information:

(A) Letter from the New York Department of Environmental Conservation dated April 29, 1999, submitting the NO_X Budget Trading Program as a revision to the New York State Implementation Plan for ozone.

(B) Guidance for Implementation of Emissions Monitoring Requirements for the NO_X Budget Program, dated January 28, 1997.

(C) NO_X Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(D) Electronic Data Reporting, Acid Rain/NO_X Budget Program, dated July 3, 1997.

(96) Revisions to the New York State Implementation Plan (SIP) for carbon monoxide concerning the oxyfuel program, dated August 30, 1999, submitted by the New York State Department of Environmental Conservation (NYSDEC).

(97) Revisions to the State Implementation Plan submitted on January 20, 1994 and April 29, 1999 by the New York State Department of Environmental Conservation that establishes NO_X RACT requirements Statewide for combustion sources.

(i) Incorporation by reference:

(A) Regulation Subpart 227–2 of Title 6 of the New York Code of Rules and Regulations, entitled ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X)'' adopted on January 19, 1994, and effective on February 18, 1994.

(B) Amendments to Subpart 227–2 adopted on January 12, 1999 and effective on March 5, 1999.

(ii) Additional information

(A) Letters from the New York State Department of Environmental Department Conservation dated January 20, 1994 and April 29, 1999, submitting the NO_X RACT Regulation and amendments as revisions to the New York State Implementation Plan for ozone.

(B) Letter from the New York State Department of Environmental Department Conservation dated April 27, 1999 submitting an analysis of mass NO_X emissions from generic sources throughout the State as well as resolution of other approvability issues.

(98) [Reserved]

(99) Revisions to the New York State Implementation Plan (SIP) for the Motor Vehicle Inspection and Maintenance Program, submitted on March 6, 1996, May 24, 1999, October 7, 1999, October 29, 1999, and May 22, 2000 by the New York State Department of Environmental Conservation.

(i) Incorporation by reference. Revision to 6NYCRR Part 217, Motor Vehicle Emissions, Subparts 217–1, 217–2, and 217–4, that became effective on May 22, 1997 and revisions to 15NYCRR Part 79, Motor Vehicle Inspection, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24–79.26, that became effective on June 4, 1997.

(ii) Additional material:

(A) March 6, 1996, submittal of revisions to the enhanced motor vehicle inspection and maintenance program.

(B) May 24, 1999, submittal of the demonstration of the effectiveness of New York's decentralized inspection and maintenance program network.

(C) October 7, 1999, supplemental submittal of the demonstration of the effectiveness of New York's decentralized inspection and maintenance program network.

(D) October 29, 1999, letter clarifying October 7, 1999, supplemental submittal.

(E) May 22, 2000, Instrumentation/Protocol Assessment Pilot Study analysis of the NYTEST.

(100) Revisions to the State Implementation Plan submitted on April 3, 2000, April 18, 2000 and as supplemented on May 16, 2000 by the New York State Department of Environmental Conservation that establishes the NO_X Budget Trading Program, a 2007 Statewide NO_X emissions budget, and a commitment by New York to comply with the § 51.122 reporting requirements.

(i) Incorporation by reference:

(A) Regulation Part 204 of Title 6 of the New York Code of Rules and Regulations, entitled ''NO_X Budget Trading Program,'' adopted on January 18, 2000 and effective on February 25, 2000.

(B) Amendments to Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' Subpart 227–1, ''Stationary Combustion Installations,'' and Subpart 227–2, ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X)'' adopted on January 18, 2000 and effective on February 25, 2000.

(ii) Additional material:

(A) Letter from New York State Department of Environmental Conservation dated April 3, 2000, requesting EPA approval of the NO_X Budget Trading Program as a revision to the New York State Implementation Plan for ozone.

(B) Letter from New York State Department of Environmental Conservation dated April 18, 2000, requesting EPA approval of the Oxides of Nitrogen (NO_X) SIP, entitled ''New York State Implementation Plan For Ozone; Meeting The Statewide Oxides of Nitrogen (NO_X) Budget Requirements Contained In The NO_X SIP Call (63 FR 57356, October 27, 1998),'' as a revision to the New York State Implementation Plan for ozone.

(C) Letter from New York State Department of Environmental Conservation dated May 16, 2000, transmitting

supplemental information to the Oxides of Nitrogen (NO_X) SIP submitted on April 18, 2000.

(101) Revisions to the State Implementation Plan submitted on July 8, 1994 by the New York State Department of Environmental Conservation that establishes VOC and NO_X Reasonably Available Control Technology requirements statewide for general process emission sources.

(i) Incorporation by reference:

(A) Regulation Part 212 of Title 6 of the New York Code of Rules and Regulations, entitled ''General Process Emission Sources'' filed on August 23, 1994 and effective on September 22, 1994.

(ii) Additional information.

(A) Letter from the New York State Department of Environmental Conservation dated July 8, 1994, submitting the Part 212 Regulation and amendments as revisions to the New York State Implementation Plan for ozone.

(B) Letter from the New York State Department of Environmental Department Conservation dated August 31, 2001 submitting an analysis of mass NO_X emissions from generic sources throughout the State.

(C) Letter from the New York State Department of Environmental Conservation dated July 11, 2001 affirming that there are no sources regulated by Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants'' in, or considered in the attainment demonstration for, the New York portion of the New York-Northern New Jersey-Long Island severe 1-hour ozone nonattainment area.

(102) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on November 20, 1996 as supplemented on February 24, 1997.

(i) Incorporation by reference:

(A) Permits to Construct/Certificates to Operate: The following facilities have been issued permits to construct/certificates to operate and/or special permit conditions by New York State and such permits and/or certificates are incorporated for the purpose of establishing NO_X emission limits consistent with Subpart 227–2:

(*1*) Tenneco Gas Corporation's (also known as Tenneco Gas Pipeline Company and Tennessee Gas Pipeline Company) eighteen gas-fired reciprocating internal combustion engines, Erie, Columbia, and Herkimer Counties; Compressor Station #229 at Eden, NY: permits to construct and certificates to operate dated August 22, 1995 for emission points 0001A through 0006A; Compressor Station #254 at Chatham, NY: permits to construct and certificates to operate dated October 4, 1995 with attached Special Conditions dated September 15, 1995 for emission points 00001 through 00006; Compressor Station #245 at West Winfield, NY: Special (Permit) Conditions attached to New York State's letter dated February 24, 1997 for emission points 00001 through 00006.

(*2*) [Reserved]

(ii) Additional information—Documentation and information to support NO_X RACT alternative emission limits in two letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:

(*1*) November 20, 1996 letter to Ms. Kathleen C. Callahan, Director of the Division of Environmental Planning and Protection from Deputy Commissioner David Sterman providing a SIP revision for Tenneco Gas Pipeline Company.

(*2*) February 24, 1997 letter to Ronald Borsellino, Chief of the Air Programs Branch from Donald H. Spencer, P.E., providing supplemental information for Tenneco Gas Pipeline Company's Compressor Station #245.

(103) Revisions to the State Implementation Plan submitted on December 30, 2002, January 17, 2003, April 30, 2003, September 17, 2003, and October 27, 2003, by the New York State Department of Environmental Conservation, which consists of control strategies that will achieve volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulations Part 226, ''Solvent Metal Cleaning Processes'' of Title 6 of the New York Code of Rules and Regulations (NYCRR), filed on April 7, 2003,

and effective on May 7, 2003, Part 228, ''Surface Coating Processes'' of Title 6 NYCRR, filed on June 23, 2003, and effective on July 23, 2003, Part 235, ''Consumer Products'' of Title 6 NYCRR, filed on October 10, 2002, and effective on November 9, 2002, and Part 239, ''Portable Fuel Container Spillage Control'' of Title 6 NYCRR, filed on October 4, 2002, and effective on November 4, 2002.

(104) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on April 12, 2000, and supplemented on May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003.

(i) Incorporation by reference:

Special Permit Conditions: Special permit conditions issued by New York State on December 16, 1997, to General Chemical Corporation's sodium nitrite manufacturing plant, Solvay, Onondaga County, are incorporated for the purpose of establishing NO_X emission limits consistent with part 212.

(ii) Additional information—Documentation and information to support NO_X RACT facility-specific emission limits in SIP revision addressed to Regional Administrator Jeanne M. Fox from New York Deputy Commissioner Carl Johnson:

(A) April 12, 2000, SIP revision,

(B) May 12, 2000, May 16, 2000, October 10, 2002, and February 24, 2003, supplemental information to the SIP revision,

(C) May 7, 2004, commitment letter from New York.

(105) Revisions to the State Implementation Plan submitted on November 4, 2003 and supplemented on November 21, 2003, by the New York State Department of Environmental Conservation, which consists of a control strategy that will achieve volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulation Part 205, ''Architectural and Industrial Maintenance Coatings.'' of title 6 of the New York Code of Rules and Regulations, filed on October 23, 2003, and effective on November 22, 2003.

(106) Revisions to the State Implementation Plan submitted on February 18, 2004, by the New York State Department of Environmental Conservation which consists of control measures that will achieve reductions in NO_X emissions from stationary combustion sources that will help achieve attainment of the national ambient air quality standard for ozone.

(i) Incorporation by reference:

(A) Regulation subpart 227–2 ''Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_X)'' of part 227 ''Stationary Combustion Installations'' of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR), filed on January 12, 2004, and effective on February 11, 2004.

(107) Revisions to the State Implementation Plan submitted on December 9, 2002, by the New York State Department of Environmental Conservation which consists of the adoption of California's second generation Low Emissions Vehicle (LEV) program.

(i) Incorporation by reference.

(A) Regulation part 218 ''Emissions Standards for Motor Vehicles and Motor Vehicle Engines'' of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6NYCRR), part 218, subparts 218–1, 218–2, 218–3, 218–5, 218–6, 218–7 and 218–8 filed on November 28, 2000 and effective on December 28, 2000.

(108) Revisions to the State Implementation Plan submitted on June 22, 2004, by the New York State Department of Environmental Conservation, which consists of a revision to the carbon monoxide maintenance plan for Onondaga County.

(i) Incorporation by reference:

(A) Regulation Part 225–3, ''Fuel Composition and Use—Gasoline.'' of Title 6 of the New York Code of Rules and Regulations, filed on October 5, 2001, and effective on November 4, 2001.

(109) Revisions to the State Implementation Plan submitted on June 16, 1996 and May 27, 2005, by the New York State Department of Environmental Conservation, which consist of administrative changes to Title 6 of the New York Code, Rules and Regulations, Part 201, ''Permits and Certificates.''

(i) Incorporation by reference:

(A) Regulations Subparts 201–7.1, ''General'' and 201–7.2, ''Emission Capping Using Synthetic Minor Permits'' of Part 201–7, ''Federally Enforceable Emission Caps'' of Title 6 of the New York Code of Rules and Regulations (NYCRR), filed on June 7, 1996, and effective on July 7, 1996.

(110) Revisions to the State Implementation Plan submitted on July 8, 1994, by the New York State Department of Environmental Conservation (NYSDEC), which consisted of amendments to Title 6 of the New York Codes, Rules and Regulations (NYCRR) Parts 214, ''Byproduct Coke Oven Batteries,'' and 216, ''Iron and/or Steel Processes.''

(i) Incorporation by reference:

(A) Regulations Part 214, ''Byproduct Coke Oven Batteries,'' and Part 216, ''Iron and/or Steel Processes'' of Title 6 of the New York Codes, Rules and Regulations (NYCRR), filed on August 23, 1994, and effective on September 22, 1994.

(ii) Additional information:

(A) Letter from New York State Department of Environmental Conservation, dated March 1, 2006, identifying the level of NO_X emissions from generic sources located in New York State that are subject to Parts 214 and 216.

(111) Revisions to the State Implementation Plan submitted on February 27, 2006, by the New York State Department of Environmental Conservation, which consist of administrative changes to its motor vehicle enhanced inspection and maintenance (I/M) program which includes the adoption of a statewide On-Board Diagnostic (OBD) program.

(i) Incorporation by reference:

(A) Regulation Title 6 of the New York Codes, Rules and Regulations (NYCRR), Part 217, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements,'' specifically, Subpart 217–1, ''Motor Vehicle Enhanced Inspection and Maintenance Program Requirements'' and Subpart 217–4, ''Inspection and Maintenance Program Audits,'' effective on October 30, 2002, and the New York State Department of Motor Vehicles regulation Title 15 NYCRR Part 79 ''Motor Vehicle Inspection Regulations,'' specifically, Sections 79.1–79.15, 79.17, 79.20, 79.21, 79.24, and 79.25, effective on May 4, 2005.

(112) Revisions to the State Implementation Plan submitted on July 7, 2006 by the New York State Department of Environmental Conservation for the purpose of enhancing an existing Emission Statement Program for stationary sources in New York. The SIP revision consists of amendments to Title 6 of the New York Codes Rules and Regulations, Chapter III, Part 202, Subpart 202–2, ''Emission Statements.''

(i) Incorporation by reference:

(A) Part 202, Subpart 202–2, Emission Statements of Title 6 of the New York Codes, Rules and Regulations, effective on May 29, 2005.

(ii) Additional information:

(A) July 7, 2006, letter from Mr. Carl Johnson, Deputy Commissioner, OAWM, NYSDEC, to Mr. Alan Steinberg, RA, EPA Region 2, requesting EPA approval of the amendments to Title 6 of the New York Codes Rules and Regulations, Chapter III, Part 202, Subpart 202–2, Emission Statements.

(B) April 11, 2007, letter from Mr. David Shaw, Director, Division of Air Resources, NYSDEC, to Mr. Raymond Werner, Chief, Air Programs Branch, EPA Region 2.

(113) A revision to the State Implementation Plan that was submitted on September 17, 2007 by the New York State Department of Environmental Conservation (NYSDEC). This revision consists of regulations to meet the requirements of the Clean Air Interstate Rule (CAIR). This revision also addresses New York's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Part 243, CAIR NO_X Ozone Season Trading Program, Part 244, CAIR NO_X Annual Trading Program, and Part 245, CAIR SO_2 Trading Program, effective on October 19, 2007, of Title 6 of the New York Code of Rules and Regulations (NYCRR).

(B) Notice of Adoption, New York State Clean Air Interstate Rule, addition of Parts 243, 244 and 245 to Title 6 NYCRR, New York State Register, dated October 10, 2007, pages 16–22.

(ii) Additional information:

(A) Letter dated September 14, 2007 from Assistant Commissioner J. Jared Snyder, NYSDEC, to Alan J. Steinberg, RA, EPA Region II, submitting the SIP revision.

(114) On October 21, 2009 and November 23, 2009, the New York State Department of Environmental Conservation (NYSDEC), submitted to EPA proposed revisions to the SIP concerning control strategies which will result in volatile organic compound emission reductions that will help achieve attainment of the national ambient air quality standards for ozone.

(i) Incorporation by reference:

(A) Title 6 of the New York Code of Rules and Regulations, Part 235, ''Consumer Products,'' with an effective date of October 15, 2009 and Part 239, ''Portable Fuel Container Spillage Control,'' with an effective date of July 30, 2009.

(ii) Additional information:

(A) Letters dated October 21, 2009 and November 23, 2009 from Assistant Commissioner J. Jared Snyder, NYSDEC, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the SIP revision for parts 235 and 239 respectively.

(115) On March 3, 2009, the New York State Department of Environmental Conservation (NYSDEC), submitted to EPA proposed revisions to the State Implementation Plan concerning Prevention of Significant Deterioration (PSD) and nonattainment new source review.

(i) Incorporation by reference:

(A) Letter dated March 3, 2009, from Assistant Commissioner J. Jared Snyder, NYSDEC, to George Pavlou, Acting Regional Administrator, EPA Region 2, submitting the revisions for Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' sections 200.1 and 200.9, Table 1 (Part 231 references); Subpart 201–2.1(b)(21); and Part 231, which identifies an effective date of March 5, 2009.

(B) Title 6 of the New York Code of Rules and Regulations, Part 200, ''General Provisions,'' sections 200.1 and 200.9, Table 1 (Part 231 references), with an effective date of March 5, 2009, Subpart 201–2.1(b)(21), definition of ''Major stationary source or major source or major facility,'' with an effective date of March 5, 2009, and Part 231, ''New Source Review for New and Modified Facilities,'' with an effective date of March 5, 2009.

[37 FR 10882, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1670, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1690 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New York State Department of Environmental Conservation submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New York state implementation plan. This plan meets the requirements of section 507 of the Clean Air Act, and New York must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart II—North Carolina

§ 52.1770 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for North Carolina under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 30, 2004, for North Carolina (Table 1 of the North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina (Table 3 of the North Carolina State Implementation Plan), was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the

FEDERAL REGISTER. Entries in paragraphs (c) of this section with EPA approval dates after December 30, 2004, for North Carolina (Table 1 of the December 30, 2004, for North Carolina State Implementation Plan), January 1, 2003, for Forsyth County, North Carolina (Table 2 of the North Carolina State Implementation Plan) and January 1, 2003, for Mecklenburg County, North Carolina, (Table 3 of the North Carolina State Implementation Plan) will be incorporated by reference in the next update to these SIP compilation notebooks.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
Section .0100 Definitions and References				
Sect .0101 ...	Definitions	01/15/98	11/10/99, 64 FR 61213.	
Sect .0103 ...	Copies of Referenced Federal Regulations.	12/01/92	08/15/94, 59 FR 41708.	
Sect .0104 ...	Incorporation by Reference	01/15/98	11/10/99, 64 FR 61213.	
Sect .0105 ...	Mailing List	07/01/02	09/17/03, 68 FR 54362.	
Section .0200 Air Pollution Sources				
Sect .0201 ...	Classification of Air Pollution Sources.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0202 ...	Registration of Air Pollution Sources.	01/15/98	11/10/99, 64 FR 61213.	
Section .0300 Air Pollution Emergencies				
Sect .0301 ...	Purpose	02/01/76	06/03/86, 51 FR 19834.	
Sect. 0302 ...	Episode Criteria	01/15/98	11/10/99, 64 FR 61213.	
Sect .0303 ...	Emission Reduction Plans	04/12/84	10/11/85, 50 FR 41501.	
Sect .0304 ...	Preplanned Abatement Program	04/14/88	12/12/88, 53 FR 49881.	
Sect .0305 ...	Emission Reduction Plan—Alert Level.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0306 ...	Emission Reduction Plan—Warning Level.	04/12/84	10/11/85, 50 FR 41501.	
Sect .0307 ...	Emission Reduction Plan—Emergency Level.	04/12/84	10/11/85, 50 FR 41501.	
Section .0400 Ambient Air Quality Standards				
Sect .0401 ...	Purpose	12/01/92	08/15/94, 59 FR 41708.	
Sect .0402 ...	Sulfur Oxides	04/12/84	10/11/85, 50 FR 41501.	
Sect .0403 ...	Total Suspended Particulates	07/01/88	01/16/90, 55 FR 1419.	
Sect .0404 ...	Carbon Monoxide	10/01/89	3/12/90, 55 FR 9125.	
Sect .0405 ...	Ozone	05/01/99	10/22/02, 67 FR 64989.	
Sect .0407 ...	Nitrogen Dioxide	10/01/89	03/12/90, 55 FR 9125.	
Sect .0408 ...	Lead	04/12/84	10/11/85, 50 FR 41501.	
Sect .0409 ...	Particulate Matter	07/01/88	01/16/90, 55 FR 1419.	
Sect .0410 ...	PM2.5 Particulate Matter	05/01/99	10/22/02, 67 FR 64989.	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section .0500 Emission Control Standards				
Sect .0501 ...	Compliance with Emission Control Standards.	04/01/01	08/08/02, 67 FR 51461.	
Sect .0502 ...	Purpose	03/01/81	07/26/82, 47 FR 32118.	
Sect .0503 ...	Particulates from Fuel Burning Indirect Heat Exchangers.	05/01/99	10/22/02, 67 FR 64989.	
Sect .0504 ...	Particulates from Wood Burning Indirect Heat Exchangers.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0505 ...	Control of Particulates from Incinerators.	07/01/87	02/29/88, 53 FR 5974.	
Sect .0506 ...	Particulates from Hot Mix Asphalt Plants.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0507 ...	Particulates from Chemical Fertilizer Manufacturing Plants.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0508 ...	Particulates from Pulp and Paper Mills.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0509 ...	Particulates from Mica or Feldspar Processing Plants.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0510 ...	Particulates from Sand, Gravel, or Crushed Stone Operations.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0511 ...	Particluates from Lightweight Aggregate.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0512 ...	Particulates from Wood Products Finishing Plants.	11/01/84	12/19/86, 51 FR 45468.	
Sect .0513 ...	Particulates from Portland Cement Plants.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0514 ...	Particulates from Ferrous Jobbing Foundries.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0515 ...	Particulates from Miscellaneous Industrial Processes.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0516 ...	Sulfur Dioxide Emissions from Combustion Sources.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0517 ...	SO_2 Emissions from Plants Producing Sulfuric Acid.	11/01/84	12/19/86, 51 FR 45468.	
Sect. 0519 ...	Control of Nitrogen Dioxide and Nitrogen Oxides.	1/1/05	8/22/08, 73 FR 49613.	
Sect .0520 ...	Control and Prohibition of Open Burning.	07/01/96	08/01/97, 62 FR 41277	Repealed.
Sect .0521 ...	Control of Visible Emissions	01/01/05	10/25/05, 70 FR 61556	Approving changes to Paragraphs (c) and (d) that reference new Paragraph (g). Also, approving Paragraph (g) excluding the following language: ''excluding startups, shutdowns, maintenance periods when fuel is not being combusted, and malfunctions approved as such according to procedures approved under Rule .0535 of this Section.''
Sect .0522 ...	Control and Prohibition of Odorous Emissions.	02/01/76	06/03/86, 51 FR 19834.	
Sect .0523 ...	Control of Conical Incinerators	01/01/85	09/09/87, 52 FR 33933.	
Sect .0527 ...	Emissions from Spodumene Ore Roasting.	11/01/84	12/19/86, 51 FR 45468.	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0530 ...	Prevention of Significant Deterioration.	5/1/2008	8/10/2011, 76 FR 49318	15 NCAC .0530 incorporates by reference the regulations found at 40 CFR 51.166, with changes, as of June 13, 2007. This EPA action is approving the incorporation by reference with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' (as amended at 40 CFR 51.166(b)(1)(i)(*a*), (b)(1)(iii)(*t*), and (i)(1)(ii)(*t*).
Sect .0531 ...	Sources in Nonattainment Areas ..	5/1/2008	8/10/2011, 76 FR 49318	15 NCAC .0531 incorporates by reference the regulations found at 40 CFR 51.165, with changes, as of June 13, 2007. This EPA action is approving the incorporation by reference with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' (as amended at 40 CFR 51.165(a)(1)(iv)(C)(*20*) and (a)(4)(xx).
Sect .0532 ...	Sources Contributing to an Ambient Violation.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0533 ...	Stack Height	07/01/94	02/01/96, 61 FR 3584.	
Sect .0535 ...	Excess Emissions Reporting and Malfunctions.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0536 ...	Particulate Emissions from Electric Utility Boilers.	08/01/91	02/14/96, 61 FR 5689.	
Sect .0540 ...	Particulates from Fugitive Nonprocess Dust Emission Sources.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0542 ...	Control of Particulate Emissions from Cotton Ginning Operations.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0544 ...	Prevention of Significant Deterioration Requirements for Greenhouse Gases.	12/16/10	10/18/11, 76 FR 64244.	
Section .0600 Air Contaminants; Monitoring, Reporting				
Sect .0601 ...	Monitoring: Recordkeeping: Reporting.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0602 ...	Definitions	04/01/99	08/08/02, 67 FR 51461.	
Sect .0604 ...	Exceptions to Monitoring and Reporting Requirements.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0605 ...	General Recordkeeping and Reporting Requirements.	11/01/06	10/31/07, 72 FR 61531.	
Sect. 0606 ...	Sources Covered by Appendix P of 40 CFR part 51.	1/1/05	8/22/08, 73 FR 49613.	
Sect .0607 ...	Large Wood and Wood-Fossil Fuel Combination Units.	04/01/99	08/08/02, 67 FR 51461.	
Sect. 0608 ...	Other Large Coal or Residual Oil Burners.	1/1/05	8/22/08, 73 FR 49613.	
Sect .0609 ...	Monitoring Condition in Permit	04/12/84	10/04/85, 50 FR 41501.	
Sect .0610 ...	Federal Monitoring Requirements	04/01/99	08/08/02, 67 FR 51461.	
Sect .0611 ...	Monitoring Emissions from Other Sources.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0612 ...	Alternative Monitoring and Reporting Procedures.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0613 ...	Quality Assurance Program	04/01/99	08/08/02, 67 FR 51461.	
Sect .0614 ...	Compliance Assurance Monitoring	04/01/99	08/08/02, 67 FR 51461.	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0615 ...	Delegation	04/01/99	08/08/02, 67 FR 51461.	
	Section .0800 Complex Sources			
Sect .0801 ...	Purpose and Scope	07/01/94	02/01/96, 61 FR 3584.	
Sect .0802 ...	Definitions	07/01/94	02/01/96, 61 FR 3584.	
Sect .0803 ...	Highway Projects	07/01/94	02/01/96, 61 FR 3584.	
Sect .0804 ...	Airport Facilities	07/01/96	08/01/97, 62 FR 41277.	
Sect .0805 ...	Parking Facilities	07/01/96	08/01/97, 62 FR 41277.	
Sect .0806 ...	Ambient Monitoring and Modeling Analysis.	07/01/94	02/01/96, 61 FR 3584.	
	Section .0900 Volatile Organic Compounds			
Sect .0901 ...	Definitions	07/01/96	08/01/97, 62 FR 41277.	
Sect .0902 ...	Applicability	07/01/00	08/27/01, 66 FR 34117.	
Sect .0903 ...	Recordkeeping: Reporting: Monitoring.	04/01/99	08/08/02, 67 FR 51461.	
Sect .0905 ...	Petition for Alternative Controls	11/08/84	12/19/86, 51 FR 45468.	
Sect .0906 ...	Circumvention	11/08/84	12/19/86, 51 FR 45468.	
Sect .0907 ...	Compliance Schedules for Sources in Nonattainment Areas.	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0908 ...	Equipment Modification Compliance Schedules.	11/08/84	12/19/86, 51 FR 45468.	
Sect .0909 ...	Compliance Schedules for Sources in New Nonattainment Areas.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0910 ...	Alternate Compliance Schedules ..	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0911 ...	Exceptions for Compliance Schedules.	11/21/96	10/15/99, 64 FR 55831	Repealed.
Sect .0912 ...	General Provisions on Test Methods and Procedures.	04/01/03	09/17/03, 68 FR 54362.	
Sect .0913 ...	Determination of Volatile Content of Surface Coatings.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0914 ...	Determination of VOC Emission Control System Efficiency.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0915 ...	Determination of Solvent Metal Cleaning VOC Emissions.	11/08/84	12/19/86, 51 FR 45468.	
Sect .0916 ...	Determination of VOC Emissions from Bulk Gasoline Terminals.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0917 ...	Automobile and Light-duty Truck Manufacturing.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0918 ...	Can Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0919 ...	Coil Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0920 ...	Paper Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0921 ...	Fabric and Vinyl Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0922 ...	Metal Furniture Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0923 ...	Surface Coating of Large Appliances.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0924 ...	Magnet Wire Coating	07/01/96	08/01/97, 62 FR 41277.	
Sect .0925 ...	Petroleum Liquid Storage	12/01/89	06/23/94, 59 FR 32362.	
Sect .0926 ...	Bulk Gasoline Plants	07/01/96	08/01/97, 62 FR 41277.	
Sect .0927 ...	Bulk Gasoline Terminals	11/01/06	10/31/07, 72 FR 61531.	
Sect .0928 ...	Gasoline Service Stations Stage I	07/01/96	08/01/97, 62 FR 41277.	
Sect .0930 ...	Solvent Metal Cleaning	03/01/91	06/23/94, 59 FR 32362.	
Sect .0931 ...	Cutback Asphalt	12/01/89	06/23/94, 59 FR 32362.	
Sect .0932 ...	Gasoline Truck Tanks and Vapor Collections.	11/01/06	10/31/07, 72 FR 61531.	
Sect .0933 ...	Petroleum Liquid Storage in External Floating Roof Tanks.	07/01/95	02/01/96, 62 FR 3589.	
Sect .0934 ...	Coating of Miscellaneous Metal Parts and Products.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0935 ...	Factory Surface Coating of Flat Wood Paneling.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0936 ...	Graphic Arts	12/01/89	06/23/94, 59 FR 32362.	
Sect .0937 ...	Manufacture of Pneumatic Rubber Tires.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0938 ...	Perchloroethylene Dry Cleaning System.	03/20/98	11/10/99, 64 FR 61213	Repealed.

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .0939 ...	Determination of Volatile Organic Compounds Emissions.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0940 ...	Determination of Leak Tightness and Vapor Leaks.	07/01/88	01/16/90, 55 FR 1420.	
Sect .0941 ...	Alternative Method for Leak Tightness.	03/01/91	06/23/94, 59 FR 32362.	
Sect .0942 ...	Determination of Solvent in Filter Waste.	07/23/80	08/27/81, 46 FR 43137.	
Sect .0943 ...	Synthetic Organic Chemical and Polymer Manufacturing.	03/01/91	06/23/94, 59 FR 32362.	
Sect .0944 ...	Manufacture of Polyethylene, Polypropylene, and Polystyrene.	03/14/85	11/19/86, 51 FR 41786.	
Sect .0945 ...	Petroleum Dry Cleaning	03/14/85	11/19/86, 51 FR 41786.	
Sect .0947 ...	Manufacture of Synthesized Pharmaceutical Products.	07/01/94	05/05/95, 60 FR 22284.	
Sect .0948 ...	VOC Emissions from Transfer Operations.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0949 ...	Storage of Miscellaneous Volatile Organic Compounds.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0951 ...	Miscellaneous Volatile Organic Compound Emissions.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0952 ...	Petition for Alternative Controls for RACT.	05/01/95	02/01/96, 62 FR 3589.	
Sect .0953 ...	Vapor Return Piping for Stage II Vapor Recovery.	03/20/98	11/10/99, 64 FR 61213.	
Sect .0954 ...	Stage II Vapor Recovery	04/01/03	09/17/03, 68 FR 54362.	
Sect .0955 ...	Thread Bonding Manufacturing	04/01/95	02/01/96, 62 FR 3589.	
Sect .0956 ...	Glass Christmas Ornament Manufacturing.	04/01/95	02/01/96, 62 FR 3589.	
Sect .0957 ...	Commercial Bakeries	04/01/95	02/01/96, 62 FR 3589.	
Sect .0958 ...	Work Practices for Sources of Volatile Organic Compounds.	07/01/00	08/27/01, 66 FR 34117.	
Sect .0959 ...	Reserved.			
Section .1000 Motor Vehicle Emissions Control Standards				
Sect .1001 ...	Purpose	07/01/02	10/30/02, 67 FR 66056.	
Sect .1002 ...	Applicability	07/01/02	10/30/02, 67 FR 66056.	
Sect .1003 ...	Definitions	12/01/82	06/02/95, 60 FR 28726.	
Sect .1004 ...	Emissions Standards	07/01/02	10/30/02, 67 FR 66056.	
Sect .1005 ...	Measurement and Enforcement ...	07/01/02	10/30/02, 67 FR 66056.	
Section .1300 Oxygenated Gasoline Standard				
Sect .1301 ...	Purpose	09/01/96	06/19/07, 72 FR 33692.	
Sect .1302 ...	Applicability	09/01/96	06/19/07, 72 FR 33692.	
Sect .1303 ...	Definitions	09/01/92	06/30/94, 59 FR 33683.	
Sect .1304 ...	Oxygen Content Standard	09/01/96	06/19/07, 72 FR 33692.	
Sect .1305 ...	Measurement and Enforcement ...	09/01/92	06/30/94, 59 FR 33683.	
Section .1400 Nitrogen Oxides Emissions				
Sect .1401 ...	Definitions	07/15/02	12/27/02, 67 FR 78987.	
Sect .1402 ...	Applicability	07/15/02	12/27/02, 67 FR 78987.	
Sect .1403 ...	Compliance Schedules	07/15/02	12/27/02, 67 FR 78987.	
Sect .1404 ...	Recordkeeping: Reporting: Monitoring.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1409 ...	Stationary Internal Combustion Engines.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1416 ...	Emission Allocations for Utility Companies.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1417 ...	Emission Allocations for Large Combustion Sources.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1418 ...	New Electric Generating Units, Large Boilers, and Large I/C Engines.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1419 ...	Nitrogen Oxide Budget Trading Program.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1420 ...	Periodic Review and Reallocations.	07/15/02	12/27/02, 67 FR 78987.	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Sect .1421 ...	Allocations for New Growth of Major Point Sources.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1422 ...	Compliance Supplement Pool and Early Emission Reduction Credits.	07/15/02	12/27/02, 67 FR 78987.	
Sect .1423 ...	Large Internal Combustion Engines.	07/15/02	12/27/02, 67 FR 78987.	
Section .1900 Open Burning				
Sect .1901 ...	Purpose, Scope, and Impermissible Open Burning.	07/01/96	08/01/97, 62 FR 41277.	
Sect .1902 ...	Definitions	01/15/98	11/10/99, 64 FR 61213.	
Sect .1903 ...	Permissible Open Burning Without a Permit.	01/15/98	11/10/99, 64 FR 61213.	
Sect .1904 ...	Air Curtain Burners	07/01/96	08/01/97, 62 FR 41277.	
Section .2000 Transportation Conformity				
Sect .2001 ...	Purpose, Scope and Applicability	04/01/99	12/27/02, 67 FR 78983.	
Sect .2002 ...	Definitions	04/01/99	12/27/02, 67 FR 78983.	
Sect .2003 ...	Transportation Conformity Determination.	04/01/99	12/27/02, 67 FR 78983	Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.
Sect .2004 ...	Determining Transportation Related Emissions.	04/01/99	12/27/02, 67 FR 78983.	
Sect .2005 ...	Memorandum of Agreement	04/01/99	12/27/02, 67 FR 78983.	
Section .2400 Clean Air Interstate Rules				
Sect. 2401 ...	Purpose and Applicability	5/1/08	11/30/09, 74 FR 62496..	
Sect .2402 ...	Definitions	5/1/08	11/30/09, 74 FR 62496..	
Sect 2403	Nitrogen Oxide Emissions	5/1/08	11/30/09, 74 FR 62496..	
Sect .2404 ...	Sulfur Dioxide	5/1/08	11/30/09, 74 FR 62496..	
Sect .2405 ...	Nitrogen Oxide Emissions During Ozone Season.	5/1/08	11/30/09, 74 FR 62496..	
Sect .2406 ...	Permitting	7/1/06	11/30/09, 74 FR 62496..	
Sect .2407 ...	Monitoring, Reporting, and Recordkeeping.	5/1/08	11/30/09, 74 FR 62496..	
Sect .2408 ...	Trading Program and Banking	7/1/06	11/30/09, 74 FR 62496..	
Sect .2409 ...	Designated Representative	5/1/08	11/30/09, 74 FR 62496..	
Sect .2410 ...	Computation of Time	7/1/06	11/30/09, 74 FR 62496..	
Sect 2411	Opt-In Provisions	7/1/06	11/30/09, 74 FR 62496..	
Sect .2412 ...	New Unit Growth	5/1/08	11/30/09, 74 FR 62496..	
Sect .2413 ...	Periodic Review and Reallocations.	7/1/06	11/30/09, 74 FR 62496..	
Subchapter 2Q Air Quality Permits				
Section .0100 General Provisions				
Sect .0101 ...	Required Air Quality Permits	03/20/98	11/10/99, 64 FR 61213.	
Sect. 0102 ...	Activities Exempted from Permit Requirements.	1/1/05	8/22/08, 73 FR 49613.	
Sect .0103 ...	Definitions	05/01/99	10/22/02, 67 FR 64989.	
Sect .0104 ...	Where to Obtain and File Permit Applications.	07/01/02	12/27/02, 67 FR 78980.	
Sect .0105 ...	Copies of Referenced Documents	08/15/94	02/01/96, 61 FR 3584.	
Sect .0106 ...	Incorporation by Reference	08/15/94	02/01/96, 61 FR 3584.	
Sect .0107 ...	Confidential Information	05/01/99	10/22/02, 67 FR 64989.	
Sect .0108 ...	Delegation of Authority	03/15/98	11/10/99, 64 FR 61213.	
Sect .0109 ...	Compliance Schedule for Previously Exempted Activities.	04/01/01	08/08/02, 67 FR 51461.	
Sect .0110 ...	Retention of Permit at Permitted Facility.	08/15/94	02/01/96, 61 FR 3584.	
Sect .0111 ...	Applicability Determinations	08/15/94	02/01/96, 61 FR 3584.	

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section .0200 Permit Fees				
Sect .0207 ...	Annual Emissions Reporting	7/1/07	4/24/2012, 77 FR 24384	
Section .0300 Construction and Operating Permits				
Sect .0301 ...	Applicability	07/01/94	07/28/95, 60 FR 38710.	
Sect .0303 ...	Definitions	07/01/94	07/28/95, 60 FR 38710.	
Sect .0304 ...	Applications	07/01/99	10/22/02, 67 FR 64989.	
Sect .0305 ...	Application Submittal Content	07/01/94	07/28/95, 60 FR 38710.	
Sect .0306 ...	Permits Requiring Public Participation.	07/01/99	10/22/02, 67 FR 64989.	
Sect .0307 ...	Public Participation Procedures	01/15/98	11/10/99, 64 FR 61213.	
Sect .0308 ...	Final Action on Permit Applications.	07/01/94	07/28/95, 60 FR 38710.	
Sect .0309 ...	Termination, Modification and Revocation of Permits.	07/01/99	10/22/02, 67 FR 64989.	
Sect .0310 ...	Permitting of Numerous Similar Facilities.	07/01/94	07/28/95, 60 FR 38710.	
Sect .0311 ...	Permitting of Facilities at Multiple Temporary Sites.	07/01/96	08/01/97, 62 FR 41277.	
Sect .0312 ...	Application Processing Schedule	03/20/98	11/10/99, 64 FR 61213.	
Sect .0313 ...	Expedited Application Processing Schedule.	04/17/97	11/10/99, 64 FR 61213.	
Sect .0314 ...	General Permitting Requirements	07/01/99	10/22/02, 67 FR 64989.	
Sect .0315 ...	Synthetic Minor Facilities	07/01/99	10/22/02, 67 FR 64989.	
Sect .0316 ...	Administrative Permit Amendments.	04/01/01	08/08/02, 67 FR 51461.	
Sect .0317 ...	Avoidance Conditions	04/01/01	08/08/02, 67 FR 51461.	
Section .0600 Transportation Facility Procedures				
Sect .0601 ...	Purpose of Section and Requirements for Permit.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0602 ...	Definitions	07/01/94	02/01/96, 61 FR 3584.	
Sect .0603 ...	Applications	07/28/97	12/31/98, 63 FR 72193.	
Sect .0604 ...	Public Participation	07/01/94	02/01/96, 61 FR 3584.	
Sect .0605 ...	Final Action on Permit Applications.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0606 ...	Termination, Modification and Revocation of Permits.	07/01/94	02/01/96, 61 FR 3584.	
Sect .0607 ...	Application Processing Schedule	04/17/97	11/10/99, 64 FR 61213.	
Section .0800 Exclusionary Rules				
Sect .0801 ...	Purpose and Scope	05/01/99	10/22/02, 67 FR 64989.	
Sect .0802 ...	Gasoline Servicing Stations and Dispensing Facilities.	08/01/95	09/20/96, 61 FR 49413.	
Sect .0803 ...	Coating, Solvent Cleaning, Graphic Arts Operations.	05/01/99	10/22/02, 67 FR 64989.	
Sect .0804 ...	Dry Cleaning Facilities	08/01/95	09/20/96, 61 FR 49414.	
Sect .0805 ...	Grain Elevators	04/01/01	08/08/02, 67 FR 51461.	
Sect .0806 ...	Cotton Gins	04/01/02	08/08/02, 67 FR 51461.	
Sect .0807 ...	Emergency Generators	04/01/02	08/08/02, 67 FR 51461.	
Sect .0808 ...	Peak Shaving Generators	07/01/99	10/22/02, 67 FR 64989.	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Subchapter 3A Air Pollution Control Requirements				
Section .0100 In General				
Sect. .0101 ..	Department Established	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0102 ..	Enforcement of Chapter	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0103 ..	General Powers and Duties of Director.	06/14/90	05/02/91, 56 FR 20140..	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0104 ..	Authority of Director to Establish Administrative Procedures.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0105 ..	Fees for Inspections, Permits, and Certificates Required by Chapter.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0106 ..	Penalties for Violation of Chapter	01/17/97	02/17/00, 65 FR 8053..	
Sect. .0107 ..	Civil Relief for Violations of Chapter.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0108 ..	Chapter Does Not Prohibit Private Actions For Relief.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0109 ..	Judicial Review of Administrative Decisions Rendered Under Chapter.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0111 ..	Copies of Referenced Federal Regulations.	06/14/90	05/02/91, 56 FR 20140..	
Section .0200 Advisory Board				
Sect. .0201 ..	Established; Composition; Terms of Members.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0202 ..	Secretary	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0203 ..	Meetings	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0204 ..	To Serve in Advisory Capacity; General Functions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0205 ..	Appeals to and Other Appearances Before Board.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0206 ..	Opinions Not Binding	06/14/90	05/02/91, 56 FR 20140..	
Section .0300 Remedies for Enforcement of Standards—Special Orders				
Sect. .0301 ..	Applicability	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0302 ..	Issuance	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0303 ..	Definitions	06/14/90	05/02/91, 56 FR 20140..	
Sect. 0304 ...	Categories of Sources	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0305 ..	Enforcement Procedures	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0306 ..	Required Procedures for Issuance of Special Orders by Consent and Special Orders.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0307 ..	Documentation for Special Orders.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0308 ..	Public Hearing	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0309 ..	Compliance Bonds	06/14/90	05/02/91, 56 FR 20140..	
Section .0400 Forsyth County Air Quality Technical Code				
Sect. .0401 ..	Adopted	06/14/90	05/02/91, 56 FR 20140..	
Subchapter 3B Relationship to State Code				
Sect. .0101 ..	In General	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0102 ..	Air Pollution Control Requirements (Subchapter 3D).	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0103 ..	Air Quality Permits (Subchapter 3Q).	06/14/90	05/02/91, 56 FR 20140..	
Subchapter 3D Air Pollution Control Requirements				
Section .0100 Definitions and References				
Sect. .0101 ..	Definitions	11/6/98	02/17/00, 65 FR 8093..	
Sect. .0103 ..	Copies Referenced Federal Regulations.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0104 ..	Incorporation by Reference	05/24/99	10/22/02, 67 FR 64994..	
Section .0200 Air Pollution Sources				
Sect. .0201 ..	Classification of Air Pollution Sources.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0202 ..	Registration of Air Pollution Sources.	06/14/90	05/02/91, 56 FR 20140..	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
	Section .0300 Air Pollution Emergencies			
Sect. .0301 ..	Purpose	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0302 ..	Episode Criteria	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0303 ..	Emission Reduction Plans	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0304 ..	Preplanned Abatement Program	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0305 ..	Emission Reduction Plan: Alert Level.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0306 ..	Emission Reduction Plan: Warning Level.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0307 ..	Emission Reduction Plan: Emergency Level.	06/14/90	05/02/91, 56 FR 20140..	
	Section .0400 Ambient Air Quality Standards			
Sect. .0401 ..	Purpose	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0402 ..	Sulfur Oxides	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0403 ..	Total Suspended Particulates	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0404 ..	Carbon Monoxide	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0405 ..	Ozone	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0407 ..	Nitrogen Dioxide	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0408 ..	Lead	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0409 ..	PM 10 Particulate Matter	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0410 ..	PM 2.5 Particulate Matter	05/24/99	10/22/02, 67 FR 64994..	
	Section .0500 Emission Control Standards			
Sect. .0501 ..	Compliance With Emission Control Standards.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0502 ..	Purpose	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0503 ..	Particulates From Fuel Burning Indirect Heat Exchangers.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0504 ..	Particulates from Wood Burning Indirect Heat Exchangers.	07/22/02	9/16/03, 68 FR 54166	Repealed.
Sect. .0506 ..	Particulates from Hot Mix Asphalt Plants.	11/6/98	02/17/00, 65 FR 8053..	
Sect. .0507 ..	Particulates from Chemical Fertilizer Manufacturing Plants.	11/6/98	02/17/00, 65 FR 20140..	
Sect. .0508 ..	Particulates from Pulp and Paper Mills.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0509 ..	Particulates from MICA or FELDSPAR Processing Plants.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0510 ..	Particulates from Sand, Gravel, or Crushed Stone Operations.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0511 ..	Particulates from Lightweight Aggregate Processes.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0512 ..	Particulates from Wood Products Finishing Plants.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0513 ..	Particulates From Portland Cement Plants.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0514 ..	Particulates From Ferrous Jobbing Foundries.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0515 ..	Particulates from Miscellaneous Industrial Processes.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0516 ..	Sulfur Dioxide Emissions from Combustion Sources.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0517 ..	Emissions from Plants Producing Sulfuric Acid.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0519 ..	Control of Nitrogen Dioxide and Nitrogen Oxides Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0521 ..	Control of Visible Emissions	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0522 ..	Control and Prohibition of Odorous Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0524 ..	New Source Performance Standards.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0527 ..	Emissions from Spodumene Ore Roasting.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0528 ..	Total Reduced Sulfur from Kraft Pulp Mills.	06/14/90	05/02/91, 56 FR 20140.	
Sect. .0529 ..	Fluoride Emissions from Primary Aluminum24 Reduction Plants.	06/14/90	05/02/91, 56 FR 20140..	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0530 ..	Prevention of Significant Deterioration.	10/10/97	12/31/98 63 FR 72190..	
Sect. .0531 ..	Sources in Nonattainment Areas	11/6/98	2/17/00 65 FR 8053..	
Sect. .0532 ..	Sources Contributing to an Ambient Violation.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0533 ..	Stack Heights	06/14/1990	05/02/91, 56 FR 20140..	
Sect. .0534 ..	Fluoride Emissions From Phosphate Fertilizer Industry.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0535 ..	Excess Emissions Reporting and Malfunctions.	11/6/98	2/17/00 65 FR 8053..	
Sect. .0536 ..	Particulate Emissions From Electric Utility Boilers.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0537 ..	Control of Mercury Emissions	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0538 ..	Control of Ethylene Oxide Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0539 ..	Odor Control of Feed Ingredient Manufacturing Plants.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0540 ..	Particulates from Fugitive Non-Process Dust Emission Sources.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0541 ..	Control of Emissions from Abrasive Blasting.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0542 ..	Control of Particulate Emissions from Cotton Ginning Operations.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0542 ..	Control of Particulate Emissions from Cotton Ginning Operations.	7/22/02	9/16/03, 68 FR 54166	Repealed.
Section .0600 Monitoring: Recordkeeping: Reporting				
Sect. .0601 ..	Purpose and Scope	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0602 ..	Definitions	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0604 ..	Exceptions to Monitoring and Reporting Requirements.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0605 ..	General Recordkeeping and Reporting Requirements.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0606 ..	Sources Covered By Appendix P of 40 CFR Part 51.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0607 ..	Large Wood and Wood-fossil Fuel Combination Units.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0611 ..	Monitoring Emissions From Other Sources.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0612 ..	Alternative Monitoring and Reporting Procedures.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0613 ..	Quality Assurance Program	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0614 ..	Compliance Assurance Monitoring.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0615 ..	Delegation	06/14/90	05/02/91, 56 FR 20140..	
Section .0800 Transportation Facilities				
Sect. .0801 ..	Purpose and Scope	06/14/90	05/02/91 56 FR 20140.	
Sect. .0802 ..	Definitions	06/14/00	05/02/91, 56 FR 20140.	
Sect. .0803 ..	Highway Projects	06/14/90	05/02/91, 56 FR 20140.	
Sect. .0804 ..	Airport Facilities	06/14/90	05/02/91, 56 FR 20140.	
Sect. .0805 ..	Parking Facilities	06/14/90	05/02/91, 56 FR 20140.	
Sect. .0806 ..	Ambient Monitoring and Modeling Analysis.	06/14/90	05/02/91, 56 FR 20140..	
Section .0900 Volatile Organic Compounds				
Sect. .0901 ..	Definitions	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0902 ..	Applicability	10/10/97	12/31/98, 63 FR 72190..	
Sect. .0903 ..	Recordkeeping: Reporting: Monitoring.	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0906 ..	Circumvention	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0909 ..	Compliance Schedules for Sources in New Nonattainment Areas.	11/6/98	2/17/00, 65 FR 8053..	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0912 ..	General Provisions on Test Methods and Procedures.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0913 ..	Determination of Volatile Content of Surface Coatings.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0914 ..	Determination of VC Emission Control System Efficiency.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0915 ..	Determination of Solvent Metal Cleaning VOC Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0916 ..	Determination: VOC Emissions from Bulk Gasoline Terminals.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0917 ..	Automobile and Light-Duty Truck Manufacturing.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0918 ..	Can Coating	06/14/1990	05/02/91, 56 FR 20140..	
Sect. .0919 ..	Coil Coating	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0920 ..	Paper Coating	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0921 ..	Fabric and Vinyl Coating	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0922 ..	Metal Furniture Coating	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0923 ..	Surface Coating of Large Appliances.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0924 ..	Magnet Wire Coating	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0925 ..	Petroleum Liquid Storage in Fixed Roof Tanks.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0926 ..	Bulk Gasoline Plants	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0927 ..	Bulk Gasoline Terminals	7/22/02	9/16/03, 68 FR 54166..	
Sect. .0928 ..	Gasoline Service Stations Stage I.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0930 ..	Solvent Metal Cleaning	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0931 ..	Cutback Asphalt	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0932 ..	Gasoline Truck Tanks and Vapor Collection Systems.	7/22/02	9/16/03, 68 FR 54166..	
Sect. .0933 ..	Petroleum Liquid Storage in External Floating Roof Tanks.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0934 ..	Coating of Miscellaneous Metal Parts and Products.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0935 ..	Factory Surface Coating of Flat Wood Paneling.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0936 ..	Graphic Arts	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0937 ..	Manufacture of Pneumatic Rubber Tires.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0939 ..	Determination of Volatile Organic Compound Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0940 ..	Determination of Leak Tightness and Vapor Leaks.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0941 ..	Alternative Method for Leak Tightness.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0942 ..	Determination of Solvent in Filter Waste.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0943 ..	Synthetic Organic Chemical and Polymer Manufacturing.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0944 ..	Manufacture of Polyethelene, Polypropylene and Polystyrene.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0945 ..	Petroleum Dry Cleaning	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0947 ..	Manufacture of Sythesized Pharmaceutical Products.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0948 ..	VOC Emissions from Transfer Operations.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0949 ..	Storage of Miscellaneous Volatile Organic Compounds.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0951 ..	Miscellaneous Volatile Organic Compound Emissions.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0952 ..	Petition for Alternative Controls ..	11/29/95	5/23/96, 61 FR 25789..	
Sect. .0953 ..	Vapor Return Piping for Stage II Vapor Recovery.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0954 ..	Stage II Vapor Recovery	10/10/97	12/31/98, 63 FR 72190..	
Sect. .0955 ..	Thread Bonding Manufacturing ..	11/29/95	5/23/96, 61 FR 25789..	
Sect. .0956 ..	Glass Christmas Ornament Manufacturing.	11/29/95	5/23/96, 61 FR 25789..	
Sect. .0957 ..	Commercial Bakeries	06/14/90	05/02/91, 56 FR 20140..	

TABLE 2—EPA APPROVED FORSYTH COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Sect. .0958 ..	Work Practices for Sources of Volatile Organic Compounds.	06/14/90	05/02/91, 56 FR 20140..	
Section .1200 Control of Emissions from Incinerators 111(a)				
Sect. .1201 ..	Purpose and Scope	06/14/90	05/02/91, 56 FR 20140..	
Sect. .1202 ..	Definitions	06/14/90	05/02/91, 56 FR 20140..	
Section .1900 Open Burning				
Sect. .1901 ..	Purpose, Scope, and Impermissible Open Burning.	07/01/96	08/01/97, 62 FR 41277..	
Sect. .1902 ..	Definitions	06/14/90	05/02/91, 56 FR 20140..	
Sect. .1903 ..	Permissible Open Burning	10/25/99	08/08/02, 67 FR 51763..	
Sect. .1904 ..	Air Curtain Burners	06/14/90	05/02/91, 56 FR 20140..	
Sect. .1905 ..	Office Location	06/14/90	05/02/91, 56 FR 20140..	
Subchapter 3Q Air Quality Permits				
Section .0100 General Provisions				
Sect. .0101 ..	Required Air Quality Permits	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0102 ..	Activities Exempted From Permit Requirements.	7/22/02	9/16/03, 68 FR 54166..	
Sect. .0103 ..	Definitions	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0104 ..	Where to Obtain and File Permit Applications.	10/10/97	12/31/98, 63 FR 72190..	
Sect. .0107 ..	Confidential Information	05/24/99	10/22/02, 67 FR 64994..	
Section .0200 Permit Fees				
Sect. .0207 ..	Annual Emissions Reporting	11/6/98	2/17/00, 65 FR 8053..	
Section .0300 Construction and Operation Permit				
Sect. .0301 ..	Applicability	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0302 ..	Facilities Not Likely to Contravene Demonstration.	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0303 ..	Definitions	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0304 ..	Applications	07/01/99	10/22/02, 67 FR 64994..	
Sect. .0305 ..	Application Submittal Content	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0306 ..	Permits Requiring Public Participation.	07/01/99	10/22/02, 67 FR 64994..	
Sect. .0307 ..	Public Participation Procedures	10/10/97	12/31/98, 63 FR 72190..	
Sect. .0308 ..	Final Action on Permit Applications.	03/14/95	02/01/96, 61 FR 3586..	
Sect. .0309 ..	Termination, Modification and Revocation of Permits.	07/01/99	10/22/02, 67 FR 64994..	
Sect. .0310 ..	Permitting of Numerous Similar Facilities.	06/14/90	05/02/91,56 FR 20140..	
Sect. .0311 ..	Permitting of Facilities at Multiple Temporary Site.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0312 ..	Application Processing Schedule	11/6/98	2/17/00, 65 FR 8053..	
Sect. .0314 ..	General Permit Requirements	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0315 ..	Synthetic Minor Facilities	07/01/99	10/22/02, 67 FR 64994..	
Section .0800 Exclusionary Rules				
Sect. .0801 ..	Purpose and Scope	05/24/99	10/22/02, 67 FR 64994..	
Sect. .0802 ..	Gasoline Service Stations and Dispensing Facilities.	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0803 ..	Coating, Solvent Cleaning, Graphic Arts Operations.	05/24/99	12/31/98, 63 FR 72193..	
Sect. .0804 ..	Dry Cleaning Facilities	06/14/90	05/02/91, 56 FR 20140..	
Sect. .0805 ..	Grain Elevators	11/6/98	02/17/00, 65 FR 8093..	
Sect. .0806 ..	Cotton Gins	11/6/98	02/17/00, 65 FR 8093..	
Sect. .0807 ..	Emergency Generators	11/6/98	02/17/00, 65 FR 8093..	
Sect. .0808 ..	Peak Shaving Generators	07/01/99	10/22/02, 67 FR 64990..	

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
Article 1.000 Permitting Provisions for Air Pollution Sources, Rules and Operating Regulations for Acid Rain Sources, Title V and Toxic Air Pollutants				
Section 1.5100 General Provisions and Administrations				
1.5101	Declaration of Policy	06/14/1990	05/02/91, 56 FR 20140.	
1.5102	Definition of Terms	11/21/2000	10/22/02, 67 FR 64999.	
1.5103	Enforcement Agency	06/14/1990	05/02/91, 56 FR 20140.	
1.5104	General Duties and Powers of the Director, With the Approval of the Board.	06/14/1990	05/02/91, 56 FR 20140.	
1.5111	General Recordkeeping, Reporting and Monitoring Requirements.	07/01/96	06/30/03, 68 FR 38632.	
Section 1.5200 Air Quality Permits				
1.5210	Purpose and Scope	06/14/1990	05/02/91, 56 FR 20140.	
1.5211	Applicability	11/21/2000	10/22/02, 67 FR 64999.	
1.5212	Applications	07/01/96	06/30/03, 68 FR 38632.	
1.5213	Action on Application; Issuance of Permit	07/01/96	06/30/03, 68 FR 38632.	
1.5214	Commencement of Operation	07/01/96	06/30/03, 68 FR 38632.	
1.5215	Application Processing Schedule	07/01/96	06/30/03, 68 FR 38632.	
1.5216	Incorporated By Reference	06/06/1994	07/28/95, 60 FR 38715.	
1.5217	Confidential Information	06/14/1990	05/02/91, 56 FR 20140.	
1.5218	Compliance Schedule for Previously Exempted Activities.	06/14/1990	05/02/91, 56 FR 20140.	
1.5219	Retention of Permit at Permitted Facility	06/06/1994	07/28/95, 60 FR 38715.	
1.5220	Applicability Determinations	06/14/1990	05/02/91, 56 FR 20140.	
1.5221	Permitting of Numerous Similar Facilities	06/06/1994	07/28/95, 60 FR 38715.	
1.5222	Permitting of Facilities at Multiple Temporary Sites.	06/06/1994	07/28/95, 60 FR 38715.	
1.5230	Permitting Rules and Procedures	06/14/1990	05/02/91, 56 FR 20140.	
1.5231	Permit Fees	07/01/96	06/30/03, 68 FR 38632.	
1.5232	Issuance, Revocation, and Enforcement of Permits.	07/01/96	06/30/03, 68 FR 38632.	
1.5234	Hearings	06/06/1994	07/28/95, 60 FR 38715.	
1.5235	Expedited Application Processing Schedule.	06/14/1990	05/02/91, 56 FR 20140.	
Section 1.5300 Enforcement; Variances; Judicial Review				
1.5301	Special Enforcement Procedures	06/14/1990	05/02/91, 56 FR 20140.	
1.5302	Criminal Penalties	06/14/1990	05/02/91, 56 FR 20140.	
1.5303	Civil Injunction	06/14/1990	05/02/91, 56 FR 20140.	
1.5304	Civil Penalties	06/14/1990	05/02/91, 56 FR 20140.	
1.5305	Variances	07/01/96	06/30/03, 68 FR 38632.	
1.5306	Hearings	07/01/96	06/30/03, 68 FR 38632.	
1.5307	Judicial Review	06/14/1990	05/02/91, 56 FR 20140.	

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Section 1.5600 Transportation Facility Procedures				
1.5604	Public Participation	07/01/96	06/30/03, 68 FR 38632.	
1.5607	Application Processing Schedule	07/01/96	06/30/03, 68 FR 38632.	
Article 2.0000 Air Pollution Control Regulations and Procedures Section 2.0100 Definitions And References				
2.0101	Definitions	06/14/1990	05/02/91, 56 FR 20140.	
2.0104	Incorporated By Reference	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0200 Air Pollution Sources				
2.0201	Classification of Air Pollution Sources	06/14/1990	05/02/91, 56 FR 20140.	
2.0202	Registration of Air Pollution Sources	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0300 Air Pollution Emergencies				
2.0301	Purpose	06/14/1990	05/02/91, 56 FR 20140.	
2.0302	Episode Criteria	06/14/1990	05/02/91, 56 FR 20140.	
2.0303	Emission Reduction Plans	06/14/1990	05/02/91, 56 FR 20140.	
2.0304	Preplanned Abatement Program	06/14/1990	05/02/91, 56 FR 20140.	
2.0305	Emission Reduction Plan: Alert Level	06/14/1990	05/02/91, 56 FR 20140.	
2.0306	Emission Reduction Plan: Warning Level	06/14/1990	05/02/91, 56 FR 20140.	
2.0307	Emission Reduction Plan: Emergency Level.	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0400 Ambient Air Quality Standards				
2.0401	Purpose	06/14/1990	05/02/91, 56 FR 20140.	
2.0402	Sulfur Oxides	06/14/1990	05/02/91, 56 FR 20140.	
2.0403	Total Suspended Particulates	06/14/1990	05/02/91, 56 FR 20140.	
2.0404	Carbon Monoxide	06/14/1990	05/02/91, 56 FR 20140.	
2.0405	Ozone	06/14/1990	05/02/91, 56 FR 20140.	
2.0407	Nitrogen Dioxide	06/14/1990	05/02/91, 56 FR 20140.	
2.0408	Lead	06/14/1990	05/02/91, 56 FR 20140.	
2.0409	PM10 Particulate Matter	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0500 Emission Control Standards				
2.0501	Compliance With Emission Control Standards.	06/14/1990	05/02/91, 56 FR 20140.	
2.0502	Purpose	06/14/1990	05/02/91, 56 FR 20140.	
2.0503	Particulates from Fuel Burning Indirect Heat Exchangers.	06/14/1990	05/02/91, 56 FR 20140.	
2.0504	Particulates from Wood Burning Indirect Heat Exchangers.	06/14/1990	05/02/91, 56 FR 20140.	
2.0506	Particulates from Hot Mix Asphalt Plants	06/14/1990	05/02/91, 56 FR 20140.	
2.0507	Particulates from Chemical Fertilizer Manufacturing Plants.	06/14/1990	05/02/91, 56 FR 20140.	

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
2.0508	Particulates from Pulp and Paper Mills	06/14/1990	05/02/91, 56 FR 20140.	
2.0509	Particulates from Mica or Feldspar Processing Plants.	06/14/1990	05/02/91, 56 FR 20140.	
2.0510	Particulates from Sand, Gravel, or Crushed Stone Operations.	06/14/1990	05/02/91, 56 FR 20140.	
2.0511	Particulates from Lightweight Aggregate Processes.	06/14/1990	05/02/91, 56 FR 20140.	
2.0512	Particulates from Wood Products Finishing Plants.	06/14/1990	05/02/91, 56 FR 20140.	
2.0513	Particulates from Portland Cement Plants	06/14/1990	05/02/91, 56 FR 20140.	
2.0514	Particulates from Ferrous Jobbing Foundries.	06/14/1990	05/02/91, 56 FR 20140.	
2.0515	Particulates from Miscellaneous Industrial Processes.	06/14/1990	05/02/91, 56 FR 20140.	
2.0516	Sulfur Dioxide Emissions from Combustion Sources.	06/14/1990	05/02/91, 56 FR 20140.	
2.0517	Emissions From Plants Producing Sulfuric Acid.	06/14/1990	05/02/91, 56 FR 20140.	
2.0518	Miscellaneous Volatile Organic Compound Emissions.	11/21/2000	10/22/02, 67 FR 64999.	
2.0519	Control of Nitrogen Dioxide and Nitrogen Oxides Emissions.	06/14/1990	05/02/91, 56 FR 20140.	
2.0523	Control of Conical Incinerators	11/21/2000	10/22/02, 67 FR 64999.	
2.0527	Emissions from Spodumene Ore Roasting	06/14/1990	05/02/91, 56 FR 20140.	
2.0530	Prevention of Significant Deterioration	06/14/1990	05/02/91, 56 FR 20140.	
2.0531	Sources in Nonattainment Areas	06/14/1990	05/02/91, 56 FR 20140.	
2.0532	Sources Contributing to an Ambient Violation.	06/14/1990	05/02/91, 56 FR 20140.	
2.0533	Stack Height	06/14/1990	05/02/91, 56 FR 20140.	
2.0535	Excess Emissions Reporting and Malfunctions.	06/14/1990	05/02/91, 56 FR 20140.	
2.0538	Control of Ethylene Oxide Emissions	06/14/1990	05/02/91, 56 FR 20140.	
2.0539	Odor Control of Feed Ingredient Manufacturing Plants.	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0600 Monitoring: Recordkeeping: Reporting				
2.0601	Purpose and Scope	06/14/1990	05/02/91, 56 FR 20140.	
2.0602	Definitions	06/14/1990	05/02/91, 56 FR 20140.	
2.0604	Exceptions to Monitoring and Reporting Requirements.	06/14/1990	05/02/91, 56 FR 20140.	
2.0605	General Recordkeeping and Reporting Requirements.	06/14/1990	05/02/91, 56 FR 20140.	
2.0606	Sources Covered by Appendix P of 40 CFR Part 51.	06/14/1991	05/02/91, 56 FR 20140.	
2.0607	Large Wood and Wood-Fossil Fuel Combination Units.	06/14/1990	05/02/91, 56 FR 20140.	
2.0608	Other Large Coal or Residual Oil Burners	06/14/1990	05/02/91, 56 FR 20140.	
2.0610	Delegation Federal Monitoring Requirements.	11/21/2000	10/22/02, 67 FR 64999.	
2.0611	Monitoring Emissions From Other Sources	06/14/1990	05/02/91, 56 FR 20140.	
2.0612	Alternative Monitoring and Reporting Procedures.	06/14/1990	05/02/91, 56 FR 20140.	
2.0613	Quality Assurance Program	06/14/1990	05/02/91, 56 FR 20140.	
2.0614	Compliance Assurance Monitoring	06/14/1990	05/02/91, 56 FR 20140.	

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
2.0615	Delegation	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0800 Transportation Facilities				
2.0801	Purpose and Scope	06/14/1990	05/02/91, 56 FR 20140.	
2.0802	Definitions	06/14/1990	05/02/91, 56 FR 20140.	
2.0803	Highway Projects	06/14/1990	05/02/91, 56 FR 20140.	
2.0804	Airport Facilities	06/14/1990	05/02/91, 56 FR 20140.	
Section 2.0900 Volatile Organic Compounds				
2.0901	Definitions	03/01/1991	06/23/94, 59 FR 32362.	
2.0902	Applicability	10/16/2004	9/12/07, 72 FR 52012.	
2.0903	Recordkeeping: Reporting: Monitoring	07/01/1991	06/23/94, 59 FR 32362.	
2.0906	Circumvention	06/14/1990	05/02/91, 56 FR 20140.	
2.0907	Equipment Installation Compliance Schedule.	06/14/1990	05/02/91, 56 FR 20140.	
2.0909	Compliance Schedules for Sources In New Nonattainment Areas.	06/14/1990	05/02/91, 56 FR 20140.	
2.0910	Alternate Compliance Schedule	06/14/1990	05/02/91, 56 FR 20140.	
2.0912	General Provisions on Test Methods and Procedures.	07/01/1991	06/23/94, 59 FR 32362.	
2.0913	Determination of Volatile Content of Surface Coatings.	03/01/1991	06/23/94, 59 FR 32362.	
2.0914	Determination of VOC Emission Control System Efficiency.	06/14/1990	05/02/91, 56 FR 20140.	
2.0915	Determination of Solvent Metal Cleaning VOC Emissions.	06/14/1990	05/02/91, 56 FR 20140.	
2.0916	Determination: VOC Emissions From Bulk Gasoline Terminals.	06/14/1990	05/02/91, 56 FR 20140.	
2.0917	Automobile and Light-Duty Truck Manufacturing.	06/14/1990	05/02/91, 56 FR 20140.	
2.0918	Can Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0919	Coil Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0920	Paper Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0921	Fabric and Vinyl Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0922	Metal Furniture Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0923	Surface Coating of Large Appliances	06/14/1990	05/02/91, 56 FR 20140.	
2.0924	Magnet Wire Coating	06/14/1990	05/02/91, 56 FR 20140.	
2.0925	Petroleum Liquid Storage in Fixed Roof Tanks.	06/14/1990	05/02/91, 56 FR 20140.	
2.0926	Bulk Gasoline Plants	06/14/1990	05/02/91, 56 FR 20140.	
2.0927	Bulk Gasoline Terminals	06/14/1990	05/02/91, 56 FR 20140.	
2.0928	Gasoline Service Stations Stage I	06/14/1990	05/02/91, 56 FR 20140.	
2.0929	Petroleum Refinery	06/14/1990	05/02/91, 56 FR 20140.	
2.0930	Solvent Metal Cleaning	06/14/1990	05/02/91, 56 FR 20140.	
2.0931	Cutback Asphalt	06/14/1990	05/02/91, 56 FR 20140.	

TABLE 3—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
2.0932	Gasoline Truck Tanks and Vapor Collection Systems.	06/14/1990	05/02/91, 56 FR 20140.	
2.0933	Petroleum Liquid Storage In External Floating Roof Tanks.	10/16/2004	9/12/07, 72 FR 52012.	
2.0934	Coating of Miscellaneous Metal Parts and Products.	06/14/1990	05/02/91, 56 FR 20140.	
2.0935	Factory Surface Coating of Flat Wood Paneling.	06/14/1990	05/02/91, 56 FR 20140.	
2.0936	Graphic Arts	06/14/1990	05/02/91, 56 FR 20140.	
2.0937	Manufacture of Pneumatic Rubber Tires	06/14/1990	05/02/91, 56 FR 20140.	
2.0939	Determination of Volatile Organic Compound Emissions.	06/14/1990	05/02/91, 56 FR 20140.	
2.0940	Determination of Leak Tightness and Vapor Leaks.	06/14/1990	05/02/91, 56 FR 20140.	
2.0941	Alternative Method for Leak Tightness	06/14/1990	05/02/91, 56 FR 20140.	
2.0942	Determination of Solvent in Filter Waste	06/14/1990	05/02/91, 56 FR 20140.	
2.0943	Synthetic Organic Chemical and Polymer Manufacturing.	06/14/1990	05/02/91, 56 FR 20140.	
2.0944	Manufacture of Polyethylene, Polypropylene and Polystyrene.	06/14/1990	05/02/91, 56 FR 20140.	
2.0945	Petroleum Dry Cleaning	06/14/1990	05/02/91, 56 FR 20140.	

(d) [Reserved]

(e) *EPA approved North Carolina non-regulatory provisions.*

EPA APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	FEDERAL REGISTER citation
Capital Area, North Carolina Interagency Transportation Conformity Memorandum of Agreement.	1/1/02	12/27/02	67 FR 78986
Durham-Chapel Hill Interagency Transportation Conformity Memorandum of Agreement.	1/1/02	12/27/02	67 FR 78986
Winston-Salem Interagency Transportation Conformity Memorandum of Agreement.	1/01/02	12/27/02	67 FR 78986
High Point Interagency Transportation Conformity Memorandum of Agreement.	1/01/02	12/27/02	67 FR 78986
Greensboro Interagency Transportation Conformity Memorandum of Agreement.	1/01/02	12/27/02	67 FR 78986
Gaston, North Carolina Interagency Transportation Conformity Memorandum of Agreement.	1/1/02	12/27/02	67 FR 78986
Mecklenburg-Union Interagency Transportation Conformity Memorandum of Agreement.	8/7/03	09/15/03	68 FR 53887
10 Year Maintenance Plan Update for the Raleigh/Durham Area.	6/4/04	9/20/04	69 FR 56163
10 Year Maintenance Plan Update for the Greensboro/Winston-Salem/High Point Area.	6/4/04	9/20/04	69 FR 56163
Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas.	12/21/04	9/21/05	70 FR 48874
Charlotte, Raleigh-Durham, and Winston-Salem Carbon Monoxide Second 10-Year Maintenance Plan.	3/18/05	3/24/06	71 FR 14817

EPA APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS—Continued

Provision	State effective date	EPA approval date	FEDERAL REGISTER citation
8-Hour Ozone Maintenance plan for the Rocky Mount, North Carolina area (Edgecombe and Nash Counties).	6/19/06	11/6/06	71 FR 64891
8-Hour Ozone Maintenance plan for the Raleigh-Durham-Chapel Hill, North Carolina area (Durham, Franklin, Granville, Johnston, Orange, Person and Wake Counties in their entireties, and Baldwin, Center, New Hope and Williams Townships in Chatham County).	6/7/07	12/26/07	72 FR 72948
1-Hour Ozone Maintenance plan revision for the Greensboro/Winston-Salem/High Point area (Davidson, Forsyth, and Guilford counties and a portion of Davie County).	2/4/2008	4/8/08	73 FR 18963
8-Hour Ozone Maintenance Plan for the Great Smoky Mountains National Park Area.	7/24/2009	12/07/09	74 FR 63995
1997 Annual $PM_{2.5}$ Maintenance Plan for the Hickory, North Carolina Area (Catawba County).	12/18/09	11/18/11	76 FR 71455
1997 Annual $PM_{2.5}$ Maintenance Plan for the Hickory, North Carolina Area—MOVES Update.	12/22/10	11/18/11	76 FR 71455
1997 Annual $PM_{2.5}$ Maintenance Plan for the Greensboro, North Carolina Area (Davidson and Guilford Counties).	12/18/09	11/18/11	76 FR 71458
1997 Annual $PM_{2.5}$ Maintenance Plan for the Greensboro, North Carolina Area—MOVES Update.	12/22/10	11/18/11	76 FR 71458
North Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards.	12/12/2007	2/6/2012	77 FR 5706
1997 8-Hour Ozone 110(a)(1) Maintenance Plan for the Triad Area.	4/13/11	3/26/12	76 FR 3616
Supplement to 110(a)(1) Maintenance Plan for the Triad Area.	5/18/2011	3/26/12	76 FR 3616

[64 FR 27467, May 20, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1770, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTES: 1. At 77 FR 26444, May 4, 2012, § 52.1770 was amended by adding a new entry to the table in paragraph (e) for ''North Carolina portion of bi-state Charlotte; 1997 8–Hour Ozone 2002 Base Year Emissions Inventory'', effective July 3, 2012. For the convenience of the user, the added text is set forth as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation
* * *	*		* * *
North Carolina portion of bi-state Charlotte; 1997 8-Hour Ozone 2002 Base Year Emissions Inventory.	11/12/2009	5/4/2012	[Insert citation of publication].

2. At 77 FR 38191, June 27, 2012, § 52.1770 was amended by adding a new entry to the table in paragraph (c) for ''Sect .0543'' in numerical order, and adding a new entry to the end of the table table in paragraph (e) for ''Regional Haze Plan'', effective July 27, 2012.

For the convenience of the user, the added text is set forth as follows:

(c) * * *

§ 52.1770 Identification of plan.

* * * * *

TABLE 1—EPA-APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
*	* *		* *	* *
Section .0500 Emission Control Standards				
*	* *		* *	* *
Sect .0543 ...	Best Available Retrofit Technology	9/6/2006	6/27/2012 [Insert citation of publication].	
*	* *		* *	* *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** citation
* * *		*	* * *
Regional Haze Plan	11/17/2007	6/27/2012	[Insert citation of publication].

§ 52.1771 Classification of regions.

The North Carolina plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Western Mountain Intrastate	I	III	III	III	III
Eastern Mountain Intrastate	I	III	III	III	III
Metropolitan Charlotte Interstate	I	II	III	III	I
Northern Piedmont Intrastate	I	III	III	III	III
Eastern Piedmont Intrastate	I	III	III	III	III
Northern Coastal Intrastate	I	III	III	III	III
Southern Coastal Intrastate	II	III	III	III	III
Sandhills Intrastate	II	III	III	III	III

[37 FR 10884, May 31, 1972]

§ 52.1772 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves North Carolina's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy

all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) New Source review permits issued pursuant to section 173 of the Clean Air Act will not be deemed valid by EPA unless the provisions of Section V of the Emission Offset (Interpretative Rule) published on January 16, 1979 (44 FR 3274) are met.

[45 FR 26043, Apr. 17, 1980, as amended at 75 FR 82558, Dec. 30, 2010; 76 FR 64244, Oct. 18, 2011]

§ 52.1773 Conditional approval.

Conditional Approval—Submittal from the State of North Carolina, through the Department of Environment and Natural Resources (NC DENR), Division of Air Quality, dated December 12, 2007, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 ozone National Ambient Air Quality Standards. On January 11, 2012, NC DENR supplemented their December 12, 2007, submission with a commitment to address the requirements of CAA section 110(a)(2)(E)(ii) of the CAA which requires state compliance with section 128 of the CAA. EPA is conditionally approving North Carolina's submittal with respect to CAA section 110(a)(2)(E)(ii).

[77 FR 5706, Feb. 6, 2012]

§ 52.1774 [Reserved]

§ 52.1775 Rules and regulations.

Paragraph (g) of regulation 2D.0535 is disapproved because its automatic exemption for excess emissions during startup and shutdown is inconsistent with the Clean Air Act.

[51 FR 32075, Sept. 9, 1986]

§ 52.1776 Visibility protection.

(a) *Regional Haze*. The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by North Carolina on December 17, 2007, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited disapproval to the plan provisions addressing these requirements.

(b) [Reserved]

EFFECTIVE DATE NOTE: At 77 FR 33658, June 7, 2012, § 52.1776 was added, effective August 6, 2012.

§ 52.1777 [Reserved]

§ 52.1778 Significant deterioration of air quality.

(a)–(b) [Reserved]

(c) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of North Carolina shall be submitted to the State agency, North Carolina Department of Environment and Natural Resources, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699–1641 or local agencies, Forsyth County Environmental Affairs, 201 North Chestnut Street, Winston-Salem, North Carolina 27101 or Forsyth County Air Quality Section, 537 North Spruce Street, Winston-Salem, North Carolina 27101; Mecklenburg County Land Use & Environmental Services Agency, Air Quality, 700 N. Tryon St., Suite 205, Charlotte, North Carolina 28202–2236; Western North Carolina Regional Air Quality Agency, 49 Mount Carmel Road, Asheville, North Carolina 28806, rather than to EPA's Region 4 office.

[43 FR 26410, June 19, 1978, as amended at 47 FR 7837, Feb. 23, 1982; 74 FR 55143, Oct. 27, 2009; 77 FR 23398, Apr. 19, 2012]

§ 52.1779 Control strategy: Ozone.

(a) *Determination of attaining data*. EPA has determined, as of November 15, 2011, the bi-state Charlotte-Gastonia-Rockhill, North Carolina-South Carolina nonattainment area has attaining data for the 1997 8-hour ozone

NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standards for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

(b) Based upon EPA's review of the air quality data for the 3-year period 2008–2010, EPA determined that the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina, 1997 8-hour ozone nonattainment Area attained the 1997 8-hour ozone NAAQS by the applicable attainment date of June 15, 2011. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina, 1997 8-hour ozone nonattainment Area is not subject to the consequences of failing to attain pursuant to section 181(b)(2).

[76 FR 70659, Nov. 15, 2011, as amended at 77 FR 13494, Mar. 7, 2012]

§52.1780 VOC rule deficiency correction.

The revisions submitted to EPA for approval on September 21, 1989, January 14, 1991, April 29, 1991, August 13, 1991, and July 19, 1993, were intended to correct deficiencies cited in a letter calling for the State to revise its SIP for O_3 from Greer C. Tidwell, EPA Regional Administrator to Governor James C. Martin on May 25, 1988, and clarified in a letter from Winston A. Smith, EPA Region IV Air Division Director to the Chief of the Air Quality Section, North Carolina Division of Environmental Management. The deficiency in the following aspect of the rule has not been corrected.

(a) Procedures used to determine capture control device efficiency should be contained in 2D.0914. This deficiency must be corrected as soon as EPA issues final guidance on Capture Efficiency regulations.

(b) [Reserved]

[59 FR 32365, June 23, 1994]

§52.1781 Control strategy: Sulfur oxides and particulate matter.

(a) The plan's control strategy for particulate matter as outlined in the three-year variance for the coal-fired units of Duke Power Company and Carolina Power & Light Company from the particulate emission limits of Regulation 15 N.C.A.C. 2D.0503, with submittals on June 18, September 7, October 31, and December 14, 1979, by the North Carolina Department of Natural Resources and Community Development, is disapproved only insofar that it provides an exemption for excess emissions during periods of startup, shutdown, and verified malfunction. (See §52.1770(c)(22).)

(b) The plan's control strategy for particulate matter as contained in regulation 15 NCAC 2D.0536, which was submitted on January 24 and February 21, 1983, and on December 17, 1985, and became effective on August 1, 1987, is disapproved insofar as it provides annual opacity limits for the seven plants of Duke Power Company and for Plants Roxboro and Cape Fear of Carolina Power and Light Company.

(c) The plan's control strategy for particulate matter as contained in revisions to 15 NCAC 2D.0536 submitted on January 24, 1983, February 21, 1983, and December 17, 1985, is disapproved as it applies to the Carolina Power and Light Asheville, Lee, Sutton and Weatherspoon Plants. These plants will continue to be subject to the particulate limits of 15 NCAC 2D.0503, contained in the original SIP, submitted to EPA on January 27, 1972, and approved on May 31, 1982 at 47 FR 10884.

(d) In letters dated February 4, 1987, and June 15, 1987, the North Carolina Department of Natural Resources and Community Development certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules.

(e) *Determination of Attaining Data.* EPA has determined, as of January 4, 2010, the Greensboro-Winston-Salem-High Point, North Carolina, nonattainment area has attaining data for the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c),

suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 $PM_{2.5}$ NAAQS.

(f) *Determination of Attaining Data.* EPA has determined, as of January 5, 2010, the Hickory-Morganton-Lenoir, North Carolina, nonattainment area has attaining data for the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 $PM_{2.5}$ NAAQS.

(g) *Disapproval.* EPA is disapproving portions of North Carolina's Infrastructure SIP for the 2006 24-hour $PM_{2.5}$ NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(h) North Carolina submitted a control strategy plan for particulate matter entitled, ''*An Act to Improve Air Quality in the State by Imposing Limits on the Emission of Certain Pollutants from Certain Facilities that Burn Coal to Generate Electricity and to Provide for Recovery by Electric Utilities of the Costs of Achieving Compliance with Those Limits.*'' The State expects the resulting emission reductions of nitrogen oxides and sulfur dioxide from this control plan will serve as a significant step towards meeting the 1997 $PM_{2.5}$ and 8-hour ozone national ambient air quality standards (NAAQS), among other NAAQS, improving visibility in the mountains and other scenic vistas, and reducing acid rain. The specific approved provisions, submitted on August 21, 2009, are paragraphs (a) through (e) of Section 1 of Session Law 2002–4, Senate Bill 1078 enacted and state effective on June 20, 2002. This approval does not include paragraphs (f) through (j) of Section 1 of Senate Bill 1078 nor any of Section 2 of Senate Bill 1078.

[45 FR 55425, Aug. 20, 1980, as amended at 53 FR 11071, Apr. 5, 1988; 53 FR 22488, June 16, 1988; 54 FR 9434, Mar. 7, 1989; 54 FR 13185, Mar. 31, 1989; 75 FR 56, Jan. 4, 2010; 75 FR 232, Jan. 5, 2010; 75 FR 75626, 75627, Dec. 6, 2010; 76 FR 43175, July 20, 2011; 76 FR 59252, Sept. 26, 2011]

§ 52.1783 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of North Carolina'' and all revisions submitted by North Carolina that were federally approved prior to December 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the North Carolina Department of Natural and Economic Resources.

(2) Letter indicating procurement of additional monitors submitted on May 9, 1972, by the North Carolina Department of Natural and Economic Resources.

(3) Compliance schedules submitted on February 13, 1973, by the North Carolina Department of Natural and Economic Resources.

(4) Compliance schedules submitted on February 14, 1973, by the North Carolina Department of Natural and Economic Resources.

(5) Compliance schedules submitted on March 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(6) Compliance schedules submitted on April 24, 1973, by the North Carolina Department of Natural and Economic Resources.

(7) Compliance schedules submitted on November 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(8) Indirect source review regulation No. 9 submitted on November 16, 1973, by the North Carolina Department of Natural and Economic Resources.

(9) Compliance schedules submitted on November 20, 1973, by the North Carolina Department of Natural and Economic Resources.

(10) Revisions to indirect source review regulation No. 9 and AQMA identification material submitted on April 1, 1974, by the North Carolina Department of Natural and Economic Resources.

(11) Compliance schedules submitted on May 13, 1974, by the North Carolina Department of Natural and Economic Resources.

(12) Compliance schedules submitted on November 7, 1974, by the North Carolina Department of Natural and Economic Resources.

(13) AQMA identification material submitted on November 22, 1974, by the North Carolina Department of Natural and Economic Resources.

(14) Compliance schedules submitted on November 27, 1974, by the North Carolina Department of Natural and Economic Resources.

(15) Revised ambient SO_2 and NO_2 standards, submitted on March 23, 1976, by the North Carolina Department of Natural and Economic Resources.

(16) Regulations extending visible emissions standard, adopting EPA's New Source Performance Standards (40 CFR part 60) and revising emission monitoring of stationary sources (40 CFR part 51.19), submitted June 24, 1976, by North Carolina Departmentof Natural and Economic Resources.

(17) Letter requesting delegation of Federal authority for the administrative and technical portions of the prevention of significant deterioration program, submitted on June 24, 1976, by the Secretary of the North Carolina Department of Natural andEconomic Resources.

(18) Miscellaneous plan revisions, submitted on November 1, 1976, by the North Carolina Department of Natural and Economic Resources.

(19) Regulations governing emissions of sulfur dioxide from the roasting of spodumene ore, submitted on February 14, 1978, by the North Carolina Department of Natural Resources and Community Development.

(20) Request for an 18-month extension of the statutory timetable for submitting a plan to attain and maintain the secondary ambient standard for particulate matter in the Spruce Pine nonattainment area, submitted on February 1, 1979, by the North Carolina Department of Natural Resources and Community Development.

(21) 1979 implementation plan revisions for the Mecklenburg County ozone and carbon monoxide nonattainment areas, including regulations 2D.0901–.0931 and 2H.0608, adopted on June 14, 1979, and submitted on June 15 and July 25, 1979, by the North Carolina Department of Natural Resources and Community Development.

(22) Three-year variance for the coal-fired units of Duke Power Company and Carolina Power & Light Company from the particulate emission limits of Regulation 15 N.C.A.C. 2D.0503, with submittals on June 18, September 7, October 31, and December 14, 1979, by the North Carolina Department of Natural Resources and Community Development.

(23) Revised regulations 2D.0903 and 2D.0931, adopted on April 10, 1980, and submitted on May 2, 1980, by the North Carolina Department of Natural Resources and Community Development to correct deficiencies in the Part D ozone revisions given conditional approval on April 17, 1980.

(24) Corrections in Part D carbon monoxide revisions conditionally approved on April 17, 1980, submitted on May 22 (this submittal included Regulation 2H.0608(g)), July 1, and August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

(25) Miscellaneous revisions submitted on June 15, 1979 (provisions for interstate pollution abatement to satisfy section 126(a) of the Clean Air Act, and revised ambient standard for ozone), and on May 2, 1980 (revision of regulations 2D.0302, .0501, .0524, .0525, and .0603, addition of regulation 2H.0603(f), ambient standard for airborne lead, and provision for public participation to satisfy section 127(a) of the Clean Air Act), by the North Carolina Department of Natural Resources and CommunityDevelopment.

(26) Revisions of Section VI, Air Quality Surveillance, of the plan, submitted on August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

(27) Opacity limits for existing kraft pulp mill recovery furnaces (regulation

2D .0508(b)) and revised opacity limitations for other sources (revised regulation 2D .0521), submitted on March 22, 1977, and on April 19, 1978, by the North Carolina Department of Natural Resources and Community Development.

(28) Revisions in VOC regulations 2D.0902, .0903, .0905, .0907–.0912, and new VOC regulations 2D.0932–.0942, submitted on June 23, 1980, and revised regulation 2D.0936, submitted on April 29, 1981, by the North Carolina Department of Natural Resources and Community Development.

(29) Implementation plan for lead, submitted on May 2, 1980, by the North Carolina Department of Natural Resources and Community Development.

(30) Regulation 2D.0530, providing for prevention of significant deterioration, submitted on April 16, 1981, by the North Carolina Department of Natural Resources and Community Development.

(31) Addition of regulations 2D.0531 and 2D.0532 to replace repealed regulation 2H.0608, regulations providing for alternative emission reduction options, revised permit regulations (no action is taken on the addition of subdivision (h) to regulation 2H.0603), and miscellaneous other regulation changes, submitted on April 16, 1981, and relaxed annual ambient standard for particulate matter, submitted on September 14, 1981, by the North Carolina Department of Natural Resources and Community Development.

(32) Revised SO_2 limit for all but 24 (see FR of December 7, 1982) fuel-burning sources (changes in regulations 2D.0511 and .0516), submitted on March 22, 1977, and January 11, 1982, by the North Carolina Department of Natural Resources and Community Development.

(33) Permit restricting emissions of SO_2 from the Cliffside Steam Plant of Duke Power Company to 2.2 # per million Btu, submitted on September 24, 1982, by the North Carolina Department of Natural Resources and Community Development.

(34) Revised SO_2 limit for eight fuel-burning sources (See FR of February 10, 1983), submitted on March 22, 1977, and January 11, July 27, and August 26, 1982, by the North Carolina Department of Natural Resources and Community Development.

(35) Changes in regulations 2D.0524 and .0603, submitted on September 24, 1982, by the North Carolina Department of Natural Resources and Community Development.

(36) Bubble permit for E. I. du Pont de Nemours and Company, Kinston, submitted on May 18, 1983, by the North Carolina Department of Natural Resources and Community Development.

(37) 1982 revision of the Part D plan for the Mecklenburg County CO nonattainment area, submitted on June 17, 1982, and April 17, 1984, by the North Carolina Department of Natural Resources and Community Development.

(38) Revisions to the North Carolina Administrative Code were submitted to EPA on January 24, 1983.

(i) Incorporation by reference.

(A) Letter of January 24, 1983 from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code Regulations which were adopted by the Environmental Management Commission on December 9, 1982:

15 NCAC 2D.0501, Compliance With Emission Control Standards
15 NCAC 2D.0503, Control of Particulates from Fuel Burning Sources
15 NCAC 2D.0504, Particulates from Wood Burning Indirect Heat Exchangers
15 NCAC 2D.0530, Prevention of Significant Deterioration
15 NCAC 2D.0531, Sources in Nonattainment Areas
15 NCAC 2D.0532, Sources Contributing to an Ambient Violation
15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0902, Applicability (Volatile Organic Compounds)
15 NCAC 2H.0603, Applications (Air Quality Permits)

(39) Revisions to the North Carolina Administrative Code were submitted to EPA on April 17, 1984.

(i) Incorporation by reference.

(A) Letter of April 17, 1984 from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code Regulations

which were adopted by the Environmental Management Commission on April 12, 1984:

15 NCAC 2D.0101, Definitions and References
15 NCAC 2D.0103, Copies of Referenced Federal Regulations
15 NCAC 2D.0201, Classification of Air Pollution Sources
15 NCAC 2D.0202, Registration of Air Pollution Sources
15 NCAC 2D.0302, Episode Criteria
15 NCAC 2D.0303, Emission Reduction Plans
15 NCAC 2D.0304, Preplanned Abatement Program
15 NCAC 2D.0305, Emission Reduction Plan—Alert Level
15 NCAC 2D.0306, Emission Reduction Plan—Warning Level
15 NCAC 2D.0307, Emission Reduction Plan—Emergency Level
15 NCAC 2D.0401, Purpose (Ambient Air Quality Standards)
15 NCAC 2D.0402, Sulfur Oxides
15 NCAC 2D.0403, Suspended Particulates
15 NCAC 2D.0404, Carbon Monoxide
15 NCAC 2D.0405, Ozone
15 NCAC 2D.0407, Nitrogen Dioxide
15 NCAC 2D.0408, Lead
15 NCAC 2D.0501, Compliance With Emission Control Standards
15 NCAC 2D.0524, New Source Performance Standards
15 NCAC 2D.0601, Purpose and Scope (Monitoring, Reporting)
15 NCAC 2D.0602, Definitions
15 NCAC 2D.0604, Sources Covered by Implementation Plan Requirements
15 NCAC 2D.0605, Wood and Wood—Fossil Fuel Combination Units
15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0607, Exceptions to Monitoring and Reporting Requirements
15 NCAC 2D.0608, Program Schedule
15 NCAC 2D.0610, Delegation
15 NCAC 2D.0801, Purpose and Scope (Complex Sources)
15 NCAC 2D.0802, Permits
15 NCAC 2D.0803, Highway Projects
15 NCAC 2D.0804, Airport Facilities
15 NCAC 2H.0601, Purpose and Scope (Air Quality Permits)
15 NCAC 2H.0602, Definitions
15 NCAC 2H.0604, Final Action on Permit Applications
15 NCAC 2H.0605, Issuance, Revocation and Enforcement of Permits
15 NCAC 2H.0606, Delegation of Authority
15 NCAC 2H.0607, Copies of Referenced Documents

(ii) Additional material.

(A) The following regulations were repealed by the Environmental Management Commission on April 12, 1984:

15 NCAC 2D.0102, Phrases
15 NCAC 2D.0406, Hydrocarbons
15 NCAC 2D.0603, Sources Covered by National Standards

(40) Visibility Impairment Prevention Program and visibility new source review regulations were submitted to EPA on April 15, 1985.

(i) Incorporation by reference.

(A) Letter of April 15, 1985, from the North Carolina Department of Natural Resources and Community Development, and the following North Carolina Administrative Code revisions which were adopted by the Environmental Management Commission on April 11, 1985: 15 NCAC 2D.0530, Prevention of Significant Deterioration 15 NCAC 2D.0531, Sources in Nonattainment Areas.

(ii) Additional material.

(A) Narrative submittal, titled ''Visibility Impairment Prevention Program for Federal Class I Areas,'' adopted by the Environmental Management Commission on April 11, 1985.

(41) [Reserved]

(42) A new regulation covering malfunctions, (2D.0535 (a)–(f)), and the repeal of a malfunction rule for VOC sources (2D.0904) which were submitted to EPA on January 24, 1983. (2D.0535(g) covering startups and shutdowns as submitted on April 17, 1984, is disapproved.)

(i) Incorporation by reference.

(A) New malfunction regulation 15 NCAC 2D.0535 paragraphs (a)–(f), as adopted by the Environmental Management Commission on December 9, 1982.

(ii) Additional material.

(A) Letter from Robert F. Helms, Director, Division of Environmental Management, dated January 24, 1983.

(43) Revisions to the North Carolina Administrative Code were submitted to EPA on March 18, 1985.

(i) Incorporation by reference.

(A) Changes in the following regulations were adopted by the Environmental Management Commission on March 14, 1985:

15 NCAC 2D.0606, Other Coal or Residual Oil Burners
15 NCAC 2D.0939, Determination of Volatile Organic Compound Emissions

(B) The following new regulations were adopted by the Environmental Management Commission on March 14, 1985:

15 NCAC 2D.0943, Synthetic Organic Chemical and Polymer Manufacturing
15 NCAC 2D.0944, Manufacturing of Polyethylene, Polypropylene, and Polystyrene
15 NCAC 2D.0945, Petroleum Dry Cleaning

(ii) Other material—none.

(44) Revisions to the North Carolina Administrative Code were submitted to EPA on April 15, 1985.

(i) Incorporation by reference.

(A) Changes in the following regulations were adopted by the Environmental Management Commission on April 11, 1985:

15 NCAC 2D.0202, Registration of Air Pollution Sources
15 NCAC 2D.0501, Compliance with Emission Control Standards (except the changes to paragraph (f)(1)(A))
15 NCAC 2D.0503, Control of Particulates from Fuel Burning Indirect Heat Exchangers
15 NCAC 2D.0504, Particulates from Wood Burning Indirect Heat Exchangers
15 NCAC 2D.0505, Control of Particulates from Incinerators
15 NCAC 2H.0603, (Permit) Applications

(ii) Other material—none.

(45) SO_2 revisions for Alba Waldensian and Valdese Manufacturing which were submitted by the North Carolina Department of Natural Resources and Community Development on April 2, 1986.

(i) Incorporation by reference.

(A) Letter of April 2, 1986, from the North Carolina Department of Natural Resources and Community Development.

(B) Permits for Alba Waldensian (2 plants) and Valdese Manufacturing which were issued by the Environmental Management Commission on July 23, 1986, March 11, 1987, and August 1, 1985, respectively.

(ii) Additional material—none.

(46) SO_2 and particulate revision for Appalachian State University which was submitted by the North Carolina Department of Natural Resources and Community Development on July 26, 1985, and June 7, 1988.

(i) Incorporation by reference.

(A) Letters of July 26, 1985 and June 7, 1988 from the North Carolina Department of Natural Resources and Community Development.

(B) Permit for Appalachian State University (No. 3990R4) which was issued by the Environnental Management Commission on July 19, 1985, and amended on June 7, 1988.

(ii) Additional material—none.

(47) Revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) which were submitted to EPA on December 17, 1984.

(i) Incorporation by reference.

(A) Letter of December 17, 1984, from the North Carolina Division of Environmental Management and amendments to the following regulations which were adopted by the North Carolina Environmental Management Commission on November 8, 1984:

2D.0501—Compliance with Emission Control Standards
2D.0506—Control of Particulates from Hot Mix Asphalt Plants
2D.0507—Particulates from Chemical Fertilizer Manufacturing Plants
2D.0508—Control of Particulates from Pulp and Paper Mills
2D.0509—Particulates from Mica or Feldspar Processing Plants
2D.0510—Particulates: Sand, Gravel, Crushed Stone Operations
2D.0511—Particulates, SO_2 from Lightweight Aggregate Processes
2D.0512—Particulates from Wood Products Finishing Plants
2D.0513—Control of Particulates from Portland Cement Plants
2D.0514—Control of Particulates from Ferrous Jobbing Foundries
2D.0515—Particulates from Miscellaneous Industrial Processes
2D.0516—Sulfur Dioxide Emissions from Fuel-Burning Installations
2D.0517—Emissions from Plants Producing Sulfuric Acid (Except revision to paragraph 2)
2D.0519—Control of Nitrogen Dioxide Emissions
2D.0520—Control and Prohibition of Open Burning
2D.0521—Control of Visible Emissions
2D.0527—Emissions from Spodumene Ore Roasting (Except revision to paragraph 2)
2D.0530—Prevention of Significant Deterioration
2D.0531—Sources in Nonattainment Areas
2D.0532—Sources Contributing to an Ambient Violation
2D.0901—Definitions (Volatile Organic Compounds)
2D.0903—Recordkeeping, Reporting, Monitoring (Volatile Organic Compounds)
2D.0905—Petition for Alternative Controls
2D.0906—Circumvention
2D.0907—Equipment Installation Compliance Schedules
2D.0908—Equipment Modification Compliance Schedules

2D.0909—Low Solvent Content Coating Compliance Schedules
2D.0910—Alternate Compliance Schedules
2D.0912—General Provisions on Test Methods and Procedures
2D.0913—Determination of Volatile Content of Surface Coating
2D.0914—Determination of VOC Emission Control System Efficiency
2D.0915—Determination of Solvent Metal Cleaning VOC Emissions
2D.0916—Determination of VOC Emissions from Bulk Gasoline Terminals
2D.0918—Can Coating
2D.0919—Coil Coating
2D.0920—Paper Coating
2D.0921—Fabric and Vinyl Coating
2D.0922—Metal Furniture Coating
2D.0923—Surface Coating of Large Appliances
2D.0924—Magnet Wire Coating
2D.0925—Petroleum Liquid Storage In Fixed Roof Tanks
2D.0926—Bulk Gasoline Plants
2D.0927—Bulk Gasoline Terminals
2D.0928—Gasoline Service Stations Stage I
2D.0929—Petroleum Refinery Sources
2D.0930—Solvent Metal Cleaning
2D.0931—Cutback Asphalt
2D.0932—Gasoline Truck Tanks and Vapor Collection Systems
2D.0933—Petroleum Liquid Storage In External Floating Roof Tanks
2D.0934—Coating of Miscellaneous Metal Parts and Products
2D.0935—Factory Surface Coating of Flat Wood Paneling
2D.0936—Graphic Arts
2D.0937—Manufacture of Pneumatic Rubber Tires
2D.0938—Perchloroethylene Dry Cleaning System
2D.0939—Determination of Volatile Organic Compound Emissions
2D.0940—Determination of Leak Tightness and Vapor Leaks
2H.0601—Purpose and Scope (Permits)
2H.0604—Final Action on Permit Applications
2H.0605—Issuance, Revocation and Enforcement of Permits

(ii) Additional material.

(A) Regulation 2D.0609 (Monitoring Condition in Permit) was repealed by the Environmental Management Commission on November 8, 1984.

(48) Revision to the North Carolina Administrative Code (15 NCAC) which was submitted to EPA on February 25, 1986.

(i) Incorporation by reference.

(A) Letter of February 25, 1986, from the North Carolina Division of Environmental Management and the amendment to regulation 2D.0917 (Automobiles and Light-Duty Truck Manufacturing) which was adopted by the North Carolina Environmental Management Commission on February 13, 1986.

(ii) Additional material—none.

(49) Revision to 15 NCAC 2D.0518 which was submitted by the North Carolina Division of Environmental Management on January 24, 1983.

(i) Incorporation by reference.

(A) Letter of January 24, 1983 to EPA from the North Carolina Department of Natural Resources and Community Development, and amendments to North Carolina Administrative Code regulation 2D.0518 (Miscellaneous Volatile Organic Compound Emissions) adopted by the Environmental Management Commission on December 9, 1982, which allow alternative control strategies.

(ii) Additional material—none.

(50) Stack Height regulations were submitted to EPA on September 24, 1982, April 17, 1984, and February 25, 1986, by the North Carolina Department of Natural Resources and Community Development.

(i) Incorporation by reference.

(A) Regulations 15NCAC 2D.0533 (Stack Height) adopted on September 9, 1982 and Regulations 15NCAC 2H.0603 (Applications) adopted on February 13, 1986 and April 12, 1984, by the Environmental Management Commission.

(ii) Other material—none.

(51) Revisions to the North Carolina State Implementation Plan were submitted by the State of North Carolina Division of Environmental Management on June 12, 1986.

(i) Incorporation by reference.

(A) A new regulation entitled Control of Conical Incinerators, 15 NCAC 2D.0523, which became effective on January 1, 1985.

(B) A letter dated July 7, 1987, from the State of North Carolina Division of Environmental Management clarifying the adoption and effective dates of 15 NCAC 2D.0523.

(ii) Other material—none.

(52) Minor revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted to EPA on February 25, 1986.

(i) Incorporation by reference.

(A) Letter of February 25, 1986 from the State of North Carolina to EPA,

and Amendments in the following regulations which were adopted by the North Carolina Environmental Management Commission on February 13, 1986:

2D.0501 Compliance with Emission Control Standards
2D.0508 Control of Particulates from Pulp and Paper Mills
2D.0509 Particulates from Mica and Feldspar Processing Plants
2D.0514 Control of Particulates from Ferrous Jobbing Foundries
2D.0535 Malfunctions, Startup and Shutdown
2D.0916 Determination: VOC Emissions from Bulk Gasoline Terminals

(ii) Other material—none.

(53) Revisions to 15 NCAC, regulation 2D.0501 were submitted to EPA on October 14, 1986.

(i) Incorporation by reference.

(A) Letter of October 14, 1986, from the North Carolina Department of Natural Resources and Community Development, and revisions to 15 NCAC, regulation 2D.0501 which were adopted by the Environmental Management Commission on September 11, 1986.

(ii) Additional material—none.

(54) Revisions to the visible emission regulations of Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted February 11, 1987.

(i) Incorporation by reference.

(A) Letter to EPA dated February 11, 1987 and amendments to the following North Carolina Administrative Code regulations:

15 NCAC 2D.0501(c)(8), Compliance with Emission Control Standards;
15 NCAC 2D.0508(b), Control of Emissions from Pulp and Paper Mills; and
15 NCAC 2D.0521 (c), (d), and (f), Control of Visible Emissions, which became effective on August 1, 1987.

(ii) Additional material—none.

(55) A revised regulation limiting emissions from electric utility boilers was submitted on January 24, 1983, and February 21, 1983, and amended by submittals dated December 17, 1985, and June 19, 1987, by the North Carolina Department of Natural Resources and Community Development. Only the following portions of this regulation are approved:

(i) Incorporation by reference.

(A) Only those portions of a new regulation, 15 NCAC 2D.0536, entitled ''Emissions from Electric Utility Boilers,'' which were approved by the Environmental Protection Agency on April 5, 1988.

(ii) Other material—none.

(56) Revisions to miscellaneous regulations of Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted April 14, 1987.

(i) Incorporation by reference.

(A) Amendments to the following regulations (15 NCAC) were adopted by the North Carolina Environmental Management Commission on April 9, 1987:

2D.0103—Copies of Referenced Federal Regulations, paragraph (a)(2).
2D.0501—Compliance with Emission Control Standards, paragraph (c)(4).
2D.0505—Control of Particulates from Incinerators, paragraph (b).
2D.0533—Stack Height, paragraph (a)(7).
2H.0607—Copies of Referenced Documents, (a) introductory text and paragraph (a)(2).

(B) Letter of April 14, 1987, to EPA from the State of North Carolina Department of Natural Resources and Community Development.

(ii) Other material—none.

(57) Revisions to 15 NCAC 2D.0501(c)(4) were submitted by the North Carolina Department of Natural Resources and Community Development on December 15, 1987.

(i) Incorporation by reference.

(A) Letter of December 15, 1987, to the Environmental Protection Agency from the North Carolina Department of Natural Resources and Community Development and revised paragraph (c)(4) of 15 NCAC 2D.0501, adopted by the North Carolina Environmental Management Commission on December 10, 1987.

(ii) Additional material—none.

(58) North Carolina plan for visibility impairment prevention for federal Class I areas, Part 2, submitted to EPA on December 15, 1987, by the North Carolina Division of Environmental Management (NCDEM) to satisfy the Part 2 visibility requirements including the State's long-term strategy and provisions to satisfy the periodic review requirements.

(i) Incorporation by reference.

(A) December 15, 1987, letter from the North Carolina Division of Environmental Management.

(B) That portion of page II–7 of the North Carolina plan for visibility impairment prevention for federal Class I areas Part 2 containing the periodic review requirements satisfying 40 CFR 51.306(c), adopted by the North Carolina Division of Environmental Management on December 10, 1987.

(ii) Additional material.

(A) Narrative SIP titled ''The North Carolina Plan for Visibility Impairment Prevention for Federal Class I Areas Part 2.''

(59) [Reserved]

(60) Revisions to 15 NCAC 2D.0103, Copies of Referenced Federal Regulations; 2D.0304, Preplanned Abatement Program; 2D.0604, Sources Covered by Implementation Plan Requirements; 2D.0606, Other Coal or Residual Oil Burners; 2D.0608, Program Schedule; and 2H.0607, Copies of Referenced Documents, were submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988.

(i) Incorporation by reference.

(A) Letter of May 2, 1988 from the North Carolina Department of Natural Resources and Community Development and revised regulations 15 NCAC 2D.0103(a)(6), 2D.0304(a), 2D.0604(b), 2D.0606(a)(4)(E), 2D.0608(b), and 2H.0607(a)(6), adopted by the North Carolina Environmental Management Commission on April 14, 1988.

(ii) Additional material—none.

(61) Revisions to the SIP including PM_{10} revisions submitted on May 2, 1988, and July 14, 1989 by the North Carolina Department of National Resources and Community Development.

(i) Incorporation by reference.

(A) July 1, 1988 revisions to North Carolina Administration Code Regulation No.:

2D.0101—Definitions, (18) and (25)–(33)
2D.0302—Episode criteria, (2)(g), (3)(g), (4) (f) and (g)
2D.0403—Total suspended particulates
2D.0409—Particulate matter
2D.0501—Compliance with emission control standards, (c)(16)
2D.0913—Determination of volatile content of surface coatings
2D.0916—Determination of VOC emissions from bulk gasoline terminals
2D.0939—Determination of volatile organic compound emissions
2D.0940—Determination of leak tightness and vapor leaks
2D.0601—Purpose and scope
2D.0603—Applications, (f) (5) and (6)

(B) October 1, 1989 State-effective revisions to North Carolina Administration Code No.:

2D.0104—Adoption by Reference Updates
2D.0530—Prevention of Significant Deterioration, (h)
2D.0531—Sources in Non-Attainment Areas, (d)
2D.0532—Sources Contributing to an Ambient Violation, (d)

(ii) Additional material.

(A) May 2, 1988 letter from North Carolina Department of Natural Resources and Community Development.

(B) July 14, 1989 letter from North Carolina Department of Natural Resources and Community Development

(62) Permits for Liggett & Myers and Burlington Industries which were submitted as State Implementation Plant revisions on April 2, 1986, and resubmitted on October 24, 1989.

(i) Incorporation by reference.

(A) Permit No. 2533R11 for Liggett & Myers Tobacco Company issued on May 22, 1989.

(B) Permit No. 4119R5 for Burlington Industries issued on March 3, 1987.

(ii) Additional material—none.

(63) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on July 14, 1989.

(i) Incorporation by reference.

(A) Revisions to North Carolina Administrative Code which became State effective on October 1, 1989 are as follows:

2D.0401, Purpose, as amended
2D.0404, Carbon Monoxide, as amended
2D.0407, Nitrogen Dioxide, as amended
2D.0501, Compliance with Emission Control Standards, (c)(3)
2D.0511, Particulates from Lightweight Aggregate Processes, (d)
2D.0516, Sulfur Dioxide Emissions from Combustion Sources, (a)
2D.0519, Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, as amended
2H.0601, Purpose and Scope, (a), (c), and (d)
2H.0603, Applications, (d) and (e)
2H.0606, Delegation of Authority, as amended

(ii) Additional material.

(A) Letter of July 14, 1989 submitting the SIP revisions.

(64) Revisions to the North Carolina State Implementation Plan which were submitted on July 15, 1987 and May 25, 1988.

(i) Incorporation by reference.

(A) Revisions to North Carolina Administrative Code effective as of July 1, 1988, are as follows:

2D.0530, Prevention Of Significant Deterioration, except (h).
2D.0531, Sources in Nonattainment Areas, except (d).
2D.0532, Sources Contributing to an Ambient Violation, except (d).

(ii) Additional information—none.

(65) Revisions to the North Carolina SIP which include the Forsyth County, Western North Carolina and Mecklenburg County regulations which were submitted on June 14, 1990.

(i) Incorporation by reference.

(A) The entire set of Forsyth County Air Quality Control Code regulations effective December 19, 1988, except for section 3–152(2), 3–155, 3–158, 3–159, 3–160 and 3–169.

(B) The entire set of Western North Carolina regulations effective March 13, 1985 and November 9, 1988, except for Sections 1–137(g), 1–139, 1–144, 1–152(2), 1–158 and 1–159.

(C) The entire set of Mecklenburg County regulations effective April 3, 1989, except for Sections 2.0517(2), 2.0524, 2.0525, 2.0528, 2.0529, 2.0534, 2.0537.

(ii) Additional material—none.

(66) The maintenance plan and emission inventory for Greensboro/Winston-Salem/Highpoint Area which includes Davidson County, Davis County (part) the area bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek, and back to the Yadkin River, Forsyth County and Guilford County, submitted by the North Carolina Department of Environment, Health, and Natural Resources on November 13, 1992, and June 1, 1993, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Supplement to the Redesignation Demonstration and Maintenance Plan For Raleigh/Durham and Greensboro/Winston-Salem/High Point Ozone Attainment Areas submitted June 1, 1993, and Prepared by the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Air Quality Section. The effective date is July 8, 1993.

(*1*) Section 2—Discussion of Attainment.

(*2*) Section 3—Maintenance Plan.

(*3*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1990.

(*4*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1993.

(*5*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1996.

(*6*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 1999.

(*7*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 2002.

(*8*) Greensboro/Winston-Salem/High Point Nonattainment Area Emission Summary for 2004.

(ii) Other material. None

(67) The maintenance plan and emission inventory for the Raleigh/Durham Area which includes Durham County, Wake County, and the Dutchville Township portion of Granville County submitted by the North Carolina Department of Environment, Health, and Natural Resources on November 13, 1992, and June 1, 1993, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Supplement to the Redesignation Demonstration and Maintenance Plan for the Greensboro/Winston-Salem/High Point and Raleigh/Durham Ozone Attainment Areas submitted June 1, 1993, and Prepared by the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management, Air Quality Section. The effective date is July 8, 1993.

(*1*) Section 2—Discussion of Attainment.

(*2*) Section 3—Maintenance Plan.

(*3*) Raleigh/Durham Nonattainment Area Emission Summary for 1990.

(*4*) Raleigh/Durham Nonattainment Area Emission Summary for 1993.

(*5*) Raleigh/Durham Nonattainment Area Emission Summary for 1996.

(*6*) Raleigh/Durham Nonattainment Area Emission Summary for 1999.

(*7*) Raleigh/Durham Nonattainment Area Emission Summary for 2002.

(*8*) Raleigh/Durham Nonattainment Area Emission Summary for 2004.

(ii) Other material. None.

(68) The North Carolina Department of Environmental Management submitted an Oxygenated Fuel program as part of North Carolina carbon monoxide SIP on November 20, 1992.

(i) Incorporation by reference.

(A) The North Carolina Environmental Commission regulations 15A NCAC 2D.1301 through .1305 effective September 1, 1992.

(B) The North Carolina Gasoline and Oil Board section .0800 through .0806 effective September 1, 1992.

(ii) Other material. None.

(69) Revisions to the VOC portion of the North Carolina SIP to correct deficiencies submitted on September 21, 1989, January 14, 1991, and April 29, 1991, and July 19, 1993, revisions to VOC regulations of the Mecklenburg County Department of Environmental Protection submitted on August 13, 1991.

(i) Incorporation by reference.

(A) Amendments to the North Carolina regulations 15 NCAC 2D.0101, .0531, .0901 except (12) and (28), .0913(b), .0917 except (d), .0918 except (d), .0919 except (d), .0920 except (e), .0921 except (d), .0922 except (d), .0923 except (e), .0924 except (d), .0925 except (d)(1), .0926 except (g), .0927, .0928 except (e), .0929 except (d), .0930 except (e)(3) and (f)(2), .0931, .0932, .0933 except (f), .0934 except (e), .0935, .0936, .0937, .0938, .0941, and 2H.0603 effective December 1, 1989.

(B) Amendments to the North Carolina regulations 15 NCAC 2D.0901 (28), .0902(c), .0913(a), .0925(d)(1), .0926(g), .0928(e), .0929(d), .0930 (e)(3) and (f)(2), .0933(f), .0943 (a) (8) and (10) which were effective March 1, 1991.

(C) Amendments to the North Carolina regulations 15 NCAC 2D.0901(12), .0917(d), .0918(d), .0919(d), .0920(e), .0921(d), .0922(d), .0923(e), .0924(d), and .0934(e) effective on July 1, 1991.

(D) Amendments to the North Carolina regulations 15 NCAC 2D.0903 and 2D.0912 effective on July 1, 1993.

(E) Amendments to the Mecklenburg County Department of Environmental Protection regulations 2.0901, 2.0902, 2.0913, 2.0925, 2.0926, 2.0928, 2.0929, 2.0930, 2.0933, 2.0934, 2.0943, 2.0944 effective March 1, 1991.

(F) Amendments to the Mecklenburg County Department of Environmental Protection regulations 2.0903, 2.0912 effective July 1, 1991.

(ii) Other material. None.

(70) The minor source operating permit program for Mecklenburg County, North Carolina, submitted by the Mecklenburg County Department of Environmental Protection on November 24, 1993, and as part of the Mecklenburg County portion of the North Carolina SIP.

(i) Incorporation by reference.

MCAPCO Regulations 1.5211 through 1.5214, 1.5216, 1.5219, 1.5221, 1.5222, 1.5232, 1.5234, and 1.5306 of the Mecklenburg County portion of the North Carolina SIP adopted June 6, 1994.

(ii) Other material. None.

(71) The PSD NOx increment regulations and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 3, 1993.

(i) Incorporation by reference.

(A) North Carolina regulations 15 NCAC 2D.0103, 2D.0104, 2D.0401, 2D.0521, 2D.0530, 2D.0531, 2D.0532, 2H.0603, 2H.0607, and 2H.0609 effective on December 1, 1992.

(ii) Other material. None.

(72) The NSR regulations to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) North Carolina regulations 15A NCAC 2D.0531, and 2D.0532 effective on December 1, 1993.

(ii) Other material.

(A) Letter of January 7, 1993, from the North Carolina Division of Environmental Management.

(73) Revisions to the State of North Carolina State Implementation Plan (SIP) concerning emission statements were submitted on August 15, 1994, by the North Carolina Department of Environment, Health and Natural Resources.

(i) Incorporation by reference.

Revisions to North Carolina Regulation 15A NCAC 2Q .0207, effective July 1, 1994.

(ii) Other material. None.

(74) The minor source operating permit programs for the State of North Carolina, Western North Carolina Regional Air Pollution Control Board, and Forsyth County Department of Environmental Affairs submitted by the North Carolina Department of Environment, Health, and Natural Resources on May 31, 1994, June 1, 1994, and September 15, 1994, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2Q.0103, 15A NCAC 2Q.0301, 15A NCAC 2Q.0303 through 15A NCAC 2Q.0311 of the North Carolina SIP as adopted by the North Carolina Environmental Management Commission on May 12, 1994 and which became effective on July 1, 1994.

(B) Regulations 15A NCAC 2Q.0103, 15A NCAC 2Q.0301, 15A NCAC 2Q.0303 through 15A NCAC 2Q.0311 of the North Carolina SIP as adopted by reference by the Western North Carolina Regional Air Pollution Control Board (WNCRAPCB) on September 12, 1994 and which were made effective September 12, 1994.

(C) Regulations Subchapter 3Q.0103, Subchapter 3Q.0301, Subchapter 3Q.0303 through Subchapter 3Q.0311 of the Forsyth County portion of the North Carolina SIP as adopted and made effective by the Forsyth County Board of Commissioners on May 23, 1994.

(ii) Other material. None.

(75) The redesignation and maintenance plan for Winston-Salem/Forsyth County submitted by the North Carolina Department of Environmental Management on April 27, 1994, as part of the North Carolina SIP. The emission inventory projections are included in the maintenance plan.

(i) Incorporation by reference.

(A) Maintenance Plan for the Forsyth County Carbon Monoxide Nonattainment Area adopted on April 14, 1994.

(ii) Other material. None.

(76) The North Carolina Department of Environment, Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan on November 2, 1989. These revisions incorporate SO_2 limits and permit conditions for Texasgulf, Incorporated.

(i) Incorporation by reference.

(A) Permit for Texasgulf, Incorporated (air permit no. 2331R10) which was issued by the Environmental Management Commission on October 13, 1989.

(ii) Additional material-none.

(77) Revisions to the VOC RACT regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D .0518, 2D.0531, 2D.0532, 2D.0901, and 2D.0936, effective on December 1, 1993.

(B) Amendments to North Carolina regulations 15A NCAC 2D.0902, 2D.0907, 2D.0910, 2D.0911, 2D.0947, 2D.0948, 2D.0949, 2D.0950, 2D.0951, and 2D.0952 effective on July 1, 1994.

(ii) Other material. None.

(78) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on May 15, 1991.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D.0103, 2D.0503, 2D.0530, 2D.0536, 2H.0601, and 2H.0607, of the North Carolina State Implementation Plan submitted on May 15, 1991, which were state effective on August 1, 1991.

(ii) Other material. None

(79) The North Carolina Department of Environment, Health and Natural Resources has submitted revisions to the North Carolina SIP on July 19, 1993. These revisions address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) North Carolina's Small Business Stationary Source Technical and Environmental Compliance Assistance Program which was adopted on May 12, 1994.

(ii) Other material. None.

(80) Modifications to the existing basic I/M program in North Carolina submitted on July 19, 1993, January 17, 1992, and September 24, 1992. Addition of regulations .1001 through .1005 establishes the I/M program.

(i) Incorporation by reference.

(A) Regulation .1001 and .1003, effective on December 1, 1982.

(B) Regulation .1002 effective on July 1, 1994.

(C) Regulation .1004 effective on July 1, 1993.

(D) Regulation .1005 effective on April 1, 1991.

(E) Specification for the North Carolina Analyzer System adopted December 12, 1991.

(ii) Other material. None.

(81) The VOC revision to the North Carolina State Implementation Plan which were submitted on October 14, 1994.

(i) Incorporation by reference. Addition of new North Carolina regulations 15A NCAC 2D .0518 which was state effective on September 1, 1994.

(ii) Other material. None.

(82) The redesignation and maintenance plan for Raleigh/Durham and Charlotte submitted by the North Carolina Department of Environmental Management on October 7, 1994 and August 9, 1991, as part of the North Carolina SIP. The emission inventory projections are included in the maintenance plans.

(i) Incorporation by reference. Section 3 of the Redesignation Demonstration and Maintenance Plan for Raleigh/Durham, Winston-Salem, and Charlotte Carbon Monoxide Nonattainment Area adopted on September 8, 1994.

(ii) Other material. None.

(83) The maintenance plan and redesignation request for the Charlotte-Gastonia area which include Mecklenburg and Gaston Counties submitted by the State of North Carolina on November 12, 1993.

(i) Incorporation by reference.

(A) The following subsections of Section 3.0, entitled Maintenance Plan, in the Supplement to the Redesignation Demonstration and Maintenance Plan for the Charlotte/Gaston Ozone Nonattainment Area adopted by the North Carolina Environmental Management Commission on May 11, 1995: 3.1 Concept of North Carolina's Maintenance Plan; 3.2 Foundation Control Program; Table 3.2 of Subsection 3.3; and 3.4 Contingency Plan.

(ii) Other material. None.

(84) The VOC RACT regulations, NSR regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on August 15, 1994.

(i) Incorporation by reference.

(A) Addition of new North Carolina regulations 15A NCAC 2D .0805 and .0806 and 15A NCAC 2Q .0101 through .0111, and .0601 through .0607. effective on July 1, 1994.

(B) Amendments to North Carolina regulations 15A NCAC 2D .0101, .0501, .0503, .0530, .0531, .0532, .0533, .0601, .0801, .0802, .0803, and .0804 effective on July 1, 1994.

(ii) Other material. None.

(85) The VOC revisions to the North Carolina State Implementation Plan which were submitted on March 3, 1995, and on May 24, 1995.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2D .0955, .0956, and .0957 effective on April 1, 1995.

(B) Regulations 15A NCAC 2D .0950, and .0104 effective on May 1, 1995.

(ii) Other material. None.

(86) The PM–10 rules, Stack Testing Methods and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 23, 1995.

(i) Incorporation by reference. Addition of new North Carolina rules 15A NCAC 2D .0501, .0516, and .0530 which were state effective on February 1, 1995.

(ii) Other material. None.

(87) Recodifications to the Forsyth County Air Quality Control Ordinance and Technical Code and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on March 7, 1995.

(i) Incorporation by reference.

Forsyth County Air Quality Control Ordinance and Technical Code effective on December 19, 1994. Subchapter 3A, Air Quality Control; Subchapter 3B, Relationship to State Code; Subchapter 3D, Air Pollution Control Requirements; Subchapter 3H, Section .0600 Air Quality Permits; and Subchapter 3Q, Air Quality Permits.

(ii) Other material. None.

(88) The VOC RACT regulations, NSR regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on August 15, 1994. The Stage II

regulations and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on May 24, 1995.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2D .0531, .0909, .0928, .0932, .0933, and .0953 effective on July 1, 1994.

(B) Regulations 15A NCAC 2D .0902, .0907, .0910, .0911, .0952, and .0954 effective on May 1, 1995.

(ii) Other material. None.

(89) Exclusionary rules for the State of North Carolina Department of Environment, Health, and Natural Resources and the Forsyth County Department of Environmental Affairs submitted by the North Carolina Department of Environment, Health, and Natural Resources on August 8, 1995, and December 28, 1995, respectively, as part of the North Carolina SIP.

(i) Incorporation by reference.

(A) Regulations 15A NCAC 2Q.0801 through 15A NCAC 2Q.0807 of the North Carolina SIP as adopted by the North Carolina Environmental Management Commission on June 8, 1995, and which became effective on August 1, 1995.

(B) Regulations Subchapter 3Q.0801 through Subchapter 3Q.0807 of the Forsyth County portion of the North Carolina SIP as adopted and made effective by the Forsyth County Board of Commissioners on November 13, 1995.

(ii) Other material. None.

(90) The VOC regulations and other miscellaneous revisions to the Forsyth County Local Implementation Plan which were submitted on December 28, 1995, and November 29, 1995.

(i) Incorporation by reference.

(A) Amendments to Forsyth County regulations Subchapter 3D .0104(a), .0531 (e)–(k), .0902 (a)–(h), .0907 (a)–(c), .0909 (a, c, d, e, and g), .0910 (a)–(d), .0911, .0950 (a and b), .0952 (a)–(c) and .0954 (f, h, k) adopted into the Air Quality Control Technical Code on November 13, 1995.

(B) Amendments to Forsyth County regulations Subchapter 3D .0501 (a)–(h), .0516 (a and b), .0518 (a)–(g), and .0530 (a)–(s), adopted into the Air Quality Control Technical Code on August 14, 1995.

(C) Subchapter 3D .0955, .0956, and .0957 adopted into the Air Quality Control Technical Code on August 14, 1995.

(ii) Other material. None.

(91) The North Carolina Department of Environment, Health and Natural Resources submitted revisions to the North Carolina State Implementation Plan on September 21, 1989. These revisions incorporate SO2 limits and permit conditions for Cape Industries.

(i) Incorporation by reference.

(A) Permit for Cape Industries (air permit no. 130R17) which was issued by the Environmental Management Commission on December 29, 1994.

(ii) Additional material—none.

(92)–(93) [Reserved]

(94) The miscellaneous revisions to the North Carolina State Implementation Plan, which were submitted on August 16, 1996.

(i) Incorporation by reference. Regulations 15A NCAC 2D. 0101 Definitions, .0501 Compliance with Emission Control Standards, .0516 Sulfur Dioxide Emissions Combustion Sources, .0518 Miscellaneous Volatile Organic Compounds Emissions, .0519 Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, .0520 Control and Prohibition of Open Burning, .0521 Control of Visible Emissions, .0531 sources in Nonattainment Areas, .0535 Excess Emissions Reporting and Malfunctions, .0601 Purpose and Scope, .0604 Sources Covered by Implementation Plan Requirements, .0608 Program Schedule, .0804 Airport Facilities, .0805 Parking Facilities, .0901 Definitions, .0902 Applicability, .0917 Automobile and Light-Duty Truck Manufacturing, .0918 Can Coating, .0919 Coil Coating, .0920 Paper Coating, .0921 Fabric and Vinyl Coating, .0922 Metal Furniture Coating, .0923 Surface Coating of Large Appliances, .0924 Magnet Wire Coating, .0926 Bulk Gasoline Plants, .0927 Bulk Gasoline Terminals, .0928 Gasoline Service Stations Stage 1, .0929 Petroleum Refinery Sources, .0934 Coating of miscellaneous Metal Parts and Products, .0935 Factory Surface Coating of Flat Wood Paneling, .0937 Manufacture of Pneumatic Rubber Tires, .0951 Miscellaneous Volatile Organic Compound Emissions, .0953 Vapor Return Piping for Stage II Vapor Recovery, .0954 Stage II Vapor Recovery, .1901, Purpose, Scope, and Impermissible Open

Burning, .1902 Definitions, .1903 Permissible Open Burning Without a Permit, .1904 Air Curtain Burners. 15A NCAC 2Q .0103 Definitions, .0109 Compliance Schedule for Previously Exempted Activities, .0207 Annual Emissions Reporting, and .0311 permitting of Facilities at Multiple Temporary Sites effective on July 1, 1996.

(ii) Other material. None.

(95) [Reserved]

(96) The miscellaneous revisions to the North Carolina State Implementation Plan, which were submitted on October 10, 1997.

(i) Incorporation by reference.

SUBCHAPTER 31A—AIR QUALITY CONTROL

.0110 CFR Dates and .0112 ASTM Dates effective on July 28, 1997.

SUBCHAPTER 3D—AIR POLLUTION CONTROL REQUIREMENTS

.0501(g); Compliance With Emission Control Standards .0512 Particulate From Wood Products Finishing Plants, .0518(e) and (g); Miscellaneous Volatile Organic Compound Emissions, .0530(a), (1), (o), and (s); Prevention of Significant Deterioration, .0902(a) through (i); Applicability, .0907 Compliance Schedules for Sources in Nonattainment Areas, .0909(a) through (c), (g) and (h); Compliance Schedules for Sources in New Nonattainment Areas, .0910 Alternative Compliance Schedules, .0911 Exception From Compliance Schedules, .0954(a) and (f) Stage II Vapor Recovery, and .1903(b)(2)(E); Permissible Open Burning effective on July 28, 1997.

SUBCHAPTER 3Q—AIR QUALITY PERMITS

.0102(a) through (e); Activities Exempt From Permit Requirements, .0104(b); Where to Obtain and File Permit Applications, .0107(b); Confidential Information, .0307(i); Public Participation Procedures, .0312(a)(1)(C); Application Processing Schedule, .0603(e); Transportation Facility Procedures .803(f)(2) (A) through (C) Coating, Solvent Cleaning, and Graphic Arts Operations effective on July 28, 1997.

(ii) Other material. None.

(97) The miscellaneous revisions to the Forsyth County Local Implementation Plan, which were submitted on January 17, 1997 and November 6, 1998.

(i) Incorporation by reference.

(A) 3D .0104 Incorporation By Reference 3D .0531; Sources In Nonattainment Areas; 3D .0907, Compliance Schedules for Sources in Nonattainment Areas; 3D .0909, Compliance Schedules for Sources in New Nonattainment Areas; 3D .0910 Alternative Compliance Schedules; 3D .0911 Exception From Compliance Schedules; 3D .0950 Interim Standards for Certain Source Categories; 3D .0952 Petition For Alternative Controls; 3D .0954 Stage II Vapor Recovery and 3Q Section .0800 Exclusionary Rules effective on November 13, 1995.

(B) 3A .0106 Penalties for Violation of Chapter; 3A .0110 CFR Dates; and 3A .0112 ASTM Dates; 3D.0101 Definitions; 3D .0506, Particulates from Hot Mix Asphalt Plants; 3D .0507, Particulates From Chemical Fertilizer Manufacturing Plants; 3D .0508 Particulates From Pulp and Paper Mills; 3D .0509 Particulates From Mica or Feldspar Processing Plants; 3D .0510 Particulates from Sand, Gravel, or Crushed Stone Operations and 3D .0511 Particulates from Lightweight Aggregate Processes 3D .0515 Particulates From Miscellaneous Industrial Processes; 3D .0521, Control of Visible Emissions; 3D .0535, Excess Emissions Reporting and Malfunctions; 3D .0914 Determination of VOC Emission Control System Efficiency; 3D .0927 Bulk Gasoline Terminals; 3D .0938 Perchloroethylene Dry Cleaning System (Repealed); 3D .0953 Vapor Return Piping for Stage II Vapor Recovery 3Q .0101 Required Air Quality Permits; 3Q .0102 Activities Exempted From Permit Requirements; 3Q . 0103 Definitions; 3Q .0207 Annual Emissions Reporting; 3Q .0301 Applicability; 3Q .0302 Facilities not Likely to Contravene Demonstration; 3Q .0306 Permits Requiring Public Participation; 3Q .0312 Application Processing Schedule; 3Q .0607 Application Processing Schedule; 3Q .0805 Grain Elevators; 3Q .0806 Cotton Gin; and 3Q .0807 Emergency Generators effective on September 14, 1998.

(ii) Other material. None.

[37 FR 10884, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1783, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1784 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of North Carolina and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to North Carolina's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to North Carolina's SIP.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of North Carolina's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of North Carolina and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to North Carolina's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to North Carolina's SIP.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of North Carolina's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48371, Aug. 8, 2011]

§ 52.1785 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of North Carolina and Indian country within the borders of the State and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to North

Carolina's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to North Carolina's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of North Carolina's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48372, Aug. 8, 2011]

Subpart JJ—North Dakota

§ 52.1820 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for North Dakota under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 31, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. § 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c), (d), and (e) of this section with EPA approval dates after July 31, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of July 31, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from a docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) Docket/Telephone number (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

STATE OF NORTH DAKOTA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–01 General Provisions				
33–15–01–01	Purpose	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–02	Scope	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–03	Authority	9/1/97	4/2/04, 69 FR 17302.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–01–04	Definitions	4/1/09	11/4/11, 76 FR 68317.	
33–15–01–05	Abbreviations	4/1/09	11/4/11, 76 FR 68317.	
	Except the following abbreviations: CFR, PM_{10}, scmh, TSP, & ohm.	1/1/89	8/9/90, 55 FR 32403.	
33–15–01–06	Entry onto premises—Authority	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–07	Variances: Subsection 1 and Subsection 2	10/1/87 6/1/90	5/12/89, 54 FR 20574. 6/26/92, 57 FR 28619.	
33–15–01–08	Circumvention	6/1/90	6/26/92, 57 FR 28619.	
33–15–01–09	Severability	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–10	Land use plans and zoning regulations	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–11	Reserved	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–12	Measurements of emissions of air contaminants.	6/1/01	2/28/03, 68 FR 9565.	
33–15–01–13	Shutdown and malfunction of an installation—Requirement for notification.	4/1/09	11/4/11, 76 FR 68317.	
33–15–01–13.2(b)	Malfunctions	9/1/97	8/27/98, 63 FR 45722.	
33–15–01–14	Time schedule for compliance	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–15	Prohibition of air pollution	6/1/01	2/28/03, 68 FR 9565.	
33–15–01–16	Confidentiality of records	10/1/87	5/12/89, 54 FR 20574.	
33–15–01–17	Enforcement	3/1/03	10/21/04, 69 FR 61762.	
33–15–01–18	Compliance certifications	3/1/03	10/21/04, 69 FR 61762.	
33–15–02 Ambient Air Quality Standards				
33–15–02–01	Scope	10/1/87	5/12/89, 54 FR 20574.	
33–15–02–02	Purpose	10/1/87	5/12/89, 54 FR 20574.	
33–15–02–03	Air quality guidelines	10/1/87	5/12/89, 54 FR 20574.	
33–15–02–04	Ambient air quality standards	9/1/98	8/31/99, 64 FR 47395.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33–15–02–05	Method of sampling and analysis	12/1/94	10/8/96, 61 FR 52865.	
33–15–02–06	Reference conditions	10/1/87	5/12/89, 54 FR 20574.	
33–15–02–07	Concentration of air contaminants in the ambient air restricted.	10/1/87	5/12/89, 54 FR 20574.	Excluding subsection 3 and 4 which were subsequently revised and approved. See below.
33–15–02, Table 1	Ambient Air Quality Standards	4/1/09	11/4/11, 76 FR 68317.	
33–15–02–07.3, 33–15–02–07.4 and 33–15–02, Table 2.	Concentration of air contaminants in the ambient air restricted and National Ambient Air Quality Standards table.	9/1/98	8/31/99, 64 FR 47395.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33–15–03 Restrictions of Visible Air Contaminants				
33–15–03–01	Restrictions applicable to existing installations.	10/1/87	5/12/89, 54 FR 20574.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–03–02	Restrictions applicable to new installations and all incinerators.	10/1/87	5/12/89, 54 FR 20574.	
33–15–03–03	Restrictions applicable to fugitive emissions.	10/1/87	5/12/89, 54 FR 20574.	
33–15–03–03.1	Restrictions applicable to flares	10/1/87	5/12/89, 54 FR 20574.	
33–15–03–04	Exceptions	2/1/82	11/12/82, 47 FR 51131.	
33–15–03–05	Method of measurement	10/1/87	5/12/89, 54 FR 20574.	
33–15–04 Open Burning Restrictions				
33–15–04–01	Refuse Burning Restrictions	1/1/07	5/27/08, 73 FR 30308.	
33–15–04–02	Permissible Open Burning	1/1/96	4/21/97, 62 FR 19224.	Excluding subsections 1.b, 1.e, 1.g, and 2.k which were subsequently revised and approved. See below.
33–15–04–02.1.b, 33–15–04–02.1.e, m, 33–15–04–02.1.g, and 33–15–04–02.2.k.	Permissible Open Burning	1/1/07	5/27/08, 73 FR 30308.	
33–15–05 Emissions of Particulate Matter Restricted				
33–15–05–01	Restrictions of emissions of particulate matter from industrial processes.	10/1/87	5/12/89, 54 FR 20574.	
33–15–05–02	Maximum allowable emissions of particulate matter from fuel burning equipment used for indirect heating.	3/1/03	10/21/04, 69 FR 61762.	
33–15–05–03	Incinerators (repealed)	8/1/95	4/21/97, 62 FR 19224.	
33–15–05–03.1	Infectious waste incinerators (repealed)	7/12/00	2/28/03, 68 FR 9565.	
33–15–05–03.2	Refuse incinerators	4/1/09	11/4/11, 76 FR 68317.	
33–15–05–03.3	Other waste incinerators	3/1/03	10/21/04, 69 FR 61762.	
33–15–05–04	Methods of measurement	3/1/03	10/21/04, 69 FR 61762.	
33–15–06 Emissions of Sulfur Compounds Restricted				
33–15–06–01	Restrictions of emissions of sulfur dioxide from use of fuel.	3/1/03	10/21/04, 69 FR 61762.	See additional interpretive materials cited in 63 FR 45722, 8/27/98.
33–15–06–02	Restrictions of emissions of sulfur oxides from industrial processes.	6/1/92	10/20/93, 58 FR 54041.	
33–15–06–03	Methods of measurement	3/1/03	10/21/04, 69 FR 61762.	
33–15–06–04	Continuous emission monitoring requirements.	6/1/92	10/20/93, 58 FR 54041.	
33–15–06–05	Reporting and recordkeeping requirements.	6/1/92	10/20/93, 58 FR 54041.	
33–15–07 Control of Organic Compounds Emissions				
33–15–07–01	Requirements for construction of organic compounds facilities.	6/1/92	8/21/95, 60 FR 43396.	Excluding subsection 1 which was subsequently revised and approved. See below.
33–15–07–01.1	Scope	9/1/98	8/31/99, 64 FR 47395.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–07–02	Requirements for organic compounds gas disposal.	6/1/92	8/21/95, 60 FR 43396.	
33–15–08 Control of Air Pollution From Vehicles and Other Internal Combustion Engines				
33–15–08–01	Internal combustion engine emissions restricted.	7/1/78	11/2/79, 44 FR 63102.	
33–15–08–02	Removal or disabling of motor vehicle pollution control devices prohibited.	7/1/78	11/2/79, 44 FR 63102.	
33–15–10 Control of Pesticides				
33–15–10–01	Pesticide use restricted Subsection 1 and Subsection 2.	10/1/87 1/1/89	5/12/89, 54 FR 20574. 8/9/90, 55 FR 32403.	
33–15–10–02	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	10/1/87	5/12/89, 54 FR 20574.	Excluding subsections 2, 3, 4, and 5 which were subsequently revised and approved. See below.
33–15–10–02.2, 33–15–10–02.3, 33–15–10–02.4.	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	1/1/89	8/9/90, 55 FR 32403.	
33–15–10–02.5	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	6/1/90	6/26/92, 57 FR 28619.	
33–15–11 Prevention of Air Pollution Emergency Episodes				
33–15–11–01	Air pollution emergency	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–02	Air pollution episode criteria	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–03	Abatement strategies emission reduction plans.	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–04	Preplanned abatement strategies plans	10/1/87	5/12/89, 54 FR 20574.	
33–15–11–Table 6	Air pollution episode criteria	8/1/95	4/21/97, 62 FR 19224.	
33–15–11–Table 7	Abatement strategies emission reduction plans.	8/1/95	4/21/97, 62 FR 19224.	
33–15–14 Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate				
33–15–14–01	Designated air contaminant sources	8/1/95	11/4/11, 76 FR 68317.	
33–15–14–01.1	Definitions	1/1/96	4/21/97, 62 FR 19224.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–14–02	Permit to Construct	3/1/94	8/21/95, 60 FR 43396.	Excluding subsections 12, 3.c, 13.b.1, 5, 13.c, 13.i(5), 13.o, and 19 (one sentence) which were subsequently revised and approved. See below. See additional interpretive materials cited in 57 FR 28619, 6/26/92, regarding the State's commitment to meet the requirements of EPA's ''Guideline on Air Quality Models (Revised).''
33–15–14–02.5 and 33–15–14–02.13.i(5).	Review of application—Standard for granting permits to construct and Exemptions.	3/1/03	8/8/05, 70 FR 45539.	
33–15–14–02.12	[Reserved]	8/1/95 & 1/1/96	4/21/97, 62 FR 19224.	Moved this section related to fees for Permit to Construct to a new chapter, 33–15–23, Fees.
33–15–14–02.3.c	Alterations to a source	9/1/98	8/31/99, 64 FR 47395.	See additional interpretive materials cited in 64 FR 47395, 8/31/99.
33–15–14–02.13.b.1	Exemptions	6/1/01	2/28/03, 68 FR 9565.	
33–15–14–02.13.c and 33–15–14–02.13.o.	Exemptions	1/1/07	5/27/08, 73 FR 30308.	
33–15–14–02.19 (one sentence—see explanation).	Amendment of permits	3/1/03	1/24/06, 71 FR 3764	Only one sentence was revised and approved with this action. That sentence reads: ''In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15.'' The remainder of subsection 19 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–03	Minor source permit to operate	3/1/94	8/21/95, 60 FR 43396.	Excluding subsections 10, 1.c, 4, 5.a(1)(d), 11, and 16 (one sentence) which were subsequently revised and approved. See below. Also see 40 CFR 52.1834.

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–14–03.10	[Reserved]	8/1/95 & 1/1/96	4/21/97, 62 FR 19224.	Moved this section related to fees for Permit to Operate to a new chapter, 33–15–23, Fees.
33–15–14–03.1.c	Permit to operate required	6/1/01	2/28/03, 68 FR 9565.	
33–15–14–03.4, 33–15–14–03.5.a(1)(d) & 33–15–14–03.11.	Performance testing, action on applications, and performance and emission testing.	3/1/03	8/8/05, 70 FR 45539.	
33–15–14–03.16 (One sentence—see explanation).	Amendment of permits	3/1/03	1/24/06, 71 FR 3764	Only one sentence was revised and approved with this action. That sentence reads: ''In the event that the modification would be a major modification as defined in Chapter 33–15–15, the department shall follow the procedures established in Chapter 33–15–15.'' The remainder of subsection 16 was approved on 8/21/95 (60 FR 43396). See above.
33–15–14–04	Permit fees (repealed)	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–05	Common provisions applicable to both permit to construct and permit to operate (repealed).	3/1/94	8/21/95, 60 FR 43396.	
33–15–14–07	Source exclusion from title V permit to operate requirements.	6/1/01	2/28/03, 68 FR 9565.	
33–15–15 Prevention of Significant Deterioration of Air Quality				
33–15–15–01	General Provisions (Repealed)	2/1/05	7/19/07, 72 FR 39564.	
33–15–15–01.1	Purpose	2/1/05	7/19/07, 72 FR 39564.	
33–15–15–01.2	Scope	4/1/09	6/3/10, 75 FR 31290.	
33–15–15–02	Reclassification	2/1/05	7/19/07, 72 FR 39564.	
33–15–17 Restriction of Fugitive Emissions				
33–15–17–01	General provisions—applicability and designation of affected facilities.	6/1/01	2/28/03, 68 FR 9565.	
33–15–17–02	Restriction of fugitive particulate emissions.	1/1/07	5/27/08, 73 FR 30308.	
33–15–17–03	Reasonable precautions for abating and preventing fugitive particulate emissions.	6/20/78	11/2/79, 44 FR 63102.	
33–15–17–04	Restriction of fugitive gaseous emissions	6/20/78	11/2/79, 44 FR 63102.	
33–15–18 Stack Heights				
33–15–18–01	General provisions	10/1/87	11/14/88, 53 FR 45763.	
33–15–18–02	Good engineering practice demonstrations	10/1/87	11/14/88, 53 FR 45763.	
33–15–18–03	Exemptions	10/1/87	11/14/88, 53 FR 45763.	

STATE OF NORTH DAKOTA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
33–15–19 Visibility Protection				
33–15–19–01	General provisions	10/1/87	9/28/88, 53 FR 37757.	
33–15–19–02	Review of new major stationary sources and major modifications.	10/1/87	9/28/88, 53 FR 37757.	
33–15–19–03	Visibility monitoring	10/1/87	9/28/88, 53 FR 37757.	
33–15–20 Control of Emissions From Oil and Gas Well Production Facilities				
33–15–20–01	General provisions	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–02	Registration and reporting requirements	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–03	Prevention of significant deterioration applicability and source information requirements.	6/1/92	8/21/95, 60 FR 43396.	
33–15–20–04	Requirements for control of production facility emissions.	6/1/90	6/26/92, 57 FR 28619.	
33–15–23 Fees				
33–15–23–01	Definitions	8/1/95	4/21/97, 62 FR 19224.	
33–15–23–02	Permit to construct fees	8/1/95	4/21/97, 62 FR 19224.	
33–15–23–03	Minor source permit to operate fees	4/1/09	11/4/11, 76 FR 68317.	
33–15–25 Regional Haze Requirements				
33–15–25–01	Definitions	1/1/07	4/6/12, 77 FR 20894.	
33–15–25–02	Best available retrofit technology	1/1/07	4/6/12, 77 FR 20894.	
33–15–25–03	Guidelines for best available retrofit technology determinations under the regional haze rule.	1/1/07	4/6/12, 77 FR 20894.	
33–15–25–04	Monitoring, recordkeeping, and reporting	1/1/07	4/6/12, 77 FR 20894.	

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

(d) *EPA-approved source-specific requirements.*

Name of source	Nature of requirement	State effective date	EPA approval date and citation [3]	Explanations
Leland Olds Station Unit 1.	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
	Air pollution control permit to construct for best available retrofit technology (BART), PTC10004.	2/23/10	4/6/12, 77 FR 20894.	
Leland Olds Station Unit 2.	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
	Air pollution control permit to construct for best available retrofit technology (BART), PTC10004.	2/23/10	4/6/12, 77 FR 20894.	
Milton R. Young Station Unit 1.	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
	Air pollution control permit to construct for best available retrofit technology (BART), PTC10007.	2/23/10	4/6/12, 77 FR 20894.	

Name of source	Nature of requirement	State effective date	EPA approval date and citation [3]	Explanations
Milton R. Young Station Unit 2.	Air pollution control permit to construct for best available retrofit technology (BART), PTC10007.	2/23/10	4/6/12, 77 FR 20894.	
Coal Creek Station Unit 1.	Air pollution control permit to construct for best available retrofit technology (BART), PTC10005.	2/23/10	4/6/12, 77 FR 20894	Excluding the NO_X BART emissions limits for Unit 1 and corresponding monitoring, recordkeeping, and reporting requirements, which EPA disapproved.
Coal Creek Station Unit 2.	Air pollution control permit to construct for best available retrofit technology (BART), PTC10005.	2/23/10	4/6/12, 77 FR 20894	Excluding the NO_X BART emissions limits for Unit 2 and corresponding monitoring, recordkeeping, and reporting requirements, which EPA disapproved.
Stanton Station Unit 1.	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
	Air pollution control permit to construct for best available retrofit technology (BART), PTC10006.	2/23/10	4/6/12, 77 FR 20894.	
Heskett Station Unit 1	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
Heskett Station Unit 2	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
	Air Pollution Control Permit to Construct, PTC10028.	7/22/10	4/6/12, 77 FR 20894.	
Coyote Station Unit 1	Air Pollution Control Permit to Construct, PTC10008.	3/14/11	4/6/12, 77 FR 20894.	
American Crystal Sugar at Drayton.	SIP Chapter 8, Section 8.3, Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77, 42 FR 55471.	
Tesoro Mandan Refinery.	SIP Chapter 8, Section 8.3.1, Continuous Opacity Monitoring for Fluid Bed Catalytic Cracking Units: Tesoro Refining and Marketing Co., Mandan Refinery.	2/27/07	5/27/08, 73 FR 30308.	

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(e) *EPA-approved nonregulatory provisions.*

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation [3]	Explanations
(1) Implementation Plan for the Control of Air Pollution for the State of North Dakota.	Statewide	Submitted: 1/24/72; Adopted: 1/24/72	5/31/72, 37 FR 10842.	Excluding subsequent revisions, as follows: Chapters 6, 11, and 12; Sections 2.11, 3.7, 6.10, 6.11, 6.13, and 8.3; and Subsections 3.2.1, 5.2.1, 7.8.1.A, 7.8.1.B, 7.8.1.C, and 8.3.1. Revisions to these non-regulatory provisions have subsequently been approved. See below.
Chapters:				
1. Introduction		Clarification submitted: 6/14/73, 2/19/74, 6/26/74, 11/21/74, 4/23/75	With all clarifications: 3/2/76, 41 FR 8956.	
2. Legal Authority.				
3. Control Strategy.				
4. Compliance Schedule.				
5. Prevention of Air Pollution Emergency Episodes.				
7. Review of New Sources and Modifications.				
8. Source Surveillance.				
9. Resources.				
10. Inter-governmental Cooperation.				
11. Rules and Regulations.				
With subsequent revisions to the chapters as follows:				
(2) Revisions to SIP Chapter 8, Section 8.3.		Submitted: 5/26/77	10/17/77, 42 FR 55471.	
(3) Revisions to SIP Chapter 2, Section 2.11.		Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(4) SIP Chapter 6, Air Quality Surveillance.		Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(5) Revisions to SIP Chapter 6, Section 6.10.		Submitted: 1/26/88	9/28/88, 53 FR 37757.	
(6) Revisions to SIP Chapter 3, Section 3.7.		Submitted: 4/18/89	10/5/89, 54 FR 41094.	
(7) Revisions to SIP Chapter 3, Section 3.2.1.		Submitted: 4/18/89	8/9/90, 55 FR 32403.	
(8) Revisions to SIP Chapter 5, Section 5.2.1.		Submitted: 4/18/89	8/9/90, 55 FR 32403.	

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation [3]	Explanations
(9) Revisions to SIP Chapter 6, Section 6.11.	.....	Submitted: 4/18/89	8/9/90, 55 FR 32403.	
(10) Revisions to SIP Chapter 6, Section 6.13.	.....	Submitted: 1/9/96	4/21/97, 62 FR 19224.	
(11) Revisions to Chapter 11, Rules & Regulations.	.....	.....	.....	See the table listed above under § 52.1820 (c)(1) for most current version of EPA-approved North Dakota regulations.
(12) SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act.	Statewide	Submitted: 1/17/80	8/12/80, 45 FR 53475.	
(13) Stack Height Demonstration Analysis.	Statewide	Submitted: 4/18/86 and 7/21/87	6/7/89, 54 FR 24334.	
(14) Visibility New Source Review and Visibility Monitoring.	Statewide	Submitted: 1/26/88	9/28/88, 53 FR 37757.	
(15) Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988).	Statewide	Submitted: 5/11/88	11/14/88, 53 FR 45763.	See also 40 CFR 52.1832.
(16) Visibility General Plan and Long-term Strategy.	Statewide	Submitted: 4/18/89	10/5/89, 54 FR 41094.	See also 40 CFR 52.1831.
(17) Group III PM10 SIP.	Statewide	Submitted: 4/18/89	8/9/90, 55 FR 32403	See additional interpretive materials cited in 55 FR 32403, 8/9/90.
(18) Commitment to meet all requirements of EPA's Guideline on Air Quality Models (revised) for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas.	Statewide	Submitted: 2/14/92	6/26/92, 57 FR 28619.	See additional interpretive materials cited in 57 FR 28619, 6/26/92. Also see 40 CFR 52.1824.
(19) Small Business Assistance Program (SIP Chapter 12).	Statewide	Submitted: 11/2/92 and 1/18/93	1/11/94, 59 FR 1485	See additional interpretive materials cited in 59 FR 1485, 1/11/94.
(20) Revisions to SIP Chapter 8, Section 8.3.1.	Submitted: 3/8/07	5/27/08, 73 FR 30308		

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation [3]	Explanations
(21) Section 7.8, Interstate Transport of Air Pollution (only 7.8.1.A, portions of 7.8.1.B, and 7.8.1.C, see explanation).	Statewide	Submitted: 4/6/09; Adopted: 4/01/09	6/3/10, 75 FR 31290	Includes portions of Subsection 7.8.1 as indicated below: 7.8.1.A, ''Overview,'' the language of Subsection 7.8.1.B, ''Nonattainment and Maintenance Area Impact,'' that specifically addresses the ''significant contribution to nonattainment'' requirement of CAA Section 110(a)(2)(D)(i), and all of 7.8.1.C.
(22) Section 7.8, Interstate Transport of Air Pollution (only portion of 7.8.1.B).	Statewide	Submitted: 4/6/09; Adopted: 4/01/09	11/22/10, 75 FR 71023.	Includes portions of Subsection 7.8.1.B, ''Nonattainment and Maintenance Area Impact,'' that specifically address the ''interference with maintenance'' requirement of CAA Section 110(a)(2)(D)(i).
(23) North Dakota State Implementation Plan for Regional Haze.	Statewide	Submitted: 3/3/10	4/6/12, 77 FR 20894	Excluding portions of the following: Sections 7.4, 9.5, 9.7, and 10.6, and Appendices B.2, and D.2, and all of Appendix A.4, because EPA disapproved the NO_X BART determination for Coal Creek Station Units 1 and 2, the reasonable progress determination for Antelope Valley Station Units 1 and 2 regarding NO_X controls, the reasonable progress goals, and parts of the long-term strategy, and because the provisions applicable to Coyote Station were superseded by a later submittal.
(24) North Dakota State Implementation Plan for Regional Haze Supplement No. 1.	Statewide	Submitted: 7/27/10	4/6/12, 77 FR 20894.	

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation [3]	Explanations
(25) North Dakota State Implementation Plan for Regional Haze Amendment No. 1.	Statewide	Submitted: 7/28/11	4/6/12, 77 FR 20894	Including only Section 10.6.1.2, Appendix A.4, and introductory elements that pertain to the NO_X requirements for Coyote Station; excluding all other portions of the submittal.

[3] In order to determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

[72 FR 9266, Mar. 1, 2007, as amended at 72 FR 39565, July 19, 2007; 73 FR 30313, May 27, 2008; 73 FR 36594, June 27, 2008; 75 FR 31305, June 3, 2010; 75 FR 71028, Nov. 22, 2010; 76 FR 68321, Nov. 4, 2011; 77 FR 20941, Apr. 6, 2012]

§ 52.1821 Classification of regions.

The North Dakota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
North Dakota Intrastate	II	III	III	III	III

[37 FR 10885, May 31, 1972]

§ 52.1822 Approval status.

With the exceptions set forth in this subpart, the Administrator approves the North Dakota plan for the attainment and maintenance of the national standards.

[39 FR 7283, Feb. 25, 1974]

§ 52.1823 [Reserved]

§ 52.1824 Review of new sources and modifications.

(a)–(b) [Reserved]

(c) The State of North Dakota has clarified the language contained in the North Dakota Administrative Code on the use of the EPA ''Guideline on Air Quality Models'' as supplemented by the ''North Dakota Guideline for Air Quality Modeling Analysis''.In a letter to Douglas M. Skie, EPA, dated February 14, 1992, Dana K. Mount, Director of the Division of Environmental Engineering, stated:

To clarify this issue, the State of North Dakota will commit to meeting all requirements of the EPA Guideline for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources which will be located in nonattainment areas. If any conflict exists, the EPA Guideline will take precedence for these source categories.

[39 FR 7283, Feb. 25, 1974, as amended at 51 FR 40677, Nov. 7, 1986; 57 FR 28620, June 26, 1992; 61 FR 16062, Apr. 11, 1996]

§ 52.1825 Federal implementation plan for regional haze.

(a) *Applicability*. This section applies to each owner and operator of the following coal-fired electric generating units (EGUs) in the State of North Dakota: Coal Creek Station, Units 1 and

2; Antelope Valley Station, Units 1 and 2.

(b) *Definitions*. Terms not defined below shall have the meaning given them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this section:

(1) *Boiler operating day* means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the EGU. It is not necessary for fuel to be combusted for the entire 24-hour period.

(2) *Continuous emission monitoring system or CEMS* means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of NO_X emissions, other pollutant emissions, diluent, or stack gas volumetric flow rate.

(3) *NO_X* means nitrogen oxides.

(4) *Owner/operator* means any person who owns or who operates, controls, or supervises an EGU identified in paragraph (a) of this section.

(5) *Unit* means any of the EGUs identified in paragraph (a) of this section.

(c) *Emissions limitations*. (1) The owners/operators subject to this section shall not emit or cause to be emitted NO_X in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu), averaged over a rolling 30-day period:

Source name	NO_X Emission limit (lb/MMBtu)
Coal Creek Station, Units 1 and 2.	0.13, averaged across both units.
Antelope Valley Station, Unit 1.	0.17.
Antelope Valley Station, Unit 2.	0.17.

(2) These emission limitations shall apply at all times, including startups, shutdowns, emergencies, and malfunctions.

(d) *Compliance date*. The owners and operators of Coal Creek Station shall comply with the emissions limitation and other requirements of this section within five (5) years of the effective date of this rule, unless otherwise indicated in specific paragraphs. The owners and operators of Antelope Valley Station shall comply with the emissions limitations and other requirements of this section as expeditiously as practicable, but no later than July 31, 2018, unless otherwise indicated in specific paragraphs.

(e) *Compliance determination*—(1) *CEMS*. At all times after the compliance date specified in paragraph (d) of this section, the owner/operator of each unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure NO_X, diluent, and stack gas volumetric flow rate from each unit. The CEMS shall be used to determine compliance with the emission limitations in paragraph (c) of this section for each unit.

(2) *Method*. (i) For any hour in which fuel is combusted in a unit, the owner/operator of each unit shall calculate the hourly average NO_X concentration in lb/MMBtu at the CEMS in accordance with the requirements of 40 CFR part 75. At the end of each boiler operating day, the owner/operator shall calculate and record a new 30-day rolling average emission rate in lb/MMBtu from the arithmetic average of all valid hourly emission rates from the CEMS for the current boiler operating day and the previous 29 successive boiler operating days.

(ii) An hourly average NO_X emission rate in lb/MMBtu is valid only if the minimum number of data points, as specified in 40 CFR part 75, is acquired by both the NO_X pollutant concentration monitor and the diluent monitor (O_2 or CO_2).

(iii) Data reported to meet the requirements of this section shall not include data substituted using the missing data substitution procedures of subpart D of 40 CFR part 75, nor shall the data have been bias adjusted according to the procedures of 40 CFR part 75.

(f) *Recordkeeping*. Owner/operator shall maintain the following records for at least five years:

(1) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(2) Records of quality assurance and quality control activities for emissions measuring systems including, but not

limited to, any records required by 40 CFR part 75.

(3) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(4) Any other records required by 40 CFR part 75.

(g) *Reporting*. All reports under this section shall be submitted to the Director, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region 8, Mail Code 8ENF–AT, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

(1) Owner/operator shall submit quarterly excess emissions reports no later than the 30th day following the end of each calendar quarter. Excess emissions means emissions that exceed the emissions limits specified in paragraph (c) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.

(2) Owner/operator shall submit quarterly CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, any CEMS repairs or adjustments, and results of any CEMS performance tests required by 40 CFR part 75 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(3) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, such information shall be stated in the report.

(h) *Notifications*. (1) Owner/operator shall submit notification of commencement of construction of any equipment which is being constructed to comply with the NO_X emission limits in paragraph (c) of this section.

(2) Owner/operator shall submit semiannual progress reports on construction of any such equipment.

(3) Owner/operator shall submit notification of initial startup of any such equipment.

(i) *Equipment operation*. At all times, owner/operator shall maintain each unit, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

(j) *Credible Evidence*. Nothing in this section shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with requirements of this section if the appropriate performance or compliance test procedures or method had been performed.

[77 FR 20944, Apr. 6, 2012]

§§ 52.1826–52.1828 [Reserved]

§ 52.1829 Prevention of significant deterioration of air quality.

(a) The North Dakota plan, as submitted, is approved as meeting the requirements of Part C, Title I, of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing of significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the North Dakota State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

[44 FR 63103, Nov. 2, 1979. Correctly designated at 44 FR 75635, Dec. 21, 1979, as amended at 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

§ 52.1831 Visibility protection.

A revision to the SIP was submitted by the Governor on April 18, 1989, for visibility general plan requirements and long-term strategies.

[54 FR 41098, Oct. 5, 1989]

§ 52.1832 Stack height regulations.

The State of North Dakota has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC* v. *Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M.

Skie, EPA, dated May 11, 1988, Dana K. Mount, Director, Division of Environmental Engineering stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA's response to the NRDC remand modified the July 8, 1985, regulations, EPA will notify the State of the rules that must be changed to comply with EPA's modified requirements. The State of North Dakota agrees to make the appropriate changes to its stack height rules.

[53 FR 45764, Nov. 14, 1988]

§ 52.1833 [Reserved]

§ 52.1834 Minor source permit to operate program.

Emission limitations and related provisions, which, in accordance with Rule 33–15–14–03, are established as federally enforceable conditions in North Dakota minor source operating permits, shall be enforceable by EPA. EPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures and will be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements of EPA's underlying regulations.

[60 FR 43401, Aug. 21, 1995]

§ 52.1835 Change to approved plan.

North Dakota Administrative Code Chapter 33–15–12, Standards of Performance for New Stationary Sources, is removed from the approved plan. This change is a result of the State's September 10, 1997 request for delegation of authority to implement and enforce the Clean Air Act New Source Performance Standards (NSPS) promulgated in 40 CFR Part 60, as in effect on October 1, 1996 (except subpart Eb, which the State has not adopted). EPA granted that delegation of authority on May 28, 1998.

[63 FR 45727, Aug. 27, 1998]

§ 52.1836 Change to approved plan.

North Dakota Administrative Code Chapter 33–15–13, National Emission Standards for Hazardous Air Pollutants, is removed from the approved plan. This change is a result of EPA's July 7, 1995 interim approval of North Dakota's Title V Operating Permit program, in which it granted delegation of authority to North Dakota to implement and enforce Clean Air Act section 112 requirements. That delegation of authority includes, among other things, the NESHAPs promulgated in 40 CFR part 61 (''part 61 NESHAPs''). With a September 10, 1997 submittal, the State requested delegation of authority to implement and enforce the Clean Air Act part 61 NESHAPSs (except subparts B, H, K, Q, R, T, and W, pertaining to radionuclides), as in effect on October 1, 1996. EPA did not act on the State's request for delegation of authority for 40 CFR part 61, subpart I (regarding radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission and other Federal facilities not covered by subpart H) because EPA rescinded subpart I subsequent to the State's adoption of these revisions.

[67 FR 62398, Oct. 7, 2002]

Subpart JJ—North Dakota

§ 52.1837 Original identification of plan section.

(a) This section identifies the original ''Air Implementation Plan for the State of North Dakota'' and all revisions submitted by North Dakota that were federally approved prior to July 31, 2006.

(b) The plan was officially submitted on January 24, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality maintenance area designation submitted June 26, 1974, by the Governor.

(2) Compliance schedules submitted on June 14, 1973, by the Governor.

(3) Provision for public notice and comment on new source reviews and a revised compliance schedule submitted on February 19, 1974, by the Governor.

(4) Clarification concerning the revision of the secondary particulate standard attainment date submitted on November 21, 1974, by the Governor.

(5) Explanation of why sources could not comply by the original attainment date submitted April 23, 1975, by the State Department of Health.

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

(8) A revised compliance schedule for the Basin Electric Power Plant at Velva submitted on December 22, 1976, by the Governor.

(9) Requirements for continuous opacity monitoring by 7 sources submitted on May 26, 1977, by the Governor.

(10) Provisions to meet the requirements of Part C, Title I, and section 110 of the Clean Air Act, as amended in 1977, were submitted on July 17, 1978.

(11) On January 25, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20, and Public Notification required under section 127 of the Clean Air Act.

(12) A revision requiring flares to meet 20% opacity and have automatic ignitors or pilots, increasing construction permit fees to $75.00 and establishing annual permit to operate fees was submitted on May 6, 1982 by the Governor.

(13) [Reserved]

(14) Revisions to the Prevention of Significant Deterioration requirements in Chapter 33–15–15 of the North Dakota regulations were submitted on October 28, 1982 by the Governor, with supplemental information submitted on July 5, 1983, March 8, 1984 and June 20, 1984, by the State Agency.

(15) A revision to the SIP was submitted by the Governor on January 26, 1988, for visibility monitoring and New Source Review.

(i) Incorporation by reference.

(A) In a letter dated January 26, 1988, Governor George A. Sinner submitted a SIP revision for visibility protection.

(B) The SIP revision for visibility protection, ''Chapter 6, Air Quality Surveillance, Section 6.10, Visibility Monitoring'' and ''Chapter 33–15–19, Visibility Protection'', became effective on October 1, 1987, through action by the North Dakota Legislative Council.

(16) On January 26, 1988, the Governor submitted a plan adding Stack Height Regulations, Chapter 33–15–18.

(i) Incorporation by reference.

(A) Addition to North Dakota Air Pollution Control Rules Chapter 33–15–18, Stack Heights, was adopted on July 21, 1987 and effective on October 1, 1987.

(17) In a letter dated April 18, 1986, the Director of the Division of Environmental Engineering, North Dakota Department of Health, submitted the stack height demonstration analysis with supplemental information submitted on July 21, 1987. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference.

(A) Stack height demonstration analysis submitted by the State on April 18, 1986 and July 21, 1987.

(18) On January 26, 1988, the Governor of North Dakota submitted revisions to the plan. The revisions established new regulations and revised existing regulations and procedures.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters 33–15–01, 33–15–02, 33–15–03, 33–15–04, 33–15–05, 33–15–07, 33–15–10, 33–15–11, 33–15–14, and 33–15–15, inclusive, and the addition of a new chapter 33–15–20 which were effective on October 1, 1987.

(19) On April 18, 1989, the Governor of North Dakota submitted revisions to the plan. The revisions included updates to existing regulations and the Group III PM10 plan.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapters, 33–15–01, 33–15–02, 33–15–4, 33–15–07, 33–15–10, 33–15–11, 33–15–14, and 33–15–15, inclusive, which were effective on January 1, 1989.

(ii) Additional material.

(A) August 22, 1989 letter from Dana K. Mount, Director of the Division of Environmental Engineering, to Doug Skie, EPA.

(B) August 28, 1989 letter from Dana K. Mount, Director of the Division of

Environmental Engineering, to Laurie Ostrand, EPA.

(C) September 5, 1989 letter from Terry O'Clair, Assistant Director of the Division of Environmental Engineering, to Laurie Ostrand, EPA.

(20) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO_2) increments and to make several ''housekeeping'' modifications.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code, Chapter 33–15–15, Prevention of Significant Deterioration of Air Quality, effective June 1, 1990.

(ii) Additional material.

(A) October 22, 1990, letter from Douglas Skie, EPA, to Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories.

(B) November 6, 1990 letter from Dana Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health and Consolidated Laboratories, to Douglas Skie, EPA.

(21) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan for new source performance standards.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules of the State of North Dakota Chapter 33–15–12 which was effective on June 1, 1990.

(ii) Additional material.

(A) January 7, 1991, letter from James J. Scherer, EPA, to George A. Sinner, Governor, State of North Dakota, on the authority for implementation and enforcement of the New Source Performance Standards (NSPS) for 40 CFR part 60, subpart QQQ.

(22) On June 26, 1990, the Governor of North Dakota submitted revisions to the plan. The revisions include amendments to the hydrogen sulfide standard and the format of other ambient standards, and various other minor changes.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Code: General Provisions 33–15–01–04.30, 33–15–01–07.2, 33–15–01–08, 33–15–01–15.2, 33–15–01–17; Ambient Air Quality Standards 33–15–02 Table 1 standards for sulfur dioxide, hydrogen sulfide, carbon monoxide, ozone, and nitrogen dioxide; Emissions of Particulate Matter Restricted 33–15–05–02.2e, Table 4; Control of Pesticides 33–15–10–02.5; Designated Air Contaminant Sources, Permit to Construct, Permit to Operate 33–15–14–02.4.a and b, 33–15–14–02.5.a, 33–15–14–05.1.b(3); Control of Emissions from Oil and Gas Well Production Facilities 33–15–20–01.1, 33–15–20–01.2.l and m, 33–15–20–02.1, 33–15–20–03.1, 2, and 3, 33–15–20–04; effective June 1, 1990.

(ii) Additional material. Letter dated February 14, 1992, from Dana K. Mount, Director, Division of Environmental Engineering, to Douglas M. Skie, EPA. This letter provided the State's commitment to meet all requirements of the EPA ''Guideline on Air Quality Models (Revised)'' for air quality modeling demonstrations associated with the permitting of new PSD sources, PSD major modifications, and sources to be located in nonattainment areas.

(23) On June 30, 1992, the Governor of North Dakota submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules, Chapter 33–15–12, Standards of Performance for New Stationary Sources, and Chapter 33–15–13, excluding Section 33–15–13–02, Emission Standards for Hazardous Air Pollutants, effective June 1, 1992.

(24) On June 24, 1992, the governor of North Dakota submitted revisions to the plan. The revisions correct enforceability deficiencies in the SO_2 regulations.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Administrative Codes, Chapter 33–15–06, Emissions of Sulfur Compounds Restricted, which became effective June 1, 1992.

(25) On November 2, 1992, the Governor of North Dakota submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into

the North Dakota State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Executive Order 1992–5, executed May 21, 1992, to establish a Small Business Compliance Advisory Panel.

(ii) Additional materials.

(A) November 2, 1992 letter from the Governor of North Dakota submitting a Small Business Assistance Program plan to EPA.

(B) The State of North Dakota plan for the establishment and implementation of a Small Business Assistance Program, adopted by the North Dakota State Department of Health and Consolidated Laboratories on October 23, 1992, effective October 23, 1992.

(26) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); federally enforceable State operating permits (FESOPs); prevention of significant deterioration of air quality; and control of emissions from oil and gas well production facilities.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–02, 33–15–05–03, and 33–15–05–04; Control of Organic Compound Emissions 33–15–07; Prevention of Significant Deterioration of Air Quality 33–15–15–01; and Control of Emissions from Oil and Gas Well Production Facilities 33–15–20–01, 33–15–20–02, and 33–15–20–03, effective June 1, 1992.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04 and 33–15–01–13; Standards of Performance for New Stationary Sources 33–15–12; and Emission Standards for Hazardous Air Pollutants 33–15–13, effective June 1, 1992 and March 1, 1994.

(C) Revisions to the Air Pollution Control Rules as follows: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, 33–15–14–01 through 33–15–14–05, effective March 1, 1994.

(27) On April 29, 1994, the Governor of North Dakota submitted revisions to the prevention of significant deterioration regulations in chapter 33–15–15 of the North Dakota Air Pollution Control Rules to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM–10 increments, and municipal waste combustors.

(i) Incorporation by reference.

(A) Revisions to Chapter 33–15–15 of the North Dakota Air Pollution Control Rules, Section 33–15–15–01, Subsections 1.a.(3) and (4), 1.c, 1.e.(4), 1.h, 1.i, 1.m, 1.x.(2)(h)–(k), 1.aa.(2)(c), 1.bb, 1.dd, 1.ee, 1.ff, 1.hh, 2.b, 4.d.(3)(a), and 4.j.(4)(b), effective 3/1/94.

(28) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated December 21, 1994. The submittal addressed revisions to air pollution control rules regarding general provisions; ambient air quality standards; new source performance standards (NSPS); and national emission standards for hazardous air pollutants (NESHAPs).

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–17 and 33–15–01–18; Ambient Air Quality Standards 33–15–02–05 and 33–15–02 Table 1; Standards of Performance for New Stationary Sources 33–15–12; and Emission Standards for Hazardous Air Pollutants 33–15–13, effective December 1, 1994.

(B) [Reserved]

(29) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated August 15, 1995 and January 9, 1996. The revisions address air pollution control rules regarding general provisions; open burning; emissions of particulate matter, certain settleable

acids and alkaline substances, and fugitives; air pollution emergency episodes; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); and the minor source construction and operating permit programs. The State's January 9, 1996 submittal also revised SIP Chapter 6, Air Quality Surveillance, to identify current activities regarding visibility monitoring.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–03., 33–15–05–03.1., 33–15–05–03.2., and 33–15–05–03.3.; Prevention of Air Pollution Emergency Episodes 33–15–11 Tables 6 and 7; and Fees 33–15–23–01, 33–15–23–02, and 33–15–23–03, effective August 1, 1995.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04; Emission Standards for Hazardous Air Pollutants 33–15–13, except 33–15–13–01–2., Subpart I; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–01, 33–15–14–01.1., 33–15–14–02.12., and 33–15–14–03.10.; effective August 1, 1995 and January 1, 1996.

(C) Revisions to the Air Pollution Control Rules as follows: Open Burning Restrictions 33–15–04; Emissions of Certain Settleable Acids and Alkaline Substances Restricted 33–15–09; Standards of Performance for New Stationary Sources 33–15–12; and Restriction of Fugitive Emissions 33–15–17–01 and 33–15–17–02, effective January 1, 1996.

(30) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with letters dated January 9, 1996 and September 10, 1997. The revisions address air pollution control rules regarding general provisions and emissions of particulate matter, sulfur compounds, and organic compounds.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rule Emissions of Sulfur Compounds Restricted, 33–15–06–01, effective January 1, 1996.

(B) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–03, 33–15–01–04.49, 33–15–01–13.2(b), 33–15–01–15.2, and 33–15–01–17.3; Emissions of Particulate Matter Restricted 33–15–05–03.3.4; and Control of Organic Compound Emissions 33–15–07–01.1; effective September 1, 1997.

(ii) Additional material.

(A) An April 8, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(B) A July 30, 1997 letter from Dana Mount, North Dakota Department of Health, to Amy Platt, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(C) A September 9, 1997 letter from Dana Mount, North Dakota Department of Health, to Larry Svoboda, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–06, Emissions of Sulfur Compounds Restricted.

(31) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated September 28, 1998. The revisions address air pollution control rules regarding general provisions, ambient air quality standards, emissions of particulate matter and organic compounds, and the permit to construct program.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04.6–52; Ambient Air Quality Standards 33–15–02–04, 33–15–02–07.3, 33–15–02–07.4, and Table 2; Emissions of Particulate Matter Restricted 33–15–05–03.1; Control of Organic Compound Emissions 33–15–07–01.1; and Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–02.3.c, effective September 1, 1998.

(ii) Additional material.

(A) An April 10, 1997 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation

regarding the impact of SB2356 on sulfur dioxide emission limits for existing and new coal conversion facilities and petroleum refineries.

(B) A November 17, 1997 letter from William Delmore, North Dakota Assistant Attorney General, to Terry Lukas, EPA, to propose how the North Dakota Department of Health will implement the requirements of SB2356.

(C) A June 10, 1998 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding the revisions to Chapter 33–15–02, Ambient Air Quality Standards, and Chapter 33–15-14, Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate (revisions specific to the permit to construct section only).

(D) A December 1, 1998 letter from Dana Mount, North Dakota Department of Health, to Richard Long, EPA, to provide technical support documentation regarding how the State will enforce the revised sulfur dioxide standards in Chapter 33–15–02.

(32) The Governor of North Dakota submitted revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules with a letter dated June 21, 2001. The revisions address air pollution control rules regarding general provisions, emissions of particulate matter and fugitives, exclusions from Title V permit to operate requirements, and prevention of significant deterioration.

(i) Incorporation by reference.

(A) Revisions to the Air Pollution Control Rules as follows: General Provisions 33–15–01–04, 33–15–01–12, and 33–15–01–15; Emissions of Particulate Matter Restricted 33–15–05–04.1; Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate 33–15–14–02.13.b.1, 33–15–14–03.1.c, and 33–15–14–07; Prevention of Significant Deterioration of Air Quality 33–15–15–01.1.hh and 33–15–15–01.2; and Restriction of Fugitive Emissions 33–15–17–01, effective June 1, 2001.

(B) Revisions to the Air Pollution Control Rules as follows: Emissions of Particulate Matter Restricted 33–15–05–03.1, repealed effective July 12, 2000.

(33) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding general provisions and emissions of particulate matter and sulfur compounds.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) Chapter 33–15–01, N.D.A.C., General Provisions, sections 33–15–01–04, 33–15–01–17, and 33–15–01–18, effective March 1, 2003.

(*2*) Chapter 33–15–05, N.D.A.C., Emissions of Particulate Matter Restricted, sections 33–15–05–02 and 33–15–05–04 and subsection 33–15–05–03.3, effective March 1, 2003.

(*3*) Chapter 33–15–06, N.D.A.C., Emissions of Sulfur Compounds Restricted, sections 33–15–06–01 and 33–15–06–03, effective March 1, 2003.

(34) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting and prevention of significant deterioration of air quality.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) Chapter 33–15–14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, subsections 33–15–14–02.5, 33–15–14–02.13.c, 33–15–14–02.13.i(5), 33–15–14–03.4, 33–15–14–03.5.a(1)(d), and 33–15–14–03.11, effective March 1, 2003.

(*2*) Chapter 33–15–15, N.D.A.C., Prevention of Significant Deterioration of Air Quality, subsections 33–15–15–01.1.x(2)(d) and 33–15–15–01.4.h(3), effective March 1, 2003.

(35) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(*1*) In Chapter 33–15–14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, the sentence in each first paragraph of subsections 33–15–14–02.19 and 33–15–14–03.16 that reads as follows, ''In the event that the modification would be a major modification as defined in chapter 33–15–15, the department shall follow the procedures established in chapter 33–15–15.'' These revisions were effective March 1, 2003.

[37 FR 10885, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1820, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart KK—Ohio

§52.1870 Identification of plan.

(a) Title of plan: ''Implementation Plan for the Control of Suspended Particulates, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio.''

(b) The plan was officially submitted on January 31, 1972.

(c) The revisions listed below were submitted on the dates specified.

(1) Request for extensions and a revision of monitoring network was submitted on March 20, 1972, by the Ohio Air Pollution Control Board.

(2) State provisions for making emissions data available to the public was outlined in a letter of May 8, 1972, by the Ohio Department of Health.

(3) On May 9, 1972, the State provided assurance that action is being taken in the Assembly to secure authority for controlling auto emissions.

(4) Amendments to air pollution regulations AP–3–11, 12, 13, 14, and AP–9–04 were forwarded on July 7, 1972, by the Governor.

(5) Revisions to AP–2–01, 02, 04, 05; AP–3–01, 08, 09, 13; AP–9–01, 02, 03 were submitted on August 4, 1972 by the Governor.

(6) New regulations AP–13–01 and 13–02 were submitted on October 12, 1972 by the Governor.

(7) Letter from the Director of the Ohio EPA was submitted on June 6, 1973, indicating that portions of AP–3–11, and AP–3–12 are for informational purposes only.

(8) The Governor of Ohio submitted on July 2, 1973, the ''Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Cincinnati Air Quality Control Region'' and the ''Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Toledo Air Quality Control Region.''

(9) The Governor of Ohio submitted on July 24, 1973, the ''Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Dayton Air Quality Control Region.''

(10) On January 25, 1974, Ohio submitted a secondary particulate plan for three AQCR's in Ohio.

(11) On July 16, 1975, Ohio submitted regulations revising the attainment dates for particulate matter, nitrogen oxides, carbon monoxide, hydrocarbons and photochemical oxidants.

(12) The Governor of Ohio submitted on May 30, 1974 and August 10, 1976, revisions to the Ohio Implementation for the control of open burning.

(13) Consent and Abatement Order regarding Columbus and Southern Ohio Electric Company's Picway Units 3 and 4, submitted by Governor on October 17, 1975, supplemented on November 17, 1976 and June 1, 1977.

(14) On July 27, 1979 the State submitted its nonattainment area plan for specific areas designated as nonattainment for ozone and carbon monoxide in the March 3, 1978 and October 5, 1978 FEDERAL REGISTERS (43 FR 8962 and 43 FR 45993). The submittal contained Ohio's Part D nonattainment plans for the following ozone and carbon monoxide urban nonattainment areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Steubenville and Toledo. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone) for each of the above mentioned urban nonattainment areas. Regulations for the control of volatile organic compound emissions were not included with this submittal

but were submitted separately on September 13, 1979.

(15) On September 13, 1979, the State submitted regulations for the control of volatile organic compound and carbon monoxide emissions from stationary sources.

(16) On December 28, 1979, the State amended the attainment demonstration submitted on July 27, 1979 for the Cleveland Urban area. On November 24, 1980 and July 21, 1981, the State submitted additional information on the transportation control plans for the Cleveland Urban area.

(17) On January 8, 1980, the State amended the carbon monoxide attainment demonstration submitted on July 27, 1979 for the Steubenville urban area.

(18) On January 15, 1980, the State amended the attainment demonstrations submitted on July 27, 1979 for the urban areas of Cincinnati, Toledo and Dayton.

(19) On April 7, 1980 the State of Ohio committed to correct the deficiencies presented in the March 10, 1980 Notice of Proposed Rulemaking.

(20) On April 15, 24, 28, May 27, July 23 and August 6, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking. In addition to this the May 27, 1980 letter also contained a commitment by the State to adopt and submit to USEPA by each subsequent January, reasonable available control technology requirements for sources covered by the control techniques guidelines published by USEPA the preceding January.

(21) On December 28, 1979 the State of Ohio submitted its Part D carbon monoxide and ozone nonattainment area plan for the Youngstown urban area. The submittal contained transportation control plans and demonstrations of attainment (for carbon monoxide and/or ozone). On February 12, 1980 the State amended the ozone attainment demonstration submitted on December 28, 1979.

(22) On June 12, 1980 and August 6, 1980, the State submitted technical support and commitments to correct the deficiencies cited in the May 16, 1980 Notice of Proposed Rulemaking. On November 20, 1980 and July 21, 1981, the State submitted additional information on implementor commitments for the Youngstown Urban area.

(23) On May 8, 1979, Ohio submitted revisions to regulations 3745–25–01 through 3745–25–04 (previously codified as AP–11–01 through AP–11–04) containing emergency episode procedures.

(24) On July 25, 1980 the State of Ohio submitted its Part D revision to the New Source Review portion of the State Implementation Plan. On September 25, 1980 the State submitted a response to the August 26, 1980 FEDERAL REGISTER notice of proposed rulemaking. The response contained information which corrects certain deficiencies and commits to correct by a specified date other deficiencies.

(25) The following information was submitted to USEPA regarding the Ohio Sulfur Dioxide Standards

(i) On February 12, 1980 the Director of the Ohio EPA submitted the Ohio Administrative Code (OAC) Rules 3745–18–01 to 3745–18–94, Sulfur Dioxide Standards adopted on November 14, 1979 effective December 28, 1979.

(ii) Ohio EPA sent technical support for the Ohio Sulfur Dioxide Standards on September 12, 1979, October 23, 1979, May 16, 1980, March 27, 1981, May 5, 1981, July 15, 1981 and September 24, 1981.

(iii) The following regulations were withdrawn by the Governor of Ohio on May 16, 1980; OAC Rules 3745–18–08(H), 3745–18–15(B), 3745–18–53(E), 3745–18–63(K), 3745–18–77(B) and 3745–18–90(C). These rules are applicable to the following plants:

Cairo Chemical Corporation in Allen County, Crystal Tissue Company in Butler County, U.S. Steel Corporation, Lorain—Cuyahoga Works in Lorain County, Bergstrom Paper Company in Montgomery County, Mead Corporation in Ross County and Shell Chemical Company in Washington, County.

(iv) The following regulations were withdrawn by the Governor of Ohio on December 19, 1980 only as it applies to the B.F. Goodrich Company, Avon Lake Chemical Plant in Lorain County; OAC 3745–18–53(A). These regulations are still applicable to other facilities in Lorain County.

(v) The following regulations were withdrawn by the Governor of Ohio on February 13, 1981; OAC Rules 3745–18–

49(J) which is applicable to the Ohio Rubber Company in Lake County and 3745–18–80(D) which is applicable to the Union Carbide Corporation in Seneca County.

(vi) The Governor of Ohio submitted a revised OAC Rule 3745–18–80(D) which is applicable to the Union Carbide Corporation in Seneca County on April 30, 1981.

(26) On February 8, 1980, the State of Ohio submitted a revision to provide for modification of the existing air quality surveillance network.

(27) On February 18, and March 13, 1981, the Governor of Ohio submitted Rule 08 of Chapter 3745–17 of the Ohio Administrative Code for Middletown and the operating permits for the fugitive sources located at ARMCO's Middletown Works Plant.

(28) On October 21 and November 21, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking.

(29) On September 17, 1980 the State of Ohio submitted a vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. On December 5, 1980 the State submitted comments on, and commitments for correcting, the deficiencies cited in the November 7, 1980 Supplemental Notice of Proposed Rulemaking.

(30) On February 18, 1981, the State of Ohio committed itself to submit by December 31, 1981, the corrective materials for the Middletown, Ohio total suspended particulate plan.

(31) On March 27, 1981 and March 10, 1982 the State of Ohio submitted revisions to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). These revisions are in the form of an alternative emissions reduction plan (bubble) for the General Motors (GM) Central Foundry located in Defiance County, Ohio. Incorporated into Ohio's SIP are the emission limitations, interim and final compliance milestones, control equipment requirements and testing procedures specified in the variances and permits submitted for the GM bubble.

(32) On July 27, 1979, the State of Ohio submitted materials to satisfy the general requirements of the Clean Air Act under sections 110(a)(2)(K); 126, 127, and 128. On January 30, 1981, the State of Ohio also submitted an amended substitute Senate Bill 258, which was enacted into law on December 19, 1980, amending Ohio Revised Code 3704.

(33) Revision to plan allowing Standard Oil Company of Ohio Toledo refinery variances from State Regulations 3745–21–09(M) (1) and (2) submitted April 10, 1981 by the State.

(34) Revision to plan allowing Standard Oil Company of Ohio Lima refinery variance from State Regulation 3745–21–09(M)(2) submitted April 10, 1981 by the State.

(35) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Summit County, Ohio.

(36)–(37) [Reserved]

(38) The Governor of Ohio on June 15, 1981 submitted a revision to the ozone portion of the Ohio State Implementation Plan. This revision is for six coating lines located at the Speciality Materials Division of Fasson-Avery located in Lake County, Ohio.

(39) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Lucas County, Ohio.

(40) On February 12, 1981, the State of Ohio submitted its Lead SIP Plan which contains a discussion of ambient monitoring results, an attainment demonstration and stationary and mobile source controls for lead.

(41) On April 10, 1981, the Governor of Ohio submitted revised requirements for Republic Steel Corporation's Youngstown Sinter Plant.

(42) On February 25, 1980, the State of Ohio submitted the revised Ohio Administrative Code (OAC) Rules 3745–35–01 through 3745–35–04 which set forth requirements for air permits to operate and variances. These rules were adopted on September 28, 1979 and became effective in Ohio on November 7, 1979.

(43) On February 12, 1981, the State of Ohio submitted adopted amended Ohio Administrative Code (OAC) Rules 3745–21–01, 04, 09 and 10, Emission Standards

and Technology Requirements for Certain Sources of Volatile Organic Compounds Emissions. The following portions of these rules were withdrawn by the State of Ohio on March 27, 1981; OAC Rules 3745–21–04(C)(19)(a) and 3745–21–09(R)(3)(a). On January 8, 1982, the State of Ohio submitted additional materials pertaining to OAC Rules 3745–21–09 (H), (U) and (X).

(44) On April 16, 1981, the Ohio EPA submitted a variance which would extend for Presto Adhesive Paper Company in Montgomery County, Ohio the deadline for complying with applicable Ohio VOC emission limitations from April 1, 1982 to April 1, 1983 for water-based adhesive paper coatings and to April 1, 1984 for water-based silicone paper coatings.

(45) On Feburary 25, 1980, the State submitted revisions to rules 01 through 06, 08 and 09 of Chapter 15 of the Ohio Administrative Code. These rules establish general provisions for the control of air pollution and were previously codified and approved as AP–2–01 through 06, 08 and 09. Rules 01 through 04, 06, 08 and 09 are approved as revisions to the Ohio SIP and rule 05 is deleted from the Ohio SIP.

(46) On August 26, 1982, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for eight vinyl coating lines at Uniroyal Plastic Products in Ottawa County, Ohio, and an alternative compliance schedule which will allow Uniroyal Plastic Products additional time to convert to waterborne coatings and inks. The final compliance date is October 1, 1987.

(47) On June 29, 1982, the State submitted an amendment to the definition of air contaminant as contained in section 3704.01(B) of the Ohio Revised Code.

(48) On August 31, 1982, Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (weighted averaging bubble) for five rotogravure printing lines at Packaging Corporation of America (PCA) in Wayne County, Ohio and an alternative compliance schedule which will allow PCA additional time to convert to waterborne coatings and inks. The final compliance date is July 1, 1987.

(49) On September 10, 1982 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the Mead Paper Corporation, Chilpaco Mill in Ross County, Ohio. This revision is in the form of three variances for the three flexographic printing lines at Mead Paper and contains revised emission limits and compliance schedules for each of the lines. Technical Support for this revision was also submitted on April 27, 1982.

(50) On October 22, 1982, the Ohio Environmental Protection Agency submitted a revision to its Ozone SIP for the Standard Register Company. The revision request is in the form of a variance for an extended compliance time schedule for a surface coating line and spray boot for painting miscellaneous metal parts. Final compliance is changed from December 31, 1982 to December 31, 1983.

(51) On October 1, 1982, and February 28, 1983 the State of Ohio submitted revisions to Ohio Administrative Code (OAC) Rules 3745–35–03 which set forth requirements for obtaining variances.

(52)–(55) [Reserved]

(56) On January 5, 1983 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the U.S. Steel Supply Division, Sharon Plant in Trumbull County, Ohio. Technical support for this revision was also submitted on November 12, 1982.

(57) On January 4, 1982, amended December 23, 1982, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the Chrysler Plastic Products Corporation, Sandusky Vinyl Product Division, in Erie County, Ohio. This revision amends the emission limitations and extends the compliance dates for five vinyl coating lines at this facility. Technical support for this revision was also submitted on June 28, 1982.

(58) On July 14, 1982, the State submitted revisions to its State Implementation Plan for TSP and SO2 for Toledo Edison Company's Bay Shore Station in Lucas County, Ohio, except that the equivalent visible emission limitations in this submittal are no longer in effect.

(59) On March 9, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for eight vinyl coating lines at B.F. Goodrich in Washington County, Ohio, and an alternative compliance schedule which will allow B.F. Goodrich additional time to achieve final compliance through conversion to waterborne coatings and inks by December 31, 1985. If the company is unable to achieve compliance by December 1, 1985, through reformulation, the company must install add-on controls no later than December 1, 1987.

(60) The State of Ohio submitted a revised demonstration that showed attainment by December 31, 1982, of the Carbon Monixide (CO) National Ambient Air Quality Standards (NAAQS) for the Cincinnati area (Hamilton County) on May 24, 1982. Supplemental information was submitted on September 23, 1982, November 4, 1982, and March 16, 1983. The May 24, 1982, submittal also requested that the five year extension for meeting the NAAQS requested on July 29, 1979, and granted on October 31, 1980, be rescinded for this area. EPA has rescinded this extension only for the Cincinnati demonstration area for CO.

(61) On January 11, 1983, the Ohio EPA submitted justification and supportive documentation for the two categories of gasoline dispensing facilities and cutback asphalt. On March 2, 1983, Ohio EPA submitted demonstrations of reasonable further progress in the Canton and Youngstown areas. This information was submitted to satisfy the conditions on the approval of the 1979 ozone SIP.

(62) [Reserved]

(63) On January 3, 1984, the Ohio Environmental Protection Agency submitted a revision to the Ohio Administrative Code 3745–15–07, Air Pollution Nuisance Prohibited.

(64) On September 2, 1982, the State of Ohio submitted a revision to the total suspended particulate State Implementation Plan for the B.F. Goodrich Chemical Plant in Avon Lake, Lorain County, Ohio. This revision is being disapproved. (See §52.1880(g))

(65) [Reserved]

(66) On March 16, 1984, the Ohio Environmental Protection Agency submitted commitments for satisfying the conditions of approval to the ozone [52.1885 (b)(2)] and particulate matter [52.1880 (d)(1)] State Implementation Plans.

(67) [Reserved]

(68) On May 6, 1983, the Ohio Environmental Protection Agency (OEPA) submitted materials constituting a proposed revision to Ohio's ozone SIP for Harrison Radiator. Harrison Radiator has two metal coating facilities; one is the North facility located in downtown Dayton and the other is the South facility located in the City of Moraine.

(i) Incorporation by reference.

(A) The Ohio Environmental Protection Director's final Findings and Orders, May 6, 1983.

(B) Letters of September 10, 1984, and September 4, 1984, to USEPA from OEPA.

(C) The Ohio Environmental Protection Director's final Findings and Orders, September 4, 1984.

(69) On September 13, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for Volatile Organic Compound emissions from a gasoline and aviation fuel loading rack located at Standard Oil Company in Trumbull County, Ohio.

(i) Incorporation by reference.

(A) An August 26, 1983, Permit and Variance to Operate an Air Contaminant Source Terms and Conditions, Application No. 02 78 06 0355 J001 and 02 78 06 0355 J002, for Niles Terminal Station N. 234, Niles Aviation Gasoline Bulk Terminal.

(70) On April 8, 1982, June 22, 1982, November 8, 1982, May 24, 1985, and November 12, 1986, the Ohio Environmental Protection Agency submitted a revision to the sulfur dioxide SIP for the Ohio Power Muskingum River Power Plant located in Morgan and Washington Counties. USEPA approves an emission limit of 8.6 lbs/MMBTU to protect the primary NAAQS with a compliance date of June 17, 1980. In addition, USEPA approves an emission limit of 7.6 lbs/MMBTU to protect the secondary NAAQS with a compliance date of July 1, 1989.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745–18–03(C)(3)(gg)(vi) effective in Ohio December 28, 1979; rule 3745–18–64(B) and rule 3745–18–90(B) effective in Ohio on October 1, 1982.

(B) Director's Final Findings and Orders dated October 18, 1982, before the Ohio Environmental Protection Agency.

(C) Director's Findings and Order dated November 18, 1986, before the Ohio Environmental Protection Agency.

(ii) Additional information.

(A) Technical Support Document for emission limitations including dispersion modeling for the Muskingum River Plant submitted by the State on April 8, 1982.

(B) Muskingum River Plant Supplementary Technical Support Document submitted by the State on June 22, 1982.

(C) Air Monitoring Data submitted by the State on June 22, 1982.

(71) On July 1, 1980, the State of Ohio submitted a revision to its State Implementation Plan amending § 3704.11 of the Ohio Revised Code. This revision expands the authority given to a political subdivision in relation to certain open burning activities. Additional information for the revision was also submitted on September 30, 1980 and January 16, 1981.

(72) On March 16, 1982, the State of Ohio submitted a revision to its State Implementation Plan for TSP for the Southerly Wastewater Treatment Plant in Columbus, Ohio.

(73) On March 28, 1983, the State of Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745–21 and supporting data to USEPA as a proposed revision to the ozone portion of its SIP. OAC Chapter 3745–21, entitled ''Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Material Standards'', contains Ohio's VOC RACT I and II regulations. The amendments to these regulations are embodied in the OAC as follows: Definitions, Rule 3745–21–01; Attainment dates and compliance time schedules, Rule 3745–21–04; Control of emissions of organic compounds from stationary sources, Rule 3745–21–09; and Compliance test methods and procedures, Rule 3745–21–10. See (c)(15). USEPA is not taking action on the applicability of Rule 3745–21–09 to new sources of VOC, to the gasoline throughout exemption level for gasoline dispensing facilities, and to the compliance date extension for Honda of America Manufacturing, Inc. auto and motorcycle assembly plant in Marysville. USEPA is not taking action on OAC Rule 3745–21–09(AA))(2)(a) which exempts any dry cleaning facility in which less than 60,000 pounds of fabrics are cleaned per year. USEPA is not taking action on OAC Rule 3745–21–09(U)(2)(f) (i) and (ii) which apply to new sources (surface coating lines). USEPA is identifying deficiencies in the existing Rule 3745–21–09(D)(3) which contains an alternative daily emission limitation for can coating facilities. USEPA identified the following deficiencies within this rule: This rule presents equations for determining an alternative daily emission limitation. USEPA finds that the equations are incorrect in that they are based on volume of coating used (in gallons, excluding water), which in many cases can lead to erroneous results. Equivalency calculations for coatings should be performed on a basis of volume of coating solids used rather than volume of coating used. (45 FR 80824 gives an example calculation for can coating done on a volume solids basis.)

(i) Incorporation by reference.

(A) Amendments to OAC Chapter 3745–21, dated June 21, 1982 and January 24, 1983.

(*1*) Rule 3745–21–01; Definitions.

(*i*) Section (D)(16), (36), and (50), paper and vinyl coating.

(*ii*) Section (F)(1–8), asphalts in road construction and maintenance.

(*iii*) Sections (E)(8), and (J)(5), corrections to Sections (E)(8) and (J)(5).

(*2*) Rule 3745–21–04; Attainment dates and compliance time schedules.

(*i*) Section (C)(3), can coating lines.

(*ii*) Section (C)(15), cutback and emulsified asphalts.

(*iii*) Section (C)(29), gasoline tank trucks.

(*iv*) Section (C)(33), External floating roof tanks.

(*3*) Rule 3745–21–09, Control of emission of organic compounds from stationary sources.

(*i*) Section (B), Emission limitations.

(*ii*) Sections, (C) (1) and (3), Surface coating of automobiles and light duty trucks.

(*iii*) Sections (I) (1) and (2), Surface coating of metal furniture.

(*iv*) Sections (K) (1) and (3) and (K)(4) (a), (b) and (c), Surface coating of large appliances.

(*v*) Sections (N) (1), (2), and (3) (b) and (c), Use of cutback and emulsified asphalts.

NOTE: USEPA is not approving (N)(3) (a) and (e).

(*vi*) Section (O)(2), Solvent metal cleaning.

(*vii*) Sections (P) (1), (4), and (5), Bulk gasoline plants.

(*viii*) Section (Q)(3), Bulk gasoline terminals.

(*ix*) Section (R)(3), Gasoline dispensing facilities.

(*x*) Sections (U)(1) and the exemptions contained in (2)(h), Surface coating miscellaneous metal parts and products.

(*xi*) Sections (X)(1) (a)(i), (b)(i), and the exemption contained in (2)(d), Rubber tire manufacturing.

(*xii*) Sections (Z)(1)(b) through (h), (2), and (3), Storage of petroleum liquid in external floating roof tanks. NOTE: USEPA is not approving (Z)(1)(a).

(*xiii*) Section (AA) (1) and (2) (b) and (c), Dry cleaning facility. NOTE: USEPA is not proposing to approve (AA)(2)(a).

(*xiv*) Sections (K)(4) (a), (b), and (c), for the Whirlpool Corporation plants located in Marion, Sandusky, and Hancock Counties.

(*xv*) Section (X)(2)(d), Cooper Tire and Rubber tire manufacturing facility located in Hancock County.

(*4*) Rule 3745–21–10; Compliance test methods and procedures.

(*i*) Sections (A) (3) and (4), General provisions.

(*ii*) Section (B) (3), (4) and (5), Methods for determining VOC content of surface coating and inks.

(*iii*) Section (E) (4) and (7), Method for determining VOC emissions from bulk gasoline terminals.

(*iv*) Section (K), Methods for detecting leaks of gasoline vapors.

(74)–(75) [Reserved]

(76) On April 9, 1986, the State of Ohio submitted a negative declaration for natural gas/gasoline processing plants and manufacturers of high-density polyethylene and polypropylene resins.

(i) Incorporation by reference.

(A) Letter dated April 9, 1986, from Warren W. Tyler, Director, State of Ohio Environmental Protection Agency.

(77) On November 20, 1985, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for Total Suspended Particulates. This revision request is for operating permits for the following two shiploading facilities: The Andersons Grain Division, Toledo Plant and Mid-States Terminals, Incorporated.

(i) Incorporation by reference.

(A) Permit to Operate an Air Contaminant Source for the Andersons Grain Division, Toledo Plant. Date of Issuance: November 18, 1985.

(B) Permit to Operate an Air Contaminant Source for Mid-States Terminals, Incorporated. Date of Issuance: November 18, 1985.

(78) On April 30, 1986, (draft) and on May 5, 1987, (final) the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's sulfur dioxide SIP. The revision was in the form of Permits to Operate for the Coulton Chemical Plant in Toledo, Ohio, and the E.I. duPont de Nemours and Company facility in Miami, Ohio. The permits require the installation and operation of continuous emission monitors for sulfur dioxide at these facilities, and the reporting of monitoring data.

(i) Incorporation by reference.

(A) Special Term and Condition No. 3 of Permit to Operation No. 0448020014P001 for Coulton Chemical Corporation, effective January 3, 1986, Permit to Operate No. 0448020014P002 for Coulton Chemical Corporation, effective March 25, 1986.

(B) Special Term and Condition No. 3 of Permit to Operate No. 1431350817P001 for E.I. duPont de Nemours and Company (Fort Hill Plant), effective March 2, 1984.

(ii) Additional material.

(A) September 5, 1985, letter from Charles M. Taylor, Chief, Division of

Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection Agency.

(79) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted a request for a revision to the Ozone State Implementation Plan (SIP) for the Huffy Corporation in Celina Ohio (Mercer County). This revision was in the form of a rule which is applicable to the Huffy Corporation in Mercer County.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–21–09(U)(2)(j), effective May 9, 1986.

(80) On April 9, 1986, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for ozone. The revision consists of the reasonably available control technology (RACT) III volatile organic compound regulations.

(i) Incorporation by reference. Ohio EPA OAC

(A) Rule 3745–21–01, Definitions. Paragraphs (K), (L), (M), and (N), effective May 9, 1986. Ohio EPA OAC

(B) Rule 3745–21–04, Attainment Dates and Compliance Time Schedules. Paragraphs (B)(1), and (C)(36) through (C)(39), effective May 9, 1986. Ohio EPA OAC

(C) Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources. Paragraphs (A)(1), (A)(2), (A)(4), (BB), (CC), (DD), (EE), and Appendix A, effective May 9, 1986. Ohio EPA OAC

(D) Rule 3745–21–10, Compliance Test Method and Procedures. Paragraphs (C), (F), (L), (M), (N), (O), and (P), effective May 9, 1986.

(81) On March 3, 1986, the Ohio Environmental Protection Agency (OEPA) submitted Good Engineering Stack Height Regulations as a revision to the Ohio State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745–16–01 and 02, entitled ''Definitions'' and ''Good Engineering Practice Stack Height Regulations''. These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(B) September 2, 1987 letter from Richard L. Shank, Ph.D., Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, USEPA.

(ii) Additional material.

(A) March 3, 1986, letter from Warren W. Tyler, Director, Ohio Environmental Protection Agency; to Valdas Adamkus, Regional Administrator, U.S. EPA.

(82) On November 7, 1985, the Ohio Environmental Protection Agency submitted a revision to the ozone portion of the Ohio State Implementation Plan (SIP) for the Reynolds Metal Company in Pickaway County, Ohio. This variance shall expire on May 6, 1992.

(i) Incorporation by reference.

(A) State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source (except for Conditions No. 2, No. 3, and No. 6); Date of Issuance: October 29, 1985, Issued to: Reynolds Metal Company; Constitutes a Variance to Operate: miscellaneous metal parts coating line—Ransburg Disc spray booths No. 1 and No. 2; and signed by Warren W. Tyler, Director, Ohio Environmental Protection Agency.

(83) On October 4, 1982, and January 24, 1983, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the Ohio Administrative Code (OAC) Chapter 3745–31–01 through 3745–31–08 to satisfy the New Source Review conditional approval of October 31, 1980 (45 FR 72119). U.S. EPA is granting limited approval of the revision to Ohio's New Source Review State Implementation Plan (SIP) because the revised regulations strengthen the SIP.

(i) Incorporation by reference.

(A) OAC Rule 3745–31 through 3745–31–03—Permits to Install New Sources of Pollution (Adopted June 30, 1982, effective August 15, 1982), as found in the State of Ohio Environmental Protection Agency Laws and Regulations.

(ii) Additional material.

(A) A June 30, 1987, letter from OEPA certified that the State did not rely upon additional reductions through the offset policy to attain or maintain the National Ambient Air Quality Standards.

(84) On June 1, 1987, the Ohio Environmental Protection Agency (OEPA)

submitted a revision request to Ohio's ozone SIP for the Goodyear Tire and Rubber Company in St. Marys (Auglaize County) Ohio. The revision was in the form of variances for adhesive application lines K001 to K019 and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745–21–09(U). These variances expire on (3 years and 30 days from date of publication). The accommodative SIP for Auglaize County is removed for the period these variances are in effect.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1 through 5) within each of 19 ''State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source'', Application Numbers 0306010138K001–0306010138K019, for Goodyear Tire and Rubber Company. The Date of Issuance is May 22, 1987.

(85) On February 17, 1988, and January 4, 1989, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Youngstown Thermal Corporation located in Youngstown, Ohio. This revision establishes a 0.02 lb/MMBTU emission limit for the one gas and Number 2 oil-fired boiler (B001) and a 0.14 lb/MMBTU limit for the three coal-fired boilers (B002, B003, and B004).

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–17–01, effective in Ohio on October 1, 1983; Rule 3745–17–03, effective in Ohio on October 15, 1983; and Rule 3745–17–10, effective in Ohio on October 1, 1983, as they apply to Youngstown Thermal Energy Corporation in Youngstown, Ohio only.

(86) [Reserved]

(87) On July 11, 1988, Ohio submitted its vehicle inspection and maintenance regulation for Cuyahoga, Lake, Lorain, Hamilton, and Butler Counties.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–26–01, 3745–26–02, 3745–26–03, 3745–26–04, 3745–26–05, 3745–26–06, 3745–26–07, 3745–26–08, and 3745–26–09, effective July 17, 1987.

(88) [Reserved]

(89) On February 28, 1989, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for the Navistar International Transportation Corporation in Springfield, Ohio. It modified this request on March 30, 1990. The revision is in the form of variances for miscellaneous metal parts and products coating lines and exempts them from the requirements contained in Ohio Administrative Code (OAC) Rule 3745–21–09(U). These variances expire on January 4, 1994.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Number 1 through 11) within both of the ''State of Ohio Environmental Protection Agency Variances to Operate An Air Contaminant Source'', Application Numbers 0812760220K009 and 0812760220K013 for Navistar International Transportation Corporation. The Date of Issuance is February 28, 1989.

(90) On April 9, 1986, the Ohio Environmental Protection Agency (OEPA) submitted amendments to the Ohio Administrative Code (OAC) Chapter 3745–21. The amendments are embodied in the following OAC regulations: Definitions, Rule 3745–21–01; Attainment dates and compliance time schedules, Rule 3745–21–04; Control of emissions of volatile organic compounds from stationary sources, Rule 3745–21–09; and Compliance test methods and procedures, Rule 3745–21–10. USEPA is approving these amendments with the following exceptions: The proposed relaxation for food can end sealing compounds in 3745–21–09(D)(1)(e) and (D)(2)(e) (from 3.7 to 4.4 lbs VOC/gallon); the proposed revision to the exemption in 3745–21–09(N)(3)(e) for the application by hand of any cutback asphalt or emulsified asphalt for patching or crack sealing; the recordkeeping requirements in 3745–21–09(N)(4); the relaxation from 3.5 to 6.2 lbs VOC/gallon for high performance architectural aluminum coatings in 3745–21–09(U)(1)(a)(viii); the exemption for new sources in 3745–21–09(U)(2)(f); and the relaxation for miscellaneous metals coatings in 3745–21–09(U)(1)(a)(vii).

(i) Incorporation by reference.

(A) Amendments to Ohio Administrative Code Rule 3745–21–01, effective on May 9, 1986.

(B) Amendments to Ohio Administrative Code Rule 3745–21–04, effective on May 9, 1986.

(C) Amendments to Ohio Administrative Code Rule 3745–21–09, effective on May 9, 1986, except for:

(*1*) 3745–21–09(D)(1)(e) and (D)(2)(e) (proposed relaxation for food can end sealing);

(*2*) 3745–21–09(N)(3)(e) (proposed revision to the exemption for the application by hand of any cutback or emulsified asphalt for patching crack sealing);

(*3*) 3745–21–09(N)(4) (recordkeeping requirements);

(*4*) 3745–21–09(U)(1)(a)(viii) (relaxation from 3.5 to 6.2 lbs VOC. gal for high performance architectural aluminum coatings);

(*5*) 3745–21–09(U)(2)(f) (the exemption for new sources); and

(*6*) 3745–21–09(U)(1)(a)(vii) (relaxation for miscellaneous metal coatings).

(D) Amendments to Ohio Administrative Code Rule 3745–21–10, effective May 9, 1996.

(91) On September 30, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to the ozone SIP for Ludlow Flexible Packaging, Inc. (Ludlow), located in Mt. Vernon (Knox County), Ohio. This revision was in the form of variances and permits that established a bubble with monthly averaging between 22 paper coating and printing lines (sources K001–K022) and a compliance date extension to June 30, 1987. On January 13, 1987, the OEPA submitted additional information concerning this revision stating that several of the printing lines have been or will be permanently shut down and the remaining lines will be controlled by thermal incineration in accordance with OAC Rule 3745–21–09(Y). In addition, four of the paper coating lines (K017–K019, K022) have been removed from the plant. Therefore, only eight paper coating lines (K011–K016, K020 and K021) remain under the bubble. This revision exempts these lines from the control requirements contained in Ohio Administrative Code (OAC) Rules 3745–21–09(F) and 3745–21–09(Y). These variances and permits expire on April 22, 1996.

The accommodative SIP for Knox County will be canceled upon approval of this SIP revision.

(i) Incorporation by reference.

(A) Condition Number 8 (which references Special Terms and Conditions Numbers 1–7 within each of the 5 ''State of Ohio Environmental Protection Agency Variance to Operate an Air Contaminant Source,'' Application Numbers 0342010111K011–0342010111K015, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(B) Condition Number 8 (which references Special Terms and Conditions Numbers 1–7) within each of the 3 ''State of Ohio Environmental Protection Agency Permit to Operate an Air Contaminant Source,'' Application Numbers 0342010111K016, 0342010111K020, and 0342010111K021, as they apply to Ludlow Flexible Packaging, Inc., located in Mt. Vernon, Ohio. The Date of Issuance is September 23, 1983.

(ii) Additional material.

(A) January 13, 1987, letter from Patricia P. Walling, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection agency.

(92) On October 16, 1991, and March 17, 1993, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for sulfur dioxide for sources in Hamilton County, Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–03 Attainment dates and compliance time schedules, Sections (A)(2)(c); (B)(7)(a); (B)(7)(b); (C)(8)(a); (C)(8)(b); (C)(9)(a); (C)(9)(b); (D)(1); (D)(2); dated October 11, 1991, and effective on October 31, 1991.

(B) Ohio Administrative Code (OAC) Rule 3745–18–04 Measurement methods and procedures, Sections (D)(7); (D)(8)(a) to (D)(8)(e); (E)(5); (E)(6)(a); (E)(6)(b); (F); (G)(1) to (G)(4); (I); dated October 11, 1991, and effective on October 31, 1991.

(C) Ohio Administrative Code (OAC) Rule 3745–18–37, Hamilton county emission limits, dated February 22, 1993, and effective on March 10, 1993.

(D) Director's Final Findings and Order for Cincinnati Gas and Electric Company, Miami Fort Station, dated February 22, 1993.

(93) In a letter dated October 16, 1992, the OEPA submitted a revision to the Carbon Monoxide State Implementation Plan for Cuyahoga County. This revision contains a maintenance plan that the area will use to maintain the CO NAAQS. The maintenance plan contains an oxygenated fuels program as a contingency measure to be implemented if the area violates the CO NAAQS.

(i) Incorporation by reference.

(A) Letter dated October 16, 1992, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled ''Table 1 Cuyahoga County Carbon Monoxide Emission Inventory'', Enclosure B ''Cuyahoga County carbon monoxide SIP submittal'', and section 6.0 of Enclosure C ''Cuyahoga County Carbon Monoxide Modeling Study Final Report.''

(ii) Additional information.

(A) Letter dated January 14, 1993, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated February 10, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(C) Letter dated July 29, 1993, from Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency to David Kee, Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5.

(94) On June 24, 1985, the Ohio Environmental Protection Agency submitted revisions to its ozone control State Implementation Plan which would establish a volatile organic compounds (VOC) bubble and alternative VOC reasonably available control technology for vinyl and U-frame vinyl coating lines at Columbus Coated Fabrics in Franklin County, Ohio.

(i) Incorporation by reference.

(A) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 7) within each of 15 State of Ohio Environmental Protection Agency Permits and Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K001 through 0125040031 K015 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These permits and variances are approved for the period 12/12/85 to 1/6/92.

(B) Condition Number 8 (which references special Terms and Conditions Numbers 1 through 4) within each of 11 State of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is November 2, 1983. These variances are approved for the period 4/1/82 to 1/6/92.

(C) State of Ohio Environmental Protection Agency Orders to Modify Variances to Operate modifying Special Condition Number 1 of Ohio Environmental Protection Agency Variances to Operate an Air Contaminant Source, Application Numbers 0125040031 K016 through 0125040031 K026 for Columbus Coated Fabrics. The date of issuance is May 21, 1985. These orders are approved for the period 4/1/82 to 1/6/92.

(95) On October 16, 1992, the State of Ohio submitted the tailpipe test inspection and maintenance program revisions to its carbon monoxide implementation plan for Cuyahoga County.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, 3745–26–01 through 3745–26–09, effective May 15, 1990, and new rules, 3745–26–10 and 3745–26–11, effective May 15, 1990.

(ii) Additional materials—Remainder of the State submittal.

(A) Letter from the Director, Ohio Environmental Protection Agency, dated November 18, 1992, and additional materials.

(96) On June 9, 1988, and August 24, 1990, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan for ozone. The revisions consist of new non-Control Technique Guideline volatile organic compound (VOC) rules and corrections to existing VOC rules.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–01, Definitions, Paragraphs (A), (B), (C), (D)(1) through (5), (D)(7), (D)(9) through (62), (E) through (S); effective August 22, 1990.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (A), (B), (C); effective August 22, 1990.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (B), (C) through (H), (J), (K), (M), (P), (S), (T), (V), (X), (Y), (BB), (CC), (FF) through (NN), (PP), effective August 22, 1990.

(D) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (B), (D), (F), (G), (I) through (N), (P); effective August 22, 1990.

(97) On November 14, 1991, December 4, 1991, and January 8, 1992, OEPA submitted revisions to its particulate matter plan, including Statewide rule revisions, rule revisions for specific facilities in Cuyahoga and Jefferson Counties, and supplemental materials to address the requirements of part D of title I of the Clean Air Act for the Cuyahoga and Jefferson County nonattainment areas. Rules 3745–17–03(B)(10)(c) and 3745–17–12(P)(6)(a) (concerning quench water limits) are not approved.

(i) Incorporation by reference.

(A) Rule 3745–17–01—Definitions, effective December 6, 1991.

(B) Rule 3745–17–02—Ambient air quality standards, effective June 14, 1991.

(C) Rule 3745–17–03—Measurement methods and procedures, effective December 6, 1991, except for paragraph (B)(10)(c) which is disapproved.

(D) Rule 3745–17–04—Compliance time schedules, effective December 6, 1991.

(E) Rule 3745–17–07—Control of visible particulate emissions from stationary sources, effective June 14, 1991.

(F) Rule 3745–17–08—Restriction of emission of fugitive dust, effective June 14, 1991.

(G) Rule 3745–17–09—Restrictions on particulate emissions and odors from incinerators, effective July 9, 1991.

(H) Rule 3745–17–10—Restrictions on particulate emissions from fuel burning equipment, effective June 14, 1991.

(I) Rule 3745–17–11—Restrictions on particulate emissions from industrial processes, effective June 14, 1991.

(J) Rule 3745–17–12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective December 6, 1991, except for paragraph (P)(6)(a) which is disapproved.

(K) Rule 3745–17–13—Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson County, effective December 6, 1991.

(L) Rule 3745–17–14—Contingency plan requirements for Cuyahoga and Jefferson Counties, effective December 6, 1991.

(M) Rule 3745–75–01—Applicability and definitions, effective July 9, 1991.

(N) Rule 3745–75–02—Emission limits, effective July 9, 1991.

(O) Rule 3745–75–03—Design parameters and operating restrictions, effective July 9, 1991.

(P) Rule 3745–75–04—Monitoring requirements, effective July 9, 1991.

(Q) Rule 3745–75–05—Recordkeeping, effective July 9, 1991.

(R) Rule 3745–75–06—Certification and compliance time schedules, effective July 9, 1991.

(ii) Additional information.

(A) Appendices A through P to a letter from Donald Schregardus to Valdas Adamkus dated November 14, 1991, providing emissions inventories and modeling demonstrations of attainment for the Cleveland and Steubenville areas and providing other related information.

(B) A letter from Donald Schregardus to Valdas Adamkus dated December 4, 1991, and attachments, supplementing the November 14, 1991, submittal.

(C) A letter from Donald Schregardus to Valdas Adamkus dated January 8, 1992, and attachments, supplementing the November 14, 1991, submittal.

(98) On April 20, 1994, and March 7, 1995, Ohio submitted Rule 3745–35–07, entitled ''Federally Enforceable Limitations on Potential to Emit,'' and requested authority to issue such limitations as conditions in State operating permits.

(i) Incorporation by reference. Rule 3745–35–07, adopted November 3, 1994, effective November 18, 1994.

(99) [Reserved]

(100) On March 22, 1994, the Ohio Environmental Protection Agency submitted a revision request to Ohio's ozone SIP for approval of the State's emissions statement program. The emissions statement program requirements apply to sources in the following counties: Ashtabula, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Portage, Stark, Summit, Trumbull, Warren, and Wood.

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–24–01, 3745–24–02, 3745–24–03, and 3745–24–04, effective April 1, 1994.

(101) On November 12, 1993 the Ohio Environmental Protection Agency submitted a vehicle inspection and maintenance program in accordance with section 110 of the Clean Air Act as amended in 1990. The new program replaces I/M programs in operation in the Cleveland and Cincinnati areas and establishes new programs in Dayton and any area designated moderate nonattainment or any area where local planning authorities have requested the State to implement a program.

(i) Incorporation by reference.

(A) Ohio Administrative Code Amended Rules 3745–26–01, 3754–26–02, 3745–26–10, and rules 3745–26–12, 3745–26–13, and 3745–26–14, all made effective on June 13, 1994.

(ii) Other material.

(A) Certification letter from the Director of the Ohio Environmental Protection Agency regarding the State process in developing the I/M rules and the I/M program.

(B) Letter dated June 22, 1994, from the Director of OEPA regarding implementation of an I/M program in the Toledo area in the event the State's request for redesignation to attainment for that area is not approved by USEPA.

(102) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation Plan (SIP) for ozone. The revisions include 19 new non-Control Technique Guideline volatile organic compound (VOC) rules, Findings and Orders for 5 companies, and two permits to install.

(i) Incorporation by reference.

(A) OEPA OAC Rule 3745–21–01, Definitions, Paragraphs (Q); (T); effective January 17, 1995.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (C)(40); (C)(41); (C)(46); (C)(48); (C)(49); (C)(50); (C)(51); (C)(53); (C)(54); (C)(59); (C)(60); (C)(61); (C)(62); effective January 17, 1995.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (FF), (GG), (HH), (II), (JJ), (KK), (LL), (MM), (NN), (OO), (PP), (QQ), (SS), (TT), (YY), (ZZ), (AAA); (BBB); effective January 17, 1995.

(1) Previously approved on October 31, 1995 in paragraph (c)(102)(i)(C) of this section and now deleted without replacement: OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (AAA), as adopted by Ohio on October 25, 2002, effective on November 5, 2002.

(D) Director's Final Findings and Orders for AK Steel Corporation (Middletown), International Paper Company (Cincinnati), Midwest Mica & Insulation Company (Cleveland), Reilly Industries, Inc. (Cleveland), and Sprayon Products, Inc. (Bedford Heights), Issued by Ohio Environmental Protection Agency on August 18, 1995.

(E) Permit to Install, Application Number 13–2396, for Excello Specialty Company, APS Premise Number 1318607686. The date of issuance is December 11, 1991.

(F) Permit to Install, Application Number 14–2096, for Hilton Davis Company, APS Premise Number 1431070039. The date of issuance is June 12, 1991.

(103) On June 7, 1993, and February 17, 1995, the Ohio Environmental Protection Agency (OEPA) submitted revisions to the State Implementation

Plan (SIP) for ozone. The revisions include one new non-Control Technique Guideline volatile organic compound (VOC) rule, corrections to existing VOC rules, and two permits-to-install.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–01, Definitions, Paragraphs (B)(1), (B)(2), (B)(6), (D)(6), (D)(8), (D)(22), (D)(45), (D)(48), (D)(58), (M)(8); effective January 17, 1995.

(B) OEPA OAC Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraphs (B), (C)(3)(c), (C)(4)(b), (C)(5)(b), (C)(6)(b), (C)(8) (b) and (c), (C)(9)(b), (C)(10)(b), (C)(19) (b), (c), and (d), (C)(28)(b), (C)(38), (C)(39), (C)(42), (C)(43), (C)(44), (C)(45), (C)(47), (C)(55), (C)(65); effective January 17, 1995.

(C) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraphs (A), (C) through (L), (N) through (T), (X), (Y), (Z), (BB), (CC), (DD), (UU), Appendix A; effective January 17, 1995.

(D) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (B) except (B)(3)(d) and (e) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(E) OEPA OAC Rule 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources, Paragraph (U) except (U)(1)(h) statewide and (U)(2)(e)(ii) for the Ohio Counties of Ashtabula, Butler, Clermont, Cuyahoga, Geauga, Hamilton, Lake, Lorain, Medina, Portage, Summit, and Warren; effective January 17, 1995.

(F) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (A), (B), (C), (E), (O); effective January 17, 1995.

(G) Permit to Install, Application Number 04–204, for Abitibi-Price Corporation, APS Premise Number 0448011192. The date of issuance is July 7, 1983.

(H) Permit to Install, Application Number 08–3273, for General Motors Corporation Delco Chassis Division, APS Premise Number 0857040935. The date of issuance is February 13, 1995.

(ii) Additional material.

(A) On June 7, 1993, the OEPA submitted negative declarations for the source categories of polypropylene or high density polyethylene resin manufacturing, natural gas/gasoline processing plants, and surface coating of flat wood paneling. These negative declarations are approved into the Ohio ozone SIP.

(B) On February 21, 1995, the OEPA submitted a list of facilities subject to the post-enactment source categories listed in Appendix E to the General Preamble. 57 FR 18070, 18077 (April 28, 1992). This list is approved into the Ohio ozone SIP.

(104) On June 7, 1993, the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's ozone SIP for approval of the State's Stage II vapor recovery program. The Stage II program requirements apply to sources in the following areas: Cincinnati-Hamilton; Cleveland-Akron-Lorain; and Dayton-Springfield.

(i) Incorporation by reference.

(A) OEPA Ohio Administrative Code (OAC) Rule 3745–21–04, Attainment Dates and Compliance Time Schedules, Paragraph (C)(64); effective date March 31, 1993.

(B) OEPA OAC Rule 3745–21–10, Compliance Test Methods and Procedures, Paragraphs (Q), (R), (S), Appendices A, B, C; effective date March 31, 1993.

(C) Ohio Administrative Code rules 3745–21–09(DDD)(1)-(4), effective date March 31, 1993.

(105) On September 17, 1993, the Ohio Environmental Protection Agency requested the redesignation of Lucas and Wood Counties to attainment of the National Ambient Air Quality Standard for ozone. To meet the redesignation criteria set forth by section 107(d)(3)(E) (iii) and (iv), Ohio credited emissions reductions from the enclosure of the ''oily ditch'' at the British Petroleum Refinery in Oregon, Ohio. The USEPA is approving the Director's Finding and Order which requires the enclosure of the ''oily ditch'' into the SIP for Lucas and Wood Counties.

(i) Incorporation by reference.

(A) Letter dated June 2, 1994, from Donald R. Schregardus, Director, Ohio Environmental Protection Agency, to

Valdas Adamkus, Regional Administrator, USEPA, Region 5, and one enclosure which is the revised Director's Final Findings and Orders in the matter of BP Oil company, Toledo Refinery, 4001 Cedar Point Road, Oregon, Ohio, Fugitive Emissions from the Refinery Waste Water System ''Oily Ditch'', effective June 2, 1994.

(106) On October 7, 1994, Ohio submitted four rules in Chapter 3745–71 of the Ohio Administrative Code, entitled ''Lead Emissions,'' and submitted a modeling demonstration that the limitations in these rules assure attainment of the lead standard in central Cleveland.

(i) Incorporation by reference. Rules 3745–71–01, 3745–71–03, 3745–71–05, and 3745–71–06, all adopted September 22, 1994, and effective October 4, 1994.

(ii) Additional material. A submittal letter from the Director of the Ohio Environmental Protection Agency, with attachments documenting a modeling analysis of lead concentrations near the Master Metals secondary lead smelter.

(107) Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for general conformity rules. The general conformity rules enable the State of Ohio to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745–102, effective August 21, 1995.

(108) [Reserved]

(109) On July 17, 1995, Ohio submitted a Particulate Matter (PM) contingency measures State Implementation Plan (SIP) revision request. The submittal includes Final Findings and Orders for 5 companies. The Findings and Orders provide PM emission reductions which will take effect if an area fails to attain the National Ambient Air Quality Standards for PM.

(i) Incorporation by reference. Director's Final Findings and Orders for Ford Motor Company (Cleveland Casting Plant), T&B Foundry Company, International Mill Service, Luria Brothers, and United Ready Mix, issued by the Ohio Environmental Protection Agency on July 10, 1995.

(110) On November 3, 1995, December 21, 1995, and March 21, 1996, OEPA submitted revisions to its particulate matter plan, addressing prior deficiencies in its plans for Cuyahoga and Jefferson Counties.

(i) Incorporation by reference.

(A) Rule 3745–17–03—Rule 3745–17–03—Measurement methods and procedures, effective November 15, 1995.

(B) Rule 3745–17–04—Compliance time schedules, effective November 15, 1995.

(C) Rule 3745–17–12—Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga County, effective November 15, 1995.

(D) Findings and Orders issued to the Wheeling-Pittsburgh Steel Corporation, signed by Donald Schregardus and effective on October 31, 1995.

(ii) Additional material—Dispersion modeling analyses for the Steubenville area and for Cuyahoga County near Ford's Cleveland Casting Plant.

(111) On July 18, 1996, the Ohio Environmental Protection Agency submitted a site specific State Implementation Plan revision for Ohio Edison's Sammis and Toronto plants for Sulfur Dioxide. The revisions for the Sammis plant provide ''as an alternative'' to the existing boiler specific regulations a limit of ''2.91 lbs./MMBTU actual heat input from each boiler''. The regulation for the Toronto plant reduces allowable emissions to 2.0 lbs./MMBTU.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–47, effective July 25, 1996.

(112) On August 29, 1996, the United States Environmental Protection Agency received from the Ohio Environmental Protection Agency, changes to the approved vehicle inspection and maintenance (I/M) program which control the release of volatile organic compounds from vehicles. These changes provide a repair spending cap of $300 and a temporary hardship extension of time up to 6 months for owners to perform needed repairs on vehicles which fail the I/M program test.

(i) Incorporation by reference.

(A) Rule 3745–26–01—Definitions effective May 15, 1996.

(B) Rule 3745–26–12—Requirements for motor vehicle owners in the enhanced or opt-in enhanced automobile inspection and maintenance program, effective May 15, 1996.

(113) On August 30, 1996, Ohio submitted a request to extend the exemption from opacity limits for the boilers at Ford's Cleveland Engine Plant 1 to six hours after start-up.

(i) Incorporation by reference.

(A) Findings and Orders for boilers number 1 through number 5 at Ford's Cleveland Engine Plant 1, signed by Donald Schregardus on May 31, 1996.

(114) On November 12, 1996, the Ohio Environmental Protection Agency submitted a request to incorporate section(G)(9)(g) of Rule 3745–21–07 of the Ohio Administrative Code into the Ohio State Implementation Plan (SIP). Section (G)(9)(g) provides an additional exemption from organic compound emission controls for qualifying new sources. Because, in the process of adopting section(G)(9)(g), minor editorial changes were made to other parts of Rule 3745–21–07, the United States Environmental Protection Agency is incorporating all of Rule 3745–21–07 into the Ohio SIP. This will avoid confusion by making the SIP approved rule identical to the current State rule.

(i) Incorporation by reference.

(A) Rule 3745–21–07 of the Ohio Administrative Code, adopted October 7, 1996, effective October 31, 1996, as certified by Donald R. Schregardus, Director of the Ohio Environmental Protection Agency. Rescinded in 2008; see paragraph 154 of this section.

(115) On January 3, 1997, the Ohio EPA submitted a revision to the Hamilton County sulfur dioxide implementation plan for the Procter and Gamble Company, Ohio Administrative Code 3745–18–37(GG)(2), which limits combined average operating rate of all boilers (B001, B008, B021, and B022) to a maximum of 922 million BTU per hour for any calendar day. Boilers B001 and B008 are each allowed to emit 1.1 pounds of sulfur dioxide per million BTU actual heat input. Boiler B021 is limited to 1.50 pounds of sulfur dioxide per million BTU; and boiler B022 is limited to 2.0 pounds of sulfur dioxide per million BTU average heat input.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–18–37(GG)(2), Hamilton County emission limits, dated December 17, 1996, for Procter and Gamble Company.

(B) Director's Findings and Orders in the matter of the adoption of amended Rule 3745–18–37 of the Ohio Administrative Code, dated December 17, 1996.

(ii) Additional materials.

(A) Letter from Ohio EPA Director Donald R. Schregardus to Regional Administrator Valdas Adamkus, dated January 3, 1997.

(B) Letter from Ohio EPA Air Pollution Control Division Chief, Robert Hodanbosi to EPA dated August 11, 1997.

(116) On December 9, 1996, the Ohio Environmental Protection Agency submitted two revisions to its sulfur dioxide rules. The first revision provides adjusted, State adopted limits for a Sun Oil Company facility. The second revision, applicable Statewide, exempts sources from operating hour limits on days when only natural gas is burned. Further, by letter of December 15, 1997, the State requested that U.S. Environmental Protection Agency address the addition of emission limits for stationary gas turbines and stationary internal combustion engines in rule 3745–18–06 that have been adopted previously.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) rule 3745–18–54 (O) and OAC rule 3745–18–06, adopted October 7, 1996, effective October 31, 1996.

(117) On August 1, 1997 the Ohio Environmental Protection Agency submitted a requested revision to the Ohio State Implementation Plan. This revision constituted amendments to the emissions statement reporting regulations approved on October 13, 1994 and codified in paragraph (c)(100) of this section. The revision is intended to limit the applicability of these rules to stationary sources located within the State's marginal and above ozone nonattainment areas.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–24–02 Applicability. Effective July 31, 1997.

(118) On August 20, 1998, Ohio submitted material including State adopted limits for Lake County, and requested approval of limits for the Ohio First Energy Eastlake Plant and the Ohio Rubber Company Plant.

(i) Incorporation by reference.

(A) Rule 3745–18–49 (G) and (H) of the Ohio Administrative Code, effective May 11, 1987.

(119) On September 21, 1998, Ohio submitted revisions to its Permit to Operate rules as a revision to the State implementation plan.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745–35–02, adopted April 4, 1994, effective April 20, 1994.

(120) On January 3, 1999, Ohio submitted, as a State implementation plan revision, de minimus exemption provisions for its permitting rules.

(i) Incorporation by reference

(A) Ohio Administrative Code 3745–15–05, adopted April 4, 1994, effective April 20, 1994.

(121) On March 20, 2000, the Ohio Environmental Protection Agency submitted rules to control sulfur dioxide emissions in Coshocton, Gallia and Lorain Counties.

(i) Incorporation by reference. Rules OAC 3745–18–22; OAC 3745–18–33; and OAC 3745–18–53. Adopted March 1, 2000; effective March 21, 2000.

(122) On October 6, 1999, the Ohio Environmental Protection Agency submitted revised Transportation Conformity rules for the State of Ohio. The submittal made revisions to the current State plan for the implementation of the federal transportation conformity requirements at the State and local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. Only certain sections of the submittal are approved.

(i) Incorporation by reference.

(A) Ohio Administrative Code: amended rules, OAC 3745–101–02, OAC 3745–101–03 (A), (B), (C), (D), (G), (H), (I), (J), (K), (L), except (E) and (F), OAC 3745–101–05, OAC 3745–101–06, OAC 3745–101–07 (A), (B), (C) except for (C)(1)(a) and (C)(2)(a), (D), (E), (F), (G), (H), (I), (J), OAC 3745–101–08, OAC 3745–101–09, OAC 3745–101–10, OAC 3745–101–11, OAC 3745–101–12 except for (A)(2), OAC 3745–101–13 except (A)(1), OAC 3745–101–14, OAC 3745–101–15, OAC 3745–101–17, OAC 3745–101–18, OAC 3745–101–19, effective on February 16, 1999.

(B) No action is being taken on: OAC 3745–101–04.

(123) On July 6, 2000, the State of Ohio submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Compound control requirements at Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting volatile organic compound emissions from coating lines at its pressure sensitive tape and manufacturing plant in Stow.

(i) Incorporation by reference. July 5, 2000, Director's Final Findings and Orders of the Ohio Environmental Protection Agency in the matter of: Morgan Adhesives Company, effective on July 5, 2000.

(124) On November 9, 2000, Ohio submitted Director's Final Findings and Orders revising sulfur dioxide emissions regulations for the Lubrizol Corporation facility in Lake County, Ohio. The revisions include the adjustment of six short-term emissions limits, the addition of an annual emissions limit, and the addition of a continuous emissions monitoring system (CEMS). These state implementation plan revisions do not increase allowable sulfur dioxide emissions.

(i) Incorporation by reference. Emissions limits for the Lubrizol Corporation facility in Lake County contained in Director's Final Findings and Orders. The orders were effective on November 2, 2000 and entered in the *Director's Journal* on November 9, 2000.

(125) On March 20, 2000, the Ohio Environmental Protection Agency submitted revised rules to control sulfur dioxide emissions in Butler and Pickaway Counties, and a revision to compliance time schedules as well as measurement methods and procedures for SO_2 sources for the State of Ohio. Ohio has rescinded OAC 3745–18–04 (G),

which had special emission calculation procedures for Hamilton County.

(i) Incorporation by reference.

(A) Rules OAC 3745–18–03(A)(2)(d); OAC 3745–18–03(B)(4); OAC 3745–18–03(B)(8); OAC 3745–18–03(C)(6); OAC 3745–18–03(C)(10); 3745–18–04(D)(8); 3745–18–04(D)(9); OAC 3745–18–04(E)(7); OAC 3745–18–04(F); OAC 3745–18–15; OAC 3745–18–71. Adopted March 1, 2000, effective March 21, 2000.

(B) Rule OAC 3745–18–49(F), effective May 11, 1987.

(126) On March 1, 1996, and several subsequent dates, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code (OAC) Rule 3745–31–21, effective April 27, 1998; OAC Rules 3745–31–22 through 3745–31–27, effective April 12, 1996; OAC Rules 3745–47–01, 3745–47–2, and 3745–47–03, effective June 30, 1981; OAC Rule 3745–47–05, effective June 30, 1981; OAC Rule 3745–47–07, effective June 30, 1981; and OAC Rule 3745–47–08(D), effective August 10, 1999.

(127) On July 18, 2002, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745–31–01, 3745–31–02, 3745–31–03, 3745–31–05, and 3745–31–07 effective November 30, 2001.

(128) On July 11, 2002, the Ohio Environmental Protection Agency submitted revisions to Chapter 3745–14-(1 through 11) of the Ohio Administrative Code (OAC), an oxides of nitrogen (NO_X) budget trading program in Ohio, with a request that the Ohio State Implementation Plan be revised to include these NO_X rules.

(i) Incorporation by reference.

(A) Ohio NO_X rules: 3745–14–01, 3745–14–02, 3745–14–03, 3745–14–04, 3745–14–05, 3745–14–06, 3745–14–07, 3745–14–08, 3745–14–09, 3745–14–10, 3745–14–11 in the OAC all with an effective date of July 18, 2002.

(ii) On June 25, 2003, the Ohio Environmental Protection Agency submitted a letter committing to change the flow control date, in rule 3745–14–06(E)(6) from 2006 to 2005, within approximately 6 months of the effective date of the submittal date.

(129) On September 27, 2003, the Ohio Environmental Protection Agency submitted revised rules for sulfur dioxide. The submittal includes revised provisions in Rules 3745–18–01, 3745–18–04, and 3745–18–06, relating to natural gas use, as well as special provisions in Rule 3745–18–04 for compliance testing for Lubrizol in Lake County. The submittal includes recently revised Ohio limits in Cuyahoga, Lake, Mahoning, Monroe, and Washington Counties, as well as previously adopted source-specific limits in Adams, Allen, Clermont, Lawrence, Montgomery, Muskingum, Pike, Ross, and Wood Counties that had not previously been subject to EPA rulemaking.

(i) Incorporation by reference.

(A) Rules OAC 3745–18–01; OAC 3745–18–04(F); OAC 3745–18–04(J); OAC 3745–18–06; OAC 3745–18–24; OAC 3745–18–49; OAC 3745–18–56; OAC 3745–18–62; and OAC 3745–18–90. Adopted August 19, 2003, effective September 1, 2003.

(B) Rules OAC 3745–18–07(B); OAC 3745–18–08(H); OAC 3745–18–19(B); OAC 3745–18–66(C); OAC 3745–18–72(B);, effective May 11, 1987.

(C) OAC 3745–18–50(C); OAC 3745–18–77(B); effective December 28, 1979.

(D) OAC 3745–18–63(K) and (L); and OAC 3745–18–93(B) and (C); effective December 1, 1984.

(ii) Additional material—Letter from Robert Hodanbosi, Chief of the Division of Air Pollution Control of the Ohio EPA, to Thomas Skinner, Regional Administrator for Region 5 of USEPA, dated September 27, 2003.

(130) On November 26, 2003, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745–14–06 (NO_X Allowance Tracking System) that changes the flow control date to 2005.

(i) Incorporation by reference.

(A) Amended OAC rule 3745–14–06. Adopted by the Ohio Environmental Protection Agency on November 12, 2003. Effective November 24, 2003.

(B) [Reserved]

(131) [Reserved]

(132) On June 28, 2004, the Ohio Environmental Protection Agency submitted revisions to OAC rule 3745–14–01. These revisions change the definition

of ''boiler'' by excluding from the trading program carbon monoxide (CO) boilers associated with combusting CO from fluidized catalytic cracking units at petroleum refineries. The submittal also includes revisions to OAC rule 3745–14–03 (A housekeeping correction to reference OAC Chapter 3745–77 concerning Title V operating permit) and 3745–14–05 (Revising the number of trading program budget allowances and source identification for the ozone seasons 2004 through 2007).

(i) Incorporation by reference.

(A) Ohio Administrative Code rules 3745–14–01, 3745–14–03, and 3745–14–05, effective May 25, 2004.

(133) On May 20, 2005, the Ohio Environmental Protection Agency submitted volatile organic compound (VOC) regulations for five source categories in the Cincinnati ozone nonattainment area. These regulations complete the requirement that all VOC reasonably available control technology (RACT) regulations, for which there are eligible sources, have been approved by EPA into the SIP for the Cincinnati ozone nonattainment area.

(i) Incorporation by Reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC rule 3745–21–01(U), (definitions for commercial bakery oven facilities), effective May 27, 2005.

(B) OAC rule 3745–21–01(V), (definitions for reactors and distillation units employed in SOCMI chemical production), effective May 27, 2005.

(C) OAC rule 3745–21–01(W), (definitions for batch operations), effective May 27, 2005.

(D) OAC rule 3745–21–01(X), (definitions for wood furniture manufacturing operations), effective May 27, 2005.

(E) OAC rule 3745–21–01(Y), (definitions for industrial wastewater), effective May 27, 2005.

(F) OAC rule 3745–21–12: ''Control of Volatile Organic Compound Emissions from Commercial Bakery Oven Facilities'', effective May 27, 2005.

(G) OAC rule 3745–21–13: ''Control of Volatile Organic Compound Emissions from Reactors and Distillation Units Employed in SOCMI Chemical Production'', effective May 27, 2005.

(H) OAC rule 3745–21–14: ''Control of Volatile Organic Compound Emissions from Process Vents in Batch Operations'', effective May 27, 2005.

(I) OAC rule 3745–21–15: ''Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations'', effective May 27, 2005.

(J) OAC rule 3745–21–16: ''Control of Volatile Organic Compound Emissions from Industrial Wastewater'', effective May 27, 2005.

(134) On July 18, 2000, the Ohio Environmental Protection Agency submitted revised rules for particulate matter. Ohio adopted these revisions to address State-level appeals by various industry groups of rules that the State adopted in 1995 that EPA approved in 1996. The revisions provide reformulated limitations on fugitive emissions from storage piles and plant roadways, selected revisions to emission limits in the Cleveland area, provisions for Ohio to follow specified criteria to issue replicable equivalent visible emission limits, the correction of limits for stationary combustion engines, and requirements for continuous emissions monitoring as mandated by 40 CFR part 51, Appendix P. The State's submittal also included modeling to demonstrate that the revised Cleveland area emission limits continue to provide for attainment of the PM_{10} standards. EPA is disapproving two paragraphs that would allow revision of limits applicable to Ford Motor Company's Cleveland Casting Plant through permit revisions without the full EPA review provided in the Clean Air Act.

(i) Incorporation by reference.

(A) The following rules in Ohio Administrative Code Chapter 3745–17 as effective January 31, 1998: Rule OAC 3745–17–01, entitled Definitions, Rule OAC 3745–17–03, entitled Measurement methods and procedures, Rule OAC 3745–17–04, entitled Compliance time schedules, Rule OAC 3745–17–07, entitled Control of visible particulate emissions from stationary sources, Rule OAC 3745–17–08, entitled Restriction of emission of fugitive dust, Rule OAC 3745–17–11, entitled Restrictions on particulate emissions from industrial processes, Rule OAC 3745–17–13, entitled Additional restrictions on particulate emissions

from specific air contaminant sources in Jefferson county, and OAC 3745–17–14, entitled Contingency plan requirements for Cuyahoga and Jefferson counties.

(B) Rule OAC 3745–17–12, entitled Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, as effective on January 31, 1998, except for paragraphs (I)(50) and (I)(51).

(C) Engineering Guide #13, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(D) Engineering Guide #15, as revised by Ohio EPA, Division of Air Pollution Control, on June 20, 1997.

(ii) Additional material.

(A) Letter from Robert Hodanbosi, Chief of Ohio EPA's Division of Air Pollution Control, to EPA, dated February 12, 2003.

(B) Telefax from Tom Kalman, Ohio EPA, to EPA, dated January 7, 2004, providing supplemental documentation of emissions estimates for Ford's Cleveland Casting Plant.

(C) Memorandum from Tom Kalman, Ohio EPA to EPA, dated February 1, 2005, providing further supplemental documentation of emission estimates.

(D) E-mail from Bill Spires, Ohio EPA to EPA, dated April 21, 2005, providing further modeling analyses.

(135) On May 9, 2006, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745–21–01 Definitions: Paragraphs (D) and (Z), adopted 1/31/2006, effective 2/10/2006.

(B) Ohio Administrative Code Chapter 3745–21–04 Attainment dates and compliance time schedules: Paragraph (C)(16)(c), adopted 1/31/2006, effective 2/10/2006.

(C) Ohio Administrative Code Chapter 3745–21–09 Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities: Paragraphs (O)(2)(e),(O)(6)(b),(T)(4),(Y), (HH), (RR), and (VV), adopted 3/2/2006, effective 3/12/2006.

(D) Ohio Administrative Code Chapter 3745–21–17: Portable Fuel Containers, adopted 1/31/2006, effective 2/10/2006.

(E) Ohio Administrative Code Chapter 3745–21–18: Commercial Motor Vehicle and Mobile Equipment Refinishing Operations, adopted 1/31/2006, effective 2/10/2006.

(136) On May 16, 2006, Ohio submitted numerous regulations for sulfur dioxide. These regulations were submitted to replace the remaining federally promulgated regulations, to make selected revisions to applicable limits, and to update company names and make other similar administrative changes. On December 10, 2007, Ohio submitted a corrected rule for Stark County.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rules 3745–18–01 ''Definitions and incorporation by reference.'', 3745–18–02 ''Ambient air quality standards; sulfur dioxide.'', 3745–18–03 ''Attainment dates and compliance time schedules.'', 3745–18–06 ''General emission limit provisions.'', 3745–18–10 ''Ashtabula County emission limits.'', 3745–18–11 ''Athens County emission limits.'', 3745–18–12 ''Auglaize County emission limits.'', 3745–18–17 ''Champaign County emission limits.'', 3745–18–18 ''Clark County emission limits.'', 3745–18–28 ''Erie County emission limits.'', 3745–18–29 ''Fairfield County emission limits.'', 3745–18–31 ''Franklin County emission limits.'', 3745–18–34 ''Geauga County emission limits.'', 3745–18–35 ''Greene County emission limits.'', 3745–18–37 ''Hamilton County emission limits.'', 3745–18–38 ''Hancock County emission limits.'', 3745–18–49 ''Lake County emission limits.'', 3745–18–50 ''Lawrence County emission limits.'', 3745–18–53 ''Lorain County emission limits.'', 3745–18–57 ''Marion County emission limits.'', 3745–18–61 ''Miami County emission limits.'', 3745–18–63 ''Montgomery County emission limits.'', 3745–18–66 ''Muskingum County emission limits.'', 3745–18–68 ''Ottawa County emission limits.'', 3745–18–69 ''Paulding County emission limits.'', 3745–18–72 ''Pike County emission limits.'', 3745–18–76 ''Richland County emission limits.'', 3745–18–77 ''Ross County emission limits.'', 3745–18–78 ''Sandusky County emission limits.'', 3745–18–79 ''Scioto County emission limits.'', 3745–18–80 ''Seneca County emission limits.'', 3745–18–81 ''Shelby

County emission limits.'', 3745–18–83 ''Summit County emission limits.'', 3745–18–84 ''Trumbull County emission limits.'', 3745–18–85 ''Tuscarawas County emission limits.'', 3745–18–87 ''Van Wert County emission limits.'', 3745–18–90 ''Washington County emission limits.'', 3745–18–91 ''Wayne County emission limits.'', and 3745–18–93 ''Wood County emission limits.'', adopted on January 13, 2006, effective January 23, 2006.

(B) January 13, 2006, ''Director's Final Findings and Orders'', signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting the rules identified in paragraph (A) above.

(C) Ohio Administrative Code Rules 3745–18–08 ''Allen County emission limits.'', 3745–18–15 ''Butler County emission limits.'', 3745–18–24 ''Cuyahoga County emission limits.'', and 3745–18–54 ''Lucas County emission limits.'', adopted on March 16, 2006, effective March 27, 2006.

(D) March 16, 2006, ''Director's Final Findings and Orders'', signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting rules 3745–18–08, 3745–18–15, 3745–18–24, and 3745–18–54.

(E) Ohio Administrative Code Rule 3745–18–82 ''Stark County emission limits.'', adopted on November 28, 2007, effective December 8, 2007.

(F) November 28, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency, adopting rule 3745–18–82.

(137) On January 31, 2007, Ohio requested to rescind certain transportation conformity rules from the Ohio State Implementation Plan, which were previously approved in paragraph (c)(122) of this section. The rules that are being rescinded at Ohio's request are 3745–101–05, 3745–101–06, 3745–101–07, 3745–101–08, 3745–101–09, 3745–101–10, 3745–101–11, 3745–101–12, 3745–101–13, 3745–101–15, 3745–101–16, 3745–101–18, 3745–101–19, and 3745–101–20.

(138) On February 14, 2006, and October 6, 2006, the State of Ohio submitted a revision to the Ohio State Implementation Plan. This revision is for the purpose of establishing a gasoline Reid Vapor Pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in the Cincinnati and Dayton areas which include Hamilton, Butler, Warren, Clermont, Clark, Greene, Miami, and Montgomery Counties.

(139) On May 1, 2006, and supplemented on May 22, 2007, Ohio submitted final adopted state implementation plan revisions which concurrently rescinds and revises portions of the Ohio Administrative Code Chapter 3745–24 to be consistent with the Clean Air Act emission statement program reporting requirements for stationary sources. This revision includes amendments to the emission reporting regulation approved on October 13, 1994, and March 23, 1998, codified in paragraphs (c)(100) and (c)(117) of this section. The revision makes the rule more general to apply to all counties designated nonattainment for ozone, and not to a specific list of counties.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC Rule Chapter 3745–24–01: ''Definitions'', effective on December 16, 2005.

(B) OAC Rule Chapter 3745–24–02: ''Applicability'', effective on December 16, 2005.

(C) OAC Rule Chapter 3745–24–03: ''Deadlines for the submission of the emission statements'', effective on December 16, 2005.

(140) On July 15, 2009, and August 13, 2009, Ohio submitted rules addressing the requirements of the Clean Air Interstate Rule.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–109–01 ''CAIR NO_X annual, CAIR SO_2 and CAIR NO_X ozone season trading programs definitions and general provisions.'', Rule 3745–109–04 ''CAIR NO_X allowance allocations.'', Rule 3745–109–07 ''Monitoring and Reporting.'', Rule 3745–109–08 ''CAIR NO_X opt-in units.'', Rule 3745–109–11 ''CAIR SO_2 allowance tracking system.'', Rule 3745–109–12 ''CAIR SO_2 allowance transfers.'', Rule 3745–109–13 ''Monitoring and reporting.'', Rule 3745–109–14 ''CAIR SO_2 opt-in units.'', Rule 3745–109–17 ''CAIR NO_X ozone season allowance allocations.'', Rule 3745–109–18 ''CAIR NO_X ozone season allowance tracking

system.'', Rule 3745–109–19 ''CAIR NO_X ozone season allowance transfers.'', Rule 3745–109–20 ''Monitoring and reporting.'', and Rule 3745–109–21 ''CAIR NO_X ozone season opt-in units.'', adopted on July 6, 2009, effective on July 16, 2009.

(B) July 6, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(C) Ohio Administrative Code Rule 3745–109–02 ''CAIR designated representative for CAIR NO_X sources.'', Rule 3745–109–03 ''Permits.'', Rule 3745–109–05 ''CAIR NO_X allowance tracking system.'', Rule 3745–109–06 ''CAIR NO_X allowance transfers.'', Rule 3745–109–09 ''CAIR designated representative for CAIR SO_2 sources.'', Rule 3745–109–10 ''Permits.'', Rule 3745–109–15 ''CAIR designated representative for CAIR NO_X ozone season sources.'', and Rule 3745–109–16 ''Permits.'', adopted on September 17, 2007, effective on September 27, 2007.

(D) September 17, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(141) Ohio Environmental Protection Agency, on June 16, 2005, submitted amendments to the State Implementation Plan to control nitrogen oxide emissions from internal combustion engines in new rule Ohio Administrative Code (OAC) 3745–14–12. This rule adds stationary internal combustion engines to the list of sources in the Ohio NO_X SIP Call emission reduction program. Also, OAC 3745–14–01, General Provisions, is amended. This rule contains definitions used for the nitrogen oxides rules, expands the definition of NO_X budget unit, adds definitions for the internal combustion engine rule, amends definition associated with continuous emissions monitoring, and makes corrections to typographical errors. OAC 3745–14–05 Portions of this rule are amended to correctly line up with the changes made in the definitions section of the NO_X plan. Typographical errors are also corrected.

(i) Incorporation by reference. The following sections of the Ohio Administrative Code (OAC) are incorporated by reference.

(A) OAC 3745–14–01, General Provisions, effective on May 07, 2005.

(B) OAC 3745–14–05, NO_X Allowance Allocations, effective on May 07, 2005.

(C) OAC 3745–14–12, Stationary Internal Combustion Engines, effective on May 7, 2005.

(142) [Reserved]

(143) On September 7, 2006, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–19, Rules 3745–19–01 through 3745–19–05 including the 3754–19–03 Appendix. The revisions update Ohio's open burning regulations. Ohio added requirements for specific types of burning: emergency burning, recreational fires, hazardous material disposal, and firefighting training. The State also added or refined some of the definitions.

(i) Incorporation by reference.

(A) Ohio Administrative Code Chapter 3745: Ohio Environmental Protection Agency, Chapter 19: Open Burning Standards, Rule 3745–19–01: Definitions, Rule 3745–19–02: Relations to Other Prohibitions, Rule 3745–19–03: Open Burning in Restricted Areas with Appendix ''Open Burning of Storm Debris Conditions'', Rule 3745–19–04: Open Burning in Unrestricted Areas, and Rule 3745–19–05: Permission to Individuals and Notification to the Ohio EPA. The rules were effective on July 7, 2006.

(B) June 27, 2006, ''Director's Final Findings and Orders'', signed by Joseph P. Koncelik, Director, Ohio Environmental Protection Agency, adopting rules 3745–19–01, 3745–19–02, 3745–19–03, 3745–19–04, and 3745–19–05.

(144) The Ohio Environmental Protection Agency formally submitted revisions to Ohio's Administrative Code on August 7, 2007. These revisions consists of Rule 3745–21–17 which impacts sale, use, and manufacture of Portable Fuel Containers in the State of Ohio.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–17 ''Portable fuel containers'', adopted on June 11, 2007, effective on June 21, 2007.

(B) June 11, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(145) On September 14, 2004, Ohio submitted modifications to its Prevention

of Significant Deterioration and nonattainment New Source Review rules as a revision to the State implementation plan.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–31–01, Definitions: (C), (D), (E), (J), (M), (N), (O), (P), (Q), (S), (T), (U), (V), (W), (X), (DD), (EE), (FF), (GG), (JJ), (MM), (NN), (QQ), (DDD), (EEE), (FFF), (JJJ), (KKK), (NNN), (UUU), (VVV), (WWW), (XXX), (YYY), (ZZZ), (CCCC), (DDDD), (EEEE), (FFFF), (GGGG), (HHHH), (IIII), (JJJJ), (KKKK), (LLLL), (MMMM), (OOOO), (PPPP), (QQQQ), (SSSS), (VVVV), (WWWW), (XXXX), (ZZZZ), (DDDDD), (EEEEE), (HHHHH), (KKKKK), (LLLLL), (PPPPP), (QQQQQ), (UUUUU), and (XXXXX), adopted on October 18, 2004, effective October 28, 2004.

(B) Ohio Administrative Code Rules 3745–31–01, Definitions: (III) and (SSS), 3745–31–10 ''Air Stationary Source Obligations.'', and 3745–31–22 ''Nonattainment Provisions—Conditions for Approval'', adopted on October 18, 2004, effective October 28, 2004 and revised by the November 15, 2005 letter from Joseph P. Koncelik to Thomas Skinner. This letter, included as Additional material in paragraph (145)(ii)(B) below, removes references to the Pollution Control Project (PCP) and Clean Unit provisions vacated by a June 24, 2005 DC Circuit Court of Appeals decision.

(C) Ohio Administrative Code Rules 3745–31–09 ''Air permit to install completeness determinations, public participation and public notice.'', 3745–31–13 ''Attainment provisions—review of major stationary sources and major modifications, stationary source applicability and exemptions.'', 3745–31–15 ''Attainment provisions—Control Technology Review.'', 3745–31–21 ''Nonattainment provisions—review of major stationary sources and major modifications—stationary source applicability and exemptions.'', 3745–31–24 ''Non-attainment Provisions—Baseline for Determining Credit for Emission and Air Quality Offsets.'', 3745–31–26 ''Nonattainment Provisions—Offset Ratio Requirements.'', and 3745–31–32 ''Plantwide applicability limit (PAL).'', adopted on October 18, 2004, effective October 28, 2004.

(D) October 18, 2004, ''Director's Final Findings and Orders'', signed by Christopher Jones, Director, Ohio Environmental Protection Agency, adopting rules 3745–31–01, 3745–31–09, 3745–31–10, 3745–31–13, 3745–31–15, 3745–31–21, 3745–31–22, 3745–31–24, 3745–31–26, 3745–31–30, 3745–31–31, and 3745–31–32.

(ii) Additional material.

(A) Ohio Administrative Code Rule 3745–31–01, Definitions: (ZZZZZ) adopted on October 18, 2004, effective October 28, 2004.

(B) Letter dated November 15, 2005, from Ohio EPA Director Joseph P. Koncelik to Regional Administrator Thomas Skinner, titled Request for Approval of Ohio Administrative Code (''OAC'') Chapter 3745–31 NSR Reform Rule Changes into the State Implementation Plan (''SIP'').

(146) On September 4, 2008, and March 23, 2009, the Ohio Environmental Protection Agency submitted several volatile organic compound rules for approval into the Ohio State Implementation Plan. Only those paragraphs in 3745–21–09 that were revised in the September 4, 2008, and/or March 23, 2009, submittals have been incorporated into the SIP.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–01 ''Definitions.'', adopted March 23, 2009, effective April 2, 2009.

(B) Ohio Administrative Code Rule 3745–21–02 ''Ambient air quality standards and guidelines.'', adopted August 15, 2008, effective August 25, 2008.

(C) Ohio Administrative Code Rule 3745–21–03 ''Methods of ambient air quality measurement.'', adopted August 15, 2008, effective August 25, 2008.

(D) Ohio Administrative Code Rule 3745–21–04 ''Attainment dates and compliance time schedules.'', adopted March 23, 2009, effective April 2, 2009.

(E) Ohio Administrative Code Rule 3745–21–06 ''Classification of Regions.'', adopted August 15, 2008, effective August 25, 2008.

(F) Ohio Administrative Code Rule 3745–21–08 ''Control of carbon monoxide emissions from stationary sources.'', adopted August 15, 2008, effective August 25, 2008.

(G) Ohio Administrative Code Rule 3745–21–09 ''Control of emissions of

volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities'': (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (O), (P), (R), (S), (T), (U)(1)(a), (U)(1)(b), (U(1)(c), (U)(1)(d), (U)(1)(e), (U)(1)(f), (U)(1)(g), (U)(1)(i), (U)(2)(f), (U)(2)(j), (U)(2)(k), (U)(2)(l), (W), (X), (Y), (Z), (DD), (HH), (NN), (RR), (SS), (TT), (VV), (YY), (DDD), adopted March 23, 2009, effective April 2, 2009.

(H) Ohio Administrative Code Rule 3745–21–10 ''Compliance test methods and procedures.'', adopted August 15, 2008, effective August 25, 2008.

(I) Ohio Administrative Code Rule 3745–21–12 ''Control of volatile organic compound emissions from commercial bakery oven facilities.'', adopted August 15, 2008, effective August 25, 2008.

(J) Ohio Administrative Code Rule 3745–21–13 ''Control of volatile organic compounds from reactors and distillation units employed in SOCMI chemical production.'', adopted August 15, 2008, effective August 25, 2008.

(K) Ohio Administrative Code Rule 3745–21–14 ''Control of Volatile organic compound emissions from process vents in batch operations.'', adopted March 23, 2009, effective April 2, 2009.

(L) Ohio Administrative Code Rule 3745–21–15 ''Control of volatile organic compound emissions from wood furniture manufacturing operations.'', adopted August 15, 2008, effective August 25, 2008.

(M) Ohio Administrative Code Rule 3745–21–16 ''Control of volatile organic compound emissions from industrial wastewater.'', adopted March 23, 2009, effective April 2, 2009.

(N) Ohio Administrative Code Rule 3745–21–18 ''Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.'', adopted March 23, 2009, effective April 2, 2009.

(O) Ohio Administrative Code Rule 3745–21–19 ''Control of volatile organic compound emissions from aerospace manufacturing and rework facilities.'', adopted August 15, 2008, effective August 25, 2008.

(P) Ohio Administrative Code Rule 3745–21–20 ''Control of volatile organic compound emissions from shipbuilding and ship repair operations.'', adopted August 15, 2008, effective August 25, 2008.

(Q) Ohio Administrative Code Rule 3745–21–21 ''Storage of volatile organic liquids in fixed roof tanks and external floating roof tanks.'', adopted March 23, 2009, effective April 2, 2009.

(R) Ohio Administrative Code Rule 3745–21–22 ''Lithographic and letterpress printing.'', adopted March 23, 2009, effective April 2, 2009.

(S) Ohio Administrative Code Rule 3745–21–23 ''Industrial cleaning solvents.'', adopted March 23, 2009, effective April 2, 2009.

(T) Ohio Administrative Code Rule 3745–21–24 ''Flat wood paneling coatings.'', adopted March 23, 2009, effective April 2, 2009.

(U) August 15, 2008, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(V) March 23, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(147) On October 5, 2007, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–112, Rules 3745–112–01 through 3745–112–08. The revisions regulate the volatile organic compounds content of consumer products.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–112–01 ''Definitions.'', Rule 3745–112–02 ''Applicability.'', Rule 3745–112–03 ''Standards.'', Rule 3745–112–04 ''Exemptions.'', Rule 3745–112–05 ''Administrative requirements.'', Rule 3745–112–06 ''Reporting requirements.'', Rule 3745–112–07 ''Variances.'', and Rule 3745–112–08 ''Test methods.'', adopted September 5, 2007, effective on September 15, 2007.

(B) September 5, 2007, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(148) On March 17, 2009, Ohio submitted revisions to Ohio Administrative Code Chapter 3745–15, Rules 3745–15–01 and 3745–15–05. The revisions pertain to general provisions of OAC Chapter 3745.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–15–01 ''Definitions.'' and Rule 3745–15–05 '' 'De minimis' air contaminant source exemption.'' The rules were

adopted on January 12, 2009, and became effective on January 22, 2009.

(B) January 12, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(149) On October 9, 2000, February 6, 2001, August 3, 2001, and June 24, 2003, Ohio submitted revisions to Ohio Administrative Code (OAC) Chapter 3745–21 to address a variety of changes to its Carbon Monoxide and Volatile Organic Compounds regulations. The pertinent provisions are in OAC 3745–21–09; for other rules in these submittals, later versions have been addressed in separate rulemaking (*see* paragraph 146 of this section).

(i) Incorporation by reference.

(A) The following paragraphs of OAC 3745–21–09, entitled ''*Control of emissions of volatile organic compounds from stationary sources and perchloroethylene from dry cleaning facilities,*'' as adopted by Ohio on October 25, 2002, effective on November 5, 2002:

(1) Paragraphs (A)(4), (B)(3)(a), (B)(3)(d), (B)(3)(e), (B)(3)(f), (B)(3)(h), (B)(3)(j), (B)(3)(l), (B)(4)(a), (B)(4)(b), (C)(4), (H)(1), (H)(3), (O)(5)(b), (O)(6), (R)(4), (U)(2)(h), (Y)(1)(a)(i), (AA)(1)(b), (AA)(1)(c), (FF)(1), (II)(2), (II)(3), (II)(4), (KK)(1), (NN), (OO), (PP)(2), (UU)(3), (DDD), and Appendix A.

(2) Within paragraph (U), the undesignated paragraph following (U)(2)(e).

(B) October 25, 2002, ''Director's Final Findings and Orders'', signed by Christopher Jones, Director, Ohio Environmental Protection Agency.

(ii) Additional Information. The following permits to install authorizing exemptions under OAC Rule 3745–21–09(U)(2)(f) were issued by Ohio during the time period when the State had unilateral authority to issue them.

(A) Permit To Install issued by the State Of Ohio to Chase Industries, Inc, Cincinnati, OH, on June 24, 1998, for emissions unit K002, pursuant to application number 14–4578.

(B) Permit To Install issued by the State Of Ohio to CAE Ransohoff, Inc., Union, OH, on March 5, 1997, for emissions units K001 and K002, pursuant to application number 14–4268.

(C) Permit To Install issued by the State Of Ohio to Phoenix Presentations, Inc., Butler County, OH, on January 21, 1999, for emissions units R001, R002, and R003, pursuant to application number 14–4612.

(D) Permit To Install issued by the State Of Ohio to CTL Aerospace, Inc., Cincinnati, OH, on August 19, 1998, for emissions unit R005, pursuant to application number 14–4572.

(E) Permit To Install issued by the State Of Ohio to Hamilton Fixture, Hamilton, OH, on April 24, 1996, for emissions unit R006, pursuant to application number 14–4014.

(F) Permit To Install issued by the State Of Ohio to Lt. Moses Willard, Inc., Milford, OH, on December 23, 1997, for emissions units K001 and K002, pursuant to application number 14–4220.

(G) Permit To Install issued by the State Of Ohio to WHM Equipment Co., Cincinnati, OH, on May 28, 1997, for emissions unit K001, pursuant to application number 14–4348.

(H) Permit To Install issued by the State Of Ohio to Panel-Fab, Inc., Cincinnati, OH, on June 12, 1996, for emissions unit K001, pursuant to application number 14–4027.

(I) Permit To Install issued by the State Of Ohio to Cincinnati Fan & Ventilator, Mason, OH, on June 15, 1995, for emissions unit K003, pursuant to application number 14–3774.

(J) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., Marysville, OH, on December 24, 1997, for emissions units R003, and R103, pursuant to application number 01–6743.

(K) Permit To Install issued by the State Of Ohio to Durr Ecoclean, Inc. (formerly Henry Filters, Inc.), Bowling Green, OH, on June 26, 1996, for emissions unit K001 pursuant to application number 03–9510.

(L) Permit To Install issued by the State Of Ohio to Honda of America Manufacturing, Inc., East Liberty, OH, on April 17, 1996, for emissions units K009 and K013, pursuant to application number 05–7923.

(M) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Stolle Corporation, Stolle Products Division), Sidney, OH, on September 13, 1995, K045, pursuant to application number 05–7329.

(N) Permit To Install issued by the State Of Ohio to American Trim, LLC

(formerly Stolle Products), Sidney, OH, on December 3, 1998, for emissions unit K048, pursuant to application number 05–9516.

(O) Permit To Install issued by the State Of Ohio to Hawkline Nevada, LLC (formerly Trinity Industries, Inc.), Plant 101, Mt. Orab, OH, on February 28, 1996, for emissions unit K001, pursuant to application number 07–407.

(P) Permit To Install issued by the State Of Ohio to American Trim, LLC (formerly Superior Metal Products), Lima, OH, on July 23, 1997, for emissions unit K002, pursuant to application number 03–0397.

(150) On August 22, 2008, Ohio submitted revisions to

Ohio Administrative Code Chapter 3745–17, Rules 3745–17–01 through 3745–112–14. The revisions contain particulate matter standards in the State of Ohio necessary to attain and maintain the 2006 24-hour $PM_{2.5}$, annual $PM_{2.5}$ and 24-hour PM_{10} NAAQS.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–17–01 Definitions: (A) and (B), Rule 3745–17–02 Ambient air quality standards, Rule 3745–17–04 Compliance time schedules, Rule 3745–17–07 Control of visible particulate emissions from stationary sources, Rule 3745–17–08 Restriction of emission of fugitive dust, Rule 3745–17–09 Restrictions on particulate emissions and odors from incinerators, Rule 3745–17–10 Restrictions on particulate emissions from fuel burning equipment, Rule 3745–17–12 Additional restrictions on particulate emissions from specific air contaminant sources in Cuyahoga county, Rule 3745–17–13 Additional restrictions on particulate emissions from specific air contaminant sources in Jefferson county, and Rule 3745–17–14 Contingency plan requirements for Cuyahoga and Jefferson counties. The rules became effective on February 1, 2008.

(B) January 22, 2008, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) Additional Information.

(A) Ohio Administrative Code Rule 3745–17–01 Definitions: (C), effective on February 1, 2008.

(151) On September 10, 2009, Ohio EPA submitted amendments to the OAC with the intent to consolidate Ohio's Ambient Air Quality Standards into a single rule to provide greater accessibility for the regulated community and to the citizens of Ohio. EPA is approving the request because the revisions clarify the state's rules and thus better serve the purpose of providing for meeting these standards.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–17–03 ''Measurement methods and procedures.'', effective April 18, 2009.

(B) Ohio Administrative Code Rule 3745–17–14 ''Contingency plan requirements for Cuyahoga and Jefferson counties.'', effective April 18, 2009.

(C) Ohio Administrative Code Rule 3745–18–03 ''Attainment dates and compliance time schedules.'', effective April 18, 2009.

(D) Ohio Administrative Code Rule 3745–23–01 ''Definitions.'', effective April 18, 2009.

(E) Ohio Administrative Code Rule 3745–23–02 ''Methods of measurement.'', effective April 18, 2009.

(F) Ohio Administrative Code Rule 3745–25–01 ''Definitions.'', effective April 18, 2009.

(G) Ohio Administrative Code Rule 3745–25–02 ''Ambient air quality standards.'', effective April 18, 2009.

(H) Ohio Administrative Code Rule 3745–25–03 ''Air pollution emergencies and episode criteria.'', effective August 21, 2009.

(I) Ohio Administrative Code Rule 3745–25–04 ''Air pollution emergency emission control action programs.'', effective April 18, 2009.

(J) Ohio Administrative Code Rule 3745–25–05 ''Air pollution emergency orders.'', effective April 18, 2009.

(K) April 8, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(L) August 11, 2009, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(152) On March 9, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted revisions to its previously approved offset lithographic and letterpress printing volatile organic compound (VOC) rule for approval into its state implementation

plan (SIP). This submittal revises certain compliance dates and recordkeeping requirements.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–21–22 ''Control of volatile organic compound emissions from offset lithographic printing and letterpress printing facilities.'', effective February 10, 2010.

(B) January 29, 2010, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio EPA.

(153) On November 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA) submitted new rule OAC 3745–21–25 ''Control of VOC Emissions from Reinforced Plastic Composites Production Operations'' for approval into its state implementation plan.

(i) *Incorporation by reference.*

(A) Ohio Administrative Code Rule 3745–21–25 ''Control of VOC Emissions from Reinforced Plastic Composites Production Operations,'' effective November 11, 2010.

(B) November 1, 2010, ''Director's Final Findings and Orders,'' signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) *Additional material.* (A) An October 25, 2010, letter from Robert F. Hodanbosi, Chief Division of Air Pollution Control of the Ohio Environmental Protection Agency to Susan Hedman, Regional Administrator, containing documentation of noninterference, under section 110(l) of the Clean Air Act, of the less stringent applicability cutoff for sheet mold compound machines.

(154) On April 7, 2008, the Ohio Environmental Protection Agency (Ohio EPA) submitted revised rule ''Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745–21–09, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18 of the Administrative Code).'' On February 8, 2008, the previously existing rule 3745–21–07 was rescinded by Ohio EPA.

(i) Incorporation by reference.

(A) Ohio Administrative Code Rule 3745–21–07 ''Control of emissions of organic materials from stationary sources (*i.e.*, emissions that are not regulated by rule 3745–21–09, 3745–21–12, 3745–21–13, 3745–21–14, 3745–21–15, 3745–21–16, or 3745–21–18 of the Administrative Code),'' effective February 18, 2008.

(B) February 18, 2008, ''Director's Final Findings and Orders'', signed by Chris Korleski, Director, Ohio Environmental Protection Agency.

(ii) Additional material.

(A) An October 25, 2010, letter from Robert F. Hodanbosi, Chief Division of Air Pollution Control of the Ohio Environmental Protection Agency to Susan Hedman, Regional Administrator, containing documentation of noninterference, under section 110(l) of the Clean Air Act, of the less stringent applicability cutoff for sheet mold compound machines.

[37 FR 10886, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1870, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1871 Classification of regions.

The Ohio plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Greater Metropolitan Cleveland Intrastate	I	I	III	III	I
Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate	I	III	III	III	III
Mansfield-Marion Intrastate	II	II	III	III	III
Metropolitan Cincinnati Interstate	I	II	III	III	I
Metropolitan Columbus Intrastate	I	III	III	III	I
Metropolitan Dayton Intrastate	I	II	III	III	I
Metropolitan Toledo Interstate	I	I	III	III	I
Northwest Ohio Intrastate	II	I	III	III	III
Northwest Pennsylvania-Youngstown Interstate	I	II	III	III	III
Parkersburg (West Virginia)-Marietta (Ohio) Interstate	I	II	III	III	III
Sandusky Intrastate	III	III	III	III	III
Steubenville-Weirton-Wheeling Interstate	I	I	III	III	III

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Wilmington-Chillicothe-Logan Intrastate	III	III	III	III	III
Zanesville-Cambridge Intrastate	II	IA	III	III	III

[37 FR 10886, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 45 FR 72146, Oct. 31, 1980]

§ 52.1872 [Reserved]

§ 52.1873 Approval status.

(a) With the exceptions set forth in this subpart the Administrator approves Ohio's plan for the attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all the requirements of Part D, Title 1 of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are ''subject to regulation'', as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not ''subject to regulation.''

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO_2e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.

(4) For purposes of this paragraph (b)—

(i) the term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO_2 equivalent emissions (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO_2e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in 3745–31–01(III)(4) of Ohio's Administrative Code) and a significant net emissions increase (as defined in paragraphs 3745–31–01, paragraphs (SSS) and (LLLLL)(1) of Ohio's Administrative Code) occur. For the pollutant GHGs, an emissions increase

shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO_2e instead of applying the value in paragraph 3745–31–01(LLLLL)(2) of Ohio's Administrative Code.

[75 FR 82559, Dec. 30, 2010]

§ 52.1874 [Reserved]

§ 52.1875 Attainment dates for achieving the sulfur dioxide secondary standard.

The attainment date for achieving the sulfur dioxide (SO_2) secondary national ambient air quality standard (NAAQS) is August 27, 1979 except as follows. The following sources are required to achieve the secondary SO_2 NAAQS by June 17, 1980: Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemical Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Asso.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co. The Ashland Oil Company is subject to a secondary SO_2 NAAQS attainment date of September 14, 1982. The following sources located in Summit County are required to achieve the secondary SO_2 NAAQS by January 4, 1983: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co. The boiler of PPG Industries, Inc. located in Summit County must achieve attainment of the secondary SO_2 NAAQS by August 25, 1983. The Portsmouth Gaseous Diffusion Plant in Pike County is required to attain the secondary SO_2 NAAQS by November 5, 1984. The Ohio Power Company Galvin Plant located in Gallia County is required to attain the secondary SO_2 NAAQS by August 25, 1985.

[61 FR 16062, Apr. 11, 1996]

§ 52.1876 Control strategy: Nitrogen dioxide.

(a) The condition to EPA's approval of the oxides of nitrogen State Implementation Plan (SIP) codified at 40 CFR 52.1870(c)(128) is satisfied by Ohio's November 26, 2003, submittal of the change to the flow control date in the oxides of nitrogen budget trading SIP.

(b) [Reserved]

[69 FR 13234, Mar. 22, 2004]

§ 52.1877 Control strategy: Photochemical oxidants (hydrocarbons).

(a) The requirements of Subpart G of this chapter are not met because the Ohio plan does not provide for the attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati interstate region by May 31, 1975.

(b) The requirements of § 52.14 are not met by Rule 3745–21–09(N)(3) (a) and (e); Rule 3745–21–09(Z)(1)(a); Rule 3745–21–10, Section G; and Rule 3745–21–10, Section H, because these Ohio Rules do not provide for attainment and maintenance of the photochemical oxidant (hydrocarbon) standards throughout Ohio.

(1) USEPA is disapproving new exemptions for the use of cutback asphalt [(Rule 3745–21–09(N)(3) (a) and (e)], because Ohio did not provide documentation regarding the temperature ranges in the additional two months that the State permits the use of cutback asphalts, and a lack of training is not sufficient reason for the 1000 gallons exemptions.

(2) USEPA is disapproving Section V [Rule 3745–21–09(V)], because it contains an alternative leak testing procedure for gasoline tank trucks which USEPA finds to be unapprovable.

(3) USEPA is disapproving exclusion of the external floating roof (crude oil) storage tanks from the secondary seal requirement [Rule 3745–21–09(Z)(1)(a)], because Ohio has not demonstrated that the relaxation would not interfere with the timely attainment and maintenance of the NAAQS for ozone.

(4) USEPA is disapproving compliance test method Section G, [Rule 3745–21–10] as an alternative leak testing procedure for gasoline tank trucks, because such action on Section G, is consistent with USEPA's action on Rule 3745–21–09(V), which USEPA finds to be unapprovable.

(5) USEPA is disapproving compliance test method Section H, [Rule 3745–21–10], which involves a pressure test of only the vapor recovery lines and associated equipment. Compliance test method Section H is inconsistent with USEPA's control technique guidances and with tank truck certification regulations that are in effect in 19 other States. In addition, OEPA has presented no acceptable evidence demonstrating why this rule constitutes RACT.

[38 FR 30974, Nov. 8, 1973, as amended at 39 FR 13542, Apr. 15, 1974; 51 FR 40676, Nov. 7, 1986; 54 FR 1940, Jan. 18, 1989]

§ 52.1878 [Reserved]

§ 52.1879 Review of new sources and modifications.

(a) The requirements of sections 172, 173, 182, and 189 for permitting of major new sources and major modifications in nonattainment areas for ozone, particulate matter, sulfur dioxide, and carbon monoxide are not met, because Ohio's regulations exempt source categories which may not be exempted and because the State has not adopted the new permitting requirements of the Clean Air Act Amendments of 1990 in a clear or enforceable manner.

(b) [Reserved]

(c) The requirements of § 51.161 of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment. (1) For purposes of this paragraph, *Director* shall mean the *Director of the Ohio Environmental Protection Agency*.

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO_X related general and transportation conformity provisions and nonattainment area NSR for new

sources and modifications that are major for NO_X: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO_X related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO_X; NO_X RACT; and a demonstration of compliance with the enhanced I/M performance standard for NO_X: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO_X), nonattainment area new source review (NSR) for new sources and modifications that are major for NO_X, and the NO_X-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO_X. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(g) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from nonattainment NSR for new sources and modifications that are major for NO_X.

[39 FR 13542, Apr. 15, 1974, as amended at 45 FR 72122, Oct. 31, 1980; 45 FR 82927, Dec. 17, 1980; 51 FR 40677, Nov. 7, 1986; 58 FR 47214, Sept. 8, 1993; 59 FR 48395, Sept. 21, 1994; 60 FR 3766, Jan. 19, 1995; 60 FR 36060, July 13, 1995; 65 FR 37899, June 19, 2000]

§52.1880 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Picway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(c) Ohio Regulation EP–12 (open burning) is disapproved insofar as EP–12–03(D)(1) and EP–12–04(D)(1) allow open burning of hazardous or toxic materials.

(d)–(f) [Reserved]

(g) The B.F. Goodrich Chemical Plant State Implementation Plan revision is being disapproved because it is not supported by an adequate attainment demonstration and therefore does not meet the requirements of §51.13(e).

(h) *Approval.* On January 4, 1989, the State of Ohio submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}) for Ohio's Group II areas. The Group II areas of concern are in Belmont, Butler, Columbiana, Franklin, Hamilton, Lorain, Mahoning, Montgomery, Richland, Sandusky, Scioto, Seneca, Stark, Summit, Trumbull, and Wyandot Counties. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM_{10} at 52 FR 24681.

(i) Part D—Disapproval—Ohio's Part D TSP plan for the Middletown area is

disapproved. Although USEPA is disapproving the plan, the emission limitations and other requirements in the federally approved SIP remain in effect. See § 52.1870(c)(27).

(j) Approval—EPA is approving the PM10 maintenance plan for Cuyahoga and Jefferson Counties that Ohio submitted on May 22, 2000, and July 13, 2000.

(k) *Determinations of Attainment.* EPA has determined, as of November 20, 2009, the Parkerburg-Marietta, WV-OH and the Wheeling, WV-OH $PM_{2.5}$ nonattainment areas have attained the 1997 $PM_{2.5}$ NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 $PM_{2.5}$ NAAQS.

(l) *Disapproval.* EPA is disapproving the portions of Ohio's Infrastructure SIP for the 2006 24-hour $PM_{2.5}$ NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(m) *Determination of Attainment.* EPA has determined, as of September 7, 2011, that based upon 2007–2009 air quality data, the Huntington-Ashland, West Virginia-Kentucky-Ohio, nonattainment Area has attained the 1997 annual $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual $PM_{2.5}$ NAAQS.

(n) *Determination of Attainment.* EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton nonattainment areas have attained the 1997 annual $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 annual $PM_{2.5}$ NAAQS.

(o) *Determination of Attainment.* EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment Area has attained the 1997 annual $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual $PM_{2.5}$ NAAQS.

(p) Approval—The 1997 annual $PM_{2.5}$ maintenance plans for the following areas have been approved:

(1) The Ohio portion of the Cincinnati-Hamilton nonattainment area (Butler, Clermont, Hamilton, and Warren Counties), as submitted on January 25, 2011. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton area of 1,678.60 tpy for primary $PM_{2.5}$ and 35,723.83 tpy for NO_X and 2021 motor vehicle emissions budgets of 1,241.19 tpy for primary $PM_{2.5}$ and 21,747.71 tpy for NO_X.

(2) [Reserved]

(q) Approval—The 1997 annual $PM_{2.5}$ comprehensive emissions inventories for the following areas have been approved:

(1) Ohio's 2005 NOx, directly emitted $PM_{2.5}$, and SO_2 emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Cincinnati-Hamilton area.

(2) [Reserved]

(r) *Determination of Attainment.* EPA has determined, as of May 14, 2012, that based on 2008 to 2010 ambient air quality data, the Steubenville-Weirton nonattainment area has attained the 24-hour 2006 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR

52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 24-hour 2006 $PM_{2.5}$ NAAQS.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1880, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) USEPA is approving, disapproving or taking no action on various portions of the Ohio sulfur dioxide control plan as noticed below. The disapproved portions of the Ohio plan do not meet the requirements of § 51.13 of this chapter in that they do not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide). (Where USEPA has approved the State's sulfur dioxide plan, those regulations supersede the federal sulfur dioxide plan contained in paragraph (b) of this section and § 52.1882.)

(1) Approval—USEPA approves the following OAC Rule: 3745–18–01 Definitions, 3745–18–02 Ambient Air Quality Standards-Sulfur Dioxide, 3745–18–05 Ambient and Meteorological Monitoring Requirements, 3745–18–06 General Emission Limit Provisions.

(2) Approval—USEPA approves the Ohio Rules 3745–18–03 Attainment Dates and Compliance Time Schedules except for those provisions listed in § 52.1881(a)(5).

(3) Approval—USEPA approves the Ohio Rules 3745–18–04 Emission Measurement Methods except for those provisions listed in § 52.1881(a)(6).

(4) Notwithstanding the portions of Ohio's sulfur dioxide rules identified in this section that EPA has either disapproved or taken no action on, EPA has approved a complete plan addressing all counties in the State of Ohio. EPA has approved the following rules, supplemented by any additional approved rules specified in 40 CFR 52.1870:

(i) Rules as effective in Ohio on December 28, 1979: OAC 3745–18–04(A), (B), (C), (D)(1), (D)(4), (E)(1), and (H) (measurement methods), OAC 3745–18–05 (ambient monitoring), OAC 3745–18–09 (Ashland County), OAC 3745–18–13 (Belmont), OAC 3745–18–14 (Brown), OAC 3745–18–16 (Carroll), OAC 3745–18–19 (Clermont)—except for one paragraph approved later (CG&E Beckjord), OAC 3745–18–20 (Clinton), OAC 3745–18–21 (Columbiana), OAC 3745–18–23 (Crawford), OAC 3745–18–25 (Darke), OAC 3745–18–26 (Defiance), OAC 3745–18–27 (Delaware), OAC 3745–18–30 (Fayette), OAC 3745–18–32 (Fulton), OAC 3745–18–36 (Guernsey), OAC 3745–18–39 (Hardin), OAC 3745–18–40 (Harrison), OAC 3745–18–41 (Henry), OAC 3745–18–42 (Highland), OAC 3745–18–43 (Hocking), OAC 3745–18–44 (Holmes), OAC 3745–18–45 (Huron), OAC 3745–18–46 (Jackson), OAC 3745–18–48 (Knox), OAC 3745–18–51 (Licking), OAC 3745–18–52 (Logan), OAC 3745–18–55 (Madison), OAC 3745–18–58 (Medina), OAC 3745–18–59 (Meigs), OAC 3745–18–60 (Mercer), OAC 3745–18–62 (Monroe), OAC 3745–18–64 (Morgan)—except for one paragraph approved later (OP Muskingum River), OAC 3745–18–65 (Morrow), OAC 3745–18–67 (Noble), OAC 3745–18–70 (Perry), OAC 3745–18–73 (Portage), OAC 3745–18–74 (Preble), OAC 3745–18–75 (Putnam), OAC 3745–18–86 (Union), OAC 3745–18–88 (Vinton), OAC 3745–18–89 (Warren), OAC 3745–18–92 (Williams), and OAC 3745–18–94 (Wyandot);

(ii) Rules as effective in Ohio on October 1, 1982: OAC 3745–18–64 (B) (OP Muskingum River in Morgan County);

(iii) Rules as effective in Ohio on May 11, 1987: OAC 3745–18–19(B) (CG&E Beckjord);

(iv) Rules as effective in Ohio on October 31, 1991: OAC 3745–18–04 (D)(7), (D)(8)(a) to (D)(8)(e), (E)(5), (E)(6)(a), (E)(6)(b), (F), and (I) (measurement methods);

(v) Rules as effective in Ohio on July 25, 1996: OAC 3745–18–47 (Jefferson);

(vi) Rules as effective in Ohio on March 21, 2000: OAC 3745–18–04(D)(8), (D)(9), and (E)(7) (measurement methods), OAC 3745–18–22 (Coshocton), OAC 3745–18–33 (Gallia), and OAC 3745–18–71 (Pickaway);

(vii) Rules as effective in Ohio on September 1, 2003: OAC 3745–18–04(F) and (J) (measurement methods), and OAC 3745–18–56 (Mahoning);

(viii) Rules as effective in Ohio on January 23, 2006: OAC 3745–18–01 (definitions), OAC 3745–18–02 (air quality standards), OAC 3745–18–03 (compliance dates), OAC 3745–18–06 (general provisions), OAC 3745–18–07 (Adams), OAC 3745–18–10 (Ashtabula), OAC 3745–18–11 (Athens), OAC 3745–18–12 (Auglaize), OAC 3745–18–17 (Champaign), OAC 3745–18–18 (Clark), OAC 3745–18–28 (Erie), OAC 3745–18–29 (Fairfield), OAC 3745–18–31 (Franklin), OAC 3745–18–34 (Geauga), OAC 3745–18–35 (Greene), OAC 3745–18–37 (Hamilton), OAC 3745–18–38 (Hancock), OAC 3745–18–49 (Lake), OAC 3745–18–50 (Lawrence), OAC 3745–18–53 (Lorain), OAC 3745–18–57 (Marion), OAC 3745–18–61 (Miami), OAC 3745–18–63 (Montgomery), OAC 3745–18–66 (Muskingum), OAC 3745–18–68 (Ottawa), OAC 3745–18–69 (Paulding), OAC 3745–18–72 (Pike), OAC 3745–18–76 (Richland), OAC 3745–18–77 (Ross), OAC 3745–18–78 (Sandusky), OAC 3745–18–79 (Scioto), OAC 3745–18–80 (Seneca), OAC 3745–18–81 (Shelby), OAC 3745–18–83 (Summit), OAC 3745–18–84 (Trumbull), OAC 3745–18–85 (Tuscarawas), OAC 3745–18–87 (Van Wert), OAC 3745–18–90 (Washington), OAC 3745–18–91 (Wayne), and OAC 3745–18–93 (Wood);

(ix) Rules as effective in Ohio on March 27, 2006: OAC 3745–18–08 (Allen), OAC 3745–18–15 (Butler), OAC 3745–18–24 (Cuyahoga), and OAC 3745–18–54 (Lucas); and

(x) Rule as effective in Ohio on December 8, 2007: OAC 3745–18–82 (Stark).

(5) Disapproval—USEPA disapproves the Ohio Rule 3745–18–03(A), Attainment Dates and also disapproves Ohio Rule 3745–18–03(C)(3) Compliance Time Schedules for all sources electing to comply with the regulations by utilizing complying fuels.

(6) No Action—USEPA is neither approving nor disapproving the following Ohio Rule pending further review: 3745–18–04(D)(2), 3745–18–04(D)(3), 3745–18–04(E)(2), 3745–18–04(E)(3) and, 3745–18–04(E)(4) Emission Measurement Methods.

(7)–(8) [Reserved]

(9) No Action—USEPA takes no action on the 30-day averaging provisions contained in the Toledo Edison Company's Bay Shore Station State Implementation Plan revision until a general review of 30-day averaging is complete.

(10) Approval—USEPA approves Condition #3 of the permits for the Coulton Chemical Plant in Toledo and the E.I. duPont de Nemours and Company plant in Miami, Ohio. This condition requires the installation and operation of continuous emission monitors for sulfur dioxide.

(11) *Approval.* USEPA approves Ohio's Good Engineering Stack Height Regulations as contained in Ohio Administrative Code Chapter 3745–16–01 and 02. These rules were adopted by the State on February 12, 1986 and were effective on March 5, 1986.

(12) In a letter dated June 25, 1992, Ohio submitted a maintenance plan for sulfur dioxide in Morgan and Washington Counties.

(13) In a letter dated October 26, 1995, Ohio submitted a maintenance plan for sulfur dioxide in Lake and Jefferson Counties.

(14) On March 20, 2000, the Ohio Environmental Protection Agency submitted maintenance plans for Coshocton, Gallia and Lorain Counties.

(15) On September 27, 2003, Ohio submitted maintenance plans for sulfur dioxide in Cuyahoga County and Lucas County.

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(1) *Definitions.* All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or parts 51, 52, or 60 of this chapter.

(i) *By-product coke oven gas* means the gas produced during the production of metallurgical coke in slot-type, by-product coke batteries.

(ii) *Flue gas desulfurization* means any pollution control process which treats stationary source combustion flue gas to remove sulfur oxides.

(iii) *Fossil fuel* means natural gas, refinery fuel gas, coke oven gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

(iv) *Fossil fuel-fired steam generating unit* means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(v) *Heat input* means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015–66, D240–64, or D1826–64) of all fossil and non-fossil fuels burned. Where two or more fossil fuel-fired steam generating units are vented to the same stack the heat input shall be the aggregate of all units vented to the stack.

(vi) *Owner or operator* means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(vii) *Primary zinc smelter* means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from the zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(viii) *Process* means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any materials, the use of which may cause the discharge oons within a structure, building, or shop shall be considered as a single process for purposes of this regulation.

(ix) *Process weight* means the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight unless they become part of the product. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for the number of hours in a given period of time by the number of hours in that period. For fluid catalytic cracking units, process weight shall mean the total weight of material introduced as fresh feed to the cracking unit. For sulfuric acid production units, the nitrogen in the air feed shall not be included in the calculation of process weight.

(x) *Run* means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice as determined by the Administrator.

(xi) *Source operation* means the last operation preceding the emission of an air contaminant, which operation (*a*) results in the separation of the air contaminant from process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (*b*) is not primarily an air pollution abatement operation.

(xii) *Stack* means any chimney, flue, vent, roof monitor, conduit or duct arranged to vent emissions to the ambient air.

(xiii) *Sulfur recovery plant* means any plant that recovers elemental sulfur from any gas stream.

(xiv) *Sulfuric acid production unit* means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(xv) *Total rated capacity* means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use as determined by the Administrator, whichever is greater.

(2) *Test methods and procedures.* Unless specified below, the test methods and procedures used for determining compliance with the applicable paragraphs of §52.1881(b) shall be those prescribed in part 60 of this chapter. Compliance tests shall be conducted under such conditions as the Administrator shall specify based on representative performance of the affected facility. Notification and recordkeeping procedures shall be those prescribed in §60.7 of this chapter. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. A compliance test shall consist of at least three runs.

(i) The test methods and procedures used for determining compliance for any sulfur recovery plant subject to applicable paragraph, of § 52.1881(b) shall be those prescribed in § 60.46 of this chapter with the exception that the maximum amount of sulfur dioxide sampled by Method 6 shall not exceed 50 percent of the stoichiometric amount of hydrogen peroxide absorbent.

(ii) The test methods and procedures used for determining compliance for any sulfuric acid production unit, or any primary zinc smelter subject to the applicable paragraphs of § 52.1881(b) shall be those prescribed in § 60.85 of this chapter.

(iii) The test methods and procedure used to determine the compliance of any stack venting any fossil fuel-fired steam generating units subject to the applicable paragraphs of § 52.1881(b) shall be those prescribed in § 60.46 of this chapter.

(3) *Severability*. If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

(4) *Submission of information*. The submission of any information required under § 52.1882 shall be made to the Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Illinois, 60604, Attention Air Compliance Section.

(5) For purposes of this regulation, stack and boiler identification numbers used in this paragraph were derived from correspondence submitted to the U.S. EPA by the affected owners or operators, and may be found in the record supporting this rulemaking.

(6) This paragraph contains no applicable provisions in the following counties of Ohio: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Knox, Logan, Madison, Monroe, Morrow, Noble, Perry, Portage, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams, and Wyandot, nor does it apply to facilities equal to or less than 10 million BTU per hour total aggregate rated capacity of all units at a facility.

(7) In Franklin County, no owner or operator of the following types of facilities unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit between 10.0 and 50.0×10^6 BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 8.088 Q_m - 0.4307$$

where Q_m is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 50.0×10^6 BTU per hour total rated capacity of heat input, the emission limitation shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Columbus State Institution in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.80 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Columbus State Hospital in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.10 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of Ross Laboratory in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or any subsequent owner or operator of the Rickenbacker Air Force Base in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or any subsequent owner or operator of the Capital City Products facility in Franklin County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.10 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The present or any subsequent owner or operator of the Westinghouse Electric facility in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(ix) (A) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(B) In lieu of meeting §52.1881(b)(27)(ix)(A), the present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant may elect to comply with the alternate emission limitation and operating conditions specified below.

(*1*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.65 pounds of sulfur dioxide per million BTU actual heat input provided that such stacks be greater than or equal to 44.5 meters in height and that the combined maximum boiler design capacity be limited to 177 million BTU per hour by installation of a lock-out system on the boiler coal-feeders. The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall keep a permanent log on the lock-out system and record any problems with the system in the log. This log shall be available for inspection by the EPA. This log shall be in lieu of the reporting and monitoring requirements of §52.1882(g).

(*2*) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve Plant shall be permitted to operate its five boilers (#1, 2, 3, 5a or 5b) in only one of the following three configurations at any given time:

(*i*) Any two of boilers 1, 2, or 3 on; the remaining three boilers off.

(*ii*) Boilers 5a and 5b on; boilers 1, 2, and 3 off.

(*iii*) Boiler 5b and any one of boilers 1, 2, or 3 on; the remaining three boilers off.

(*3*) In the event that the Naval Weapons Industrial Reserve Plant elects to comply with the alternate emission limitation and operating configurations in §52.1881(b)(27)(ix)(B) (*1*) and (*2*) and vents its boilers through stacks great on the boiler coal-feeders such that the combined maximum boiler design capacity is limited to 177 MMBTU/hr, all such action shall be taken within 30 weeks of (the effective date of promulgation). The Administrator must be notified in writing that all such action was taken within five working days of its completion.

(x) No owner or operator of any primary zinc smelter shall cause or permit the emission of sulfur dioxide from the plant in excess of the amount prescribed by the following equation:

$$Y=0.564X^{0.85}$$

where X is the total sulfur feed expressed as elemental sulfur in the smelter input stream in lbs/hour and Y is the allowable sulfur dioxide emission rate in lbs/hour from all stacks combined.

(xi) Except as provided in paragraph (b)(27)(x) of this section, no owner or operator of any process equipment shall cause or permit the emission from any stack into the atmosphere of any process gas stream containing sulfur dioxide in excess of 2.40 pounds of sulfur dioxide per ton of actual process weight input.

(8) In Sandusky County: (i) The Martin Marietta Company or any subsequent owner or operator of the Martin Marietta facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 15.42 pounds of sulfur

dioxide per ton of actual process weight input.

(ii) [Reserved]

(9) In Stark County, no owner or operator of the following types of facilities, unless otherwise specified in this paragraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 60.0 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 18.48Q_m - 0.4886$$

where Q_m is the total rated capacity of heat input in million BTU per hour and *EL* is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units equal to or greater than 60 million BTU per hour total rated capacity of heat input: 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) Republic Steel Corporation or any subsequent owner or operator of the Massillon facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Massillon facility in excess of 4.40 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Massillon State Hospital facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of the Grief Board Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pound of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Timken Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam-generating unit(s) stack at this facility in excess of the rates specified below:

(A) 3.08 pounds of sulfur dioxide per million BTU actual heat input for the stack common to the fossil fuel-fired steam-generating units B001 and B002 at the Canton plant.

(B) 0.93 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating unit B003 at the Canton plant.

(C) 0.0 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating units B003 and B004 at the Gambrinus Plant.

(D) 0.67 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units at the Gambrinus Plant unless otherwise specified in this paragraph.

(vii) No owner or operator of any by-product coke oven operating in Stark County, Ohio shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 350 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 1.70 pounds of sulfur dioxide per million BTU actual heat input.

(viii) No owner or operator of any process equipment in Stark County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 80.0 pounds of sulfur dioxide per ton of actual process weight input.

(ix) The Ashland Oil Company, or any subsequent owner or operator of the Ashland Oil Company facilities in Stark County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the emission limitations listed below:

(A) 0.025 pounds of sulfur dioxide per million BTU actual heat input for units 4–0–B–3, 4–2–B–1, 4–2–B–2, and 4–27–B–1.

(B) 1.00 pounds of sulfur dioxide per million BTU actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this paragraph.

(C) 0.62 pounds of sulfur dioxide per 1,000 pounds of charging stack for catalytic cracking units.

(D) 2.00 pounds of sulfur dioxide per 100 pounds of sulfur processed for sulfur recovery plants.

(E) Only two of the following three units may be operated simultaneously: 4–16–B–1, 4–16–B–2, and 4–16–B–12.

(x) The present or any subsequent owner or operator of the Hoover Co. in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 8.0 pounds of sulfur dioxide per million BTU actual heat input for the coal-fired boiler and 0.4 pounds of sulfur dioxide per million BTU actual heat input for the gas-fired boiler.

(10) In Summit County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emissions of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 300 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 17.55\ Q_m - 0.3933$$

where Q_m is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 300 million BTU per hour total rated capacity of heat input, 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Diamond Crystal facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from coal-fired boilers at this facility in exess of 4.72 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from oil-fired boilers at this facility in excess of 0.30 pound of sulfur dioxide per million BTU of actual heat input.

(iv) The present or any subsequent owner or operator of the Kittinger Supply Co. (formerly known as Akwell Industries) facility in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from oil-fired—oilers at this facility in excess of 0.80 pound of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from coal-fired boilers at this facility in excess of 2.38 pounds of sulfur dioxide per million BTU of actual heat input.

(v) The present or subsequent owner or operator of the Ohio Brass Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or subsequent owner or operator of the Seiberling Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.46 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or subsequent owner or operator of the Firestone Tire & Rubber Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 1.76 pounds of sulfur dioxide per million BTU of actual heat input from boiler 21 when oil fired and 2.87 pounds of sulfur dioxide per million BTU of actual heat input from boilers 22 and 23 when coal fired.

(B) In lieu of meeting paragraph (59)(vii)(A) of this paragraph (b), the Firestone Tire and Rubber Co. may elect to comply with the alternate emission limitation of 2.20 pounds of sulfur dioxide per million BTU of actual heat input from boilers 21, 22, and 23 when all are oil fired.

(C) Firestone Tire & Rubber Co. or any subsequent owner or operator of the Firestone Tire & Rubber facilities located in Summit County, Ohio, shall operate no more than two of the boilers, 21, 22, or 23 simultaneously whether complying with either §52.1881 (b) (59) (vii) (A) or §52.1881 (b) (59) (vii) (B).

(viii) The present or subsequent owner or operator of the B. F. Goodrich Co. facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this

facility in excess of the rates specified below:

(A) 0.51 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 31.

(B) 7.0 pounds of sulfur dioxide per million BTU actual heat input for coalfired Boilers #27 and #32.

(C) The B. F. Goodrich Co. or any subsequent owner or operator of the B. F. Goodrich facilities in Summit County, Ohio, shall not operate boiler 27 simultaneously with boiler 32.

(ix) The Goodyear Tire & Rubber Co. or any subsequent owner or operator of the Goodyear facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 4.47 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit B001 located at plant I.

(B) 0.50 pound of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units B002 and B003 located at plant I.

(C) 160 pounds of sulfur dioxide per 1,000 pounds of sulfur processed, for the sulfur recovery unit(s).

(D) for Plant II boilers:

(*1*) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boilers A and B exiting through stack 4.

(*2*) 2.24 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler C exiting through stack 5.

(*3*) 2.24 pounds of sulfur dioxide per million BTU acutal heat input for coal-fired boiler D exiting through stack 6.

(E) In lieu of meeting paragraph (59)(ix)(D) of this paragraph (b), The Goodyear Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below for Plant II boilers, provided the General Tire and Rubber Company or any subsequent owner or operator of the General Tire facilities in Summit County, Ohio complies with § 52.1881(b)(xviii)(D):

(*1*) The Goodyear Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(*i*) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boilers A, B, and C exiting through stack 4.

(*ii*) 4.64 pounds of sulfur dioxide per million BTU actual heat input for coal-fired boiler D exiting through stack 6.

(*2*) The Goodyear Tire and Rubber Company shall operate no more than three of the boilers A, B, C, or D simultaneously.

(*3*) The Goodyear Tire and Rubber Company shall not operate boiler D simultaneously with boilers A and B.

(x) The present or any subsequent owner or operator of the Tecumseh Company facilities in Summit County, Ohio shall not cause or permit sulfur dioxide emissions from fossil fuel-fired steam generating unit(s) in excess of the rates specified below:

(A) 1.70 pounds sulfur dioxide per million BTU actual heat input for coal-fired units, and

(B) 0.70 pound sulfur dioxide per million BTU actual heat input for oil-fired unit(s).

(xi) The Ohio Edison or any subsequent owner or operator of the Ohio Edison Company's Beech Street power station in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Beech Street plant in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input.

(xii) The Ohio Edison Co. or any subsequent owner or operator of the Ohio Edison Co.'s Gorge plant in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Gorge plant in excess of 4.07 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) No owner or operator of any process equipment, unless otherwise specified in this paragraph, shall cause or permit the emission of sulfur dioxide from any stack containing sulfur dioxide in excess of 17.0 pounds of sulfur dioxide per ton of actual process weight input.

(xiv) PPG Industries or any subsequent owner or operator of the PPG Industries facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.00 pounds of sulfur dioxide per million

BTU actual heat input for each coal-fired unit.

(xv) PPG Industries, or any subsequent owner or operator of the PPG Industries, Inc., Columbia Cement Plant, located in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.0 pounds of sulfur dioxide per ton actual process weight input for the kilns.

(xvi) The present or any subsequent owner or operator of the Midwest Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(xvii) The present or any subsequent owner or operator of the Terex Division of General Motors Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.85 pounds of sulfur dioxide per million BTU actual heat input.

(xviii) The present or any subsequent owner or operator of the General Tire & Rubber Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 1 when exiting through stack S–35.

(B) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 2 when exiting through stack S–36.

(C) 0.46 pound of sulfur dioxide per million BTU actual heat input for oil-fired boiler 3 when exiting through stack S–37.

(D) In lieu of meeting paragraph (59)(xviii) (A), (B), and (C) of this paragraph (b), The General Tire and Rubber Company may elect to comply with the alternate emission limitations and operating conditions specified below, provided the Goodyear Tire and Rubber Company or any owner of operator of the Goodyear Tire and Rubber Plant II facilities in Summit County, Ohio, complies with § 52.1881(b)(ix)(E):

(*1*) The General Tire and Rubber Company shall not cause or permit the emission of sulfur dioxide from any stack in excess 2.47 pounds of sulfur dioxide per million BTU actual heat input for oil-fired boilers 1, 2, and 3 when exiting through one-175 foot stack consistent with section 123 of the Clean Air Act, as amended.

(xix) The present or any subsequent owner or operator of the Goodyear Aerospace Co. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at AB boilerhouse of this facility in excess of 1.10 pounds of sulfur dioxide per million BTU of actual heat input or the emission of sulfur dioxide from any stack at D boilerhouse of the facility in excess of 1.83 pounds of sulfur dioxide per million BTU of actual heat input.

(xx) The present or any subsequent owner or operator of the B. F. Goodrich Chemical Co. in Summit County, Ohio, shall not cause the emission of sulfur dioxide from any stack at this facility in excess of 5.22 pounds of sulfur dioxide per million BTU actual heat input.

(xxi) The present or any subsequent owner or operator of the Chrysler Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 0.86 pound of sulfur dioxide per million BTU actual heat input for boiler No. B001.

(B) 1.19 pounds of sulfur dioxide per million BTU actual heat input for boilers Nos. B002 and B003.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1881, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1882 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR NO_X Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the

promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Annual allowances under subpart AAAAA of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b)(1) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48372, Aug. 8, 2011]

§ 52.1883 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Ohio and for which requirements are set forth under the TR SO_2 Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Ohio's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Ohio's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO_2 Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO_2 Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48372, Aug. 8, 2011]

§ 52.1884 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a

part of the applicable state plan for the State of Ohio.

(c) All application and other information required pursuant to §52.21 of this part from sources located or to be located in the state of Ohio shall be submitted to the state agency, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, and 46 FR 9584, Jan. 29, 1981; 75 FR 55276, Sept. 10, 2010]

§52.1885 Control strategy: Ozone.

(a) *Part D—Approval*. The following portions of the Ohio plan are approved:

(1) The ozone portions of rules 01, 02, 03, 04 (except the portion disapproved below), 05, 06, 07, 08, 09 (except the portions conditionally approved below) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The Attainment Demonstrations for the following urban areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(3) The Reasonable Further Progress Demonstration for the following areas: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

(4) The ozone nonattainment area plan for the rural nonattainment areas.

(5) [Reserved]

(6) Approval—On June 10, 1997, Ohio submitted revisions to the maintenance plans for the Toledo area (including Lucas and Wood counties), the Cleveland/Akron/Lorain area (including Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage counties), and the Dayton-Springfield area (including Montgomery, Clark, Greene, and Miami counties). The revisions consist of an allocation of a portion of the safety margin in each area to the transportation conformity mobile source budget for that area. The mobile source budgets for transportation conformity purposes for Toledo are now: 35.85 tons per day of volatile organic compound emissions for the year 2005 and 35.19 tons per day of oxides of nitrogen emissions for the year 2005. The mobile source budgets for transportation conformity purposes for Cleveland-Akron-Lorain are now: 82.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. For the Dayton-Springfield area, the oxides of nitrogen mobile source budget remains the same and the mobile source budget for volatile organic compounds is now 34.1 tons per day.

(7) Approval—On October 20, 1997, Ohio submitted a revision to the maintenance plan for the Jefferson County area. The revision consists of an allocation of a portion of the safety margin in the area to the transportation conformity mobile source budget for that area. The mobile source budget for transportation conformity purposes for Jefferson County are now: 5.1 tons per day of volatile organic compound emissions for the year 2005 and 4.4 tons per day of oxides of nitrogen emissions for the year 2005.

(8) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plans for the following areas in Ohio: Canton (Stark County), Cleveland (Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit and Portage Counties), Columbus (Franklin, Delaware and Licking Counties), Steubenville (Jefferson County), Toledo (Lucas and Wood Counties), Youngstown (Mahoning and Trumbull Counties) as well as Clinton County, Columbiana County, and Preble County.

(9) Approval—On March 13, 1998, Ohio submitted a revision to the maintenance plan for the Columbus area. The revision consists of establishing a new out year for the area's emissions budget. The new out year emissions projections include reductions from point and area sources; the revision also defines new safety margins according to the difference between the areas 1990 baseline inventory and the out year projection. Additionally, the revision consists of allocating a portion of the Columbus area's safety margins to the transportation conformity mobile source emissions budget. The mobile source budgets for transportation conformity purposes for the Columbus area are now: 67.99 tons per day of volatile organic compound emissions for the year 2010 and 70.99 tons per day of oxides of nitrogen emissions for the year 2010.

(10) Approval—On April 27, 1998, Ohio submitted a revision to remove the air quality triggers from the ozone maintenance plan for the Dayton-Springfield, Ohio Area (Miami, Montgomery, Clark, and Greene Counties).

(11) Approval—On March 18, 1999, Ohio submitted a revision to the maintenance plan for the Stark County (Canton) area. The revision consists of allocating a portion of the Stark County area's safety margins to the transportation conformity mobile source emissions budgets. The mobile source budgets for transportation conformity purposes for the Stark County area are now: 17.34 tons per day of volatile organic compound emissions for the year 2005 and 13.00 tons per day of oxides of nitrogen emissions for the year 2005.

(12) Approval—On June 1, 1999, Ohio submitted a revision to the ozone maintenance plan for the Dayton/Springfield area. The revision consists of revising the point source growth estimates and allocating 5.5 tons per day of VOCs to the transportation conformity mobile source emissions budget. The mobile source VOC budget for transportation conformity purposes for the Dayton/Springfield area is now: 39.6 tons per day of volatile organic compound emissions for the year 2005. The approval also corrects a typographical error in the maintenance plan point and area source numbers for 2005.

(13) Approval—On August 19, 1999, Ohio submitted a revision to the ozone maintenance plan for the Columbiana County area. The revision consists of allocating a portion of the Columbiana County area's NO_X safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Columbiana County area are now: 5.65 tons per day of volatile organic compound emissions for the year 2005 and 5.55 tons per day of oxides of nitrogen emissions for the year 2005. This approval only changes the NO_X transportation conformity emission budget for Columbiana County.

(14) Approval-EPA is approving the 1-hour ozone maintenance plan for the Ohio portion of the Cincinnati-Hamilton area submitted by Ohio on May 20, 2005. The approved maintenance plan establishes 2015 mobile source budgets for the Ohio portion of the area (Butler, Clermont, Hamilton, and Warren Counties) for the purposes of transportation conformity. These budgets are 26.2 tons per day for volatile organic compounds and 39.5 tons per day for nitrogen oxides for the year 2015.

(15) Approval—On May 31, 2001, Ohio submitted a revision to the ozone maintenance plan for the Cleveland/Akron/Lorain area. The revision consists of allocating a portion of the Cleveland/Akron/Lorain area's NO_X safety margin to the transportation conformity mobile source emissions budget. The mobile source emissions budgets for transportation conformity purposes for the Cleveland/Akron/Lorain area are now: 92.7 tons per day of volatile organic compound emissions for the year 2006 and 104.4 tons per day of oxides of nitrogen emissions for the year 2006. This approval only changes the VOC transportation conformity emission budget for Cleveland/Akron/Lorain.

(16) Approval—On April 19, 2004, Ohio submitted a revision to the ozone maintenance plan for the Cincinnati, Ohio area. The revision consists of allocating a portion of the area's NO_X safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for NO_X for the Cincinnati, Ohio area is now 62.3 tons per day for the year 2010. This approval only changes the NO_X transportation conformity emission budget for Cincinnati, Ohio.

(17) Approval—On March 1, 2005, Ohio submitted a revision to the 1-hour ozone maintenance plan for Clinton County, Ohio. The revision consists of allocating a portion of the area's oxides of nitrogen (NO_X) safety margin to the transportation conformity motor vehicle emissions budget. The motor vehicle emissions budget for NO_X for the Clinton County, Ohio area is now 3.45 tons per day for the year 2006. This approval only changes the NO_X transportation conformity emission budget for Clinton County, Ohio.

(b) The maintenance plans for the following counties are approved:

(1) Preble County.

(2) Columbiana County.

(3) Jefferson County.

(4) Montgomery, Greene, Miami, and Clark Counties. This plan includes implementation of Stage II vapor recovery and an enhanced vehicle inspection and maintenance program.

(5) Lucas and Wood Counties.

(6) Franklin, Delaware, and Licking Counties.

(7) Stark County.

(8) Mahoning and Trumbull Counties.

(9) Clinton County

(10) Lorain, Cuyahoga, Lake, Ashtabula, Geauga, Medina, Summit, and Portage Counties.

(11) Butler, Clermont, Hamilton, and Warren Counties.

(c) *Disapproval*. USEPA disapproves the compliance schedule in revised rule 04(c)(18) of Chapter 3745–21 of the Ohio Administrative Code as it applies to facilities formerly covered by the compliance schedule in old rule 04(c)(1) of Chapter 3745–21. This disapproval in and of itself does not result in the growth restrictions of section 110(a)(2)(I).

(d) *Part D—No Action*. USEPA at this time takes no action on the vehicle inspection and maintenance (I/M) program required for those non-attainment areas which have requested an extension to demonstrate ozone attainment.

(e)–(q) [Reserved]

(r) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO_X), nonattainment area new source review (NSR) for new sources and modifications that are major for NO_X, and the NO_X-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) program. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO_X. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(s) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the following ozone nonattainment areas: Toledo (Lucas and Wood Counties) and Dayton (Clark, Greene, Miami, and Montgomery Counties).

(t) [Reserved]

(u) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Columbus ozone nonattainment area (which includes the Counties of Delaware, Franklin, and Licking).

(v) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for the Canton (Stark County); Cincinnati-Hamilton (Butler, Clermont, Hamilton and Warren Counties); Cleveland-Akron-Lorain (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit Counties); and Youngstown-Warren-Sharon (Mahoning and Trumbull Counties) areas.

(w) Determination—USEPA is determining that, as of May 7, 1996, the Cleveland-Akron-Lorain ozone nonattainment area (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit) have attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area.

(x) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO_X related general and

transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO_X: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO_X related general and transportation conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO_X; NO_X RACT; and a demonstration of compliance with the enhanced I/M performance standard for NO_X: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(y) Approval—The 1990 base-year ozone emissions inventory requirement of Section 182(a)(1) of the Clean Air Act has been satisfied for Clinton County.

(z) The 15 percent rate-of-progress requirement of section 182(b) of the Clean Air Act, as amended in 1990, is satisfied for the Ohio portion of the Cincinnati-Hamilton ozone nonattainment area.

(aa) [Reserved]

(bb) Ohio's November 7, 1996, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(cc) Ohio's November 14, 1997, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

(dd) Determination—EPA is determining that, as of July 5, 2000, the Ohio portion of Cincinnati-Hamilton ozone nonattainment area (which includes the Counties of Butler, Clermont, Hamilton and Warren) has attained the 1-hour ozone standard and that the attainment demonstration requirements of section 182(b)(1), 182(j), and 172(c)(1), along with the section 172(c)(9) contingency measure requirements, do not apply to the area.

(ee) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from the NO_X related general conformity provisions; the nitrogen oxides nonattainment NSR for new sources and modifications that are major for NO_X; NO_X RACT; and a demonstration of compliance with the enhanced automobile inspection and maintenance performance standard for NO_X.

(ff) Approval—The 8-hour ozone maintenance plans for the following areas have been approved:

(1) Jefferson County, as submitted on July 31, 2006 and supplemented on October 3, 2006. The maintenance plan establishes 2009 motor vehicle emissions budgets (MVEBs) for Jefferson County of 2.63 tons per day (tpd) of volatile organic compounds (VOCs) and 4.10 tpd of oxides of nitrogen (NO_X), and 2018 motor vehicle emission budgets of 1.37 tpd of VOCs and 1.67 tpd of NO_X.

(2) Belmont County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Belmont County of 2.60 tpd of VOC and 4.69 tpd of NO_X, and 2018 MVEBs of 1.52 tpd of VOCs and 1.91 tpd of NO_X.

(3) Allen County and Stark County, as submitted on June 20, 2006, and supplemented on August 24, 2006, and December 4, 2006. The maintenance plan establishes 2009 MVEBs for Allen County of 5.08 tpd of VOCs and 8.28 tpd of NO_X, and 2018 MVEBs for Allen County of 2.89 tpd of VOCs and 3.47 tpd of NO_X. For Stark County the 2009 MVEBs are 10.02 tpd of VOCs and 18.03 tpd of NO_X, and the 2018 budgets are 5.37 tpd of VOC and 7.08 tpd of NO_X.

(4) Washington County, as submitted on September 22, 2006, and supplemented on November 17, 2006. The maintenance plan establishes 2009 MVEBs for Washington County of 2.59 tpd of VOCs and 3.58 tpd of NO_X, and 2018 MVEBs for Washington county of 1.67 tpd of VOCs and 1.76 tpd of NO_X.

(5) Mahoning, Trumbull and Columbiana Counties, as submitted on February 15, 2007. The maintenance plan establishes 2009 and 2018 motor vehicle emission budgets for Mahoning, Trumbull and Columbiana Counties.

The 2009 motor vehicle emission budgets are 19.58 tons per day for volatile organic compounds (VOC) and 33.71 tons per day for oxides of nitrogen (NO_X). For 2018 the budgets are 10.36 tons per day for VOC and 13.29 tons per day for NO_X.

(6) On December 22, 2006, and supplemented on March 9, 2007, the State of Ohio submitted a redesignation request and maintenance plan for the Toledo area, including Lucas and Wood Counties. The maintenance plan for this area establishes motor vehicle emission budgets (MVEB) for 2009 and 2018. The 2009 MVEBs are 18.99 tons/day of Volatile Organic Compounds (VOC) and 33.75 tons/day for Oxides of Nitrogen (NO_X). The 2018 MVEBs are 11.20 tons/day of VOCs and 14.11 tons/day for NO_X.

(7) The Dayton-Springfield area which includes Clark, Greene, Miami, and Montgomery Counties, as submitted on November 6, 2006, and supplemented on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007. The maintenance plan for this area establishes Motor Vehicle Emissions Budgets (MVEB) for 2005 and 2018. The 2005 MVEBs are 29.19 tpd of VOC and 63.88 tpd of NO_X. The 2018 MVEBs are 14.73 tpd of VOCs and 21.42 tpd of NO_X.

(8) Approval—On March 17, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Columbus area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Columbus area are 54.86 tpd for VOC and 91.64 tpd for NO_X. The 2020 motor vehicle emissions budgets for the area are 36.60 tpd for VOC and 46.61 tpd for NO_X.

(9) Approval—On March 17, 2009, and April 24, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Cleveland-Akron-Lorain area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the state submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2012 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area are 46.64 tpd for VOC and 95.89 tpd for NO_X. The 2020 motor vehicle emissions budgets for the area are 31.48 tpd for VOC and 42.75 tpd for NO_X.

(10) Approval—On December 14, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH–KY–IN area are 31.73 tpd for VOC and 49.00 tpd for NO_X. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 28.82 tpd for VOC and 34.39 tpd for NO_X.

(11) Approval—On July 6, 2010, the Ohio Environmental Protection Agency submitted a request to revise the maintenance plan for the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN 8-hour ozone area. The submittal revises 2015 and 2020 NO_X point source emissions projections for Butler County.

(gg) Approval—EPA is approving requests submitted by the State of Ohio on April 4, 2005, and supplemented on May 20, 2005, February 14, 2006, May 9, 2006, October 6, 2006, and February 19, 2008, to discontinue the vehicle inspection and maintenance (I/M) program in the Cincinnati-Hamilton and Dayton-Springfield areas. The submittal also includes Ohio's demonstration that eliminating the I/M programs in the Cincinnati-Hamilton and Dayton-Springfield areas will not interfere

with the attainment and maintenance of the ozone NAAQS and the fine particulate NAAQS and with the attainment and maintenance of other air quality standards and requirements of the CAA. We are further approving Ohio's request to modify the SIP such that I/M is no longer an active program in these areas and is instead a contingency measure in these areas' maintenance plans.

(hh) *8-hour Emissions Inventories.* (1) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area under the 1997 8-hour ozone standard.

(2) Approval—Ohio's 2002 inventory satisfies the base year emissions inventory requirements of section 182(a)(1) of the Clean Air Act for the Cleveland-Akron-Lorain area under the 1997 8-hour ozone standard.

(ii) Approval—The 15 percent Volatile Organic Compound reasonable further progress plan for the Cleveland-Akron-Lorain 1-hour ozone area, submitted by Ohio on June 15, 2007, and February 22, 2008, satisfies the requirements of section 182(b)(1) of the Clean Air Act.

(3) Approval—Ohio's 2005 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN area under the 1997 8-hour ozone standard.

(jj) Approval—EPA is approving exemptions under section 182(f) from requirements for reasonably available control technology for oxides of nitrogen for the Cleveland-Akron-Lorain 8-hour ozone nonattainment area with respect to the 1997 ozone standards. This waiver was requested by Ohio on March 17, 2009.

(kk) *Disapproval.* EPA is disapproving the coating VOC content limit for high performance architectural aluminum coatings contained in paragraph (U)(1)(h) of chapter 3745–21–09 of the Ohio Administrative Code.

[45 FR 72142, Oct. 31, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1885, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1886 Visibility protection.

(a) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Ohio on March 11, 2011, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_X and SO_2 from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) *Measures Addressing Limited Disapproval Associated With NO_X.* The deficiencies associated with NO_X identified in EPA's limited disapproval of the regional haze plan submitted by Ohio on March 11, 2011, are satisfied § 52.1882.

(c) *Measures Addressing Limited Disapproval Associated With SO_2.* The deficiencies associated with SO_2 identified in EPA's limited disapproval of the regional haze plan submitted by Ohio on March 11, 2011, are satisfied by § 52.1883.

[77 FR 33658, June 7, 2012]

EFFECTIVE DATE NOTE: At 77 FR 33658, June 7, 2012, § 52.1886 was added, effective August 6, 2012.

§ 52.1887 Control strategy: Carbon monoxide.

(a) Part D—Approval—The following portions of the Ohio plan are approved:

(1) The carbon monoxide portions of rules 01, 02, 03, 04 (except the portion disapproved in § 52.1877(c)), 05, 06, 07, 08, 09 (except the portions conditionally approved in § 52.1877(b)) and 10 of Chapter 3745–21 of the Ohio Administrative Code.

(2) The transportation control plans for the following urban areas: Akron (ozone component only), Canton, Cincinnati, Columbus, Dayton, Steubenville, Toledo (ozone component only), Cleveland.

(3) The carbon monoxide attainment and reasonable further progress demonstrations for the following urban areas: Cincinnati, Cleveland, Columbus and Youngstown.

(b) [Reserved]

(c) Part D—No Action—USEPA at this time takes no action on the carbon monoxide portions of the plan submitted for the urban areas of Akron

and Toledo nor on the vehicle inspection and maintenance (I/M) program required for those nonattainment areas which have requested an extension to demonstrate carbon monoxide attainment.

(d) Disapproval—On June 9, 1982 (draft), and November 9, 1982 (final), the State of Ohio submitted a revised demonstration that attempts to show attainment by December 31, 1982, of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) for the Cleveland urban area. Supplemental information was submitted on March 8, 1983, March 16, 1983, December 5, 1983, and May 9, 1985. The June 9, 1982, and March 8, 1983, submittals also requested that the 5-year extension for meeting the NAAQS requested on July 29, 1979, and granted by USEPA on October 31, 1980, and June 18, 1981, be rescinded for this area. The attainment demonstration and rescission request are disapproved by USEPA because they do not meet the requirements of § 51.10(b).

(e) Approval—On October 20, 2005, Ohio submitted a State Implementation Plan (SIP) revision of the Cuyahoga County carbon monoxide (CO) maintenance plan. The CO maintenance plan revision is an update to the current approved maintenance plan and continues to demonstrate maintenance of the CO National Ambient Air Quality Standard (NAAQS) for an additional 10 years. The maintenance plan revision is submitted as a limited maintenance plan for the Cuyahoga County, Ohio carbon monoxide area and provides an unlimited motor vehicle emissions budget as long as the ambient CO levels remain below the 7.65 parts per million design value specified as the criterion for the limited maintenance plan.

[45 FR 72143, Oct. 31, 1980, as amended at 45 FR 72147, Oct. 31, 1980; 49 FR 22815, June 1, 1984; 51 FR 10391, Mar. 26, 1986; 54 FR 615, Jan. 9, 1989; 54 FR 12621, Mar. 28, 1989; 55 FR 17752, Apr. 27, 1990; 71 FR 31100, June 1, 2006]

§ 52.1888 Operating permits.

Emission limitations and related provisions which are established in Ohio operating permits as federally enforceable conditions in accordance with Rule 3745–35–07 shall be enforceable by USEPA and by any person under section 304 of the Clean Air Act. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and will be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[60 FR 55202, Oct. 30, 1995]

§ 52.1889 Small business stationary source technical and environmental compliance assistance program.

The Ohio program, submitted as a requested revision to the Ohio State Implementation Plan on May 17, 1994, and May 4, 1995, satisfies the requirements of section 507 of the Clean Air Act.

[60 FR 42045, Aug. 15, 1995]

§ 52.1890 Removed control measures.

On the dates listed below, Ohio requested that the indicated control measures be removed from the Ohio State Implementation Plan (SIP).

(a) On February 21, 1997, the State of Ohio requested that the following rules and rule paragraphs be removed from the SIP because they have been amended or revoked by the State subsequent to their incorporation in the SIP: OAC 3745–21–02(C), OAC 3745–21–03(D), OAC 3745–21–05, OAC 3745–22–01, OAC 3745–22–02, OAC 3745–22–03, OAC 3745–22–04, OAC 3745–22–05, OAC 3745–22–06, OAC 3745–22–07, OAC 3745–22–08, OAC 3745–23–03, OAC 3745–23–04, OAC 3745–23–05, and OAC 3745–102–07.

(b) [Reserved]

(c) On April 11, 2005, the Ohio Environmental Protection Agency submitted a request to revise the State's plan controlling nitrogen oxide emissions from stationary sources in the State. The request included the results of the action taken by Ohio EPA to rescind OAC 3745–23–06, which affected emissions of oxides of nitrogen from combustion sources and nitric acid plants. This action was preceded by a negative declaration regarding nitric acid plants dated April 11, 1994, and rule approvals (NO_X SIP Call, NSPS, budget trading program, etc.) affecting

large fossil-fueled utility and industrial boilers. OAC 3745–23–06, Control of nitrogen oxide emissions from stationary sources, also known as AP–7–06 in its original form, is therefore removed from the Ohio SIP.

(d) On August 22, 2008, Ohio requested that Ohio Administrative Code 3745–17–05 ''Non-degradation Policy.'' be removed from the Ohio SIP. The rule was rescinded statewide on February 1, 2008.

[62 FR 47947, Sept. 12, 1997, as amended at 71 FR 76919, Dec. 22, 2006; 75 FR 65572, Oct. 26, 2010]

§ 52.1891 Section 110(a)(2) infrastructure requirements.

(a) *Approval*. In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS.

(b) *Approval*. In a December 5, 2007 submittal, supplemented on April 7, 2011, Ohio certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 $PM_{2.5}$ NAAQS.

[76 FR 41086, July 13, 2011]

§ 52.1892 Determination of attainment.

(a) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Huntington-Ashland, West Virginia-Kentucky-Ohio $PM_{2.5}$ nonattainment Area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Huntington-Ashland $PM_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(b) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton fine particle ($PM_{2.5}$) nonattainment areas attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton $PM_{2.5}$ nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

(c) Based upon EPA's review of the air quality data for the 3-year period 2007–2009, EPA determined that the Cincinnati-Hamilton, Ohio-Kentucky-Indiana $PM_{2.5}$ nonattainment Area attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area's air quality as of the attainment date, whether the Area attained the standard. EPA also determined that the Cincinnati-Hamilton, Ohio, Kentucky, and Indiana $PM_{2.5}$ nonattainment Area is not subject to the consequences of failing to attain pursuant to section 179(d).

(d) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH fine particle ($PM_{2.5}$) nonattainment areas attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the areas' air quality as of the attainment date, whether the areas attained the standard. EPA also determined that the Parkersburg-Marietta, WV-OH and Wheeling, WV-OH $PM_{2.5}$ nonattainment areas are not subject to the consequences of failing to attain pursuant to section 179(d).

[76 FR 55544, Sept. 7, 2011, as amended at 76 FR 56643, Sept. 14, 2011; 76 FR 60376, Sept. 29, 2011; 76 FR 75467, Dec. 2, 2011]

§52.1919 Identification of plan-conditional approval.

(a) The plan commitments listed below were submitted on the dates specified.

(1) [Reserved]

(2) On April 20, 1994, Ohio submitted Rule 3745–35–07, entitled ''Federally Enforceable Limitations on Potential to Emit,'' and requested authority to issue such limitations as conditions in State operating permits. On June 16, 1994, Ohio submitted a commitment to revise Rule 3745–35–07 to clarify that the rule provides for USEPA objection to permits after issuance. The revisions are approved provided Ohio fulfills this commitment by October 25, 1995.

(i) Incorporation by reference.

(A) Rule 3745–35–07, adopted April 4, 1994, effective April 20, 1994.

(3) Conditional Approval—On August 17, 1995, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan. The submittal pertained to a plan for the implementation of the federal transportation conformity requirements at the State or local level in accordance with 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. This conditional approval is based, in part, on the State's commitment, submitted in a letter on April 1, 1996, to submit revised transportation conformity rules to incorporate the two amendments to the federal transportation conformity regulations. The State of Ohio committed to revise its transportation conformity rules by November 14, 1996. If the State ultimately fails to meet its commitment to meet these requirements within one year of final conditional approval, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

(i) Incorporation by reference. August 1, 1995, Ohio Administrative Code Chapter 3745–101, effective August 21, 1995.

(4) On March 1, 1996, Ohio submitted revisions to its Permit to Install rules as a revision to the State implementation plan. The request was supplemented on April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998.

(i) Incorporation by reference.

(A) Rule 3745–31–01 through 3745–31–20, effective September 25, 1998.

(b) On October 9, 2000, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745–21–09(BBB). The revision removed a requirement that for the agerite resin D process, the VOC emissions from the vapor recovery system vents and neutralization and distillation system vents (except wash kettle or still feed condenser vents, stills vacuum jet tailpipe vents, and process emergency safety relief devices) be vented to an emissions control device that is designed and operated to achieve an emissions control efficiency of at least 90 percent, by weight. In place of this deleted emissions control efficiency requirement, the revised paragraph now specifies a total annual VOC emissions limit of 1.0 ton from the recovery system and neutralization and distillation system vents. The revision lacked test procedures and record keeping requirements compatible with the revised emission limit. On March 1, 2010, Ohio submitted a commitment to revise OAC 3745–21–09(BBB) to include the necessary test procedures and record keeping requirements by September 16, 2011. When EPA determines the state has met its commitment, OAC 3745–21–09(BBB) will be incorporated by reference into the SIP.

(c) On August 22, 2008, the Ohio Environmental Protection Agency submitted a revision to Ohio Administrative Code (OAC) 3745–17–11. The rule establishes a particulate emission limit for coating operations in lieu of generic emission limits based on the weight of processed materials. On July 2, 2010, Ohio submitted a commitment to amend OAC 3745–17–11 by November 25, 2011. The amendment would provide that any exemption granted by the state for sources too large to meet the coating work practice requirement must be submitted for EPA approval as a State Implementation Plan (SIP) revision. When EPA determines the state has met its commitment, OAC 3745–17–

11 will be incorporated by reference into the SIP.

[61 FR 24460, May 15, 1996, as amended at 61 FR 24705, May 16, 1996; 66 FR 51572, Oct. 10, 2001; 75 FR 50712, Aug. 17, 2010; 75 FR 65572, Oct. 26, 2010]

Subpart LL—Oklahoma

§ 52.1920 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Oklahoma under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date on or before June 1, 2000, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2000, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of June 1, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 6 Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; Air and Radiation Docket (6102A), Room M1500, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(c) *EPA approved regulations.*

EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Oklahoma Air Pollution Control Regulations				
Subchapter 5. Registration, Emissions Inventory and Annual Operating Fees				
252:100–5–1	Purpose	6/11/2001	11/26/2010, 75 FR 72695.	
Regulation 1.4. Air Resources Management Permits Required Regulation 1.4.1 General Permit Requirements				
1.4.1(a)	Scope and purpose	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
1.4.1(b)	General requirements	6/4/1990	7/23/1991, 56 FR 33715	Minor sources only.
1.4.1(c)	Necessity to obtain permit.	6/4/1990	7/23/1991, 56 FR 33715	Minor sources only.
1.4.1(d)	Permit fees	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
1.4.2 Construction Permit				
1.4.2(a)	Standards required	6/4/1990	7/23/1991, 56 FR 33715	Minor sources only.
1.4.2(b)	Stack height limitation	6/11/1989	8/20/1990, 55 FR 33905	Minor sources only.
1.4.2(c)	Permit applications	6/4/1990	7/23/1991, 56 FR 33715	Minor sources only.
1.4.2(d)	Action on applications	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
1.4.2(e)	Public review	6/11/1989	8/20/1990, 55 FR 33905	Minor sources only.
1.4.2(f)	Construction permit conditions.	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
1.4.2(g)	Cancellation of authority to construct or modify.	[1] 2/6/1984	7/27/1984, 49 FR 30184	Minor sources only.
1.4.2(h)	Relocation permits	11/14/1990	7/23/1991, 56 FR 33715	Minor sources only.
1.4.3 Operating Permit				
1.4.3(a)	Requirements	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
1.4.3(b)	Permit applications	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
1.4.3(c)	Operating permit conditions.	[1] 5/19/1983	8/25/1983, 48 FR 38635	Minor sources only.
Regulation 3.8. Control of Emission of Hazardous Air Contaminants				
3.8(a)	Purpose	04/19/1982	08/15/1983, 48 FR 36819.	
3.8(b)	Definitions	04/19/1982	08/15/1983, 48 FR 36819.	
3.8(c)	Emission Standards for Hazardous Air Contaminants.	04/19/1982	08/15/1983, 48 FR 36819.	
OKLAHOMA ADMINISTRATIVE CODE, TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE				
Subchapter 1. General Provisions				
252:4–1–1	Purpose and authority	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–2	Definitions	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–3	Organization	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–4	Office location and hours; communications.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–5	Availability of a record	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–6	Administrative fees	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–7	Fee credits for regulatory fees.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–8	Board and councils	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–1–9	Severability	6/11/2001	11/26/2010, 75 FR 72695.	
Subchapter 3. Meetings and Public Forums				
252:4–3–1	Meetings	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–3–2	Public forums	6/11/2001	12/29/2008, 73 FR 79400.	
Subchapter 5. Rulemaking				
252:4–5–1	Adoption and revocation	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–2	Rule development	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–3	Petitions for rulemaking	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–4	Notice of permanent rulemaking.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–5	Rulemaking hearings	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–6	Council actions	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–7	Presentation to Board	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–8	Board actions	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–5–9	Rulemaking record	6/11/2001	12/29/2008, 73 FR 79400.	
Subchapter 7. Environmental Permit Process				
PART 1. THE PROCESS				
252:4–7–1	Authority	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–2	Preamble	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–3	Compliance	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–4	Filing an application,	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–5	Fees	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–6	Receipt of applications	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–7	Administrative completeness review.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–8	Technical review	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–9	When review times stop	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–10	Supplemental time	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–11	Extensions	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–12	Failure to meet deadline	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–13	Notices	6/11/2001	11/26/2010, 75 FR 72695	NOT in SIP: Paragraph (e) and paragraph (f) requirements for permits other than Part 70 permits.
252:4–7–14	Withdrawing applications	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–15	Permit issuance or denial	6/11/2001	11/26/2010, 75 FR 72695.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4–7–16	Tier II and III modifications.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–17	Permit decision-making authority.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–18	Pre-issuance permit review and correction.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–19	Consolidation of permitting process.	6/11/2001	11/26/2010, 75 FR 72695.	
PART 3. AIR QUALITY DIVISION TIERS AND TIME LINES				
252:4–7–31	Air quality time lines	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–33	Air quality applications—Tier II.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4–7–34	Air quality applications—Tier III.	6/11/2001	11/26/2010, 75 FR 72695.	
Subchapter 9. Administrative Proceedings				
PART 1. ENFORCEMENT				
252:4–9–1	Notice of Violation (''NOV'').	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–2	Administrative compliance orders.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–3	Determining penalty	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–4	Assessment orders	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–5	Considerations for self-reporting of noncompliance.	6/11/2001	12/29/2008, 73 FR 79400.	
PART 3. INDIVIDUAL PROCEEDINGS				
252:4–9–31	Individual proceedings filed by DEQ.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–32	Individual proceedings filed by others.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–33	Scheduling and notice of hearings.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–34	Administrative Law Judges and Clerks.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–35	Service	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–36	Responsive pleading	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–37	Prehearing conferences	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–38	Discovery	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–39	Subpoenas	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–40	Record	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–41	Motions	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–42	Continuances	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–43	Summary judgment	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–44	Default	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–45	Withdrawal and dismissal	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–46	Orders in administrative hearings.	6/11/2001	12/29/2008, 73 FR 79400.	
PART 5. AIR QUALITY ADVISORY COUNCIL HEARINGS				
252:4–9–51	In general	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–52	Individual proceedings	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–53	Variance	6/11/2001	12/29/2008, 73 FR 79400.	
252:4–9–54	State implementation plan hearings.	6/11/2001	12/29/2008, 73 FR 79400	NOT in SIP: in the first sentence, the phrase ''under 252:100–11'' and the last sentence which begins with ''Additional requirements for a SIP hearing * * *.''

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Appendices for OAC 252:Chapter 4				
252:4, Appendix A	Petition for Rulemaking Before the Environmental Quality Board.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4, Appendix B	Petition for Declaratory Ruling.	6/11/2001	12/29/2008, 73 FR 79400.	
252:4, Appendix C	Permitting process summary.	6/11/2001	11/26/2010, 75 FR 72695.	
252:4, Appendix D	Style of the Case in an Individual Proceeding.	6/11/2001	12/29/2008, 73 FR 79400.	
CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL				
Subchapter 1. General Provisions				
252:100–1–1	Purpose	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–1–2	Statutory definitions	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–1–3	Definitions	05/26/1994	11/03/1999, 64 FR 59629.	
Subchapter 3. Air Quality Standards and Increments				
252:100–3–1	Purpose	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–3–2	Primary standards	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–3–3	Secondary standards	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–3–4	Significant deterioration increments.	7/1/1996	12/29/2008, 73 FR 79400.	
Subchapter 5. Registration, Emissions Inventory and Annual Operating Fees				
252:100–5–1	Purpose	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–5–1.1	Definitions	6/11/2001	11/26/2010, 75 FR 72695	NOT in SIP: Paragraph (D) under ''Regulated air pollutants''.
252:100–5–2	Registration of potential sources of air contaminants.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–5–2.1	Emission inventory	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–5–2.2	Annual operating fees	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–5–3	Confidentiality of proprietary information.	6/11/2001	11/26/2010, 75 FR 72695.	
Subchapter 8. Permits for Part 70 Sources				
PART 1. GENERAL PROVISIONS				
252:100–8–1	Purpose	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–1.1	Definitions	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–1.2	General information	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–1.3	Duty to comply	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–1.4	Cancellation or extension of a construction permit or authorization under a general construction permit.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–1.5	Stack height limitations	6/11/2001	11/26/2010, 75 FR 72695.	
PART 5. PERMITS FOR PART 70 SOURCES				
252:100–8–2	Definitions	6/11/2001	11/26/2010 75 FR 72695	NOT in SIP: Paragraph (C) under ''Insignificant activities''.
252:100–8–3	Applicability	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–4	Requirements for construction and operating permits.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–5	Permit applications	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–6	Permit content	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–6.1	General permits	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–6.2	Temporary sources	6/11/2001	11/26/2010, 75 FR 72695.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100–8–6.3	Special provisions for affected (acid rain) sources.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–7	Permit issuance	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–7.1	Permit renewal and expiration.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–7.2	Administrative permit amendments and permit modifications.	6/11/2001	11/26/2010 , 75 FR 72695.	
252:100–8–7.3	Reopening of operating permits for cause.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–7.4	Revocations of operating permits.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–7.5	Judicial review	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–8	Permit review by EPA and affected states.	6/11/2001	11/26/2010, 75 FR 72695.	
PART 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS				
252:100–8–30	Applicability	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–31	Definitions	6/11/2001	11/26/2010, 75 FR 72695	Revisions submitted on June 24, 2010 are approved as follows: a major source that is major for NO_X shall be considered major for ozone in the definition of Major Stationary Source; Regulated NSR pollutant definition; and definition of Significant.
252:100–8–32	Source applicability determination.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–33	Exemptions	6/11/2001	11/26/2010, 75 FR 72695	The revision to OAC 252:100–8–33(c)(E) submitted on June 24, 2010 is approved.
252:100–8–34	Best available control technology.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–35	Air quality impact evaluation.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–36	Source impacting Class I areas.	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–37	Innovative control technology.	6/11/2001	11/26/2010, 75 FR 72695.	
PART 9. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS				
252:100–8–50	Applicability	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–51	Definitions	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–52	Source applicability determination.	6/11/2001	11/26/2010, 75 FR 72695	NOT in SIP: paragraph (b)(2).
252:100–8–53	Exemptions	6/11/2001	11/26/2010, 75 FR 72695.	
252:100–8–54	Requirements for sources located in nonattainment areas PSD or NNSR program submissions containing rule changes for $PM_{2.5}$.	6/11/2001	11/26/2010, 75 FR 72695.	
PART 11. VISIBILITY PROTECTION STANDARDS				
(252:100:8–70 to 252:100:8–77).	Visibility Protection Standards.	6/15/2007	12/28/11, 76 FR 81728	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 9. Excess Emission and Malfunction Reporting Requirements				
252:100–9–1	Purpose	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–9–2	Definitions	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–9–3	General requirements	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–9–4	Maintenance procedures	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–9–5	Malfunctions and releases.	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–9–6	Excesses resulting from engineering limitations.	05/26/1994	11/03/1999, 64 FR 59629.	
Subchapter 13. Open Burning				
252:100–13–1	Purpose	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–2	Definitions	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–5	Open burning prohibited	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–7	Allowed open burning	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–9	General conditions and requirements for allowed open burning.	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–10	Disaster relief	6/12/2000	12/29/2008, 73 FR 79400.	
252:100–13–11	Responsibility for consequences of open burning.	6/12/2000	12/29/2008, 73 FR 79400.	
Subchapter 15. Motor Vehicle Pollution Control Devices				
252:100–15–1	Purpose	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–15–2	Definitions	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–15–3	Scope	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–15–4	Prohibitions	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–15–5	Maintenance, repair, or testing.	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–15–6	Liquefied petroleum gas	05/26/1994	11/03/1999, 64 FR 59629.	
Subchapter 17. Incinerators				
PART 1. GENERAL PROVISIONS				
252:100–17–1	Purpose	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–1.1	Reference to 40 CFR	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–1.2	Terminology related to 40 CFR.	6/25/1998	12/29/2008, 73 FR 79400.	
PART 3. INCINERATORS				
252:100–17–2	Applicability	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–17–2.1	Exemptions	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–2.2	Definitions	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–3	Opacity	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–4	Particulate matter	6/25/1998	12/29/2008, 73 FR 79400.	
252:100–17–5	Incinerator design requirements.	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–17–5.1	Alternative incinerator design requirements.	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–17–7	Test methods	6/25/1998	12/29/2008, 73 FR 79400.	
Subchapter 19. Control of Emission of Particulate Matter				
252:100–19–1	Purpose	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–19–1.1	Definitions	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–19–4	Allowable particulate matter emission rates from fuel-burning units.	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–19–10	Allowable particulate matter emission rates from indirectly fired wood fuel-burning units.	6/1/2000	12/29/2008, 73 FR 79400.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100–19–11	Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units.	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–19–12	Allowable particulate matter emission rates from directly fired fuel-burning units and industrial processes.	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–19–13	Permit by rule	6/1/2000	12/29/2008, 73 FR 79400.	
Subchapter 23. Control of Emissions from Cotton Gins				
252:100–23–1	Purpose	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–23–2	Definitions	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–23–3	Applicability, general requirements.	6/1/2000	12/29/2008, 73 FR 79400	NOT in SIP: paragraph (b)(2).
252:100–23–4	Visible emissions (opacity) and particulates.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–23–5	Emission control equipment.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–23–6	Fugitive dust controls	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–23–7	Permit by rule	6/1/1999	12/29/2008, 73 FR 79400.	
Subchapter 24. Particulate Matter Emissions from Grain, Feed or Seed Operations				
252:100–24–1	Purpose	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–24–2	Definitions	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–24–3	Applicability, general requirements.	6/1/2000	12/29/2008, 73 FR 79400	NOT in SIP: paragraph (b)(2).
252:100–24–4	Visible emissions (opacity) limit.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–24–5	Certification	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–24–6	Fugitive dust controls	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–24–7	Permit by rule	6/1/1999	12/29/2008, 73 FR 79400.	
Subchapter 25. Visible Emissions and Particulates				
252:100–25–1	Purpose	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–25–2	General prohibition	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–25–2.1	Definitions	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–25–3	Opacity Limit	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–25–4	Alternative for particulates.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100–25–5	Continuous emission monitoring for opacity.	6/1/1999	12/29/2008, 73 FR 79400.	
Subchapter 29. Control of Fugitive Dust				
252:100–29–l	Purpose	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–29–2	General provisions	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–29–3	Precautions required in maintenance or non-attainment areas.	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–29–4	Exception for agricultural purposes.	5/26/1994	11/3/1999, 64 FR 59629.	
Subchapter 31. Control of Emission of Sulfur Compounds				
PART 1. GENERAL PROVISIONS				
252:100–31–1	Purpose	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–31–2	Definitions	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–31–3	Performance testing	5/26/1994	11/3/1999, 64 FR 59629.	
PART 3. EXISTING EQUIPMENT STANDARDS				
252:100–31–12	Sulfur oxides	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–31–13	Sulfuric acid mist	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–31–14	Hydrogen sulfide	5/26/1994	11/3/1999, 64 FR 59629.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100–31–15	Total reduced sulfur	5/26/1994	11/3/1999, 64 FR 59629.	
PART 5. NEW EQUIPMENT STANDARDS				
252:100–31–25	Sulfur oxides	7/1/1995	12/29/2008, 73 FR 79400.	
252:100–31–26	Hydrogen sulfide	5/26/1994	11/3/1999, 64 FR 59629.	
Subchapter 33. Control of Emission of Nitrogen Oxides				
252:100–33–l	Purpose	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–33–1.1	Definitions	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–33–1.2	Applicability	6/1/2001	12/29/2008, 73 FR 79400.	
252:100–33–2	Emission limits	6/1/2001	12/29/2008, 73 FR 79400.	
Subchapter 35. Control of Emission of Carbon Monoxide				
252:100–35–1	Purpose	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–35–1.1	Definitions	6/1/2000	12/29/2008, 73 FR 79400.	
252:100–35–2	Emission limits	6/1/2000	12/29/2008, 73 FR 79400.	
Subchapter 37. Control of Emission of Organic Materials				
PART 1. GENERAL PROVISIONS				
252:100–37–1	Purpose	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–2	Definitions	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–3	Applicability and compliance.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–4	Exemptions	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–5	Operation and maintenance.	6/11/1999	12/29/2008, 73 FR 79400.	
PART 3. CONTROL OF VOCs IN STORAGE AND LOADING OPERATIONS				
252:100–37–15	Storage of VOCs	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–16	Loading of VOCs	6/11/1999	12/29/2008, 73 FR 79400.	
PART 5. CONTROL OF VOCs IN COATING OPERATIONS				
252:100–37–25	Coating of parts and products.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–26	Clean up with VOCs	6/11/1999	12/29/2008, 73 FR 79400.	
PART 7. CONTROL OF SPECIFIC PROCESSES				
252:100–37–35	Waste gas disposal	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–36	Fuel-burning and refuse-burning equipment.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–37	Effluent water separators	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–38	Pumps and compressors	6/11/1999	12/29/2008, 73 FR 79400.	
PART 9. PERMIT BY RULE FOR VOC STORAGE AND LEADING FACILITIES				
252:100–37–41	Applicability	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–37–42	Permit-by-rule requirements.	6/11/1999	12/29/2008, 73 FR 79400.	
Subchapter 39. Emission of Organic Materials in Nonattainment Areas				
PART 1. GENERAL PROVISIONS				
252:100–39–1	Purpose	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–2	Definitions	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–3	General applicability	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–4	Exemptions	6/11/1999	12/29/2008, 73 FR 79400.	
PART 3. PETROLEUM REFINERY OPERATIONS				
252:100–39–15	Petroleum refinery equipment leaks.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–16	Petroleum refinery process unit turnaround.	6/11/1999	12/29/2008, 73 FR 79400.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100–39–17	Petroleum refinery vacuum producing system.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–18	Petroleum refinery effluent water separators.	6/11/1999	12/29/2008, 73 FR 79400.	
PART 5. PETROLEUM PROCESSING AND STORAGE				
252:100–39–30	Petroleum liquid storage in vessels with external floating roofs.	6/11/1999	12/29/2008, 73 FR 79400.	
PART 7. SPECIFIC OPERATIONS				
252:100–39–40	Cutback asphalt (paving)	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–41	Storage, loading and transport/delivery of VOCs.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–42	Metal cleaning	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–43	Graphic arts systems	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–44	Manufacture of pneumatic rubber tires.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–45	Petroleum (solvent) dry cleaning.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–46	Coating of parts and products.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–47	Control of VOC emissions from aerospace industries coatings operations.	6/11/1999	12/29/2008, 73 FR 79400.	
252:100–39–49	Manufacturing of fiberglass reinforced plastic products.	6/11/1999	12/29/2008, 73 FR 79400.	
Subchapter 43. Sampling and Testing Methods				
PART 1. GENERAL PROVISIONS				
252:100–43–1	Purpose	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–43–2	Test procedures	05/26/1994	11/03/1999, 64 FR 59629.	
252:100–43–3	Conduct of tests	05/26/1994	11/03/1999, 64 FR 59629.	
PART 3. SPECIFIC METHODS				
252:100–43–15	Gasoline vapor leak detection procedure by combustible gas detector.	05/26/1994	11/03/1999, 64 FR 59629.	
Subchapter 45. Monitoring of Emissions				
252:100–45–1	Purpose	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–45–2	Monitoring equipment required.	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–45–3	Records required	5/26/1994	11/3/1999, 64 FR 59629.	
252:100–45–4	Compliance certifications	7/1/1995	12/29/2008, 73 FR 79400.	
252:100–45–5	Enforceability	7/1/1995	12/29/2008, 73 FR 79400.	
Appendices for OAC 252: Chapter 100				
252:100, Appendix A	Allowable Emissions for Incinerators with Capacities of 100/lbs/hr or Greater.	6/25/1998	12/29/2008, 73 FR 79400.	
252:100, Appendix B	Allowable Emissions for Incinerators with Capacities less than 100 lbs/hr.	6/25/1998	12/29/2008, 73 FR 79400.	
252:100, Appendix C	Allowable Rate of Emissions for Indirectly Fired Fuel-Burning Units.	6/1/2001	12/29/2008, 73 FR 79400.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:100, Appendix D	Allowable Rate of Emissions for Indirectly Fired Wood Fuel-Burning Units.	6/1/2000	12/29/2008, 73 FR 79400.	
252:100, Appendix E	Primary Ambient Air Quality Standards.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100, Appendix F	Secondary Ambient Air Quality Standards.	6/1/1999	12/29/2008, 73 FR 79400.	
252:100, Appendix G	Allowable Rate of Emissions.	5/26/1994	11/30/1999, 64 FR 59629.	
252:100, Appendix L	PM–10 Emission Factors for Permit by Rule for Grain Elevators.	6/1/1999	12/29/2008, 73 FR 79400.	
Oklahoma Administrative Code, Title 595. Department of Public Safety, Chapter 20 (OAC 595:20). Inspection and Equipment for Motor Vehicles				
Subchapter 3. Emission and Mechanical Inspection of Vehicles				
595:20–3–1	General instructions	05/26/1994	02/29/1996, 61 FR 7709	Subsection (2) only.
595:20–3–3	When emission anti-tampering inspection required where population less than 500,000.	5/26/1994	02/29/1996, 61 FR 7709.	
595:20–3–5	Emission inspection areas.	05/26/1994	02/29/1996, 61 FR 7709.	
595:20–3–6	Documentation for every inspection.	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–12	Inspection required each year.	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–25	Motorcycle or motor-driven cycles (Class ''B'').	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–26	Trailer and semitrailer trucks, (Class ''C'').	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–27	School Buses (Class ''D'').	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–41	Supervisory responsibility of inspection station owners and operators.	05/26/1994	02/29/1996 61 FR 7709	Subsection (o) only.
595:20–3–42	Responsibility for signs, forms, etc.	05/26/1994	02/29/1996 61 FR 7709.	
595:20–3–46	Security measures	05/26/1994	02/29/1996 61 FR 7709	Subsections (a) and (b) only.
595:20–3–61	Refund of unused stickers.	05/26/1994	02/29/1996 61 FR 7709	Subsections (a), (b), (e), and (f) only.
595:20–3–63	Rejected vehicles	05/26/1994	02/29/1996 61 FR 7709	Subsections (b) and (g) only.
Subchapter 7. Inspection Stickers and Monthly Tab Inserts for Windshield and Trailer/Motorcycle				
595:20–7–1	General	05/26/1994	02/29/1996 61 FR 7709	Subsections (c) and (f) only.
595:20–7–2	Inspection certificate	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
595:20–7–3	Rejection receipt—Form VID 44.	05/26/1994	02/29/1996 61 FR 7709.	
595:20–7–4	Station monthly report—Form VID 21.	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
595:20–7–5	Signature card—Form VID 17.	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
595:20–7–6	Request for inspection stickers—Form VID 19.	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
595:20–7–7	Request for refund—Form VID 25.	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
Subchapter 9. Class AE Inspection Station, Vehicle Emission Anti-Tampering Inspection				
595:20–9–1	General	05/26/1994	02/29/1996 61 FR 7709	Subsection (a) only.
595:20–9–3	Vehicle emission inspection.	05/26/1994	02/29/1996 61 FR 7709	Subsections (l) and (m) only.
595:20–9–7	Catalytic Converter System (C.A.T.).	05/26/1994	02/29/1996, 61 FR 7709.	

EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
595:20–9–10	Evaporative emission control system (E.N.P.).	05/26/1994	02/29/1996, 61 FR 7709	Subsections (a), (b), and (c) only.
595:20–9–11	Air injection system (A.I.S. or A.I.R.).	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
595:20–9–12	Positive crankcase ventilation system (P.C.V. Valve).	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
595:20–9–13	Oxygen sensor	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
595:20–9–14	Thermostatic air intake system (T.A.C.).	05/26/1994	02/29/1996, 61 FR 7709	Subsections (a) and (b) only.
595:20–9–15	Exhaust gas recirculation system (E.G.R.).	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
Subchapter 11. Annual Motor Vehicle Inspection and Emission Anti-Tampering Inspection Records and Reports				
595:20–11–1	General	05/26/1994	02/29/1996, 61 FR 7709.	
595:20–11–2	Inspection certificate—VEC–1.	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
595:20–11–3	Rejection certificate—VIID–44.	05/26/1994	02/29/1996, 61 FR 7709	Subsection (a) only.
595:20–11–4	Appeal procedure	05/26/1994	02/29/1996, 61 FR 7709.	

[1] Submitted.

(d) *EPA approved state source-specific requirements.*

EPA APPROVED OKLAHOMA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State submittal date	EPA approval date	Explanation
General Motors, Oklahoma City: Addendum I to Chapter 4, Emissions Offset Agreement for Permit Application.		03/28/1977	12/20/1977, 42 FR 63781.	Ref: 52.1960(c)(10).
McAlester Army Ammunition Plant McAlester, OK.	Variance	09/21/1979	05/26/1981, 46 FR 28159.	Ref: 52.1960(c)(21).
Mesa Petroleum Company.	Variance	02/06/1984	07/27/1984, 49 FR 30184.	Ref: 52.1960(c)(31).
Rockwell International, Tulsa.	Alternate RACT	03/09/1990	06/12/1990, 55 FR 23730.	Ref: 52.1960(c)(36).
McDonald Douglas, Tulsa	Alternate RACT	03/09/1990	06/12/1990, 55 FR 23730.	Ref: 52.1960(c)(36).
American Airlines, Tulsa	Alternate RACT	03/09/1990	06/12/1990, 55 FR 23730.	Ref: 52.1960(c)(36).
Nordam Lansing Street facility, Tulsa.	Alternate RACT	03/09/1990	06/12/1990, 55 FR 23730.	Ref: 52.1960(c)(36).
Conoco Refinery, Ponca City.	88–116–C	11/07/1989	03/06/1992, 57 FR 08077.	Ref: 52.1960(c)(42).
Conoco Refinery, Ponca City.	88–117–O	11/07/1989	03/06/1992, 57 FR 08077.	Ref: 52.1960(c)(42).

(e) *EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Chapter 1, Abstract	Statewide	10/16/1972	05/14/1973, 38 FR 12696.	Ref: 52.1960(c)(6).
Chapter 2, Description of Regions.	Statewide	01/28/1972	05/31/1972, 37 FR 10842.	Ref: 52.1960(b).
Chapter 3, Legal Authority.	Statewide	10/16/1972	05/14/1973, 38 FR 12696.	Ref: 52.1960(c)(6).
Chapter 4, Control Strategy.	Statewide	10/16/1972	05/14/1973, 38 FR 12696.	Ref: 52.1960(c)(6).

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
A. Part D Requirements	Nonattainment areas	04/02/1979	02/13/1980, 45 FR 09733.	Ref: 52.1960(c)(14).
B. Photochemical Oxidants (Ozone).	Statewide	04/02/1979	02/13/1980, 45 FR 09733.	Ref: 52.1960(c)(14).
C. Carbon Monoxide	Statewide	04/02/1979	02/13/1980, 45 FR 09733.	Ref: 52.1960(c)(14).
D. Total Suspended Particulates.	Statewide	04/02/1979	02/13/1980, 45 FR 09733.	Ref: 52.1960(c)(14).
E. Public notification	Statewide	04/02/1979	05/14/1982, 47 FR 20771.	Ref: 52.1960(c)(17).
F. Lead SIP	Statewide	03/05/1980	04/16/1982, 47 FR 16328.	Ref: 52.1960(c)(18).
G. PM10 SIP	Statewide	08/22/1989	02/12/1991, 56 FR 05653.	Ref: 52.1960(c)(38).
H. Tulsa County Ozone Plan.	Tulsa County	02/20/1985	01/31/1991, 56 FR 03777.	Ref: 52.1960(c)(39).
I. Oklahoma County Carbon Monoxide Plan.	Oklahoma County	10/17/1985	08/08/1991, 56 FR 37651.	Ref: 52.1960(c)(40).
J. Central Oklahoma EAC area 8-hour ozone standard attainment demonstration, Emission Reduction Strategies, Clean Air Plan, and Memorandum of Agreement between the ODEQ and ACOG defining duties and responsibilities of each party for implementation of the Central Oklahoma EAC area Emission Reduction Strategies.	Canadian, Cleveland, Grady, Lincoln, Logan, McClain, and Oklahoma Counties.	12/22/2004	8/16/2005, 70 FR 48078.	
K. Tulsa EAC Area 8-hour ozone standard attainment demonstration, Clean Air Plan, Transportation Emission Reduction Strategies, and Memorandum of Agreement between the ODEQ and INCOG defining duties and responsibilities of each party for implementation of the Tulsa Area Transportation Emission Reduction Strategies.	Tulsa County and portions of Creek, Osage, Rogers and Wagoner Counties.	12/22/2004	8/19/2005, 70 FR 48645.	
Chapter 5, Compliance Schedules.	Statewide	10/16/1972	05/14/1973, 38 FR 12696.	Ref: 52.1960(c)(6).
Chapter 6, Emergency Episode Control Plan.	Statewide	08/22/1989	02/12/1991, 56 FR 05653.	Ref: 52.1960(c)(38).
Chapter 7, Atmospheric Surveillance System.	Statewide	03/07/1980	08/06/1981, 46 FR 40005.	Ref: 52.1960(c)(22).
Chapter 8, Source Surveillance System.	Statewide	10/16/1972	05/14/1973, 38 FR 12696.	Ref: 52.1960(c)(6).
Chapter 9, Resources	Statewide	04/02/1979	02/13/1980, 45 FR 09733.	Ref: 52.1960(c)(14).
Chapter 10, Intergovernmental Cooperation.	Statewide	04/02/1979	05/14/1982, 47 FR 20771.	Ref: 52.1960(c)(17).
Small Business Assistance Program.	Statewide	11/19/1992	06/23/1994, 59 FR 32365.	Ref: 52.1960(c)(45).
Oklahoma Vehicle Anti-Tampering Program.	Statewide	05/16/1994	02/29/1996, 61 FR 07709.	Ref: 52.1960(c)(46).
Oklahoma Visibility Protection Plan.	Statewide	06/08/1990	11/08/1999, 64 FR 60683.	Ref: 52.1960(c)(49).

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Interstate transport for the 1997 ozone and $PM_{2.5}$ NAAQS (Noninterference with measures required to prevent significant deterioration of air quality or to protect visibility in any other State).	Statewide	5/1/2007	11/26/2010, 75 FR 72701 12/28/11, 76 FR 81757.	Noninterference with measures required to prevent significant deterioration of air quality in any other State approved 11/26/2010. Noninterference with measures required to protect visibility in any other State partially approved 12/28/11.
Regional haze SIP: (a) Determination of baseline and natural visibility conditions. (b) Coordinating regional haze and reasonably attributable visibility impairment. (c) Monitoring strategy and other implementation requirements. (d) Coordination with States and Federal Land Managers. (e) BART determinations except for the following SO_2 BART determinations: Units 4 and 5 of the Oklahoma Gas and Electric (OG&E) Muskogee plant; Units 1 and 2 of the OG&E Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern plant.	Statewide	2/17/2010	12/28/11, 76 FR 81757	Core requirements of 40 CFR 51.308
Interstate transport for the 1997 ozone NAAQS (contribute to nonattainment).	Statewide	5/1/2007	12/29/11, 76 FR 81838.	
Interstate transport for the 1997 $PM_{2.5}$ NAAQS (contribute to nonattainment or interfere with maintenance).	Statewide	5/1/2007	12/29/11, 76 FR 81838.	
Interstate transport for the 2006 $PM_{2.5}$ NAAQS (contribute to nonattainment or interfere with maintenance).	Statewide	4/5/2011	12/29/11, 76 FR 81838.	
Infrastructure for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS.	Statewide	12/5/2007 6/24/2010 4/5/2011	1/26/2012, 77 FR 3933	Approval for 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Interstate transport for the 2006 $PM_{2.5}$ NAAQS (Noninterference with measures required to prevent significant deterioration of air quality in any other State).	Statewide	4/5/2011	1/26/2012, 77 FR 3933	Approval for 110(a)(2)(D)(i)(II).

EPA APPROVED STATUTES IN THE OKLAHOMA SIP

State citation	Title/subject	State effective date	EPA approval date	Explanation
1992 Oklahoma Clean Air Act (63 O.S.A. 1992, Sections 1–1801 to 1–1819)				
Section 1–1801	Citation	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1802	Purpose	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1803	Municipal Regulations	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1804.1	Definitions	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1805.1	Administrative Agency Powers.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1806.1	Adoption of Rules	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1807.1	Air Quality Council	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1808.1	Powers and Duties of the Air Quality Council.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1809	Chief of Air Quality Council/Citizen Complaints.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1810	Variances	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1811	Compliance Orders	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1812	Field Citation Program/Administrative Penalties.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1813	Permitting Program	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1814	Fees	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1815	Emission Standards/Toxic Air Contaminant Emissions/Oil and Gas Emissions.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1816	Small Business Assistance Program.	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1817	Criminal Penalties	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1818	Civil Action	05/15/1992	06/23/1994, 59 FR 32365.	
Section 1–1819	Keeping Certain Rules and Enforcement Actions Effective.	05/15/1992	06/23/1994, 59 FR 32365.	
1992 Oklahoma Environmental Quality Act (27A O.S.A., Sections 1 to 12)				
Section 1	Citation	06/12/1992	06/23/1994, 59 FR 32365.	
Section 2	Purpose	06/12/1992	06/23/1994, 59 FR 32365.	
Section 3	Definitions	06/12/1992	06/23/1994, 59 FR 32365.	
Section 4	Transition	06/12/1992	06/23/1994, 59 FR 32365.	
Section 5	Pollution Control Coordinating Board and Department of Pollution Control.	06/12/1992	06/23/1994, 59 FR 32365.	
Section 6	Jurisdictional Areas of Environmental Responsibility.	06/12/1992	06/23/1994, 59 FR 32365.	
Section 7	Environmental Quality Board.	06/12/1992	06/23/1994, 59 FR 32365.	
Section 8	Executive Director	06/12/1992	06/23/1994, 59 FR 32365.	
Section 9	Department of Environmental Quality.	06/12/1992	06/23/1994, 59 FR 32365.	
Section 10	Advisory Councils	06/12/1992	06/23/1994, 59 FR 32365.	
Section 11	Time Periods for Certain Permits and Complaints.	06/12/1992	06/23/1994, 59 FR 32365.	
Section 12	Resolution	06/12/1992	06/23/1994, 59 FR 32365.	

[65 FR 47328, Aug. 2, 2000; 65 FR 52476, 52477, Aug. 29, 2000, as amended at 70 FR 48080, Aug. 16, 2005; 70 FR 48647, Aug. 19, 2005; 70 FR 53275, Sept. 7, 2005; 73 FR 79404, Dec. 29, 2008; 75 FR 72701, Nov. 26, 2010; 76 FR 81757, Dec. 28, 2011; 76 FR 81839, Dec. 29, 2011; 77 FR 3934, Jan. 26, 2012]

§ 52.1921 Classification of regions.

The Oklahoma plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Central Oklahoma Intrastate	I	III	III	III	I
Northeastern Oklahoma Intrastate	I	III	III	III	I
Southeastern Oklahoma Intrastate	III	III	III	III	III

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
North Central Oklahoma Intrastate	III	III	III	III	III
Southwestern Oklahoma Intrastate	III	III	III	III	III
Northwestern Oklahoma Intrastate	III	III	III	III	III
Metropolitan Fort Smith Interstate	II	III	III	III	III
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III

[37 FR 10887, May 31, 1972, as amended at 45 FR 9741, Feb. 13, 1980]

§ 52.1922 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oklahoma's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 9741, Feb. 13, 1980, as amended at 61 FR 16062, Apr. 11, 1996]

§ 52.1923 Best Available Retrofit Requirements (BART) for SO_2 and Interstate pollutant transport provisions; What are the FIP requirements for Units 4 and 5 of the Oklahoma Gas and Electric Muskogee plant; Units 1 and 2 of the Oklahoma Gas and Electric Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma Northeastern plant affecting visibility?

(a) *Applicability*. The provisions of this section shall apply to each owner or operator, or successive owners or operators, of the coal burning equipment designated as: Units 4 or 5 of the Oklahoma Gas and Electric Muskogee plant; Units 1 or 2 of the Oklahoma Gas and Electric Sooner plant; and Units 3 or 4 of the American Electric Power/Public Service Company of Oklahoma Northeastern plant.

(b) *Compliance dates*. Compliance with the requirements of this section is required within five years of the effective date of this rule unless otherwise indicated by compliance dates contained in specific provisions.

(c) *Definitions*. All terms used in this part but not defined herein shall have the meaning given them in the CAA and in parts 51 and 60 of this title. For the purposes of this section:

24-hour period means the period of time between 12:01 a.m. and 12 midnight.

Air pollution control equipment includes selective catalytic control units, baghouses, particulate or gaseous scrubbers, and any other apparatus utilized to control emissions of regulated air contaminants that would be emitted to the atmosphere.

Boiler-operating-day means any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.

Daily average means the arithmetic average of the hourly values measured in a 24-hour period.

Heat input means heat derived from combustion of fuel in a unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be calculated in accordance with 40 CFR part 75.

Owner or Operator means any person who owns, leases, operates, controls, or supervises any of the coal burning equipment designated as:

Unit 4 of the Oklahoma Gas and Electric Muskogee plant; or

Unit 5 of the Oklahoma Gas and Electric Muskogee plant; or

Unit 1 of the Oklahoma Gas and Electric Sooner plant; or

Unit 2 of the Oklahoma Gas and Electric Sooner plant; or

Unit 3 of the American Electric Power/Public Service Company of Oklahoma Northeastern plant; or

Unit 4 of the American Electric Power/Public Service Company of Oklahoma Northeastern plant.

Regional Administrator means the Regional Administrator of EPA Region 6 or his/her authorized representative.

Unit means one of the coal fired boilers covered under Paragraph (a), above.

(d) *Emissions limitations*—SO_2 *emission limit*. The individual sulfur dioxide emission limit for a unit shall be 0.06 pounds per million British thermal units (lb/MMBtu) as averaged over a rolling 30 boiler-operating-day period. For each unit, SO_2 emissions for each calendar day shall be determined by summing the hourly emissions measured in pounds of SO_2. For each unit, heat input for each boiler-operating-day shall be determined by adding together all hourly heat inputs, in millions of BTU. Each boiler-operating-day the thirty-day rolling average for a unit shall be determined by adding together the pounds of SO_2 from that day and the preceding 29 boiler-operating-days and dividing the total pounds of SO_2 by the sum of the heat input during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/MMBtu emissions of SO_2. If a valid SO_2 pounds per hour or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for SO_2.

(e) *Testing and monitoring*. (1) No later than the compliance date of this regulation, the owner or operator shall install, calibrate, maintain and operate Continuous Emissions Monitoring Systems (CEMS) for SO_2 on Units 4 and 5 of the Oklahoma Gas and Electric Muskogee plant; Units 1 and 2 of the Oklahoma Gas and Electric Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma Northeastern plant in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. Compliance with the emission limits for SO_2 shall be determined by using data from a CEMS.

(2) Continuous emissions monitoring shall apply during all periods of operation of the coal burning equipment, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO_2 and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO_2 pounds per hour, or SO_2 pounds per million Btu emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24 hour period and at least 22 out of 30 successive boiler operating days.

(f) *Reporting and recordkeeping requirements*. Unless otherwise stated all requests, reports, submittals, notifications, and other communications to the Regional Administrator required by this section shall be submitted, unless instructed otherwise, to the Director, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency, Region 6, to the attention of Mail Code: 6PD, at 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. For each unit subject to the emissions limitation in this section and upon completion of the installation of CEMS as required in this section, the owner or operator shall comply with the following requirements:

(1) For each emissions limit in this section, comply with the notification, reporting, and recordkeeping requirements for CEMS compliance monitoring in 40 CFR 60.7(c) and (d).

(2) For each day, provide the total SO_2 emitted that day by each emission

unit. For any hours on any unit where data for hourly pounds or heat input is missing, identify the unit number and monitoring device that did not produce valid data that caused the missing hour.

(g) *Equipment operations.* At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(h) *Enforcement.* (1) Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(2) Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit.

[76 FR 81758, Dec. 28, 2011]

§§ 52.1924–52.1927 [Reserved]

§ 52.1928 Visibility protection.

(a) The following portions of the Oklahoma Regional Haze (RH) State Implementation Plan submitted on February 19, 2010 are disapproved:

(1) The SO_2 BART determinations for Units 4 and 5 of the Oklahoma Gas and Electric (OG&E) Muskogee plant; Units 1 and 2 of the OG&E Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern plant;

(2) The long-term strategy for regional haze;

(3) ''Greater Reasonable Progress Alternative Determination'' (section VI.E), and

(4) Separate executed agreements between ODEQ and OG&E, and ODEQ and AEP/PSO entitled ''OG&E Regional Haze Agreement, Case No. 10–024, and ''PSO Regional Haze Agreement, Case No. 10–025,'' housed within Appendix 6–5 of the RH SIP.

(b) The portion of the State Implementation Plan pertaining to adequate provisions to prohibit emissions from interfering with measures required in another state to protect visibility, submitted on May 10, 2007 and supplemented on December 10, 2007 is disapproved.

(c) The SO_2 BART requirements for Units 4 and 5 of the Oklahoma Gas and Electric (OG&E) Muskogee plant; Units 1 and 2 of the OG&E Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern plant, the deficiencies in the long-term strategy for regional haze, and the requirement for a plan to contain adequate provisions to prohibit emissions from interfering with measures required in another state to protect visibility are satisfied by § 52.1923.

[76 FR 81759, Dec. 28, 2011]

§ 52.1929 Significant deterioration of air quality.

(a) *Regulation for preventing significant deterioration of air quality.* The Oklahoma plan, as submitted, does not apply to certain sources in the State. Therefore the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated, and made part of the Oklahoma State implementation plan, and are applicable to the following major stationary sources or major modifications:

(i) Sources permitted by EPA prior to approval of the Oklahoma PSD program for which EPA retains enforcement authority.

(ii) Sources proposing to locate on lands over which Oklahoma does not have jurisdiction under the Clean Air Act to issue PSD permits.

(b) The plan revisions submitted by the Governor of Oklahoma on August 22, 1989, as adopted on March 23, 1989, by the Oklahoma State Board of

Health and effective June 11, 1989, amendments to OAPCR 1.4.4 ''Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas'' is approved as meeting the requirements of Part C of the Clean Air Act for preventing significant deterioration of air quality.

(c)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in Oklahoma's approved plan apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are ''subject to regulation'', as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not ''subject to regulation.''

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO_2e or more; and,

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.

(4) For purposes of this paragraph (b)—

(i) the term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) The term tpy CO_2 equivalent emissions (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO_2e.

(iii) The term emissions increase shall mean that both a significant emissions increase (as calculated using the EPA-approved procedures in Oklahoma Air Pollution Control Regulation Title 252, Chapter 100, Subchapter 8, Part 7) and a significant net emissions increase (as defined in the EPA-approved Oklahoma Air Pollution Control Regulation 252:100–8–31, definitions for ''net emissions increase'' and ''significant'' occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO_2e instead of applying the value in 252:100–8–31 of the EPA-approved definition for ''significant'' of Oklahoma's Air Pollution Control Regulations.

[56 FR 5656, Feb. 12, 1991, as amended at 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 75 FR 82559, Dec. 30, 2010; 76 FR 11965, Mar. 4, 2011]

§52.1930 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a) The owner and operator of each source and each unit located in the State of Oklahoma and Indian country within the borders of the State and for which requirements are set forth under the TR NO_X Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Oklahoma's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan

under § 52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Oklahoma's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Oklahoma's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NO_X Ozone Season allowances under subpart BBBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_X Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 80775, Dec. 27, 2011]

§ 52.1931 Petroleum storage tank controls.

(a) Notwithstanding any provisions to the contrary in the Oklahoma implementation plan, the petroleum storage tanks listed in paragraphs (b) through (e) of this section shall be subject to the requirements of section 15.211 of the Oklahoma Air Pollution Control Regulations and to the monitoring, inspection, reporting, and other procedural requirements of the Oklahoma implementation plan and the Clean Air Act. The owner or operator of each affected facility shall secure compliance with section 15.211 in accordance with the schedule set forth below.

(b) Tanks 121 and 122 for crude oil storage at the Sun Oil Company refinery at Duncan, Oklahoma, shall be in compliance with section 15.211 no later than August 1, 1979.

(c) Tanks 118 and 119 for gasoline storage at the Apco Oil Corporation refinery at Cyril, Oklahoma, shall be in compliance with section 15.211 no later than February 1, 1979.

(d) Tank 286 for crude oil storage at the Continental Pipe Line Company property in Oklahoma County, Oklahoma (section 32–12N–2W) shall be in compliance with section 15.211 no later than February 1, 1979.

(e) The three 80,000 barrel capacity crude oil storage tanks at the Champlin Petroleum Company, Noble Station, 13th and Bryan Streets, Oklahoma City, Oklahoma, shall be in compliance with section 15.211 no later than September 1, 1979.

(f) Action on the part of Sun Oil Company, Apco Oil Corporation, Continental Pipe Line Company and Champlin Petroleum Company of controlling hydrocarbon emissions creditable as offsets for General Motors Corporation, Oklahoma City, Oklahoma, in no way relieves these companies from meeting all requirements under the Oklahoma Air Quality Implementation Plan or under the Federal Clean Air Act as amended.

[42 FR 63782, Dec. 20, 1977]

§§ 52.1932–52.1933 [Reserved]

§ 52.1934 Prevention of air pollution emergency episodes.

(a) The plan originally submitted by the Governor of Oklahoma on January 28, 1972, as Chapter six, was revised for particulate matter and submitted for parallel processing by the Episode Control Plan for the State of Oklahoma'' § 2.2 and § 3.2 table II as adopted September 6, 1988, by the Oklahoma Air Quality Council are approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51 subpart H.

[56 FR 5656, Feb. 12, 1991]

§ 52.1935 Small business assistance program.

The Governor of Oklahoma submitted on November 19, 1992, a plan revision to develop and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to meet the requirements of section 507 of the Clean Air Act by November 15, 1994. The plan commits to provide technical and compliance assistance to small businesses, hire an Ombudsman to serve as an independent advocate for

small businesses, and establish a Compliance Advisory Panel to advise the program and report to EPA on the program's effectiveness.

[59 FR 32370, June 23, 1994]

§ 52.1960 Original Identification of plan section.

(a) This section identifies the original ''State of Oklahoma Air Quality Control Implementation Plan'' and all revisions submitted by Oklahoma that were federally approved prior to June 1, 2000.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) An opinion of the State Attorney General concerning the State's legal authority in emergency episode prevention and public disclosure was submitted February 15, 1972. (Non-regulatory)

(2) Letter from State Department of Health concerning emergency episode prevention, sampling site locations and governmental cooperation was submitted on February 25, 1972. (Non-regulatory)

(3) Letter of May 4, 1972, from the State Department of Health clarifies Regulations 4, 13, 14, and Title 63 of the State air quality regulations concerning emission data, emergency episodes, compliance schedules and new source review. (Non-regulatory)

(4) Revisions concerning Regulations 4 through 8, 13 and 15 through 18 were submitted by the Governor on July 14, 1972.

(5) Certification on October 4, 1972, of amendments to Regulation 14 of the State regulations was submitted by the Governor. (Non-regulatory)

(6) Corrections of the plan submitted previously and consolidated were submitted on October 16, 1972. (Non-regulatory)

(7) Sections 16.1, 16.3, and 16.5 of Regulation No. 16, ''Control of Emissions of Sulfur Compounds,'' the Control Strategy which relates to sulfur oxides control under the applicable sections of Regulation 16, and emission limitations on existing sources as adopted on December 1, 1974 and submitted by the Governor on March 4, 1975.

(8) Revision to Oklahoma Regulation 4.2 (public availability of emission data) was submitted by the Governor on October 7, 1975.

(9) Administrative revisions to Oklahoma SIP Chapter 1, Table 2, Oklahoma Ambient Air Quality Standards, Chapter 8, Source Surveillance and Enforcement System, section 8 A, B, and C relating to permits, and addition of Appendix Q, relating to Oklahoma Air Quality Standards, were submitted by the Oklahoma State Department of Health on May 16, 1975, with clarification submitted on June 17, 1977. (Non-regulatory).

(10) Consent agreements creditable as emission offsets were submitted by the Governor on March 28, 1977 as Addendum 1 to Chapter IV of the Oklahoma Air Quality Implementation Plan.

(11) Revisions of Oklahoma Regulation No. 15 for control of emissions of organic materials were adopted (effective date) December 31, 1974, and submitted by the Governor on June 16, 1975.

(12) Revision to Oklahoma Regulation No. 3, Defining Terms Used in Oklahoma Air Pollution Control Regulations, were submitted by the Governor on November 28, 1977. The revisions include amendments adopted by the State on June 2, 1974 and June 11, 1977. (See § 52.1926(a).)

(13) A general update of Chapter 7: Air Quality Surveillance, was submitted by the Governor on July 19, 1978. (Non-regulatory).

(14) Revisions to the plan for attainment of standards for ozone, carbon monoxide, and particulate matter (Part D requirements) were submitted by the Governor on April 2, 1979.

(15) A revised schedule including specific dates of the overall TSP program was submitted by the State on March 28, 1980.

(16) Revisions to Regulation No. 17, Regulation No. 14 section 14.313, Regulation No. section 14.313(b), Regulation No. 14 section 14.313(c)(i), Regulation No. 15 section 15.50, Regulation No. 15 section 15.53, and Regulation No. 3 (Part D requirements) were submitted by the Governor on April 11, 1980.

(17) Revisions to the plan for intergovernmental consultation, interstate

pollution abatement, public notification, and the State Board were submitted by the Governor on April 2, 1979; a letter of commitment for new source notification was submitted by the Acting Chief of the Oklahoma Air Quality Service on March 31, 1982; a Public Notification Workplan was submitted by the Chief of the Oklahoma Air Quality Service on January 14, 1980; the Oklahoma Code of Ethics for State Officials and Employees, with a clarification letter, was submitted by the Oklahoma Commissioner of Health on March 9, 1982; and a clarification letter was submitted by the Acting Chief of the Oklahoma Air Quality Service on February 23, 1982.

(18) The Oklahoma State Implementation Plan for lead was submitted to EPA on March 5, 1980, by the Governor of Oklahoma as adopted by the State Air Quality Council on November 13, 1979. Letters of clarification dated October 19 and December 9, 1981, also were submitted.

(19) Revisions to Regulation No. 15 (i.e., the addition of sections 15.57, 15.58, and 15.59) were adopted by the State Board of Health on April 30, 1980 and submitted by the Governor on June 10, 1980.

(20) Revisions to Regulation No. 15 (i.e., revisions to sections 15.524, 15.585, and 15.59, and the addition of Sections 15.60 and 15.61) were adopted by the State Board of Health on May 9, 1981 and submitted by the Governor on September 14, 1981.

(21) A variance to the State Regulations 7 and 8 for McAlester Army Ammunition Plant located in McAlester, Oklahoma was submitted by the State on September 21, 1979 and approved by the State Board of Health on September 8, 1979.

(22) On March 7, 1980, the Governor submitted final revisions to the ambient monitoring portion of the plan.

(23) [Reserved]

(24) A revision to the Air Pollution Control Regulation 2.1, as adopted by the Oklahoma Air Quality Council on January 19, 1982, was submitted by the Governor on April 12, 1982.

(25) Revision to Oklahoma Regulation No. 1.4 Air Resources Management-Permits Required (1.4.1–1.4.3) and Major Sources—Nonattainment areas (1.4.5) was submitted by the Governor on April 12, 1982. A letter of commitment and a letter of clarification for Regulation 1.4 was submitted by the State on April 30, 1982 and December 9, 1982, respectively.

(26) On April 2, 1979, the State of Oklahoma submitted an amendment to Regulation 1.3 *Defining Terms Used in Oklahoma Air Pollution Control Regulations* (i.e., Table II) and on April 12, 1982, and on May 19, 1983, the State submitted revisions to the State's Permit Regulation 1.4 including adding 1.4.4 [Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas] to provide for PSD new source review. A Letter of Clarification of October 6, 1982, was also submitted.

(27) Revision to Oklahoma Regulation 3.8 (Control of Emission of Hazardous Air Contaminants) submitted by the Governor on February 8, 1983.

(28) Revision to Oklahoma Regulation 3.4—Control of Emission of Sulfur Compounds was submitted by the Governor on May 19, 1983, which changed subsections 3.4(c)(1)(A)(i)(a)(3) and 3.4(c)(1)(C)(i)(a). The revision was adopted by the Oklahoma State Board of Health on May 12, 1983. A letter of clarification on subsection 3.4(c)(1)(C)(i)(a) was submitted by the State on October 14, 1983.

(29) Revision of Oklahoma Regulation 1.4—Air Resources Management—Permits Required was submitted by the Governors on May 19, 1983. A letter of clarification on subsection 1.4.1(c)(3) was submitted by the State on September 23, 1983.

(30) Revision to Oklahoma Regulation No. 1.5—Reports Required: Excess Emissions During Startup, Shutdown and Malfunction of Equipment was submitted by the Governor on February 8, 1983. Letters of clarification were submitted by the State on October 18, 1982 and May 24, 1983.

(31) Revision to Regulation 1.4 ''Air Resources Management—Permits Required'' and variance and extension for Mesa Petroleum Company submitted by the Governor on February 6, 1984. A letter of clarification on section 1.4.2(f) Cancellation of Authority to Construct or Modify was submitted by the State on February 17, 1984.

(32) [Reserved]

(33) Revision to Regulation 3.1 ''Pertaining to the Control of Smoke, Visible Emissions and Particulates'' submitted by the Governor on February 6, 1984. On May 16, 1984, the Oklahoma State Department of Health submitted a letter of clarification on Regulation 3.1.

(34) Oklahoma Air Pollution Control Regulation 1.4.2(b) ''Stack Height Limitation'' and amendments to OAPCR 1.4.2(e) ''Public Review'' as adopted on May 8, 1986, and submitted by the Governor on April 30, 1986, to meet the requirements of the Federal stack height regulations.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation (OAPCR) 1.4.2(b) ''Stack Height Limitation'' as adopted on May 8, 1986, and amendments to OAPCR 1.4.2(b) section 1.4.2(b)(1)(G) as adopted on July 9, 1987, and effective August 10, 1987. In addition, amendments to OAPCR 1.4.2(b) section 1.4.2(b)(1)(C); and amendments to OAPCR 1.4.2(e) ''Public Review'' section 1.4.2(e)(1)(A) as adopted March 23, 1989, effective June 11, 1989, by the Oklahoma Board of Health.

(ii) Additional material.

(A) Commitment letter dated July 8, 1988, from the Director of the Permits and Enforcement Division of the Oklahoma Air Quality Service, Oklahoma State Department of Health.

(35) May 8, 1985, revisions to Oklahoma Air Pollution Control Regulation 3.4.(c)(1)(C) ''Gas Sweetening and Sulfur Recovery Plants'' were submitted by the Governor on March 31, 1986.

(i) Incorporation by reference.

(A) Amendments to Oklahoma Air Pollution Control Regulation 3.4(c)(1)(C) (Gas Sweetening and Sulfur Recovery Plants); adopted May 8, 1985, by the Oklahoma Air Quality Council.

(36) On March 9, 1990, the Governor submitted Oklahoma Air Pollution Control Regulation 3.7.5—4(h) ''Control of VOS Emissions from Aerospace Industries Coatings Operations.'' This regulation was adopted by the Oklahoma Air Quality Council on December 5, 1989, and by the Oklahoma Board of Health on February 8, 1990. The regulation became effective when it was signed by the Governor as an emergency rule on February 12, 1990. Also on March 9, 1990, the Governor of Oklahoma submitted four source specific alternate RA.T determination Orders issued by the Oklahoma Commissioner of Health for the Rockwell International, McDonnell Douglas-Tulsa. American Airlines and Nordam facilities in Tulsa County.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation 3.7.5—4(h) ''Control of VOS Emissions from Aerospace Industries Coatings Operations'' as adopted by the Oklahoma Air Quality Council on December 5, 1989, and the Oklahoma Board of Health on February 8, 1990, and approved by the Governor on February 12, 1990.

(B) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for Rockwell International, Tulsa approving an Alternate Reasonably Available Control Technology (ARACT).

(C) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for McDonnell Douglas-Tulsa approving an Alternate Reasonably Available Control Technology (ARACT).

(D) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for American Airlines approving an Alternate Reasonably Available Control Technology (ARACT).

(E) Oklahoma Commissioner of Health Order issued and effective February 21, 1990, for Nordam's Lansing Street facility approving an Alternate Reasonably Available Control Technology (ARACT).

(ii) Additional material.

(A) *Rockwell International Tulsa.* (*1*) The document prepared by Rockwell International titled ''Rockwell International NAA-Tulsa Alternate RACT Determination'' dated October 30, 1989.

(*2*) The document prepared by Rockwell titled ''Rockwell International NAA-Tulsa Alternate RACT Determination Supplemental Submittal'' dated November 22, 1989.

(B) *McDonnell Douglas.* (*1*) The document prepared by McDonnell Douglas-Tulsa titled ''Source Specific RACT Determination'' dated October 30, 1989.

(*2*) The document prepared by McDonnell Douglas-Tulsa titled ''ARACT/Follow-up Submission'' dated November 20, 1989.

(C) *American Airlines*. (*1*) The document prepared by American Airlines titled ''American Airlines Tulsa Alternate RACT'' dated October 30, 1989.

(*2*) The document prepared by American Airlines titled ''ARACT/Follow-up Submission'' dated November 22, 1989.

(D) *Nordam*. (*1*) The document prepared by Nordam titled ''Source Specific RACT Determination'' dated November 29, 1989.

(*2*) The document prepared by Nordam titled ''ARACT/Follow-up Submission'' dated January 10, 1990.

(37) On May 8, 1989, the Governor submitted Oklahoma Air Pollution Control Regulation 1.5 ''Excess Emission and Malfunction Reporting Requirements''. This regulation was adopted by the Oklahoma Board of Health on June 23, 1988, and approved by the Oklahoma Legislature on February 24, 1989. The regulation became effective on March 11, 1989.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulation 1.5 ''Excess Emission and Malfunction Reporting Requirements'', OAPCR 1.5 title change, §1.5(a)(1), §1.5(b)(1)(B), §1.5(b)(1)(E), §1.5(c), title, §1.5(c)(1), §1.5(e)(1), and §1.5(e)(2), as adopted by the Oklahoma Board of Health on June 23, 1988, and approved by the Oklahoma Legislature on February 24, 1989.

(38) On August 22, 1989, the Governor submitted Oklahoma's Committal SIP for the Group II area of Lawton, Oklahoma. In addition, the submittal included the State's Group III SIP for the remainder of the State and amendments to the Oklahoma Air Pollution Control Regulations 1.1, 1.2, 1.4.4, and 1.4.5, and amendments to Chapter 6 ''Emergency Episode Control Plan for the State of Oklahoma''.

(i) Incorporation by reference.

(A) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 1.1 ''Defining Terms Used in Oklahoma Air Pollution Control Regulations'' §1.1(b)(97), §1.1(b)(98), §1.1(b)(99) and §1.1(b)(145), as adopted October 11, 1989, by the Oklahoma State Board of Health and effective May 25, 1990. Amendments to OAPCR 1.1, §1.1(b)(127), and §1.1(b)(128), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(B) Amendments to OAPCR 1.2 ''Oklahoma Air Quality Standards and Increments'' Table 1.2(1), as adopted January 28, 1988, by the Oklahoma State Board of Health and effective June 21, 1988.

(C) Amendments to OAPCR 1.4.4 ''Major Sources—Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas'' §1.4.4(b)(22)(A), §1.4.4(d)(4), §1.4.4(d)(9), §1.4.4(d)(10), §1.4.4(d)(11), and §1.4.4(d)(12), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(D) Amendments to OAPCR 1.4.5. ''Major Sources—Nonattainment Areas'' §1.4.5(b)(18), and §1.4.5(c)(1)(C), as adopted March 23, 1989, by the Oklahoma State Board of Health and effective June 11, 1989.

(39) On February 20, 1985, the Governor of Oklahoma, submitted a SIP revision designed to achieve the ozone standard in Tulsa County. Supplemental information was submitted on August 23, 1985, January 21, June 2, September 2, and December 22, 1986. The anti-tampering regulation was submitted to EPA by the Governor on October 8, 1985. On March 31, 1986, the Governor of Oklahoma submitted one new regulation. On May 8, 1989, the Governor of Oklahoma submitted one revised regulation. On March 9, 1990, the Governor of Oklahoma submitted four new regulations and several miscellaneous changes to the existing SIP approved regulations in Tulsa County. EPA is approving one regulation (OAPCR 3.7.5–4(f) ''Petroleum (Solvent) Dry Cleaning'') under part A, section 110 of the Clean Air Act. This regulation does not represent RACT under part D, section 172 of the Clean Air Act.

(i) Incorporation by reference.

(A) Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.5–4(f) as adopted by the Oklahoma State Board of Health on February 7, 1985, and effective July 1, 1986.

(B) Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of

Emissions of Organic Materials'' §3.7.5–4(f), §3.7.5–4(f)(1)(A), §3.7.5–4(f)(1)(B)(vi), §3.7.5–4(f)(1)(B)(vii), §3.7.5–4(f)(2)(B), §3.7.5–4(f)(3)(A)(iv), §3.7.5–4(f)(3)(B), §3.7.5–4(f)(4), §3.7.5–4(f)(4)(A), §3.7.5–4(f)(4)(A)(i), §3.7.5–4(f)(4)(A)(ii), §3.7.5–4(f)(4)(A)(iii), §3.7.5–4(f)(5), and §3.7.5–4(f)(5)(A) as amended by the Oklahoma State Board of Health on January 29, 1987, and effective January 29, 1987.

(C) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.5–1(a), §3.7.5–2(a)(2)(A), §3.7.5–4(b), §3.7.5–4(e)(2)(A), §3.7.5–4(f)(1)(A), §3.7.5–4(f)(2)(A), §3.7.5–4(f)(2)(B), and §3.7.5–4(i) as amended by the Oklahoma State Board of Health on March 23, 1989, and effective June 11, 1990.

(D) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.1(b)(10), §3.7.1(b)(11), §3.7.1(b)(12), §3.7.1(b)(13), §3.7.1(b)(14), §3.7.5–2(a)(1)(B)(i), §3.7.5–2(a)(2), §3.7.5–2(a)(3)(A)(iv), §3.7.5–2(a)(3)(A)(v), §3.7.5–2(a)(4)(A)(ii), §3.7.5–2(a)(5)(A), §3.7.5–2(a)(6)(A)(i), §3.7.5–2(a)(6)(A)(iii), §3.7.5–2(a)(6)(B), §3.7.5–2(a)(8)(A)(i), §3.7.5–2(a)(9), §3.7.5–2(b)(1), §3.7.5–2(b)(2), §3.7.5–2(b)(2)(A)(i), §3.7.5–2(c)(1), §3.7.5–2(c)(1)(A), §3.7.5–2(c)(1)(B), §3.7.5–2(c)(2), §3.7.5–2(c)(3), §3.7.5–2(c)(4), §3.7.5–3(a)(2)(B), §3.7.5–3(a)(3)(B)(i), §3.7.5–4(b)(1)(A)(i), §3.7.5–4(b)(1)(A)(ii), §3.7.5–4(b)(1)(A)(iii), §3.7.5–4(b)(3)(F), §3.7.5–4(c)(1)(A), §3.7.5–4(c)(1)(A)(ii), §3.7.5–4(c)(1)(D), §3.7.5–4(c)(1)(E), §3.7.5–4(c)(2)(A)(i), §3.7.5–4(c)(2)(A)(ii), §3.7.5–4(c)(2)(A)(iii), §3.7.5–4(c)(2)(A)(iii)(a), §3.7.5–4(c)(2)(A)(iii)(d), §3.7.5–4(c)(2)(C), §3.7.5–4(c)(3), §3.7.5–4(c)(3)(A), §3.7.5–4(c)(3)(A)(i), §3.7.5–4(c)(3) (B) through (C) added, §3.7.5–4(c)(4), §3.7.(d)(5)(A), §3.7.5–4(f)(1)(A), new §3.7.5–4(g), §3.7.5–4(i)(1)(B), §3.7.5–4(i)(1)(B)(iii), §3.7.5–4(i)(1)(B)(iv), §3.7.5–4(i)(1)(D), §3.7.5–4(i)(1)(E), and §3.7.5–4(i)(2)(G), as amended/adopted by the Oklahoma State Board of Health on October 11, 1989, and effective May 25, 1990.

(E) Amendments to Oklahoma Air Pollution Control Regulation (OAPCR) 3.7 ''Control of Emissions of Organic Materials'' §3.7.5–2(a)(1)(A), §3.7.5–2(a)(1)(B), §3.7.5–2(a)(1)(B)(i), §3.7.5–2(a)(1)(B)(vii), §3.7.5–2(a)(6)(A)(i), §3.7.5–2(c)(3)(B), §3.7.5–2(c)(4), §3.7.5–4(g)(6), §3.7.5–4(g)(11), §3.7.5–4(i)(1)(D), §3.7.5–4(i)(1)(E), §3.7.5–4(i)(1)(F), §3.7.5–4(i)(1)(G), and new §3.7.5–4(j) as amended/ adopted by the Oklahoma State Board of Health on February 8, 1990, and effective May 25, 1990.

(F) Oklahoma Official Motor Vehicle Inspection Rules and Regulations Manual adopted December 5, 1985, and effective January 1, 1986.

(G) 47 O.S. SUPP. 856.1 et seq. adopted May 24, 1984, and effective May 24, 1984.

(H) OP. Oklahoma Attorney General number 84–174 (December 12, 1984).

(I) February 20, 1985, plan commitments for Tulsa County, including transportation control measures, page 8, and Reasonable Further Progress schedules and reporting commitments, pages 10 and 11, dated June 3, 1986.

(J) Title 37, chapter 4, section 167, Tulsa City Ordinance number 16466 as approved and effective October 15, 1985, by the City of Tulsa.

(K) An October 17, 1989, commitment letter, to develop and incorporate test methods into OAPCR 3.7 for determining the capture efficiency of control devices associated with coating operations.

(L) A January 16, 1990, commitment letter stating that the DPS will annually conduct unannounced visits to 10 percent of the Tulsa inspection stations.

(M) A September 28, 1990, Memorandum of Understanding.

(N) An October 12, 1990, letter to report semiannually to EPA, information relating to the effectiveness and enforcement of the I/M program.

(ii) Additional material.

(A) February 20, 1985, narrative plan revision designed to achieve the ozone standard in Tulsa County, including control strategy, modeling analysis, transportation control plan and measures, I/M program description, and negative declarations.

(B) A written interpretation by the DPS dated June 26, 1987, of the term ''proper replacement'' in §856.1(C) of the Oklahoma statutes to mean ''original equipment manufacturer (OEM) or equivalent''.

(40) On October 17, 1985, the Governor of Oklahoma submitted a SIP revision

designed to achieve the carbon monoxide standard in Oklahoma County. Supplemental information was submitted on January 29, 1986, November 7, 1986, October 12, 1990, and October 15, 1990. The anti-tampering regulation was submitted to EPA by the Governor on October 8, 1985.

(i) Incorporation by reference.

(A) Oklahoma Official Motor Vehicle Inspection Rules and Regulations Manual adopted December 5, 1985, and effective January 1, 1986.

(B) 47 O.S. SUPP. Section 856.1 et seq. adopted May 24, 1984, and effective May 24, 1984.

(C) OP. Oklahoma Attorney General number 84–174 (December 12, 1984).

(D) October 17, 1985, plan reporting commitments for Oklahoma County Reasonable Further Progress schedule, page 6.

(E) The City of Oklahoma City Ordinance No. 12,575, as passed by the Council of the City of Oklahoma City on March 31, 1970, and approved by the Mayor on March 31, 1970.

(ii) Additional material.

(A) A February 7, 1991, commitment letter stating that the DPS will annually conduct unannounced visits at 10 percent of the Oklahoma County inspection stations.

(B) An October 12, 1990, letter committing to report semiannually to EPA, information relating to the effectiveness and enforcement of the I/M program.

(41) On November 14, 1990, the Governor submitted revisions to Oklahoma Air Pollution Control Regulation (Regulation) 1.1 ''Defining Terms Used in Oklahoma Air Pollution Control Regulations'', Regulation 1.2 ''Oklahoma Air Quality Standards and Increments'', and Regulation 1.4 ''Permits''. These regulations were adopted by the Oklahoma Air Quality Council on April 3, 1990, and by the Oklahoma Board of Health on April 12, 1990. These regulations became effective when they were signed by the Governor as emergency rules on June 4, 1990.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulation 1.1, Regulation 1.2, and Regulation 1.4, as adopted by the Oklahoma Air Quality Council on April 3, 1990, by the Oklahoma Board of Health on April 12, 1990, and became effective on June 4, 1990: Oklahoma Air Pollution Control Regulations 1.1(b)(13), 1.1(b)(14), 1.1(b)(15), 1.1(b)(16), 1.1(b)(82)(D), 1.2—Table 1.2(2), 1.4.1(a)(1), 1.4.1(b)(3)(B), 1.4.1(b)(3)(C), 1.4.2(a)(2)(ii), 1.4.2(c), 1.4.2(h)(2), 1.4.4(b)(3)(D), 1.4.4(b)(13), 1.4.4(b)(14), 1.4.4(b)(15) and 1.4.4(d)(12), 1.4.4(d)(13)(C).

(ii) Additional material.

(A) April 23, 1991, letter from Mr. John Drake, Chief, Air Quality Service, Oklahoma State Department of Health, to Mr. A. Stanley Meiburg, Director, Air, Pesticides & Toxics Division, EPA, Region 6.

(42) On November 7, 1989, the Governor of Oklahoma submitted a revision to the SIP consisting of a construction permit, number 88–116–C, for a cogeneration unit and an operating permit, number 88–117–O, for a sulfur recovery unit. The revision involves a sulfur dioxide emissions trade for the Conoco, Incorporated, Ponca City Refinery.

(i) Incorporation by reference.

(A) Permit number 88–116–C, as adopted by the Oklahoma State Department of Health (OSDH) on May 23, 1989.

(B) Permit number 88–117–O, as adopted by the Oklahoma State Department of Health (OSDH) on June 22, 1990.

(ii) Additional material.

(A) The document issued by Conoco Ponca City Refinery, titled, ''Level II Modeling Analysis in Support of Alternate Emissions Reduction Permit for Sulfur Recovery Plant'' dated April 1990.

(B) The document issued by Conoco Ponca City Refinery, titled, ''Level III Remodeling for an SO_2 Bubble Trade'' dated June 3, 1991 (revised July 8, 1991).

(43) A revision to the Oklahoma SIP to include revisions to Oklahoma Title 310, Chapter 200, Subchapter 31, entitled Control of Emissions of Sulfur Compounds.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Title 310, Chapter 200, Subchapter 31, entitled Control of Emissions of Sulfur Compounds, Part 1. ''General Provisions,'' Section 310:200–31–2, ''Definitions;'' Section 310:200–31–3, ''Performance testing;'' Part 3. ''Existing Equipment

Standards,'' Section 310:200–31–12, ''Sulfur oxides;'' Section 310:200–31–13, ''Sulfuric acid mist;'' Section 310:200–31–14, ''Hydrogen sulfide;'' Section 310:200–31–15, ''Total reduced sulfur;'' Part 5. ''New Equipment Standards,'' Section 310:200–31–25, ''Sulfur oxides;'' and Section 310:200–31–26, ''Hydrogen sulfide,'' as adopted by the Oklahoma State Board of Health on March 24, 1993, and effective June 1, 1993.

(44) A revision to the Oklahoma SIP to include Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Addition of Oklahoma Administrative Code, Chapter 310:200, Subchapter 23, entitled, ''Control of Emissions From Cotton Gins,'' as adopted by the Oklahoma Air Quality Council on April 30, 1992, and effective June 1, 1993.

(ii) Additional material—None.

(45) The State is required to implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as specified in the plan revision submitted by the Governor on November 19, 1992. This plan submittal, as adopted by the Oklahoma Air Quality Council on October 13, 1992, was developed in accordance with section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Enrolled House Bill No. 2251 (Oklahoma Clean Air Act of 1992), signed into law by the Governor on May 15, 1992, and effective upon signature. Included in this Act are provisions establishing a small business stationary source compliance assistance program; creating the State Ombudsman Office for small business; establishing Ombudsman duties; creating a Compliance Advisory Panel; establishing membership of Panel; and establishing Panel duties.

(B) Enrolled House Bill No. 2227 (Oklahoma Environmental Quality Act), signed into law by the Governor on June 12, 1992, and effective upon signature, authorizing the creation of the Oklahoma Department of Environmental Quality (ODEQ).

(ii) Additional material.

(A) Revision entitled, ''The Oklahoma Small Business Stationary Source Assistance Program, Chapter 11 of the State Implementation Plan, October 13, 1992.''

(46) A revision to the Oklahoma SIP to include revisions to Oklahoma Department of Public Safety regulation Title 595, Chapter 20, Subchapter 3—Emission and Mechanical Inspection of Vehicles, Subchapter 7—Inspection Stickers and Monthly Tab Inserts for Windshield and Trailer/Motorcycle, Subchapter 9—Class AE Inspection Station, Vehicle Emission Anti-tampering Inspection and Subchapter 11—Annual Motor Vehicle Inspection and Emission Anti-Tampering Inspection Records and Reports, adopted by the State on April 6, 1994, effective May 26, 1994 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Department of Public Safety regulation Title 595, Chapter 20: 3–1(2); 3–3; 3–5; 3–6; 3–12; 3–25; 3–26; 3–27; 3–41(o); 3–42; 3–46(a) and (b); 3–61(a),(b),(e) and (f); 3–63(b) and (g); 7–1(c) and (f); 7–2(a); 7–3; 7–4(a); 7–5(a); 7–6(a); 7–7(a); 9–1(a); 9–3(l) and (m); 9–7; 9–10(a),(b) and (c); 9–11(a); 9–12(a); 9–13(a); 9–14(a) and (b); 9–15(a); 11–1; 11–2(a); 11–3(a); 11–4 effective May 26, 1994.

(ii) Additional material.

(A) State SIP revision entitled, ''Oklahoma Vehicle Anti-Tampering Program SIP Revision,'' which includes a completeness determination, SIP narrative, hearing records and other documentation relevant to the development of this SIP.

(47) A revision to the Oklahoma SIP to include revisions to Oklahoma Air Pollution Control Regulation 3.7—Control of Emissions of Organic Materials, adopted by the State on October 2, 1990, effective May 11, 1991 and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) Revisions to Oklahoma Air Pollution Control Regulations 3.7, Sections 3.7.5–4(g)(7)(A)(i)(b), 3.7.5–4(g)(9)(A), 3.7.5–4(i)(3)(B)(1), and 3.7.5–4(i)(3)(B)(3) effective May 11, 1991.

(ii) Additional material.

(A) State SIP revision entitled, ''Oklahoma Alternative Standards SIP Revision,'' which includes a completeness determination, SIP narrative,

hearing records and other documentation relevant to the development of this SIP.

(48) Revisions to Oklahoma Department of Environmental Quality (ODEQ) regulations in the Oklahoma SIP adopted by the Oklahoma Legislature on March 30, 1994, effective May 26, 1994, and submitted by the Governor on May 16, 1994.

(i) Incorporation by reference.

(A) *Oklahoma Register*, May 16, 1994, pages 2031 and 2032, approving the transfer of the Oklahoma Air Quality Control Rules into Title 252, Chapter 100, of the Oklahoma Administrative Code.

(B) Oklahoma Administrative Code, Title 252, Chapter 100 (OAC:252:100), Oklahoma Air Quality Control Rules, adopted by the Oklahoma Legislature on March 30, 1994, effective May 26, 1994.

(1) Subchapter 1, General Provisions.

(2) Subchapter 3, Air Quality Standards and Increments.

(3) Subchapter 5, Registration of Air Contaminant Sources.

(4) Subchapter 9, Excess Emissions and Reporting Requirements.

(5) Subchapter 13, Prohibition of Open Burning.

(6) Subchapter 15, Motor Vehicle Pollution Control Devices.

(7) Subchapter 17, Incinerators.

(8) Subchapter 19, Particulate Matter Emissions from Fuel-Burning Equipment.

(9) Subchapter 23, Control of Emissions from Cotton Gins.

(10) Subchapter 25, Smoke, Visible Emissions and Particulates.

(11) Subchapter 27, Particulate Matter Emissions from Industrial and Other Processes and Operations.

(12) Subchapter 29, Control of Fugitive Dust.

(13) Subchapter 31, Control of Emission of Sulfur Compounds.

(14) Subchapter 33, Control of Emission of Nitrogen Oxides.

(15) Subchapter 35, Control of Emission of Carbon Monoxide.

(16) Subchapter 37, Control of Emissions of Organic Materials.

(17) Subchapter 39, Control of Emission of Organic Materials in Nonattainment Areas

(18) Subchapter 43, Sampling and Testing Methods.

(19) Subchapter 45, Monitoring of Emissions.

(20) Appendix A, Allowable Emissions for Incinerators with Capacities in Excess of 100 lbs/hr.

(21) Appendix B, Allowable Emissions for Incinerators with Capacities Less Than 100 lbs/hr.

(22) Appendix C, Particulate Matter Emission Limits for Fuel-Burning Equipment.

(23) Appendix E, Primary Ambient Air Quality Standards.

(24) Appendix F, Secondary Ambient Air Quality Standards.

(25) Appendix G, Allowable Rate of Emissions.

(ii) The following previously approved ODEQ regulations remain in the Oklahoma SIP:

(A) Regulation 1.4, ''Air Resources Management Permits Required,'' as approved by EPA on: August 25, 1983 (48 FR 38636), at 52.1920(c)(26); April 2, 1984 (49 FR 13039), at 52.1920(c)(29); July 27, 1984 (49 FR 30185), at 52.1920(c)(31); August 20, 1990 (55 FR 33907), at 52.1920(c)(34); February 12, 1991 (56 FR 5655), at 52.1920(c)(38); and July 23, 1991 (56 FR 33717), at 52.1920(c)(41).

(B) Regulation 3.8, ''Control of Emission of Hazardous Air Contaminants,'' approved by EPA on August 15, 1983 (48 FR 36819), at 52.1920(c)(27).

(iii) Additional materials—None.

(49) Oklahoma visibility protection plan submitted by the Governor of Oklahoma on June 18, 1990.

(i) Incorporation by reference. Oklahoma Air Pollution Control Regulations, Sections 1.4.4(f)(2), 1.4.4(f)(7), 1.4.4(f)(11), and 1.4.4(g), as amended by the Oklahoma State Department of Health on July 9, 1987, effective August 10, 1987.

(ii) Additional information''Oklahoma Visibility Protection Plan,'' submitted by the Governor of Oklahoma on June 18, 1990.

[37 FR 10887, May 31, 1972. Redesignated and amended at 65 FR 47328, Aug. 2, 2000]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1960, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

Subpart MM—Oregon

§52.1970 Identification of plan.

(a) Title of plan: ''State of Oregon Clean Air Act Implementation Plan.''

(b) The plan was officially submitted on January 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Amendments to the implementation plan including ORS chapters 449, 192, and 340 submitted on May 3, 1972, by the Governor.

(2) Transportation control strategy for oxidants and carbon monoxide in the Oregon portion of the Portland Interstate Region submitted on October 26, 1972, by the Governor.

(3) Compliance schedules submitted on February 9, 1973, by the Department of Environmental Quality.

(4) Revision to the transportation control plan submitted on April 13, 1973, by the Governor.

(5) Compliance schedules submitted on May 30, 1973, by the Department of Environmental Quality.

(6) Compliance schedules submitted on June 8, 1973, by the Department of Environmental Quality.

(7) Compliance schedules submitted on June 22, 1973, by the Department of Environmental Quality.

(8) Compliance schedules submitted on June 25, 1973, by the Department of Environmental Quality.

(9) Compliance schedules submitted on July 31, 1973, by the Department of Environmental Quality.

(10) Compliance schedules submitted on August 3, 1973, by the Department of Environmental Quality.

(11) Request for an extension to May 31, 1976, of the attainment date for carbon monoxide and photochemical oxidants and miscellaneous additions (Nonregulatory) to the transportation control plan submitted on September 21, 1973, by the Governor.

(12) Miscellaneous additions (Nonregulatory) to the transportation control plan submitted on August 20, 1973, by the Department of Environmental Quality.

(13) Plan for maintenance of the national standards submitted on August 27, 1973, by the Department of Environmental Quality.

(14) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 25–105 through 25–130,—Hot Mix Asphalt Plans and sections 25–155 through 25–195 Kraft Pulp Mills submitted on February 8, 1973, by the Department of Environmental Quality.

(15) Change to regulations for the Lane Regional Air Pollution Authority submitted on February 13, 1973, by the Department of Environmental Quality.

(16) Special air pollution control rules for Clackamas, Columbia, Multnomah and Washington Counties and certification of the dissolution of regulations for the Columbia-Willamette Air Pollution Authority submitted on January 17, 1974, by the Department of Environmental Quality.

(17) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 12–030 through 12–055 Civil Penalties submitted on February 19, 1975, by the Department of Environmental Quality.

(18) Oregon Revised Statute 468.095 for public availability of emission data submitted on August 1, 1975, by the Department of Environmental Quality.

(19) Indirect Source Regulation (OAR, Chapter 340 sections 20–100 through 20–135) submitted on July 24, 1975, by the Department of Environmental Quality.

(20) Indirect Source Regulation (Title 20—Indirect Sources), of the Lane Regional Air Pollution Authority Rules and Regulations, submitted November 18, 1975 by the Department of Environmental Quality.

(21) Air Contaminant Discharge Permits (Oregon Administrative Rules 340–20–140 through 340–20–185) submitted February 17, 1976.

(22) Lane Regional Air Pollution Authority Regulation, Title 22—Permits, submitted June 7, 1976.

(23) Oregon Revised Statutes sections 468.450 through 468.485 submitted on August 1, 1975, by the Department of Environmental Quality.

(24) Oregon Administrative Rules (OAR) Chapter 340, sections 26–005 through 26–025, submitted on February 17, 1976, by the Department of Environmental Quality.

(25) Request for an extension to May 31, 1978, of the attainment date for particulate matter national secondary ambient air quality standards in the

Eugene/Springfield Air Quality Maintenance Area.

(26) Revision to the field burning regulations submitted on June 28, 1979; September 13, 1979, October 10, 1979; and March 11, 1980, by the Department of Environmental Quality.

(27) On June 20 and 29, 1979, the Governor submitted: (i) Carbon monoxide (CO) and ozone (O_3) attainment plans for the Oregon portion of the Portland-Vancouver AQMA, Salem, and Medford-Ashland AQMA, and (ii) a carbon monoxide (CO) attainment plan for the Eugene-Springfield AQMA.

(28) On June 20, 1979, the Governor requested an extension beyond 1982 for the attainment of carbon monoxide (CO) in Portland, Eugene-Springfield and Medford.

(29) On June 29, 1979, the Governor requested an extension beyond 1982 for the attainment of ozone (O_3) in Portland.

(30) On February 14, 1980, the State Department of Environmental Quality submitted its official response to EPA's proposed SIP actions which were published in the FEDERAL REGISTER on January 21, 1980 (45 FR 3929).

(31) On May 6, 1980, the State Department of Environmental Quality submitted recodified portions of Oregon Revised Statutes (ORS) 449 which authorize Oregon's automobile inspection/maintenance program. This submittal, requested by EPA, included chapters ORS 468.360 through 468.420, 481.190, 481.200, 483.800, 483.820, and 483.825.

(32) Revisions to the program for controlling the open burning of grass seed fields submitted on April 22, 1980, by the Department of Environmental Quality.

(33) Oregon Administrative Rules (OAR) Chapter 340, sections 24–300 through 24–350 for the vehicle inspection and maintenance program, submitted on July 26, 1980, by the Oregon Department of Environmental Quality.

(34) On December 27, 1979, the State of Oregon Department of Environmental Quality submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C § 58.20.

(35) On December 31, 1980, the State Department of Environmental Quality submitted an Oregon Air Containment Discharge Permit No. 36–6041 Addendum No. 1 issued to Spaulding Pulp and Paper Company on December 11, 1980; Oregon Air Discharge Containment Discharge Permit No. 26–3025, issued to Industrial Laundry Dry Cleaners, Inc., on December 1980 and Oregon Environmental Quality Commission Stipulation and Consent Final Order concerning Vanply, Inc., dated December 30, 1980.

(36) On September 8, October 16, December 5, December 19, 1980, May 29, 1981 and September 9, 1981, DEQ submitted revisions to the SIP designed to satisfy the conditions of approval published by EPA on June 24, 1980 (45 FR 42265).

(37) Specific air pollution control rules for the Medford AQMA (OAR 340–30–005 through 340–30–070) submitted by the Department of Environmental Quality on May 26, 1978, and revisions submitted by the Department of Environmental Quality on February 14, 1980 (OAR–340–010 and 340–30–020), October 29, 1980 (OAR 340–30–016, 340–30–035 and 340–30–045), May 22, 1981 (OAR 340–30–010, 340–30–030 and 340–30–045) and September 9, 1981 (OAR 340–30–060).

(38) Revisions to the Lane Regional Air Pollution Authority rules submitted by the Department of Environmental Quality on March 14, 1977 (Title 22, Sections 010 and 020 and Table A), June 29, 1979 (Title 11, Section 015; Title 12, Sections 005 and 010; Title 13; Title 20, Sections 110, 115, 120, 125, 129 and 130; Title 21, Sections 010 and 030; Title 32, Sections 005 and 010; Title 33, Sections 005, 010, 015 and 065; Title 36; Title 42; Title 43; Title 44; and Title 45), November 6, 1979 (Title 22,Section 020 and Table A), and January 30, 1980 (Title 36).

(39) Conditions 5 and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in Bly, Oregon (Permit Number: 18–0037) submitted by the Department of Environmental Quality on March 24, 1981.

(40) Condition 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) submitted by the Department of Environmental Quality on March 27, 1981.

(41) Revisions to the agricultural open field burning rules (OAR 340–26–005 through 340–26–030) submitted by the Department of Environmental Quality on April 23, 1981, and amended ''Smoke Management Program Operational Guidelines'' submitted by the Department of Environmental Quality on July 8, 1981.

(42) Revisions to the rules for sulfite pulp mills (OAR 340–25–350 through 340–25–390) submitted by the Department of Environmental Quality on June 2, 1980.

(43) Revisions to the Air Quality Schedule of Civil Penalties (OAR 340–12–050) submitted by the Department of Environmental Quality on February 14, 1980.

(44) Revision to the ambient air quality standard for ozone (OAR 340–31–030) submitted by the Department of Environmental Quality on June 20, 1979.

(45) On March 24, 1981, the State Department of Environmental Quality submitted control strategies for the Portland secondary total suspended particulates nonattainment area.

(46) On March 23, 1981, the State Department of Environmental Quality submitted control strategies for the Eugene-Springfield secondary total suspended particulates nonattainment area.

(47) On October 16, 1980, the State Department of Environmental Quality submitted revisions to the control strategies for the Salem ozone nonattainment area.

(48) On August 17, 1981, the State Department of Environmental Quality submitted amendments to the operating rules for the Portland motor vehicle inspection program (OAR 340–24–300 through 350).

(49) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted three revisions to the Lane Regional Air Pollution Authority rules. They are:

(i) Title 11 Definitions (Section 015.013, Air Conveying Systems),

(ii) Title 22 Permits (Section 020, Fees),

(iii) Title 32 Emission Standards (Section 800, Air Conveying System).

(50) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted a revision to their State ambient air quality standard for ozone (from 0.08 ppm to 0.12 ppm.

(51) Amendments to the Air Contaminant Discharge Permit Rules submitted by the State Department of Environmental Quality on February 15, 1977 (OAR 340–20–140 through 185), July 24, 1979 (OAR 340–20–155 Table A, 165, 175 and 180) and May 22, 1981 (OAR 340–20–155 Table A).

(52) Prevention of Significant Deterioration Rules (OAR 340–31–100, 105 subsections (12), (15) and (16), 110, 115, 120 and 130) submitted by the State Department of Environmental Quality on June 20, 1979, and September 9, 1981.

(53) New Source Review Rules (OAR 340–20–220 to 275, except Section 225 subsections 7 and 11), except to the extent that they apply to marine vessel emissions, submitted by the State Department of Environmental Quality on September 9, 1981, and deletion of Special Permit Requirements for Sources Locating In or Near Nonattainment Areas (OAR 340–20–190 through 195).

(54) Plant Site Emission Limit Rules (OAR 340–20–300 through 320) submitted by the State Department of Environmental Quality on September 9, 1981, and deletion of the Plant Site Emission Limit Rules (OAR 340–20–196 and 197).

(55) On July 20, 1982, the State of Oregon Department of Environmental Quality submitted: (i) Carbon monoxide (CO) and ozone (O_3) attainment plans for Portland which build upon those plans submitted in June 1979 and (ii) a request to extend the Portland CO and O_3 attainment dates to December 31, 1985, and December 31, 1987, respectively.

(56) On August 9, 1982, the State of Oregon Department of Environmental Quality submitted a revision to remove the Mid-Willamette Valley Air Pollution Authority Regulations from the Oregon state implementation plan.

(57) Amendments to the rules for primary aluminum plants submitted by the Oregon State Department of Environmental Quality on February 21, 1974 (OAR 340–25–255 to 290), February 14, 1980 (OAR 340–25–265(4)(b) and 265(5)) and August 9, 1982 (OAR 340–25–255 to 285).

(58) Amendments to the rules for equipment burning salt laden wood waste from logs stored in salt water

(OAR 340–21–020) and removal of Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) submitted by the Oregon State Department of Environmental Quality on October 18, 1982.

(59) On August 16, 1982, the State of Oregon Department of Environmental Quality submitted a revision to OAR 340–24–300 to 24–350 (Vehicle Inspection Program Rules).

(60) On January 24, 1983, the State of Oregon Department of Environmental Quality submitted a revision to add a lead strategy to the Oregon Implementation Plan and revise the State lead ambient air quality standard to agree with the Federal standard.

(61) On December 13, 1982, the State of Oregon Department of Environmental Quality submitted two revisions to the Lane Regional Air Pollution Authority rules. The revisions are: (1) Title 32, Emission Standards (Section 800, Air Conveying Systems)—revision to compliance date and (2) Title 33, Prohibited Practices and Control of Special Classes (Section 070, Kraft Pulp Mills)—new rules.

(62) Title 22 ''PERMITS'' of the Lane Regional Air Pollution Authority Rules, except to the extent that they apply to marine vessel emissions and except the definitions of ''dispersion technique'' and ''good engineering practice stack height'', and Title 32 ''EMISSION STANDARDS'' Sections 32–100 through 32–104 of the Lane Regional Authority Rules, submitted by the State Department of Environmental Quality on March 2, 1983; clarifying letter dated June 20, 1984.

(63) On May 6, 1983, the Oregon Department of Environmental Quality submitted revisions to its rules as follows:

(A) Revisions to the ''New Source Review'' rule consisting of an amended section OAR 340–20–225, specifically, the deletion of the definitions of ''Dispersion Technique'' (OAR 340–20–225(7)) and ''Good Engineering Practice Stack Height'' (OAR 340–20–225(11)), the renumbering of OAR 340–20–225, the revision of the definition of ''Nonattainment Area'' (OAR 340–20–225(14)), and changes to numerous references to coincide with the new numbering; the deletion of subsection OAR 340–20–240(7) ''Growth Increments'' and the addition of a new section OAR 340–20–241 ''Growth Increments;'' an amended section OAR 340–20–245, specifically, revised subsections OAR 340–20–245(2)(c) and OAR 340–20–245(4), and changes to numerous references to coincide with the new numbering of the definitions in OAR 340–20–225; and amendment to subsection)AR 340–20–260(2); a revised reference in OAR 340–20–265(6) to coincide with the new numbering of a definition; and the deletion of section OAR 340–20–275 ''Stack Heights''.

(B) The addition of a new ''Stack Heights and Dispersion Techniques'' rule (OAR 340–20–340 and 345);

(C) Revisions to the ''Portable Hot Mix Asphalt Plants'' rule (OAR 340–25–120; and

(D) The deletion of OAR 340–22–108 ''Applicability of Alternative Control Systems.''

(64) Amendments to the fees in the ''Air Contaminant Discharge Permit'' rule (OAR 340–20–155 Table 1 and OAR 340–20–165) submitted by the Oregon Department of Environmental Quality on June 3, 1983.

(65) On October 26, 1983, and December 14, 1983, the State of Oregon Department of Environmental Quality submitted four separate revisions to their plan. On October 26, 1983, the State submitted a revised air emergency episode plan (OAR 340–27–005 through 340–27–030 (effective October 7, 1983), revisions to gasoline marketing rules for the Medford-Ashland ozone nonattainment area (OAR 340–22–110(1)(a), effective October 7, 1983, and a revised ozone ambient air quality standard for the Lane Regional Air Pollution Authority (Section 31–035 Ozone, effective July 12, 1983). On December 14, 1983, the State submitted revisions to the automobile inspection and maintenance program for Portland (OAR 340–24–306 through 340-24–350, effective November 18, 1983). EPA is also approving OAR 340–27–035 which requires an ''operation and maintenance manual'' for administering the provisions of the Emergency Episode Plan (effective October 7, 1983).

(66) On October 20, 1982, the State of Oregon Department of Environmental Quality submitted a revision to the

Medford, Oregon, Carbon Monoxide Attainment Plan which is contained in the Oregon State Implementation Plan. This plan builds upon the plan submitted in June 1979.

(67) On April 25, 1983, the State Department of Environmental Quality submitted Section 4.10, ''Medford-Ashland Air Quality Maintenance Area State Implementation Plan for Particulate Matter.''

(68) Amendments to the Open Burning Rules (OAR 340–23–022 through 115), submitted by the State Department of Environmental Quality on June 5, 1984.

(69) Amendments to the Refuse Burning Equipment Limitations rules, specifically OAR 340–21–005 (1) and (4), OAR 340–21–025(2)(b), and OAR 340–21–027, were submitted by the State Department of Environmental Quality on January 16, 1984; and amendments to the Open Field Burning rules, specifically, the addition of new sections 340–21–001, 340–26–003, 340–26–031, 340–26–035, 340–26–040 and 340–21–045, revisions to sections 340–26–005, 340–26–013, 340–26–015, 340–26–010 and replacing it with a new section 340–26–010, the deletion of the existing section 340–26–011 and 340–26–020, were submitted by the State Department of Environmental Quality on March 14, 1984.

(70) On December 10, 1984, the Oregon Department of Environmental Quality submitted revisions to its Civil Penalty Rules (OAR 340–12) which deleted Sections 005 through 025 and 052 through 068; amended Sections 030, 040 and 050; and added Sections 070 and 075. Sections 035 and 045 were retained.

(71) Revisions to the Oregon State Implementation Plan were submitted by the Director on July 26, 1984, and August 7, 1984. Revisions are woodstove certification program rules (OAR 340–21–100 to 340–21–190), Oregon Revised Statutes 468.630 to 468.655 and amendment to field burning introduction (OAR 340–26–001) and repeal the field burning rules relating to tax credits (OAR 340–26–030).

(i) Incorporation by reference:

(A) Woodstove certification program rules (OAR 340–21–100 to 340–21–190) as published in the Oregon Administrative Rules, November 1984.

(B) The Oregon Revised Statutes 468.630 to 468.655 as signed by the Governor on July 5, 1984.

(C) Amendment to the field burning rule introduction (OAR 340–60–001) as adopted by the Oregon Environmental Commission on June 29, 1984.

(72) Revisions to the Oregon SIP were submitted by the Director on May 6, 1985. Revisions are: Definitions to the Vehicle Inspection Operating Rules (OAR 340–24–305 (20) and (22)) and the Light Duty Motor Vehicle Emission Control Test Method (OAR 340–24–310 through 350 as amended).

(i) Incorporation by reference.

(A) Amendments to OAR (340–24–305 (20) and (22)) as adopted by the Environmental Quality Commission on November 2, 1984.

(B) Amendments to OAR 340–24–310 through 350 as amended as adopted by the Environmental Quality Commission on April 19, 1985.

(73) Amendments to the Lane Regional Air Pollution Authority Rules for Air Conveying Systems (Title 32, section 800) were submitted by the State Department of Environmental Quality on May 6, 1985.

(i) Incorporation by reference.

(A) Letter of May 6, 1985, to EPA from the Oregon Department of Environmental Quality, and Amendments to Title 32, section 800 of the Lane Regional Air Pollution Authority (LRAPA) as part of the Oregon State Implementation Plan. Revisions were approved at the LRAPA Board of Directors meeting on January 8, 1985, and approved by the Environmental Quality Commission on April 19, 1985.

(74) On September 25, 1984, the State of Oregon Department of Environmental Quality submitted an amendment to OAR 340–20–047, specifically Section 5.2 ''VISIBILITY PROTECTION PLAN FOR CLASS I AREAS.'' On September 25, 1984, October 22, 1985, and March 19, 1986, the State of Oregon Department of Environmental Quality submitted amendments to the ''New Source Review'' rules, specifically, amendments to OAR 340–20–225, OAR 340–20–230(1)(e) and (f), OAR 340–20–245(5), and OAR 340–20–245(7) (submitted on 9/25/84), amendments to OAR 340–20–245(3) (submitted on 9/25/84 and 10/22/85), OAR 340–20–276 (submitted on 9/25/84),

and amendments to OAR 340–20–276(1) (submitted on 10/22/85 and 3/19/86).

(i) Incorporation by reference.

(A) Letter of September 25, 1984, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on September 14, 1984, as follows:

(*1*) OAR 340–20–047, Section 5.2 ''VISIBILITY PROTECTION PLAN FOR CLASS I AREAS,'' except for ''Reserved'' subsections 5.2.5 ''Best Available Retrofit Technology,'' 5.2.6 ''Integral Vistas,'' and 5.2.7 ''Control Strategies;''

(*2*) OAR 340–20–225 ''Definitions'' as amended;

(*3*) OAR 340–20–230 ''Procedural Requirements,'' subsection (1) ''Information Required,'' paragraphs (e) and (f) as amended;

(*4*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (5) ''Air Quality Monitoring,'' paragraph (a) as amended;

(*5*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (7) ''Sources Impacting Class I areas'' as amended.

(B) Letter of October 22, 1985, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on September 27, 1985, as follows:

(*1*) OAR 340–20–245 ''Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration),'' subsection (3) ''Exemption for Sources Not Significantly Impacting Designated Nonattainment Areas,'' paragraph (a) as amended.

(C) Letter of March 19, 1986, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, adopted by the Environmental Quality Commission on November 22, 1985, as follows:

(*1*) OAR–340–20–276 ''Visibility Impact'' as amended.

(75) A revision to the Oregon State Implementation Plan was submitted by the Director of Department of Environmental Quality (DEQ) on October 9, 1985, and supplemented with technical appendices on February 13, 1986. This revision adds a mandatory vehicle Inspection and Maintenance (I/M) program to the existing Medford Carbon Monoxide plan, modifies the Oregon I/M regulations for underhood inspections by eliminating tampering checks of 1974 and older model vehicles and removes the existing section 110(a)(2)(I) construction moratorium.

(i) Incorporation by reference.

(A) A letter dated October 9, 1985, from Department of Environmental Quality to EPA Region 10.

(B) A letter dated February 13, 1986, from Department of Environmental Quality to EPA Region 10.

(C) OAR 340–24–301 (Boundary Designations), OAR 340–24–320 (Light Duty Motor Vehicle Emission Control Test Criteria), and OAR 340–24–325 (Heavy Duty Motor Vehicle Emission Control Test Criteria), which were adopted by the Environmental Quality Commission on September 27, 1985.

(D) October 20, 1982 letter to EPA from the Department of Environmental Quality and section 4.9.3.2 (Emission Reduction Necessary for Attainment) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(E) Section 4.9.5.1 (Reasonable Further Progress) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(F) Section 4.9.5.5 (Conformity of Federal Actions) of the Control Strategy for Medford-Ashland Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Enviromental Quality Commission on October 15, 1982.

(G) Section 4.9.4 (Control Strategy) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area

1982 State Implementation Plan Revision for the Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(76) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on August 5, 1985. Revisions are: Extension of existing emission standards for veneer dryers (OAR 340–25–315) to include sources located in special problem areas, and the deletion of any references to the implementation of compliance dates which have already passed.

(i) Incorporation by reference.

(A) Letter of August 5, 1985, from the Department of Environmental Quality to EPA and Amendments to OAR 340–25–315, Veneer and Plywood Operations Rule, as adopted by the Environmental Quality Commission on July 19, 1985.

(77) On February 28, 1985, the Director of the Oregon Department of Environmental Quality submitted a request to EPA to redesignate the Medford-Ashland Air Quality Maintenance Area (AQMA) from nonattainment to attainment for the primary O_3 standard and a plan to maintain that standard.

(i) Incorporation by reference:

(A) Letter of February 28, 1985, from Oregon State Department of Environmental Quality to EPA Region 10.

(B) Oregon Administrative Rules, Chapter 340, Division 20, Section 4.8 ''Medford-Ashland Air Quality Maintenance Area Plan for Maintenance of Ozone Standard,'' adopted by the Oregon Environmental Quality Commission on January 25, 1985.

(78) On May 30, 1986, the State of Oregon Department of Environmental Quality submitted a new rule, OAR 340–20–037 ''Stack Heights and Dispersion Techniques'' and requested the deletion of the existing rules, OAR 340–20–340 and 345 ''Stack Heights and Dispersion Techniques''. On October 23, 1987, the State of Oregon Department of Environmental Quality submitted a letter indicating how this new rule will be implemented until a definition of the terms ''emission limitation'' and ''emission stan

(i) Incorporation by reference.

(A) Letter of May 30, 1986, from the Oregon State Department of Environmental Quality to EPA Region 10. Revisions to the Oregon Administrative Rules, Chapter 340, Division 20, Section 037 ''Stack Heights and Dispersion Techniques'', adopted by the Environmental Quality Commission on April 25, 1986.

(B) Letter of October 23, 1987, from the Oregon State Department of Environmental Quality to EPA Region 10.

(79) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality of October 15, 1986. Revisions are: OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) and OAR 340–24–335 (Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards).

(i) Incorporation by reference.

(A) Letter dated October 15, 1986 from the Director of the Department of Environmental Quality to EPA Region 10.

(B) OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) as adopted by the Environmental Quality Commission on September 12, 1986.

(C) OAR 340–24–335 (Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards) as adopted by the Environmental Quality Commission on September 12, 1986.

(80) On May 23, 1986, the State of Oregon Department of Environmental Quality submitted a new paragraph (12), of OAR 340–20–165 ''Fees'', as a revision to the State Implementation Plan. This paragraph allows regional air pollution authorities to set a permit fee schedule for sources within their jurisdiction.

(i) Incorporation by reference.

(A) Letter dated May 23, 1986, from the State of Oregon Department of Environmental Quality to EPA Region 10. Oregon Administrative Rule, Chapter 340, Division 20, Section 340–20–165 ''Fees'', paragraph (12), adopted by the Environmental Quality Commission on March 14, 1986.

(81) Oregon Administrative Rules (OAR) Chapter 340, Division 20, Sections 200 through 215 (Conflict of Interest) submitted by the Director of the Department of Environmental Quality on May 30, 1986. These rules apply only to the Department of Environmental Quality and the Environmental Quality

Commission, and not to the Lane Regional Air Pollution Authority and its Board of Directors.

(i) Incorporation by reference.

(A) Letter dated May 20, 1986, from the State of Oregon Department of Environmental Quality to EPA Region 10. Oregon Administrative Rules, Chapter 340, Division 20, Sections 200, 205, 210, and 215 (Conflict of Interest) which was adopted by the Environmental Quality Commission on April 25, 1986.

(82) On November 24, 1986, and supplemented on January 8, 1987, the Director of the Department of Environmental Quality submitted the Grants Pass carbon monoxide control strategy as a revision to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) Letter dated November 24, 1986, from the Director of the Department of Environmental Quality to EPA Region 10.

(B) State of Oregon Clean Air Act Implementation Plan Section 4.11 Grants Pass Carbon Monoxide Control Strategy as adopted by the Environmental Quality Commission on October 24, 1986.

(ii) Additional information.

(A) Letter dated January 8, 1987, from the Director of the Department of Environmental Quality to EPA Region X.

(B) Technical appendices for the Grants Pass Carbon Monoxide Control Strategy, Appendix 4.11.1 through 10.

(83) On March 3, 1987, the Director of the Department of Environmental Quality submitted amendments to the Oregon visibility protection program as a revisions to the Oregon state implementation plan, specifically OAR 340–20–047, section 5.2 ''Visibility Protection Plan for Class I Areas,'' OAR 629–43–043 ''Smoke Management Plan,'' and Directive 1–4–1–601 ''Operational Guidance for the Oregon Smoke Management Program.''

(i) Incorporation by reference.

(A) Two letters dated March 3, 1987, from the Director of the Department of Environmental Quality to EPA Region 10 establishing the effective dates for Oregon Administrative Rules referenced in paragraphs (c)(83)(i) (B), (C), and (D) of this section.

(B) Oregon Administrative Rule, Chapter 340, Division 20, section 047, section 5.2 ''Visibility Protection Plan for Class I Areas'' as adopted by the Environmental Quality Commission on October 24, 1986.

(C) Oregon Administrative Rule, Chapter 629, Division 43, section 043 ''Smoke Management Plan'' as adopted by the Environmental Quality Commission on December 12, 1986.

(D) Directive 1–4–1–601 ''Operational Guidance for the Oregon Smoke Management Program'' as adopted by the Environmental Quality Commission on December 12, 1986.

(84) On September 28, 1988, the Director of the Department of Environmental Quality submitted the Lane Regional Air Pollution Authority Section 12-025 ''Conflict of Interest,'' of Title 12, ''Duties and Powers of Board and Director,'' adopted as Oregon Administrative Rules, Chapter 340, Division 20, Section 047, as a revision to the State implementation plan.

(1) Incorporation by reference.

(i) September 28, 1988, letter from the Director of the Department of Environmental Quality to EPA Region 10.

(ii) Lane Regional Air Pollution Authority Section 12-025 ''Conflict of Interest,'' of Title 12, ''Duties and Powers of Board and Director,'' as adopted as Oregon Administrative Rules, Chapter 340, Division 20, Section 047. This rule was adopted by the Environmental Quality Commission on September 9, 1988.

(85) On February 17, 1989, the State of Oregon Department of Environmental Quality submitted amendments to the Procedures for Issuance, Denial, Modification, and Revocation of Permits (OAR 340–14–007, 010, 020 (and 025), Air Contaminant Discharge Permit Notice Policy (OAR 340–20–150), and the New Source Review Procedural Requirements (OAR 340–20–230).

(i) Incorporation by reference.

(A) February 17, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 14 (Procedures for Issuance, Denial, Modification, and Revocation of Permits), section –007 (Exceptions); –010 (Definitions) (3); –020 (Application for a Permit) (1), (4)(b),

and (5); –025 (Issuance of a Permit) (2), (3), (4), (5), and (6) as adopted by the Environmental Quality Commission on June 10, 1988.

(C) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, Air Contaminant Discharge Permit), Section –150 (Air Contaminant Discharge Permit Notice Policy) as adopted by the Environmental Quality Commission on June 10, 1988.

(D) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, New Source Review), Section –230 (Procedural Requirements) (3)(D) as adopted by the Environmental Quality Commission on June 10, 1988.

(86) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on February 24, 1989. The revision is to OAR–340–24–300 through 350 (Vehicle Inspection Program Operating Rules, Test Procedures and Licensed Exhaust Analyzer).

(i) Incorporation by reference.

(A) Letter dated February 24, 1989, from the Director of the Department of Environmental Quality to EPA Region 10.

(B) OAR 340–24–301 [Boundary Designations] (2); OAR 340–24–310 [Light Duty Motor Vehicle Emission Control Test Method] (6); OAR 340–24–320 (Light Duty Motor Vehicle Emission Control Test Criteria) (3)(a) introductory text, (3)(b)(4), (5), and (6)(a); OAR 340–24–325 [Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria] (3)(a) introductory text, (4), and (5); OAR 340–24–330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) (3); and OAR 340–24–350 (Gas Analytical System Licensing Criteria) (1)(a)(C), (1)(a)(E), and (1)(c) as adopted by the Environmental Quality Commission on September 9, 1988.

(87) On May 30, 1986, the Director of the Department of Environmental Quality submitted revisions to Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations)'' and on July 11, 1986, a revised Section 3 ''Statewide Regulatory Provisions'' 'Subsection 3.1 Oregon Administrative Rule—Chapter 340' (OAR 340–30–015, 030, 031, 040, and 055) as revisions to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) May 30, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) July 11, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations)'' Section 1 (Introduction); Section 2 (General Administration); Section 3 (Statewide Regulatory Provisions) Introduction; Section 4 (Control Strategies for Nonattainment Areas) Introduction; Section 5 (Control Strategies for Attainment and Nonattainment Areas) Introduction and Section 5.2 (Prevention of Significant Deterioration); Section 6 (Ambient Air Quality Monitoring Program); Section 8 (Public Involvement); and Section 9 (Plan Revisions and Reporting), dated January 1986, as adopted by the Environmental Quality Commission on April 25, 1986.

(D) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations),'' Section 3 (Statewide Regulatory Provisions), Subsection 3.1 Oregon Administrative Rule—Chapter 340 (OAR 340–14–005 to 050 [Procedures for Issuance, Denial, Modification, and Revocation of Permits] dated 10–1–89, OAR 340–20–046 [Records; Maintaining and Reporting] effective 10–1–72, OAR 340–20–047 [State of Oregon Clean Air Act Implementation Plan] effective 9–30–85, OAR 340–30–015 [Wood Waste Boilers] effective 10–29–80, and OAR 340–31–105 [Definitions]) effective 9–8–81.

(E) Volume 2 ''The Federal Clean Air Act Implementation Plan (and Other State Regulations),'' Section 3 ''(Statewide Regulatory Provisions)'', Subsection 3.1 Oregon Administrative Rule—Chapter 340, Division 30 (Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area), Section 015 (Wood Waste Boilers); Section 030 (Wood Particle Dryers at Particleboard Plants); Section 031 (Hardboard Manufacturing Plants); Section 040 (Charcoal Processing Plants); and Section 055 (Source

Testing) as adopted by the Environmental Quality Commission on June 13, 1986.

(88) A revision to the Oregon State Implementation Plan was submitted by the Director of the Oregon Department of Environmental Quality on September 14, 1989. The revision OAR–340–22–300 (Standard for Automotive Gasoline) is approved in full with the exception of section 300 (6). EPA only approves the sampling procedures and test methods specified in 40 CFR part 80 and is taking no action on the other test procedures referenced in section 300 (6) specifically the ASTM D#323 method and the California Air Resources rule methods.

(i) Incorporation by reference.

(A) Letter dated September 14, 1989, from the Director of the Oregon Department of Environmental Quality to EPA Region 10. (B) Oregon Administrative Rule, chapter 340, Division 22 (General Gaseous Emissions), section 300 (standard for Automotive Gasoline) as adopted by the Environmental Quality Commission on June 2, 1989.

(89) On January 2, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (the Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: OAR chapter 340, Division 20, Sections 350 to 380 (Excess Emissions). The Department of Environmental Quality also repealed OAR 340–21–070 and OAR 340–21–075 from the state of Oregon's Air Quality Control Plan Volume 2.

(i) Incorporation by reference.

(A) January 2, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 20 (General); –350 (Purpose and Applicability); –355 (Definitions); –360 (Planned Startup and Shutdown); –365 (Scheduled Maintenance); –370 (Upsets and Breakdowns); –375 (Reporting Requirements); and –380 (Enforcement Action Criteria) as adopted by the Environmental Quality Commission on may 25, 1990, and were effective on January 2, 1991.

(90) On January 14, 1991, the State of Oregon Department of Environmental Quality submitted amendments to the Parking Offsets in the Portland Central business District (OAR–340–20–405 through 340–20–430) in the State of Oregon Air Quality Control Program.

(i) Incorporation by reference.

(A) Letter dated January 4, 1991, from the Director of the Department of Environmental Quality to EPA Region 10 submitting an amendment to the Oregon Implementation Plan.

(B) Oregon Administrative Rules Chapter 340, Division 20 (Air Pollution) Control), section 405 through 430 (Parking Offsets in the Portland Central Business district). These rules were adopted by the Environmental Quality Commission on December 14, 1990.

(91) On September 14, 1989, the State of Oregon Department of Environmental Quality submitted an amendment to the rules for Notice of Construction and Approval of Plans (OAR–340–20–030).

(i) Incorporation by reference.

(A) September 14, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 20 (Air Pollution Control, Notice of Construction and Approval of Plans) Section –030 (Procedure), (4)(a) as adopted by the Environmental Quality Commission on April 14, 1989.

(92) On November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (the Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 34—Residential Woodheating in OAR Chapter 340 which contains OAR 340–34–001 to 34–115 (Oregon Woodstove Certification—previously Division 21–100 to 21–190 of OAR Chapter 340); a new section OAR 340–34–150 to 34–175 (Woodburning Curtailment); and a new section OAR 340–34–200 to 34–215 (Woodstove Removal Contingency Program for PM_{10} Nonattainment Areas). Also OAR 340–23–030, 043, & 090 (Rules for Open Burning).

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 34 (Residential Wood Heating), section—001 (Purpose); –005 (Definitions); –010 (Requirements for the Sale of Woodstoves); –015 (Exemptions); –020 (Civil Penalties); –050 (Emission Performance Standards & Certification); –055 (Efficiency Testing Criteria & Procedures); –060 (General Certification Procedures); –065 (Changes in Woodstove Design); –070 (Labelling Requirements); –075 (Removal Label); –080 (Label Approval); –085 (Laboratory Accreditation Requirements); –090 (Accreditation Criteria); –095 (Application for Laboratory Efficiency Accreditation); –100 (On-Site Laboratory Inspection and Stove Testing Proficiency Demonstration); –105 (Accreditation Application Deficiency, Notification and Resolution); –110 (Final Department Administrative Review and Certificate of Accreditation); –115 (Revocation and Appeals); –150 (Applicability); –155 (Determination of Air Stagnation Conditions); –160 (Prohibition on Woodburning During Periods of Air Stagnation); –165 (Public Information Program); –170 (Enforcement); –175 (Suspension of Department Program); –200 (Applicability); –205 (Removal and Destruction of Uncertified Stove Upon Sale of Home); –210 (Home Seller's Responsibility to Verify Stove Destruction); –215 (Home Seller's Responsibility to Disclose) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(C) Oregon Administrative Rules, Chapter 340, Division 23 (Rules for Open Burning), section –030 (Definitions); –043 (Open Burning Schedule); and –090 (Coos, Douglas, Jackson and Josephine Counties) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(93) On November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 21—General Emission Standards for Particulate Matter in Chapter 340 which contains OAR 340–21–200 to –245.

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon State implementation plan.

(B) Oregon Administrative Rules, chapter 340, Division 21 (General Emission Standards for Particulate Matter) section Industrial Contingency Requirements for PM–10 Nonattainment Areas; –200 (Purpose); –205 (Relation to Other Rules); –210 (Applicability); –215 (Definitions); –220 (Compliance Schedule for Existing Sources); –225 (Wood-Waste Boilers); –230 (Wood Particulate Dryers at Particleboard Plants); –235 (Hardboard Manufacturing Plants) –240 (Air Conveying Systems); and –245 (Fugitive Emissions) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(94) On May 30, 1986, and on November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Division 25—Board Products Industries in OAR Chapter 340 which contains OAR 340–25–305 to 315.

(i) Incorporation by reference.

(A) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, Chapter 340, Division 25 (Specific Industrial Standards) section–305 (Definitions); and –315 (Veneer and Plywood Manufacturing Operations) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

(C) May 30, 1986, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(95) On May 20, 1988, the Director of the Department of Environmental Quality submitted revisions to State of

Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations) as follows: Chapter 340 Division 27 (Air Pollution Emergencies) section -005, -010, and -012.

(i) Incorporation by reference.

(A) May 20, 1988, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon Administrative Rules, chapter 340, Division 27 (Air Pollution Emergencies) section -005 (Introduction); -010 (Episode Stage Criteria for Air Pollution Emergencies) and -012 (Special Conditions) as adopted by the Environmental Quality Commission on April 29, 1988, and effective on May 19, 1988.

(96) On May 30, 1986, December 5, 1986, May 8, 1987, March 3, 1989, March 12, 1990, June 8, 1990, and November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations). The revisions updated the Lane Regional Air Pollution Authority rules by adding new Titles 12, 14, 34, 38, and 47; revising existing Titles 11, 12, 15 (previously Title 13), 32, 33, 50 (previously Title 31), and 51; rescinding existing Titles 21, 22, and 36; and removing existing Titles 20, 42, 44, and 45 from the EPA-approved state implementation plan.

(i) Incorporation by reference.

(A) May 30, 1986, letter from the Director of the Oregon Department of Environmental Quality (ODEQ) to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 11 (Policy and General Provisions), Title 12 (General Duties and Powers of Board and Director), Title 14 (Definitions), Title 32 (Emission Standards) and Title 33 (Prohibited Practices and Control of Special Classes), Title 34 (Air Contaminant Discharge Permits), Title 38 (New Source Review), and Title 47 (Rules for Open Outdoor Burning) as adopted by the Environmental Quality Commission on April 25, 1986, and state effective on May 8, 1986.

(B) December 5, 1986, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 14 (Definitions) and Title 38 (New Source Review) as adopted by the Environmental Quality Commission on October 24, 1986, and state effective on October 24, 1986.

(C) May 8, 1987, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits) as adopted by the Environmental Quality Commission on April 17, 1987, and state effective on April 22, 1987.

(D) March 3, 1989, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits), as adopted by the Environmental Quality Commission on November 4, 1988, and state effective on December 20, 1988.

(E) March 3, 1989, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 14 (Definitions), Title 31 which was revised and repromulgated as Title 50 (Ambient Air Standards), Title 38 (New Source Review), and Title 51 (Air Pollution Emergencies), as adopted by the Environmental Quality Commission on November 4, 1988, and state effective on December 20, 1988.

(F) March 12, 1990, letter from ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 34 (Air Contaminant Discharge Permits) as adopted by the Environmental Quality Commission on March 2, 1990, and state effective on February 14, 1991.

(G) June 8, 1990, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon state implementation plan. Revisions were to: Title 13 (Enforcement Procedures) which was revised and repromulgated as Title 15 (Enforcement Procedures and Civil Penalties) as adopted by the Environmental Quality Commission on May 25, 1990, and state effective on February 14, 1991.

(H) November 15, 1991, letter from the Director of ODEQ to EPA Region 10 submitting amendment to the Oregon state implementation plan. Revisions were a new Title 12 (Definitions), and changes to Title 34 (Air Contaminant Discharge Permits) and Title 38 (New Source Review) as adopted by the Environmental Quality Commission on November 8, 1991, and state effective on November 13, 1991.

(I) August 26, 1993, supplemental information letter from ODEQ to EPA Region 10 assuring EPA that draft and proposed regulations submitted from Lane Regional Air Pollution Authority (LRAPA) as final versions of the rules were in fact made final with no change.

(97) On October 13, 1989, and November 15, 1991, the Director of the Department of Environmental Quality submitted revisions to OAR chapter 340 Division 30 (Specific Air Pollution Control Rules for Areas With Unique Air Quality Control Needs) as revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations).

(i) Incorporation by reference.

(A) October 13, 1989, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area) –010 (Definitions); –015 (Wood Waste Boilers) (except for (3)(c)); –025 (Air Conveying Systems); –040 (Charcoal Producing Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirement for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –045 (Compliance Schedules); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing; –065 (New Source); –067 (Rebuilt Sources); as adopted by the Environmental Quality Commission on September 7, 1989, and effective on September 7, 1989.

(D) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Areas with Unique Air Quality Control Needs) section –005 (Purpose and Application; –010 (Definitions); –012 (Application); –015 (Wood Waste Boilers) (except for (3)(c)); –021 (Veneer Dryer Emission Limitations); –030 (Wood Particle Dryers At Particleboard Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirements for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing); –065 (New Sources); –067 (Rebuilt Sources); –115 (Dual Fuel Feasibility Study for Wood-Waste Boilers); –200 (Application), –205 (Compliance Schedule for Existing Sources), –210 (Woodwaste Boilers); –215 (Wood Particle Dryers At Particleboard Plants); –220 (Hardboard Manufacturing Plants); –225 (Air Conveying System), and –230 (Fugitive Emissions) as adopted by the Environmental Quality Commission on November 8, 1991, and effective on November 13, 1991.

(98) On October 14, 1992, the Director of the Department of Environmental Quality submitted revisions to Oregon's Sampling Manual (Volumes I and II) and the inclusion of a new Continuous Emission Monitoring Manual as revision to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations).

(i) Incorporation by reference.

(A) October 14, 1992, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) Oregon's Sampling Manual (Volumes I and II) as adopted by the Oregon Environmental Quality Commission on January 23, 1992, and effective on January 23, 1992.

(C) Continuous Emission Monitoring Manual as adopted by the Oregon Environmental Quality Commission on January 23, 1992, and effective on February 4, 1992.

(99) On November 21, 1990, the Director of the Department of Environmental Quality (ODEQ) submitted a State Implementation Plan for Particulate Matter, Grants Pass, Oregon, Moderate Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for PM_{10}. On November 15, 1991, the Director of ODEQ submitted an Addendum to the November 21, 1990 submittal.

(i) Incorporation by reference.

(A) November 21, 1990, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon state implementation plan.

(B) November 15, 1991, letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon state implementation plan.

(C) State Implementation Plan for Particulate Matter, Grants Pass, Oregon Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for PM_{10} dated November 1990, adopted by the Environmental Quality Commission on November 2, 1990 and effective on November 2, 1990.

(D) PM_{10} Control Strategy for Particulate Matter (Addendum) Grants Pass, Oregon Nonattainment Area, A Plan for Attaining and Maintaining the National Ambient Air Quality Standards for PM_{10} dated October 1991, adopted by the Environmental Quality Commission on November 8, 1991, and effective on November 13, 1991.

(100) On May 15, 1991, the Director of the Department of Environmental Quality submitted revisions to the State of Oregon Implementation plans for volatile organic compound emissions (OAR 340–22–100 through 340–22–220, General Emission Standards for Volatile Organic Compounds), to bring about attainment of the National ambient air quality standards in ozone nonattainment areas.

(i) Incorporation by reference.

(A) May 15, 1991, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting the VOC nonattainment area state implementation plan for Oregon.

(B) OAR 340–22–100 through 340–22–220, General Emission Standards for Volatile Organic Compounds, as adopted on May 14, 1991, and became effective on May 16, 1991.

(101) On July 28, 1989, the state of Oregon, through the Oregon Department of Environmental Quality, submitted a maintenance plan and a request to redesignate Eugene-Springfield to attainment for carbon monoxide (CO).

(i) Incorporation by reference.

(A) July 28, 1989, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting a maintenance plan and a redesignation request for the Eugene-Springfield CO Air Quality Maintenance Area (AQMA). This plan was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Oregon Department of Environmental Quality Commission on December 9, 1988.

(B) Attainment Demonstration and Maintenance Plan for the Eugene-Springfield AQMA for CO.

(C) Letter from Lane Regional Air Pollution Authority and Lane Council of Governments, dated February 27, 1992, to EPA Region 10, committing to submit a contingency plan if a violation of the CO NAAQS occurs.

(102) On November 16, 1992, and on November 15, 1993, the Director of the Department of Environmental Quality submitted Emission Statement Rules as amendments to the State of Oregon Implementation Plan. The November 15, 1993, Emission Statement Rules revision to OAR chapter 340, Division 28, State of Oregon Implementation Plan, superseded the November 16, 1992 submittal.

(i) Incorporation by reference.

(A) November 16, 1992, letter from Oregon Department of Environmental Quality to EPA Region 10 submitting the emission statement SIP revision. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on November 10, 1992.

(B) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, effective November 12, 1992.

(C) November 15, 1993, letter from Oregon Department of Environmental

Quality to EPA Region 10 submitting a revision to the Emission Statement Rules. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on September 10 and October 29, 1993.

(D) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, revising the air quality regulations in OAR, Chapter 340, Division 28, effective September 24, 1993.

(E) December 20, 1993, Completeness Determination letter to Oregon Department of Environmental Quality from EPA Region 10, advising that the November 15, 1993, Emission Statement Rules submittal is a technically and administratively complete SIP revision.

(103) On May 14, 1993, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a committal state implementation plan (SIP) for a basic inspection and maintenance (I/M) program for Portland and Medford-Ashland CO nonattainment areas. On November 15, 1993, ODEQ submitted the basic I/M program.

(i) Incorporation by reference.

(A) May 14, 1993, letter from the Director of ODEQ to EPA Region 10 submitting a committal SIP for the I/M program.

(B) November 15, 1993, letter from the Director of ODEQ to EPA Region 10 submitting the I/M program for moderate CO nonattainment areas.

(C) OAR 340–24–309 through 350, ''Motor Vehicles,'' adopted on October 29, 1993, and effective on November 4, 1993.

(104) On November 16, 1992, the Oregon State Department of Environmental Quality submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340–20–136 and 340–22–440 through 340–22–640, adopted as part of the state of Oregon Clean Air Act Implementation Plan through OAR 340–20–047. This revision establishes and requires the implementation of an oxygenated gasoline program in the Clackamas, Jackson, Multnomah, Washington and Yamhill counties, and an eleven by twelve mile area surrounding Klamath Falls and a nine mile by nine mile area surrounding Grants Pass.

(i) Incorporation by reference.

(A) The November 16, 1992, letter from the Director of the Oregon State Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon SIP.

(B) Revisions to the Oregon SIP: Rules on Oxygenated Fuels, OAR 340–20–136 and 340–22–440 through 340–22–640, adopted as part of the State of Oregon Clean Air Act Implementation Plan through OAR 340–20–047, effective November 1, 1992.

(105) On November 15, 1993, the Director of ODEQ submitted Oregon's contingency measure plan as a revision to Oregon's SIP for carbon monoxide (CO) for Grants Pass, Medford, Portland, and Klamath Falls, Oregon.

(i) Incorporation by reference.

(A) November 15, 1993, letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(B) Oregon Administrative Rules, Chapter 340–22–440 through 340–22–650, Vol. 2, Sections 4.2, 4.9, 4.11, Carbon Monoxide Control Strategies, effective November 4, 1993.

(106) On February 4, 1994, the Oregon Department of Environmental Quality (ODEQ) submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340–34–005 through 340–34–115 (Residential Woodheating and Woodstove Certification Program). This revision includes the repeal of OAR 340–34–55, OAR 340–34–65 as well as OAR 340–34–075 through 340–34–115.

(i) Incorporation by reference.

(A) February 4, 1994, letter from the Director of ODEQ to EPA Region 10 submitting a revision to the Woodstove Certification and Efficiency Testing Program.

(B) OAR 340–34–005 through 115, Residential Woodheating and Woodstove Certification Program, adopted on December 10, 1993, and effective on January 3, 1994.

(107) On November 15, 1991, the ODEQ submitted a PM–10 nonattainment area SIP for La Grande, Oregon.

(i) Incorporation by reference.

(A) November 15, 1991 letter from ODEQ to EPA Region 10 submitting the

PM–10 nonattainment area SIP for La Grande, Oregon.

(B) PM–10 Control Strategy for Particulate Matter, October 1991, La Grande, Oregon Nonattainment Area, as adopted by the Environmental Quality Commission on November 8, 1991.

(108) On November 15, 1991 the Director of ODEQ submitted amendments to Oregon's SIP to include a PM–10 control strategy for Eugene-Springfield and LRAPA title 39.

(i) Incorporation by reference.

(A) November 15, 1991 letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(B) The PM–10 control strategy for Eugene-Springfield, adopted by the OEQC on January 31, 1991, and LRAPA title 39 (Contingency for PM–10 sources in the Eugene-Springfield nonattainment area), adopted by the OEQC on November 8, 1991.

(C) April 13, 1994 letter from the Director of ODEQ to EPA Region 10 submitting amendments to the Oregon SIP.

(D) Amendments to Lane Regional Air Pollution Authority Rules as a revision to the Oregon SIP (title 16), adopted by the OEQC on March 11, 1994.

(109) On October 27, 1993, the Director of ODEQ submitted OAR 340–24–307, Motor Vehicle Inspection Program Fee Schedule, as an amendment to the Oregon SIP. On November 15, 1993, the Director of ODEQ submitted Section 3.1, OAR 340–24–309 through 340–24–350 and section 5.4, Motor Vehicle Inspection and Maintenance Plan, as amendments to the Oregon SIP. On June 14, 1994 EPA's Regional Administrator, Chuck Clarke, received Section 3.1, OAR 340–24–309 through 340–24–355 and section 5.4, Motor Vehicle Inspection and Maintenance Plan, from the Director of ODEQ as amendments to the Oregon SIP.

(i) Incorporation by reference.

(A) October 27, 1993 letter from the Director of ODEQ to the Regional Administration of EPA submitting a revision to the Oregon SIP, Motor Vehicle Inspection Program Fee Schedule.

(B) November 15, 1993 letter from the Director of ODEQ to the Regional Administrator of EPA submitting revisions to the Oregon SIP, Vehicle Inspection and Maintenance Program.

(C) June 13, 1994 letter from the Director of ODEQ to the Regional Administrator of EPA submitting revisions to the Oregon SIP, Vehicle Inspection and Maintenance Program.

(D) Oregon's Motor Vehicle Inspection Program Fee Schedule, OAR 340–24–307, adopted by the Environmental Quality Commission on January 29, 1993.

(E) Oregon's Vehicle Inspection and Maintenance Program, OAR 340–24–309, 310, 315, 320, 330, 335, 340, 350, and Volume 2 Section 5.4, Motor Vehicle Inspection and Maintenance Plan, adopted by the Environmental Quality Commission on October 29, 1993.

(F) Oregon's Vehicle Inspection and Maintenance Program, Section 3.1, OAR 340–24–300 through 340–24–355, and Section 5.4, adopted by the Environmental Quality Commission on June 3, 1994.

(110) On May 28, 1993, the Director of ODEQ submitted two separate sets of revisions to its air quality regulations, OAR, Chapter 340, Division 25. One submittal was housekeeping amendments affecting all of Division 25; the second submittal was specifically Kraft Pulp Mill rules (OAR 340–25–150 through –205) and Neutral Sulfite Semi-Chemical Pulp Mill regulations (OAR 340–25–220 through –234). On November 15, 1993, the Director of ODEQ submitted a revision to OAR, Chapter 340, Division 25. On April 13, 1994, the Director of ODEQ submitted revisions to the Oregon SIP for LRAPA's Title 47, Outdoor Open Burning.

(i) Incorporation by reference.

(A) EPA received on May 28, 1993, two letters from the Director, ODEQ, to the Regional Administrator, EPA, submitting housekeeping amendments to Division 25: Housekeeping amendments to Division 25 (OAR 340–25–005 through 025 and OAR 340–25–105 through 340–25–430), effective March 10, 1993; and revisions to the Oregon SIP for Kraft Pulp Mill Amendments and Neutral Sulfite Semi-Chemical Pulp Mill Regulations: Kraft Pulp Mill Rules (OAR 340–25–150 through 205) and the Neutral Sulfite Semi-Chemical Pulp Mill Pulp Mills (OAR 340–25–220 through 234), excluding

all references to total reduced sulfur, effective January 24, 1990.

(B) November 15, 1993, letter from the Director, ODEQ, to the Regional Administrator, EPA, submitting revisions to the Oregon SIP for OAR, Chapter 340, Division 25: Amendments to OAR Chapter 340, Division 25 (OAR 340–25–160, 340–25–222, 340–25–275, 230–25–310, 340–25–420), effective November 4, 1993.

(C) April 13, 1994, letter from the Director, ODEQ, to the Regional Administrator, EPA, submitting revisions to LRAPA, Title 47: Title 47, Lane Regional Air Pollution Authority, August 11, 1992, *Outdoor Open Burning,* effective January 1, 1993.

(111) The EPA approves a revision to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air Act State Implementation Plan and other State Regulations), specifically a revision to Section 2.2—Legal Authority and a revision to Chapters 468 and 468A of the Oregon Revised Statutes (ORS).

(i) Incorporation by reference.

(A) On July 29, 1992 and August 30, 1994, ODEQ submitted to EPA a revision to Oregon Revised Statutes (ORS), Chapter 468 (1993 Edition), and Chapter 468A (1993 Edition), both of which were amended and adopted through August 1993 and in effect on November 4, 1993; and a revised Section 2.2—Legal Authority, including subsections 2.2.1 through 2.2.9, dated and revised July 29, 1992, the date of the official attached transmittal letter.

(112) On November 16, 1992, the Director for the Oregon Department of Environmental Quality (ODEQ) submitted the Oregon State Small Business Stationary Source Technical and Environmental Compliance Assistance Program and on May 16, 1995, the Administrator for ODEQ submitted the Small Business Assistance Program Confidentiality Option as revisions to the Oregon State Implementation Plan.

(i) Incorporation by reference.

(A) The November 16, 1992 letter from the Director of the Oregon Department of Environmental Quality submitting the Small Business Stationary Source Technical and Environmental Compliance Assistance Program to EPA; The Oregon Air Quality Small Business Assistance Program State Implementation Plan Revision adopted on October 16, 1992, and evidence that the State has the necessary legal authority, Oregon Revised Statutes 468A.330 (Small Business Stationary Source Technical and Environmental Compliance Assistance Program).

(B) The May 16, 1995 letter from the Administrator of the Oregon Department of Environmental Quality, Air Quality Division, submitting the Small Business Assistance Program confidentiality option to EPA; The Air Quality Guidance, Restriction of Information Obtained by the AQ Small Business Assistance Program adopted on May 16, 1995.

(113) On April 14, 1995, the Oregon Department of Environmental Quality submitted a revision to its SIP for the State of Oregon to include the Transportation Conformity: OAR 340–20–710 through 340–20–1080.

(i) Incorporation by reference.

(A) April 14, 1995 letter from ODEQ director Lydia Taylor to EPA Regional Administrator Chuck Clarke submitting a revision to the Oregon SIP to include the Transportation Conformity: OAR 340–20–710 through 340–20–1080; Division 20, Air Pollution Control, Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, effective March 29, 1995.

(114) On November 20, 1995, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a Reasonably Available Control Technology Standards (RACT) determination for VOC emissions from the Intel Corporation facility in Portland, Oregon.

(i) Incorporation by reference.

(A) The letter dated November 20, 1995, from the Director of ODEQ submitting a SIP revision for a RACT determination contained in Intel's Oregon Title V Operating Permit for VOC emissions, consisting of permit #34–2681 expiration date 10–31–99, page 11 of 32 pages, effective date September 24, 1993 (State-effective date of the Oregon Title V Program).

(115) A minor revision consisting of clarification of existing air quality

control regions and nonattainment and maintenance areas of Oregon (the revision did not change any existing boundaries) was submitted to EPA from ODEQ for inclusion into the Oregon SIP.

(i) Incorporation by reference.

(A) Letter dated September 20, 1995 from the Director of the ODEQ to the EPA Regional Administrator submitting a revision to better define Oregon's existing air quality boundaries found in State regulations OAR 340–23–065 through 340–23–075 (Rules for Open Burning), OAR 340–31–120 (Air Pollution Control Standards for Air Purity and Quality), and OAR 340–31–500 through 340–31–530 (The Air Quality Control Regions and Nonattainment and Maintenance Areas of Oregon), effective May 25, 1995.

(116) On May 27, 1993, September 27, 1995, and October 8, 1996, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to its Oregon SIP: the Oregon Administrative Rules (OAR), Housekeeping Amendments (Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34); OAR, Division 22, General Gaseous Emissions (340–22–100, –130, and –137); and OAR, Divisions 20, 21, 22, 25, 27 and 30).

(i) Incorporation by reference.

(A) May 27, 1993, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Housekeeping Amendments, Oregon Administrative Rules, Chapter 340, Divisions 21 through 24, 26, 27, 30, and 34, State-effective on March 10, 1993.

(B) September 27, 1995, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: Permits and Fees for Stage I Vapor Recovery Program, Division 22, General Gaseous Emissions, Sections 100, 130, and 137, State-effective on November 2, 1994.

(C) October 8, 1996, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules: OAR 340–020–0047 (State-effective on September 24, 1996); OAR 340–21–0005, –0015, –0020, –0025, –0030, –0035, –0045, –0050, and –0235 (State-effective on January 29, 1996); OAR 340–022–0102 (State-effective on March 29, 1996), and –0130 (State-effective on December 6, 1995); OAR 340–025–0260 and –0265 (State-effective on December 6, 1995), –0280 (State-effective on December 6, 1995), –0320 and –0325 (State-effective on January 29, 1996); OAR –027–0005 (State-effective on September 24, 1996); OAR 030–0007, –0010 and –0031 (State-effective on January 29, 1996).

(117) On November 20, 1996, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted source-specific Reasonably Available Control Technology (RACT) determinations to EPA as SIP revisions for VOC emissions standards.

(i) Incorporation by reference.

(A) Two letters dated November 20, 1995, from Director of the Oregon Department of Environmental Quality (ODEQ) submitting SIP revisions for RACT determinations for VOC emissions for: Cascade General, Inc., a ship repair yard in Portland, Oregon, Permit No. 26–3224 (issued to the Port of Portland), dated October 4, 1995; and, White Consolidated, Inc. (doing business as Schrock Cabinet Co.), a wood cabinet manufacturing facility in Hillsboro, Oregon, Permit No. 34–2060, dated August 1, 1995.

(118) On October 13, 1989, the Director of the Oregon Department of Environmental Quality submitted an amendment to OAR Chapter 340, Division 30. On May 28, 1993, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 14, and Division 31. On November 15, 1993, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 14, Division 20, and Division 31, and a new Division 28. On November 14, 1994, June 1, 1995, October 8, 1996, and January 22, 1997, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 28. On September 27, 1995, the Director of the Oregon Department of Environmental Quality submitted amendments to OAR Chapter 340, Division 31.

(i) Incorporation by reference.

(A) OAR 340–14–005, –010, –015, –020, –025, –030, –035, –040, –045, and –050, effective March 10, 1993; and OAR 340–14–007, effective September 24, 1993.

(B) OAR 340–28–500, –510, –520, –810, –1030, –1040, –1120, –1130, –1400, –1450,

–1520, –1600, –1700, –1710, and –1920, effective September 24, 1993; OAR 340–28–100, –200, –300, –700, –800, –820, –900, –1000, –1020, –1100, –1110, –1140, –1420, –1440, –1500, –1510, –1730, –1740, –1750, –1760, –1770, –1900, –1940, –1950, –1960, –1970, –1980, –1990, and –2000, effective November 4, 1993; OAR 340–28–600, –610, –620, and –640, effective January 1, 1994; OAR 340–28–1910 and –2270, effective October 29, 1994; OAR 340–28–1930, effective May 1, 1995; OAR 340–28–1060, effective January 29, 1996; OAR 340–28–1410 and –1430, effective September 24, 1996; and OAR 340–28–110, –400, –630, –1010 and –1720, effective October 22, 1996.

(C) OAR 340–30–111, effective September 26, 1989.

(D) OAR 340–31–010, 340–31–015, 340–31–020, 340–31–025, 340–31–030, 340–31–040, 340–31–055, 340–31–100, 340–31–115, and 340–31–130, effective March 10, 1993; and OAR 340–31–005, OAR 340–31–110, and 340–31–120, effective July 12, 1995.

(119) November 15, 1991, and September 20, 1995, letters from the Director, Oregon Department of Environmental Quality, to the Region 10 Regional Administrator, EPA, submitting the PM–10 Klamath Falls, Oregon, PM–10 Control Plan and amendments as revisions to its SIP.

(i) Incorporation by reference.

(A) State Implementation Plan for PM–10 in Klamath Falls, dated October 1991 and revised August 1995; and Appendix 4: Ordinances and Commitments, Ordinance No. 6630 (adopted September 16, 1991), and Ordinance No. 63 (adopted July 31, 1991)—Chapters 170 and 406.

(120) The Oregon Department of Environmental Quality (ODEQ) and the Washington Department of Ecology (WDOE) submitted Maintenance Plans that demonstrate continued attainment of the NAAQS for O_3 and requested redesignation of the Pdx/Van interstate nonattainment area from nonattainment to attainment for O_3. The SIP revision requests were submitted by the WDOE on June 13, 1996, and by ODEQ on August 30, 1996. A number of other O_3 supporting revisions were included in this submittal, such as: the 1990 O_3 Emission Inventories; changes to the NSR programs; regulations implementing the hybrid low enhanced I/M programs; an expanded vehicle inspection boundary; minor RACT rule changes (Vancouver only); Employee Commute Options rule (Portland only); Voluntary Parking Ratio rule (Portland only); PSEL management rules (Portland only); and local area source supporting rules.

(i) Incorporation by reference.

(A) Ozone Maintenance Plan and Redesignation Request for the Portland/Vancouver AQMA (Oregon Portion) effective August 14, 1996.

(B) Oregon Inspection and Maintenance SIP revision to Section 5.4; OAR 340–024–0100, –0300, –0305, –0306, –0307, –0308, –0309, –0312 (with the exception of all language in (4) (a) referring to a ''sixth hill extrapolation''), –0314 , –0318, –0320, –0325, –0330, –0332, –0335, –0337, –0340, –0355, –0357, and –0360, State effective on November 26, 1996.

(C) New Source Review: OAR 340–020–0047; OAR 340–028–0110, 1900 through 1940, 1960, 1970, and 2000; OAR 340–030–0111, State effective on November 26, 1996.

(D) Supporting Regulations approved as part of the Ozone non-attainment redesignation package: OAR 340–022–0400, –0401, –0402, –0403, –0700, –0710, –0720, –0730, –0740, –0750, –0760, –0800, –0810, –0820, –0830, –0840, –0850, –0860, –0900, –0910, –0920, –0930, –0940, –0950, –1000, –1010, –1020, –1030, –1040, –1050, –1100, –1110, –1120, –1130, State effective on 8/14/96; OAR 340–024–0301, State effective on 8/12/96; OAR 340–030–0700, –0710, –0720, –0730, –0740, –0800, –0810, –0820, –0830, –0840, –0850, –0860, –0870, –0880, –0890, –0900, –0910, –0920, –0930, –0940, –0950, –0960, –0970, –0980, –0990, –1000, –1010, –1020, –1030, –1040, –1050, –1060, –1070, –1080, –1100, –1110, –1120, –1130, –1140, –1150, –1160, –1170, –1180, –1190, State effective on 8/14/96; and OAR 340–031–0500, –0520, –0530, State effective on 8/19/96.

(121) On April 7, 1997, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a Reasonably Available Control Technology (RACT) determination for VOC emissions from PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon.

(i) Incorporation by reference.

(A) The letter dated April 7, 1997, from the Director of ODEQ submitting

a SIP revision for a RACT determination contained in PCC Structurals, Inc.'s Oregon Title V Operating Permit for VOC emissions, consisting of permit #26–1867, expiration date 4–1–2000, effective date April 4, 1997. Only conditions 19, 20, and 21 in PCC Structurals' Addendum No. 2 to permit #26–1867 are incorporated into the SIP.

(122) On August 30, 1996, the Director of the Oregon Department of Environmental Quality submitted to the Regional Administrator of EPA a revision to the Carbon Monoxide State Implementation Plan for the Portland area containing a Maintenance Plan that demonstrated continued attainment of the NAAQS for carbon monoxide through the year 2007.

(i) Incorporation by reference.

(A) Letter dated August 30, 1996, from Oregon to EPA requesting the redesignation of the Portland carbon monoxide nonattainment area to attainment and submitting the Maintenance Plan; Revision to the State Implementation Plan: Carbon Monoxide Maintenance Plan and Redesignation Request for the Portland Metro Area, adopted July 12, 1996.

(B) Letter dated April 17, 1997, from Oregon to EPA submitting replacement pages to the Maintenance Plan and appendices.

(ii) Additional material.

(A) Appendices to the Maintenance Plan and Redesignation Request for Portland (Metro) Area—State Implementation Plan Revision for Carbon Monoxide, dated July 12, 1996: Appendix D2–1 (Volume 3), CO Air Monitoring Network; Appendix D2–2 (Volume 3), Meteorological Analysis; Appendix D2–3 (Volume 3), Review of Bag Study Results Which Demonstrates The DEQ Network of Sites Records Higher CO Concentrations Than Screened Intersections; Appendix D2–4 (Volume 3), Emission Inventory and Forecast Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–1 (Volume 3), Base Year (1990) Emission Inventory Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–2 (Volume 3), Attainment Year (1991) Emission Inventory Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–3 (Volume 3), Regional Emission Forecast Portland (Metro) Area; Appendix D2–4–4 (Volume 3), Subregional Emission Inventories and Forecast Portland (Metro) Area (Carbon Monoxide); Appendix D2–4–5 (Volume 3), Metro Model Assumptions, Link-Based Emissions Calculation Methodology, and Travel Demand Forecasting Model Summary; Appendix D2–5 (Volume 3), Conformity Process; Appendix D2–6 (Volume 3), Historical and Projected Population and Households; Appendix D2–7 (Volume 3), Metro Council Resolution Concerning Portland CO Maintenance Plan, Emission Budgets, and Contingency Plan; Appendix D2–8 (Volume 3), CCTMP Zoning Codes Incorporated Into the Portland Carbon Monoxide Maintenance Plan; Appendix D2–9 (Volume 3), Motor Vehicle Inspection Program Changes; Appendix D2–10 (Volume 3), Land-Use Measures and TCM Substitution; Appendix D2–11 (Volume 3), New Source Review Program Changes; Appendix D2–12 (Volume 3), Rollforward Analysis; Appendix D2–13 (Volume 3), CCTMP Zoning Codes Used as Supporting Documentation in the Portland Carbon Monoxide Maintenance Plan; Appendix D2–14 (Volume 3), Miscellaneous Oregon Administrative Rule Amendments—Supporting Rules, OAR Chapter 340, Section 340–020–0047 (State of Oregon Clean Air Act Implementation Plan); and Sections 340–031–0520 and 340–031–0530 (Maintenance Area Designation).

(123) On May 22, 1997, ODEQ submitted changes to the definition of Volatile Organic Compounds (VOC) in the Oregon Administrative Rules (OAR) consistent with changes made in the federal definition and delisted certain compounds no longer considered VOCs under the new definition. On November 13, 1997, ODEQ submitted changes in the OAR that increased Air Contaminant Discharge Permit Fees for stationary sources to recover costs of operating the state permit program.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–022–0102(73) and 340–028–0110(129), effective May 9, 1997; Oregon Administrative Rule 340–028–1750, effective August 27, 1997.

(124) On October 30, 1997 the director of the Oregon Department of Environmental Quality (ODEQ) submitted a source specific Reasonable Available

Control Technology (RACT) determination as a SIP revision for VOC emissions and standards.

(i) Incorporation by reference.

(A) Letter dated October 30, 1997 from the Director of ODEQ submitting a SIP revision for Dura Industries, Inc., an architectural surface coating operation in Portland, Oregon—permit #26–3112 dated September 14, 1995.

(125) On June 1, 1995 and January 22, 1997, the Director of ODEQ submitted to the Regional Administrator of EPA new sections to Division 30 and revisions to Divisions 20, 21, 22, 25, and 30.

(i) Incorporation by reference.

(A) OAR–340–020–0047; OAR–340–022–0170; OAR–340–022–0840; OAR–340–022–0930; OAR–340–022–0055; OAR–340–028–0110; OAR–340–028–0400; OAR–340–028–0630; OAR–340–028–1010; OAR–340–028–1720; OAR–340–030–0015; OAR–340–030–0044; OAR–340–030–0050; OAR–340–030–0055; OAR–340–030–0320; OAR–340–030–0330: These rules were all state adopted on October 11, 1996.

(126) On August 31, 1995, and October 8, 1996, the Director of ODEQ submitted to the Regional Administrator of EPA revisions to its Oregon SIP: the Oregon Administrative Rules (OAR) Chapter 340, Division 25, Specific Industrial Standards (OAR 340–25–305, 320 and 325).

(i) Incorporation by reference.

(A) August 31, 1995, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules (OAR); OAR 340–25–305, State effective on February 17, 1995.

(B) October 8, 1996, letter from ODEQ to EPA submitting a revision to the Oregon Administrative Rules (OAR); OAR 340–25–320 and OAR 340–25–325, State effective on January 29, 1996.

(127) December 9, 1996, letter from the Director, Oregon Department of Environmental Quality, to the Region 10 Regional Administrator, EPA, submitting the Attainment Plan for the Oakridge, Oregon PM–10 nonattainment area as a revision to its SIP.

(i) Incorporation by reference.

(A) State Implementation Plan for PM–10 in Oakridge, dated August 1996, and Appendices XII, XIII and XIV.

(ii) Additional Material: Appendix I through VI and VIII through XI of the State Implementation Plan for PM–10 in Oakridge dated August 1996.

(128) On June 1, 1995 the State of Oregon submitted to EPA an attainment plan for the Lakeview PM10 nonattainment area. This SIP revision is designed to bring about the attainment of the PM10 NAAQS in Lakeview and satisfy Federal requirements applicable to moderate PM10 nonattainment areas.

(i) Incorporation by reference.

(A) June 1, 1995 letter from the Director, Oregon Department of Environmental Quality, the Governor's designee, to Region 10 Regional Administrator, EPA, submitting the Lakeview, Oregon PM10 Control Plan.

(B) Revision to the Oregon State Implementation Plan: Lakeview, Oregon PM10 Control Plan; Appendix 3, Lakeview Detailed Emissions Inventories; Appendix 4, Ordinances and Commitments; Appendix 5, Demonstration of Attainment; Appendix 9, Woodburning Curtailment Survey Protocol; Appendix 10, Legal Description of Lakeview PM10 Nonattainment Area.

(C) Supporting regulations approved as part of the revision, state effective May 1, 1995: OAR 340–20–047; OAR 340–21–010, –012, –025, –200; OAR 340–30–043, –300, –310, –340; OAR 340–34–150, –200, –210.

(129) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State Air Quality Control Plan contained in a submittal to EPA, dated October 8, 1997.

(i) Incorporation by reference.

(A) EPA is approving or taking no action on the modified Oregon Transportation Conformity Rules submitted on October 8, 1998. EPA is approving: OAR 340–20–710, 340–20–720, 340–20–730, 340–20–750, 340–20–760 340–20–770, 340–20–780, 340–20–790, 340–20–800, 340–20–810, 340–20–820, 340–20–830, 340–20–840, 340–20–850, 340–20–860 340–20–870, 340–20–880, 340–20–890, 340–20–900, 340–20–910 340–20–1000, 340–20–1010, 340–20–1020, 340–20–1030, 340–20–1040, 340–20–1050, 340–20–1060 and 340–20–1070, effective September 23, 1998.

(B) EPA is taking no action on sections OAR 340–020–730(3), 340-020–750(4), 340–020–750(4)(b), 340–020–800(3)-(6), 340–020–890(5), 340–020–900(6)(c), 340–020–910(1)(b), 340–020–1000(1)(a) and (2), and 340–020–1030(2).

(C) EPA approves the changes made to certain sections of the Oregon Administrative Rules: ''Determining Conformity of General Federal Actions to State and Federal Implementation Plans' found in: OAR 340–020–1510, 340–020–1520, 340–020–1530, 340–020–1570, 340–020–1580, and 340–020–1590, effective September 23, 1998.

(130) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State RACT rules for volatile organic compounds which are contained in a submittal to EPA, dated December 7, 1998.

(i) Incorporation by reference.

(A) EPA is approving the revised Oregon Regulations, as effective October 12, 1998: OAR 340–022–0100; OAR 340–022–0102; OAR 340–022–0104; OAR 340–022–0106; OAR 340–022–0107; OAR 340-022–110; OAR 340–022–0120; OAR 340–022–0125; OAR 340–022–0130; OAR 340–022–0170; OAR 340–022–0175; OAR 340–022–0180; OAR 340–022–0300; OAR 340–022–0400; OAR 340–022–0401; and OAR 340–022–0402.

(B) EPA is repealing/removing the following provision from the current incorporation by reference: OAR 340–022–0403, as effective August 14, 1996.

(131) On December 3, 1998, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a revision to the definition section of the Oregon Administrative Rules (OAR), as effective October 14, 1998.

(i) Incorporation by reference.

(A) OAR 340–028–0110, as effective October 14, 1998, except for the following: (16) Capture system, (25) Continuous compliance determination method, (27) Control device, (29) Data, (39)(b) Emission Limitation and Emission Standard, (47) Exceedance, (48) Excursion, (55) Inherent process equipment, (67) Monitoring, (86) Pollutant-specific emissions unit, (88) Predictive emission monitoring system (PEMS), Table 1, Table 2, and Table 3.

(B) Remove the following provision from the current incorporation by reference: OAR 340–028-0110, as effective October 6, 1995, except for Table 1, Table 2, and Table 3.

(132) On June 18, 1999, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a SIP revision to repeal the Consumer Products Rules, repeal the Architectural Coatings Rules, revise and partially repeal the Motor Vehicle Refinishings Rules, and revise the Volatile Organic Compounds definitions.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–022–0102 (73) and OAR 340–028–0110 (139), as effective May 21, 1999; and OAR 340–022–0700, OAR 340–022–0710, OAR 340–022–0740, and OAR 340–022–0760, as effective July 12, 1999.

(B) Remove the following provisions from the current incorporation by reference: OAR 340–022-0102 (73), as effective May 9, 1997; OAR 340–028–0110 (139), as effective October 14, 1998; OAR 340–022–0800, OAR 340–022–0820, OAR 340–022–0830, OAR 340–022–0850, and OAR 340–022–0860, OAR 340–022–0700, OAR 340–022–0720, OAR 340–022–0730, OAR 340–022-0740, OAR 340–022–0750, OAR 340–022–0760, OAR 340–022–1000, OAR 340–022–1020, OAR 340–022–1030, OAR 340–022–1040, and OAR 340–022–1050 as effective May 25, 1995; OAR 340–022–0840, as effective October 22, 1996; and OAR 340–022–710, OAR 340–022–810, OAR 340–022–1010, as effective August 14, 1996.

(133) On November 10, 1999, the Oregon Department of Environmental Quality requested the redesignation of Grants Pass to attainment for carbon monoxide. The State's maintenance plan and base year emissions inventory are complete and the redesignation satisfies all the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–204–0030, OAR 340–204–0040, and OAR 340–204–0090, as effective October 22, 1999.

(B) Remove without replacement the following provisions from the current incorporation by reference of the State Implementation Plan: OAR 340–031–0520 and OAR 340–031–0530, as effective August 19, 1996 and OAR 340–022–0470, as effective November 4, 1993.

(134) On December 12, 1996, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted revisions to Lane Regional Air Pollution Authority (LRAPA) Title 32 and Title 33, as effective on November 20, 1994. On August 26, 1998, the Director of ODEQ submitted revisions to LRAPA

Title 12, Title 30, and Title 33, as effective on March 8, 1994. On February 23, 2001, the Director of ODEQ submitted revisions to LRAPA Title 34, as effective June 13, 2000.

(i) Incorporation by reference.

(A) Title 12, as effective March 8, 1994; Title 30, as effective March 8, 1994, except for Section 30–020(2), Section 30–020(8), Section 30–025(9), Section 30–030(1)(I), Section 30–030(2)(E), and Section 30–045(3); Title 32, as effective November 10, 1994, except for Section 32–075, Section 32–080, Section 32–095, Section 32–100, Section 32–101, Section 32–102, Section 32–103, and Section 32–104; Title 33, as effective November 10, 1994, except for Section 33–005, Section 33–020, Section 33–055, Section 33–070(1)(Definitions for Non-Condensibles, Other Sources, and Total Reduced Sulfur (TRS)), Section 33–070(3)(A), Section 33–070(6)(B), Section 33–070(7)(A), Section 33–070(7)(B), Section 33–070(8)(C)(1)(a), Section 33–070(8)(C)(2)(a), Section 33–080, and Section 33–085; and Title 34, as effective June 13, 2000, except for Section 34–025, Section 34–035, Section 34–060(6), Section 34–060(8), Section 34–080, Section 34–160, Section 34–170, Section 34–180, Section 34–190, Section 34–200, Section 34–210, Section 34–220, and Section 34–230.

(B) Remove the following provisions from the current incorporation by reference: Section 12–005, Section 12–010, Section 12–020, and Section12–035 of Title 12, as effective November 8, 1983; Section 12–025 of Title 12, as effective September 9, 1988; Title 12, as effective February 13, 1990; Title 14, as effective July 12, 1988; Title 15, as effective February 13, 1990; Section 32–005, Section 32–010, Section 32–025, Section 32–030, Section 32–035, Section 32–040, Section 32–045, Section 32–055, Section 32–065, Section 32–100, Section 32–101, Section 32–102, and Section 32–103 of Title 32, as effective 9–14–82; Section 32–800 of Title 32, as effective 1–8–85; Section 32–104 and Section 32–990 of Title 32, as effective 11–8–83; Section 33–020, Section 33–025, Section 33–030, Section 33–045, Section 33–055, Section 33–060, and Section 33–065 of Title 33, as effective 5–15–79; Section 33–070 of Title 33, as effective 9–14–82; Section 34–001, Section 34–010, Section 34–015, Section 34–020, Section 34–025, Section 34–030, Section 34–035, Section 34–040, Section 34–045, Section 34–050, and Table A of Title 34, as effective 1–9–90; and Section 34–005 of Title 34, as effective 2–13–90.

(ii) Additional Material:

(A) Title 15, Enforcement Procedure and Civil Penalties, as effective June 13, 1995.

(135) The Oregon Department of Environmental Quality submitted a Visibility SIP revision on August 26, 1993, smoke management provisions on August 26, 1993, revisions to the Oregon field burning program on July 3, 1997, and amendments to the smoke management program regarding the Blue Mountains rules on September 27, 1995. EPA approves these revisions with the exception of the provision that changes the review period of the Visibility SIP from every three years to every 5 years (OAR 340–20–047 Section 5.2.4.2 and OAR 340–20–047 Section 5.2.5.1)

(i) Incorporation by reference.

(A) OAR 629–24–301 effective August 1, 1987.

(B) OAR 629–43–043 effective April 13, 1987.

(C) ORS 477.515 effective 1971.

(D) Directive 1–4–1–601, *Operational Guidance for the Oregon Smoke Management Program*, effective October 23, 1992.

(E) OAR 340–26–0035 and 340–26–0040, effective March 10, 1993; OAR 340–26–0001, 340–26–0031, 340–26–0033, and 340–26–0045, effective May 11, 1993; 340–26–0003, 340–26–0005, 340–26–0010, 340–26–0012, 340–26–0013, 340–26–0015, and 340–26–0055, effective May 31, 1994.

(F) OAR 837–110–0010, 837–110–0020, 837–110–0030, 837–110–0040, 837–110–0070, 837–110–0080, 837–110–0090, 837–110–0110, 837–110–0120, 837–110–0130, and 837–110–0150, effective February 7, 1994; 837–110–0160, effective August 11, 1993; and 837–110–0050, 837–110–0060, and 837–110–0140, effective February 7, 1989.

(G) Union County Ordinance #1992–4 effective July 1, 1992.

(H) Jefferson County Ordinance #–0–58–89 effective May 31, 1989.

(I) Remove the following provision from the current incorporation by reference: OAR 340–26–025 effective March 7, 1984.

(ii) Additional materials.

(A) OAR 340–20–047 Section 5.2 effective August 11, 1992 (except section

5.2.4.2 and section 5.2.5.1 introductory paragraph)

(B) ''Oregon Smoke Management Plan, Appendix 5, Operational Guidance for the Oregon Smoke Management Program, Criteria for National Forest and Bureau of Land Management Lands in the Blue Mountains of NE Oregon (Volume 3, Section A1)'', effective July 12, 1995.

(136) On November 20, 2000, the Oregon Department of Environmental Quality requested the redesignation of Klamath Falls to attainment for carbon monoxide. The State's maintenance plan and base year emissions inventory are complete and the redesignation satisfies all the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule (OAR) 340–204–0030, OAR 340–204–0040, and OAR 340–204–0090, as effective October 25, 2000.

(137) On May 31, 2001, the Oregon Department of Environmental Quality requested the redesignation of Medford to attainment for carbon monoxide. The State's maintenance plan, base/attainment year emissions inventory, and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–204–0090, as effective March 27, 2001.

(138) On December 15, 1998, the Director of the Oregon Department of Environmental Quality submitted a SIP revision to repeal the rule for parking offsets in the Portland Central Business District, as state effective September 23, 1998.

(i) Incorporation by reference.

(A) Remove the following provisions from the current incorporation by reference: OAR 340–020–0400, 340–020–0405, 340–020–0410, 340–020–0420, and 340–020–0430.

(139) On November 5, 1999, March 7, 2000, June 26, 2001, and November 4, 2002, the Oregon Department of Environmental Quality submitted numerous amendments to the Oregon Administrative Rules as revisions to the Oregon State implementation plan. The revisions included a rule recodification, a marine vapor loading rule, and permitting rules.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rule 340: 200–0030, 202–0200, 204–0010, 204–0020, 204–0050, 204–0060, 204–0070, 204–0080, 206–0010, 206–0020, 206–0030, 206–0040, 206–0050, 206–0060, 206–0070, 210–0010, 210–0020, 212–0010, 212–0110, 214–0100, 214–0120, 222–0030, 224–0020, 226–0200, 228–0010, 228–0020, 228–0100, 228–0110, 228–0120, 228–0130, 228–0200, 228–0210, 232–0010, 232–0020, 232–0040, 232–0050, 232–0060, 232–0070, 232-0080, 232–0085, 232–0090, 232–0100, 232–0120, 232–0130, 232–0140, 232–0150, 232–0160, 232–0170, 232–0180, 232–0190, 232–0200, 232–0210, 232–0220, 232–0230, 234–0010 (except paragraphs (25), (28)(a) & (46)), 234–0100, 234–0110, 234–0120, 234–0130, 234–0140, 234–0200, 234–0210 (except paragraph (1)), 234–0220, 234–0230, 234–0240 (except paragraph (2)), 234–0250 (except pargraphs (1) & (2)), 234–0260 (except paragraphs (3)(a)(A) & (3)(b)(A)), 234–0270, 234–0300, 234–0310 (except paragraph (1)), 234–0320 (except paragraph (2)), 234–0330, 234–0340 (except paragraph (2)), 234–0350 (except paragraph (1)), 234–0360 (except paragraph (3)(a)(A)), 234–0400, 234–0410, 234–0420, 234–0430, 234–0500, 234–0510, 234–0520, 234–0530, 236–0010, 236–0100, 236–0110, 236–0120 (except paragraphs (1)(a), (3)(a), & (3)(e)), 236–0130, 236–0140 (except the words ''gaseous and particulate fluorides and'' in paragraph (1), paragraph (1)(b), the sentence ''A schedule for measurement of fluoride levels in forage for new plants and ambient air for new and existing plants shall be submitted.'' in paragraph (1)(c), the words ''and Method 13A or 13B and Method 14 or Method 14A for fluorides or other alternative method in 40 CFR 63.849'' in paragraph (3)), 236–0150 (except paragraphs (1)(d) and (1)(e)), 236–0200, 236–0210, 236–0220, 236–0230, 236–0400, 236–0410, 236–0420, 236–0430, 236–0440, 240–0010, 240–0100, 240–0300, 242–0010, 242–0020, 242–0030, 242–0040, 242–0050, 242–0060, 242–0070, 242–0080, 242–0090, 242–0100, 242–0110, 242–0120, 242–0130, 242–0140, 242–0150, 242–0160, 242–0170, 242–0180, 242–0190, 242–0200, 242–0210, 242–0220, 242–0230, 242–0240, 242–0250, 242–0260, 242–0270, 242–0280, 242–0290, 242–0300, 242–0310, 242–0320, 242–0330, 242–0340, 242–0350, 242–0360, 242–0370, 242–0380, 242–0390, 242–0400, 242–0410, 242–0420, 242–0430, 242–0440, 242–0500, 242–0510, 242–0520, 242–0600, 242–0610, 242–0620, 242–0630, 242–0700, 242–0710, 242–0720, 242–0730, 242–0740, 242–0750, 242–0760, 242–0770, 242–0780, 242–0790, 250–0010, 250–0020, 250–0030, 250–0040,

250–0050, 250–0060, 250–0070, 250–0080, 250–0090, 250–0100, 252–0010, 252–0020 (except paragraph (3)), 252–0030, 252–0040, 252–0050 (except paragraphs (4) & (5)(b)), 252–0060, 252–0070, 252–0080, 252–0090, 252–0100 (except paragraphs (3) through (6)), 252–0110, 252–0120, 252–0130, 252–0140, 252–0150, 252–0160, 252–0170, 252–0180, 252–0190 (except paragraph (5)), 252-0200 (except paragraph (6)(c)), 252–0210 (except paragraph (1)(b)), 252-0220 (except paragraphs (1)(a) & (2)), 252–0230, 252–0240, 252–0250 (except paragraph (2)), 252–0260, 252–0270, 252–0280, 252–0290, 258–0010, 258–0100, 258–0110, 258–0120, 258–0130, 258–0140, 258–0150, 258–0160, 258–0170, 258–0180, 258–0190, 258–0200, 258–0210, 258–0220, 258–0230, 258–0240, 258–0250, 258–0260, 258–0270, 258–0280, 258–0290, 258–0300, 258–0310, 258–0400, 262–0010, 262–0020, 262–0030, 262–0040, 262–0100, 262–0110, 262–0120, 262–0130, 262–0200, 262–0210, 262–0220, 262–0230, 262–0240, 262–0250, 262–0300, 262–0310, 262–0320, 262–0330, 266–0010, 266–0020, 266–0030, 266–0040, 266–0050, 266–0060, 266–0070, 266–0080, 266–0090, 266–0100, 266–0110, 266–0120, 266–0130, and 268–0020, as effective October 14, 1999; 204–0040, as effective October 25, 2000; 204–0090, as effective March 27, 2001; 232–0030 and 232-0110 as effective June 1, 2001; 200–0010, 200–0020 (except paragraph (58)), 200–0025, 202–0010, 202–0050, 202–0060, 202–0070, 202–0080, 202–0090, 202–0100, 202–0130, 202–0210, 202–0220, 204–0030, 209–0010, 209–0020, 209–0030, 209–0040, 209–0050, 209–0060, 209–0070, 209–0080, 210–0100, 210–0110, 210–0120, 210–0205, 210–0215, 210–0225, 210–0230, 210–0240, 210–0250, 212–0120, 212–0130, 212–0140, 212–0150, 212–0200, 212–0210, 212–0220, 212–0230, 212–0240, 212–0250, 212–0260, 212–0270, 212–0280, 214–0010, 214–0110, 214–0114, 214–0130, 214–0200, 214–0210, 214–0220, 216–0010, 216–0020, 216–0025, 216–0030, 216–0040, 216–0052, 216–0054, 216–0056, 216–0060, 216–0064, 216–0066, 216–0070, 216–0082, 216–0084, 216–0090, 216–0094, 222–0010, 222–0020, 222–0040, 222–0042, 222–0043, 222–0045, 222–0070, 222–0080, 222–0090, 224–0010, 224–0030, 224–0040, 224–0050, 224–0080, 224–0100, 225–0010, 225–0020(10), 225–0030, 225–0040, 225–0070, 225–0090(1)(c), 226–0010, 226–0100, 226–0110, 226–0120, 226–0130, 226–0140, 226–0210, 226–0300, 226–0310, 226–0320, 226–0400, 240–0020, 240–0030, 240–0110, 240–0120, 240–0130, 240–0140, 240–0150, 240–0160, 240–0170, 240–0180, 240–0190, 240–0200, 240–0210, 240–0220, 240–0230, 240–0240, 240–0250, 240–0270, 240–0310, 240–0320, 240–0330, 240–0340, 240–0350, 240–0360, 240–0400, 240–0410, 240–0420, 240–0430, 240–0440, 268–0010, and 268–0030, as effective July 1, 2001; 222–0041, 224–0060, 224–0070, 225–0020 (except paragraph (10)), 225–0045, 225–0050, 225–0060, and 225–0090 (except paragraph (1)(c)), as effective October 8, 2002; 225–0020(10) and 225–0090(1)(c), as effective October 8, 2002, through April 6, 2003.

(B) Remove the following old divisions of Oregon Administrative Rule 340 from the current incorporation by reference: 12, 14, 20, 21 (except for sections 21–015, 21–050, 21–055, 21–060, 21–200, 21–205, 21–210, 21–215, 21–220, 21–225, 21–230, 21–235, 21–240, and 21–245), 22, 25, 26, 27, 28 (except for 28–1400, 28–1410, 28–1420, 28–1430, 28–1440, and 28–1450), 30, 31, and 34.

(ii) Additional Material:

(A) The following sections of Oregon Administrative Rule 340: Division 12, 200–0100, 200–0110, 200–0120, as effective July 1, 2001; and 262–0050, as effective October 14, 1999.

(140) On November 4, 2002, the Oregon Department of Environmental Quality requested the redesignation of Klamath Falls to attainment for PM–10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule 340–204–0040(3)(b) as effective October 8, 2002.

(141) On November 4, 2002, the Oregon Department of Environmental Quality requested the redesignation of Grants Pass to attainment for PM–10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rules 340–204–0030 (except Notes) and 340–204–0040 (except Notes), as effective October 8, 2002.

(142) The Environmental Protection Agency (EPA) approves various amendments to the Oregon State Implementation Plan which are contained in four separate submittals to EPA, dated November 5, 1999, November 27, 2000, January 10, 2003 and April 19, 2004 which include revisions to the inspection and maintenance program.

(i) Incorporation by reference.

(A) The following sections of the Oregon Administrative Rules 340: 256–

0200, 256–0310, 256–0330, 256–0340, 256–0350, 256–0370, 256–0380, 256–0390, 256–0400, 256–0410, 256–0420, 256–0450, 256–0460, and 256–0470, as effective October 14, 1999; 256–0355, 256–0440, and 256–0465, as effective October 25, 2000; 256–0356, as effective October 4, 2001; and 256–0010, 256–0300, as effective October 24, 2003.

(B) Remove the following old sections of the Oregon Administrative Rules 340 from the current incorporation by reference: 024–100, 024–300, 024–301, 024–305, 024–306, 024–307, 024–308, 024–309, 024–312, 024–314, 024–318, 024–320, 024–325, 024–330, 024–332, 024–335, 024–337, 024–340, 024–355, 024–357, and 024–360.

(ii) Additional Material:

(A) Oregon SIP Volume 2, Section 5.4, as effective October 24, 2003.

(143) On December 2, 2002, the Oregon Department of Environmental Quality submitted a SIP revision to repeal the Perchloroethylene Dry Cleaning rule and revise related parts of the Introduction and Definitions sections of Division 232.

(i) Incorporation by reference.

(A) The following sections of the Oregon Administrative Rules 340: 232–0010 and 232–0030, as effective December 26, 2001.

(144) The Oregon Department of Environmental Quality submitted a Visibility SIP revision on January 22, 2003. EPA approves these revisions.

(i) Incorporation by reference.

(A) OAR 340–200–0040, Sections 5.2–5.11, effective May 3, 2002.

(145) On December 27, 2004, the Oregon Department of Environmental Quality submitted to the Regional Administrator of EPA, the Second Portland Area Carbon Monoxide Maintenance Plan that demonstrates continued attainment of the NAAQS for carbon monoxide through the year 2017.

(i) Incorporation by reference.

(A) Oregon Administrative Rules, Chapter 340: 240–0090 and 240–0440, as effective December 15, 2004.

(146) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the La Grande PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) Oregon Administrative Rule 340–204–0030 and 0040, as effective September 9, 2005.

(147) On October 25, 2005, the Oregon Department of Environmental Quality submitted a PM10 maintenance plan and requested redesignation of the Lakeview PM10 nonattainment area to attainment for PM10. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rule 340: 204–0030, 204–0040, 224–0060 (2)(d) and 225–0020(8), as effective September 9, 2005.

(148) On March 10, 2005, the Oregon Department of Environmental Quality submitted a PM10 attainment and maintenance plan and requested redesignation of the Medford-Ashland PM10 nonattainment area to attainment for PM10. On May 14, 2004, the Oregon Department of Environmental Quality submitted revisions to Oregon Administrative Rules, Chapter 340, Divisions 224 and 225 to clarify the requirements for creating and using emission offsets and to make other minor revisions. The State's attainment and maintenance plan, redesignation request, and rule revisions meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following sections of Oregon Administrative Rules 340: 204–0010, 224–0070, 225–0045, 225–0090, 240–0030, 240–0100, 240–0110, 240–0120, 240–0130, 240–0140, 240–0150, 240–0180, 240–0190, 240–0210, 240–0220, and 240–0230 as effective January 4, 2005; 224–0010, 224–0030, 224–0050, 224–0080, and 225–0050 as effective April 14, 2004 and; 224–0060, and 225–0020 as effective September 9, 2005.

(B) The following sections of the Codified Ordinances of Jackson County: 1810.01, as effective May 2, 1990; 1810.02, as effective August 22, 2001; 1810.03, as effective December 20, 1989; 1810.04, as effective May 2, 1990; 1810.05, as effective May 2, 1990; 1810.06, as effective December 4, 1985; 1810.07, as effective August 22, 2001; 1810.08, as effective December 20, 1989; Exhibit A, as effective May 2, 1990; Exhibit B, as effective May 2, 1990; Exhibit C, as effective

May 2, 1990; and Exhibit D, as effective May 2, 1990.

(C) The following sections of the Code of the City of Medford, Oregon: 5.550 as effective March 16, 2000; 7.220, as effective September 17, 1998; 7.222, as effective September 17, 1998; 7.224, as effective September 17, 1998; 7.240 as effective August 2, 1990, and 7.242 as effective September 17, 1998.

(D) The following sections of the City of Central Point Municipal Code: 8.01.010, 8.01.012, 8.01.014, 8.01.020, 8.01.030, and 8.01.032 as effective 1998; 8.04.040 H., as effective 1979; and 8.04.095 as effective 1994.

(E) The following sections of the City of Ashland Municipal Code: 10.30.005 and 10.30.010 as effective 1998; 10.30.020, as effective 2000; 10.30.030 and 10.30.040, as effective 1993; 9.24.010, 9.24.020, 9.24.030, 9.24.040, and 9.24.050 as effective 1998.

(F) The following sections of the City of Talent ordinances: Ordinance #565, as effective August 20, 1992; and Ordinance #98–635–0, as effective March 4, 1998.

(G) The following sections of the City of Phoenix code: 8.16.040, as effective 1982; 8.16.050, as effective 1982; 8.16.090, as effective 1982; 8.20.010, as effective 1998; 8.20.020, as effective 1998; 8.20.030 as effective 1998; 8.20.040, as effective 1998; and 8.20.050 as effective 1998.

(H) The following sections of the City of Jacksonville code: Ordinance 375, amending 8.08.100 of the Jacksonville Municipal Code as effective April 21, 1992; City of Jacksonville Code Chapter 8.10, as effective February 1992.

(I) The following sections of the City of Eagle Point Code: 8.08.160, as effective 2000; 8.08.170, as effective 1990; 8.08.180, as effective 1990; 8.08.190 as effective 1990; and 8.08.200 as effective 1990.

(J) Remove the following old sections of the Oregon Administrative Rules 340 from the current incorporation by reference: 240–0200, 240–0240, and 240–0270.

(ii) Additional Material.

(A) The following sections of the Codified Ordinances of Jackson County: 1810.09 as effective December 20, 1989, and 1810.99, as effective October 29, 2003.

(B) The following sections of the Code of the City of Medford, Oregon: 7.226, as effective November 20, 1989; and 7.300 as effective April 6, 2000.

(C) The following sections of the City of Central Point Municipal Code: 8.04.100, 8.04.110, 8.04.120, 8.04.130, and 8.04.140 as effective 1966, and 8.04.150 as effective 1995.

(D) The following sections of the City of Ashland Municipal Code: 10.30.050, as effective 1993; and 9.24.060, as effective 1998.

(149) On August 9, 2007, the Oregon Department of Environmental Quality submitted a CO maintenance plan and requested redesignation of the Salem CO nonattainment area to attainment for CO. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following revised sections of Oregon Administrative Rule 340: 204–0030 Designation of Nonattainment Areas (1) and (2) and 204–0040 Designation of Maintenance Areas (except (2)(c)), as effective June 28, 2007.

(150) [Reserved]

(151) On December 20, 2010, the Oregon Department of Environmental Quality submitted a SIP revision to meet the regional haze requirements of Clean Air Act section 169A and the interstate transport requirements of Clean Air Act section 110(a)(2)(D)(i)(II) as it applies to visibility for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS.

(i) Incorporation by reference.

(A) December 10, 2010, letter from ODEQ to the Oregon Secretary of State requesting filing of permanent rule amendments to OAR 340–223.

(B) December 10, 2010, filed copy of State ''Certificate and Order for Filing'' verifying the effective date of December 10, 2010, for OAR 340–223–0010, OAR 340–223–0020, OAR 340–223–0030, OAR 340–223–0040, OAR 340–223–0050 and OAR 340–223–0080.

(C) The following revised sections of the Oregon Administrative Rules, Chapter 340:

(*1*) 340–223–0010 Purpose of Rules, effective December 10, 2010.

(*2*) 340–223–0020 Definitions, effective December 10, 2010.

(*3*) 340–223–0030 BART and Additional Regional Haze Requirements for the Foster-Wheeler Boiler at the

Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106), effective December 10, 2010.

(*4*) 340–223–0040 Federally Enforceable Permit Limits, effective December 10, 2010.

(*5*) 340–223–0050 Alternative Regional Haze Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106), effective December 10, 2010.

(*6*) 340–223–0080 Alternative Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL code 6106) Based Upon Permanently Ceasing the Burning of Coal Within Five Years of EPA Approval of the Revision to the Oregon Clean Air Act State Implementation Plan Incorporating OAR Chapter 340, Division 223, effective December 10, 2010.

(ii) Additional material.

(A) The portion of the SIP revision relating to statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area and the calculation of baseline and natural visibility conditions in Oregon Class I areas, and determination of current and 2018 visibility conditions in Oregon Class I areas.

(B) [Reserved]

(152) On August 9, 2005, and May 22, 2007, the Oregon Department of Environmental Quality submitted revisions to the Oregon State Implementation Plan. The revisions provide an ozone maintenance plan under section 110(a)(1) of the CAA for the Portland portion of the Portland-Vancouver Air Quality Maintenance Area and the Salem-Keizer Area Transportation Study Air Quality Area, and phase out of the State's VIP enhanced BAR–31 test, the elimination of the Gas Cap Pressure Test and the Evaporative Purge Test. The State's maintenance plan revisions meet the requirements of the Clean Air Act.

(i) Incorporation by reference.

(A) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective April 12, 2007:

(*1*) Division 200, General Air Pollution Procedures and Definitions: Rule 0025, Abbreviations and Acronyms;

(*2*) Division 202, Ambient Air Quality Standards and PSD Increments: Rule 0090, Ozone;

(*3*) Division 204, Designation of Air Quality Areas: Rule 0010, Definitions; Rule 0030, Designation of Nonattainment Areas, the undesignated introductory text, (2); Rule 0040, Designation of Maintenance Areas, the undesignated introductory text, (2);

(*4*) Division 224, Major New Source Review: Rule 0050, Requirements for Sources in Nonattainment Areas; Rule 0060, Requirements for Sources in Maintenance Areas;

(*5*) Division 225, Air Quality Analysis Requirements; Rule 0090, Requirements for Demonstrating a Net Air Quality Benefit;

(*6*) Division 232, Emission Standards for VOC Point Sources: Rule 0010, Introduction; Rule 0020, Applicability;

(*7*) Division 242, Rules Applicable to the Portland Area, Employee Commute Options Program: Rule 0010, What is the Employee Commute Options Program?; Rule 0020, Who is Subject to ECO?; Rule 0030, What Does ECO require?; Rule 0040, How Does the Department Enforce ECO?; Rule 0050, Definitions of Terms Used in These Rules; Rule 0070, What are the Major Requirements of ECO?; Rule 0080, What are the Registration Requirements?; Rule 0090, What are the Requirements for an Employee Survey?; Rule 0110, What if an Employer Does Not Meet the Target Auto Trip Rate?; Rule 0120, How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?; Rule 0160, What Should Be Included in an Auto Trip Reduction Plan?; Rule 0180, What is a Good Faith Effort?; Rule 0190, How Does the ECO Program Affect New Employees, Expanding Employers and Employers Relocating within the Portland AQMA?; Rule 0200, Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?; Rule 0210, Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?; Rule 0220, What if an Employer Has More Than One Work Site Within the Portland AQMA?; Rule 0240, Are There Alternatives to Trip Reduction?; Rule

0260, Can Employers Get Credit for Existing Trip Reduction Programs?; Rule 0270, Are Exemptions Allowed if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?; Rule 0280, Participation in the Industrial Emission Management Program; Rule 0290, What Kind of Records Must be Kept and for How Long?;

(*8*) Division 242, Rules Applicable to the Portland Area, Industrial Emission Management Program: Rule 0400, Applicability; Rule 0410, Definition of Terms; Rule 0420, Unused PSEL Donation Program; Rule 0430, Industrial Growth Allowances; Rule 0440, Industrial Growth Allowance Allocation.

(B) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective July 12, 2005;

(*1*) Division 256, Motor Vehicles, Rule 0010, Definitions;

(*2*) Division 256, Motor Vehicles, Visible Emissions: Rule 0100, Visible Emissions—General Requirements, Exclusions; Rule 0130, Motor Vehicle Fleet Operation;

(*3*) Division 256, Motor Vehicles, Emission Control System Inspection: Rule 0300, Scope; Rule 0310, Government-Owned Vehicle, Permanent Fleet Vehicle and United States Government Vehicle Testing Requirements; Rule 0340, Light Duty Motor Vehicle and Heavy Duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program; Rule 0350, Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program; Rule 0380, Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program; Rule 0390, Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria.

(ii) Additional material.

(A) SIP Volume 2 Section 5.4.7: Test Procedures and Standards, as effective July 12, 2005.

(153) On October 8, 2008, October 10, 2008, March 17, 2009, June 23, 2010, December 22, 2010, and May 5, 2011, the Oregon Department of Environmental Quality submitted numerous amendments to the Oregon Administrative Rules as revisions to the Oregon State implementation plan. The revisions include updating Oregon's new source review rules to be consistent with current Federal regulations and streamlining Oregon's air quality rules by clarifying requirements, removing duplicative rules, and correcting errors.

(i) Incorporation by reference.

(A) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective February 5, 2001:

(*1*) Division 208, Visible Emissions and Nuisance Requirements: Rule 0100, Visible Emissions, Applicability; Rule 0200, Fugitive Emission Requirements, Applicability; Rule 0210, Fugitive Emission Requirements, Requirements.

(B) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective November 8, 2007:

(*1*) Division 200, General Air Pollution Procedures and Definitions: Rule 0010, General, Purpose and Application;

(*2*) Division 208, Visible Emissions and Nuisance Requirements: Rule 0010, Definitions; Rule 0110, Visible Emissions, Visible Air Contaminant Limitations;

(*3*) Division 209, Public Participation: Rule 0040, Public Notice Information; Rule 0070, Hearing and Meeting Procedures; Rule 0080, Issuance or Denial of a Permit;

(*4*) Division 214, Stationary Source Reporting Requirements: Rule 0010, Definitions; Rule 0300, Excess Emissions and Emergency Provision, Purpose and Applicability; Rule 0310, Excess Emissions and Emergency Provision, Planned Start-up and Shutdown; Rule 0320, Excess Emissions and Emergency Provision, Scheduled Maintenance; Rule 0330, Excess Emissions and Emergency Provision, All Other Excess Emissions; Rule 0340, Excess Emissions and Emergency Provision, Reporting Requirements; Rule 0350, Excess Emissions and Emergency Provision, Enforcement Action Criteria; Rule 0360, Excess Emissions and Emergency Provision, Emergency as an Affirmative Defense;

(*5*) Division 216, Air Contaminant Discharge Permits: Rule 0082, Termination or Revocation of an ACDP;

(*6*) Division 228, Requirements for Fuel Burning Equipment and Fuel Sulfur Content: Rule 0020, Definitions; Rule 0200, General Emission Standards for Fuel Burning Equipment, Sulfur Dioxide Standards; Rule 0210, General

Emission Standards for Fuel Burning Equipment, Grain Loading Standards;

(*7*) Division 232, Emission Standards for VOC Point Sources: Rule 0010, Introduction;

(*8*) Division 234, Emission Standards for Wood Products Industries: Rule 0010, Definitions (except for paragraphs (24), (26)(a) and (44)); Rule 0100, Wigwam Waste Burners, Wigwam Waste Burners; Rule 0140, Wigwam Waste Burners, Existing Administrative Agency Orders; Rule 0210, Kraft Pulp Mills, Emission Limitations (except for paragraph (1)); Rule 0240, Kraft Pulp Mills, Monitoring (except for paragraph (1)); Rule 0250, Kraft Pulp Mills, Reporting (except for paragraphs (1) and (2)); Rule 0500, Board Products Industries (Veneer, Plywood, Particleboard, Hardboard), Applicability and General Provisions; Rule 0510, Board Products Industries (Veneer, Plywood, Particleboard, Hardboard), Veneer and Plywood Manufacturing Operations; Rule 0520, Board Products Industries (Veneer, Plywood, Particleboard, Hardboard), Particleboard Manufacturing Operations; Rule 0530, Board Products Industries (Veneer, Plywood, Particleboard, Hardboard), Hardboard Manufacturing Operations;

(*9*) Division 236, Emission Standards for Specific Industries: Rule 0010, Definitions; Rule 0410, Hot Mix Asphalt Plants, Control Facilities Required.

(C) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective August 29, 2008:

(*1*) Division 222, Stationary Source Plant Site Emission Limits: Rule 0020, Applicability.

(D) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective September 17, 2008:

(*1*) Division 200, General Air Pollution Procedures and Definitions: Rule 0030, General, Exceptions;

(*2*) Division 210, Stationary Source Notification Requirements: Rule 0205, Notice of Construction and Approval of Plans, Applicability;

(*3*) Division 264, Rules for Open Burning: Rule 0040, Exemptions, Statewide.

(E) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective May 21, 2010:

(*1*) Division 202, Ambient Air Quality Standards and PSD Increments: Rule 0090, Ambient Air Quality Standards, Ozone; Rule 0130, Ambient Air Quality Standards, Ambient Air Quality Standard for Lead;

(*2*) Division 204, Designation of Air Quality Areas: Rule 0010, Definitions; Rule 0030, Designation of Nonattainment Areas;

(*3*) Division 206, Air Pollution Emergencies: Rule 0010, Introduction; Rule 0030, Episode Stage Criteria for Air Pollution Emergencies (including Table 2, Air Pollution Episode Warning Conditions Emission Reduction Plan).

(F) The following revised sections of the Oregon Administrative Rules, Chapter 340, effective May 1, 2011:

(*1*) Division 200, General Air Pollution Procedures and Definitions: Rule 0020, General, General Air Quality Definitions (including Table 1, Significant Air Quality Impact; Table 2, Significant Emission Rates; Table 3, Significant Emission Rates for the Medford-Ashland Air Quality Maintenance Area; Table 4, De Minimus Emission Levels; Table 5, General PSELs); Rule 0025, General, Abbreviations and Acronyms;

(*2*) Division 202, Ambient Air Quality Standards and PSD Increments: Rule 0010, Definitions; Rule 0060, Ambient Air Quality Standards, Suspended Particulate Matter; Rule 0210, Prevention of Significant Deterioration Increments, Ambient Air Increments (including Table 1, Maximum Allowable Increase);

(*3*) Division 216, Air Contaminant Discharge Permits: Rule 0020, Applicability (including Table 1, Air Contaminant Discharge Permits; Table 2, Part 1 Initial Permitting Application Fees, Part 2 Annual Fees, Part 3 Specific Activity Fees, Part 4 Late Fees); Rule 0040, Application Requirements; Rule 0060, General Air Contaminant Discharge Permits; Rule 0064, Simple ACDP;

(*4*) Division 224, Major New Source Review: Rule 0010, Applicability and General Prohibitions; Rule 0050, Requirements for Sources in Nonattainment Areas; Rule 0060, Requirements for Sources in Maintenance Areas, Rule

0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;

(*5*) Division 225, Air Quality Analysis Requirements: Rule 0020, Definitions (including Table 1, Constant K for Range of Influence Calculation); Rule 0030, Procedural Requirements; Rule 0045, Requirements for Analysis in Maintenance Areas; Rule 0050, Requirements for Analysis in PSD Class II and Class III Areas; Rule 0060, Requirements for Demonstrating Compliance With Standards and Increments in PSD Class I Areas; and Rule 0090, Requirements for Demonstrating a Net Air Quality Benefit (except paragraph (2)(a)(C)).

(G) Remove the following rules from section 340 to the OAR from the current incorporation by reference: Divisions 21, Rules 015, 050, 055 and 060; and Division 28. See paragraph(s) (c)(116)(i)(A), (c)(116)(i)(C), (c)(118)(i)(B) and (c)(139)(i)(B) of this section.

(154) On October 10, 2008, the Oregon Department of Environmental Quality submitted a SIP revision to repeal outdated rules governing wigwam waste burners with a statewide prohibition on their use, and to repeal redundant kraft pulp mill rules.

(i) Incorporation by reference.

(A) Remove the following rules of section 340 of the OAR from the current incorporation by reference: Division 234, Rules 0110, 0120, 0130, 0230 and 0260. See paragraph (c)(139)(i)(A) of this section.

[37 FR 10888, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1970, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 52.1971 Classification of regions.

The Oregon plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Portland Interstate	I	IA	III	I	I
Southwest Oregon Intrastate	II	III	III	III	III
Northwest Oregon Intrastate	III	III	III	III	III
Central Oregon Intrastate	II	III	III	III	III
Eastern Oregon Intrastate	II	III	III	III	III

[37 FR 10888, May 31, 1972, as amended at 45 FR 42278, June 24, 1980]

§ 52.1972 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Oregon's plan for the attainment and maintenancce of the national standards under section 110 of the Clean Air Act.

[65 FR 29958, May 10, 2000]

§ 52.1973 Approval of plans.

(a) *Carbon monoxide*. (1) EPA approves as a revision to the Oregon State Implementation Plan, the Second Portland Area Carbon Monoxide Maintenance Plan, effective December 15, 2004, and submitted to EPA on December 27, 2004.

(2) EPA approves as a revision to the Oregon State Implementation Plan, the Salem carbon monoxide maintenance plan submitted to EPA on August 9, 2007.

(b) *Lead*. [Reserved]

(c) *Nitrogen Dioxide*. [Reserved]

(d) *Ozone*. (1) EPA approves as a revision to the Oregon State Implementation Plan, the section 110(a)(1) ozone maintenance plans for Portland and Salem, submitted to EPA on May 22, 2007.

(2) [Reserved]

(e) *Particulate Matter*.

(1) EPA approves as a revision to the Oregon State Implementation Plan, the Klamath Falls PM–10 maintenance

plan submitted to EPA on November 4, 2002.

(2) EPA approves as a revision to the Oregon State Implementation Plan, the Grants Pass PM–10 maintenance plan submitted to EPA on November 4, 2002.

(3) EPA approves as a revision to the Oregon State Implementation Plan, the La Grande PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

(4) EPA approves as a revision to the Oregon State Implementation Plan, the Lakeview PM10 maintenance plan adopted by the Oregon Environmental Quality Commission on August 11, 2005 and submitted to EPA on October 25, 2005.

(5) EPA approves as a revision to the Oregon State Implementation Plan, the Medford PM10 attainment and maintenance plan adopted by the Oregon Environmental Quality Commission on December 10, 2004 and submitted to EPA on March 10, 2005.

(f) *Sulfur Dioxide*. [Reserved]

(g) *Visibility protection*. (1) EPA approves portions of a Regional Haze SIP revision submitted by the Oregon Department of Environmental Quality on December 20, 2010, and adopted by the Oregon Department of Environmental Quality Commission on December 9, 2010, as meeting the requirements of Clean Air Act section 169A and 40 CFR 51.308(e) regarding Best Available Retrofit Technology. The SIP revision also meets the requirements of 40 CFR 51.308(d)(2) and (d)(4)(v) regarding the calculation of baseline and natural conditions for the Mt. Hood Wilderness Area, Mt. Jefferson Wilderness Area, Mt Washington Wilderness Area, Kalmiopsis Wilderness Area, Mountain Lakes Wilderness Area, Gearhart Mountain Wilderness Area, Crater Lake National Park, Diamond Peak Wilderness Area, Three Sisters Wilderness Area, Strawberry Mountain Wilderness Area, Eagle Cap Wilderness Area, and Hells Canyon Wilderness Area, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area. The SIP revision also meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) as it applies to visibility for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS.

(2) [Reserved]

[68 FR 60041, Oct. 21, 2003, as amended at 68 FR 61116, Oct. 27, 2003; 71 FR 3770, Jan. 24, 2006; 71 FR 3770, Feb. 23, 2006; 71 FR 35160, 35163, 35174, June 19, 2006; 73 FR 79661, Dec. 30, 2008; 76 FR 39005, July 5, 2011; 76 FR 78573, Dec. 19, 2011]

§§ 52.1974–52.1976 [Reserved]

§ 52.1977 Content of approved State submitted implementation plan.

The following sections of the State air quality control plan (as amended on the dates indicated) have been approved and are part of the current state implementation plan.

STATE OF OREGON AIR QUALITY CONTROL PROGRAM

VOLUME 2–THE FEDERAL CLEAN AIR ACT IMPLEMENTATION PLAN (AND OTHER STATE REGULATIONS)

Section

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2. General Administration (1–86)

2.1 Agency Organization (1–86)
2.2 Legal Authority (1–86)
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2.5 Miscellaneous Provisions (1–86)

3. Statewide Regulatory Provisions

3.1 OREGON ADMINISTRATIVE RULES—CHAPTER 340 INCORPORATION BY REFERENCE (MARCH 24, 2003)

DIVISION 21—GENERAL EMISSION STANDARDS FOR PARTICULATE MATTER

21–015 Visible Air Contaminant Limitations (1/29/96)

Fugitive Emissions

21–050 Definitions (1/29/96)
21–055 Applicability (3/10/93)
21–060 Requirements (3/10/93)

Industrial Contingency Requirements for PM–10 Nonattainment Areas

21–200 Purpose (5/1/95)
21–205 Relation to other Rules (3/10/93)
21–210 Applicability (3/10/93)
21–215 Definitions (3/10/93)

21–220 Compliance Schedule for Existing Sources (3/10/93)
21–225 Wood-Waste Boilers (3/10/93)
21–230 Wood Particulate Dryers at Particleboard Plants (3/10/93)
21–235 Hardboard Manufacturing Plants (1/29/96)
21–240 Air Conveying Systems (3/10/93)
21–245 Fugitive Emissions (3/10/93)

DIVISION 23—RULES FOR OPEN BURNING

23–022 How to Use these Open Burning Rules (3/10/93)
23–025 Policy (3/10/93)
23–030 Definitions (6/16/84, except for paragraph (15) is 3/10/93)
23–035 Exemptions, Statewide (3/10/93)
23–040 General Requirements Statewide (3/10/93)
23–042 General Prohibitions Statewide (3/10/93)
23–043 Open Burning Schedule (3/10/93)
23–045 County Listing of Specific Open Burning Rules (3/10/93)

Open Burning Prohibitions

23–055 Baker, Clatsop, Crook, Curry, Deshutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties (3/10/93)
23–060 Benton, Linn, Marion, Polk, and Yamhill Counties (3/10/93)
23–065 Clackamas County (3/10/93)
23–070 Multnomah County (3/10/93)
23–075 Washington County (3/10/93)
23–080 Columbia County (3/10/93)
23–085 Lane County (3/10/93)
23–090 Coos, Douglas, Jackson and Josephine Counties (3/10/93)
23–100 Letter Permits (3/10/93)
23–105 Forced Air Pit Incinerators (3/10/93)
23–110 Records and Reports (3/10/93)
23–115 Open Burning Control Areas (3/10/93)

DIVISION 24—MOTOR VEHICLES

Pertaining to Motor Vehicles Inspection

24–100 County Designations (11/26/96)

Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards

24–300 Scope (11/26/96)
24–301 Boundary Designations (3/10/93)
24–305 Definitions (11/26/96)
24–306 Government-Owned Vehicle, Permanent Fleet Vehicle and U.S. Government Vehicle Testing Requirements (11/26/96)
24–307 Motor Vehicle Inspection Program Fee Schedule (11/26/96)
24–308 Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program (11/26/96)
24–309 Light Duty Motor Vehicle and Heavy Duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program (11/26/96)
24–312 Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program (11/26/96)
24–314 Motorcycle Noise Emission Control Test Method, except all language in (4)(a) referring to a ''sixth hill extrapolation'' (11/26/96)
24–318 Renew Registration for Light Duty Motor Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon (11/26/96)
24–320 Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program (11/26/96)
24–325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (11/26/96)
24–330 Light Duty Motor Vehicle Emission Control Standards for Basic Program (11/26/96)
24–332 Light Duty Motor Vehicle Emission Control Standards for Enhanced Program (11/26/96)
24–335 Heavy-Duty Gasoline Motor Vehicle Emission Control Emission Standards (11/26/96)
24–337 Motor Vehicle Propulsion Noise Standards (11/26/96)
24–340 Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates (11/26/96)
24–355 Gas Analytical System Licensing Criteria for Basic Program (11/26/96)
24–357 Gas Analytical System Testing for Enhanced Program (11/26/96)
24–360 Agreement with Independent Contractor; Qualifications of Contractor; Agreement Provisions (11/26/96)

DIVISION 28—STATIONARY SOURCE AIR POLLUTION CONTROL AND PERMITTING PROCEDURES

Excess Emissions and Emergency Provision

28–1400 Purpose and Applicability (9/24/93)
28–1410 Planned Startup and Shutdown (9/24/96)
28–1420 Scheduled Maintenance (11/4/93)
28–1430 Upsets and Breakdowns (9/24/96)
28–1440 Reporting Requirements (11/4/93)
28–1450 Enforcement Action Criteria (9/24/93)

DIVISION 200—GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

200–0010 Purpose and Application (7/1/01)
200–0020 General Air Quality Definitions, except (58) (7/1/01)
200–0025 Abbreviations and Acronyms (7/1/01)
200–0030 Exceptions (10/14/99)

DIVISION 202—AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS

202–0010 Definitions (7/1/01)

Ambient Air Quality Standards

202–0050 Purpose and Scope of Ambient Air Quality Standards (7/1/01)
202–0060 Suspended Particulate Matter (7/1/01)
202–0070 Sulfur Dioxide (7/1/01)
202–0080 Carbon Monoxide (7/1/01)
202–0090 Ozone (7/1/01)
202–0100 Nitrogen Dioxide (7/1/01)
202–0130 Ambient Air Quality Standard for Lead (7/1/01)

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202–0200 General (10/14/99)
202–0210 Ambient Air Increments (7/1/01)
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DIVISION 204—DESIGNATION OF AIR QUALITY AREAS

204–0010 Definitions (10/14/99)
204–0020 Designation of Air Quality Control Regions (10/14/99)
204–0030 Designation of Nonattainment Areas (7/1/01)
204–0040 Designation of Maintenance Areas (10/25/00)
204–0050 Designation of Prevention of Significant Deterioration Areas (10/14/99)
204–0060 Redesignation of Prevention of Significant Deterioration Areas (10/14/99)
204–0070 Special Control Areas (10/14/99)
204–0080 Motor Vehicle Inspection Boundary Designations (10/14/99)
204–0090 Oxygenated Gasoline Control Areas (3/27/01)

DIVISION 206—AIR POLLUTION EMERGENCIES

206–0010 Introduction (10/14/99)
206–0020 Definitions (10/14/99)
206–0030 Episode Stage Criteria for Air Pollution Emergencies (10/14/99)
206–0040 Special Conditions (10/14/99)
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206–0060 Regional Air Pollution Authorities (10/14/99)
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209–0010 Purpose (7/1/01)
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209–0050 Public Notice Procedures (7/1/01)
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210–0110 Registration Requirements (7/1/01)
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210–0205 Applicability (7/1/01)
210–0215 Requirement (7/1/01)
210–0225 Types of Construction/Modification Changes (7/1/01)
210–0230 Notice to Construct (7/1/01)
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DIVISION 212—STATIONARY SOURCE TESTING AND MONITORING

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214–0200 Purpose and Applicability (7/1/01)
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225–0045 Requirements for Analysis in Maintenance Areas (10/8/02)
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226–0100 Policy and Application (7/1/01)
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Grain Loading Standards

226–0200 Applicability (10/14/99)
226–0210 Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment (7/1/01)

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226–0300 Applicability (7/1/01)
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DIVISION 232—EMISSION STANDARDS FOR VOC POINT SOURCES

232–0010 Introduction (10/14/99)
232–0020 Applicability (10/14/99)
232–0030 Definitions (6/1/01)
232–0040 General Non-categorical Requirements (10/14/99)
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232–0070 Gasoline Dispensing Facilities (10/14/99)
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232–0100 Testing Vapor Transfer and Collection Systems (10/14/99)
232–0110 Loading Gasoline onto Marine Tank Vessels (6/1/01)
232–0120 Cutback and Emulsified Asphalt (10/14/99)
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DIVISION 234—EMISSION STANDARDS FOR WOOD PRODUCTS INDUSTRIES

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234–0100 Statement of Policy and Applicability (10/14/99)
234–0110 Authorization to Operate a Wigwam Burner (10/14/99)
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Kraft Pulp Mills

234–0200 Statement of Policy and Applicability (10/14/99)
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234–0240 Monitoring, excluding (2) (10/14/99)
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234–0260 Upset Conditions, excluding (3)(a)(A) & (3)(b)(A) (10/14/99)
234–0270 Chronic Upset Conditions (10/14/99)

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234–0310 Emission Limitations, excluding (1) (10/14/99)
234–0320 More Restrictive Emission Limits, excluding (2) (10/14/99)
234–0330 Plans and Specifications (10/14/99)
234–0340 Monitoring, excluding (2) (10/14/99)
234–0350 Reporting, excluding (1) (10/14/99)
234–0360 Upset Conditions, excluding (3)(a)(A) (10/14/99)

Sulfite Pulp Mills

234–0400 Statement of Policy and Applicability (10/14/99)
234–0410 Minimum Emission Standards (10/14/99)
234–0420 Monitoring and Reporting (10/14/99)
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Board Products Industries (Veneer, Plywood, Particleboard, Hardboard)

234–0500 Applicability and General Provisions (10/14/99)
234–0510 Veneer and Plywood Manufacturing Operations (10/14/99)
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DIVISION 236—EMISSION STANDARDS FOR SPECIFIC INDUSTRIES

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236–0100 Statement of Purpose (10/14/99)
236–0110 Applicability (10/14/99)
236–0120 Emission Standards, excluding (1)(a), (3)(a), & (3)(e) (10/14/99)
236–0130 Special Problem Areas (10/14/99)
236–0140 Monitoring, excluding references to fluorides (10/14/99)
236–0150 Reporting, excluding (1)(d) and (1)(e) (10/14/99)

Laterite Ore Production of Ferronickel

236–0200 Statement of Purpose (10/14/99)
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236–0220 Emission Standards (10/14/99)
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Hot Mix Asphalt Plants

236–0400 Applicability (10/14/99)

236–0410 Control Facilities Required (10/14/99)
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236–0430 Portable Hot Mix Asphalt Plants (10/14/99)
236–0440 Ancillary Sources of Emission—Housekeeping of Plant Facilities (10/14/99)

DIVISION 240—RULES FOR AREAS WITH UNIQUE AIR QUALITY NEEDS

240–0010 Purpose (10/14/99)
240–0020 Emission Limitations (7/1/01)
240–0030 Definitions (7/1/01)

The Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area

240–0100 Applicability (10/14/99)
240–0110 Wood Waste Boilers (7/1/01)
240–0120 Veneer Dryer Emission Limitations (7/1/01)
240–0130 Air Conveying Systems (Medford-Ashland AQMA Only) (7/1/01)
240–0140 Wood Particle Dryers at Particleboard Plants (7/1/01)
240–0150 Hardboard Manufacturing Plants (7/1/01)
240–0160 Wigwam Waste Burners (7/1/01)
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[59 FR 25334, May 16, 1994, as amended at 60 FR 2692, Jan. 11, 1995; 66 FR 40620, Aug. 3, 2001; 68 FR 2904, Jan. 22, 2003]

§§ 52.1978–52.1981 [Reserved]

§ 52.1982 Control strategy: Ozone.

(a) Part D—Approval. (1) The Salem/Portland and Medford/Ashland area attainment plans are approved as satisfying Part D requirements with the following clarification as to their implementation:

(i) DEQ source test method 24 will be used in conjunction with method 25 for determining compliance of surface coating operations.

(ii) The phrase ''in most cases'' in rule OAR 340–232–0060(1) applies to approximately 1,200 gasoline service stations where compliance is determined by observing whether specific emission control equipment, selected from a specific list on file at DEQ, is in place and operating properly.

[46 FR 54940, Nov. 5, 1981, as amended at 68 FR 2909, Jan. 22, 2003]

§§ 52.1983–52.1986 [Reserved]

§ 52.1987 Significant deterioration of air quality.

(a) The Oregon Department of Environmental Quality rules for the prevention of significant deterioration of air quality (provisions of OAR Chapter 340, Divisions 200, 202, 209, 212, 216, 222, 224, 225 (except 225–0090(2)(a)(C) on interpollutant offset ratios), and 268, as in effect on May 1, 2011, are approved as meeting the requirements of title I, part C, subpart 1 of the Clean Air Act, as in effect on July 1, 2011, for preventing significant deterioration of air quality.

(b) The Lane Regional Air Pollution Authority rules for permitting new and modified major stationary sources (Title 38 New Source Review) are approved, in conjunction with the Oregon Department of Environmental Quality rules, in order for the Lane Regional Air Pollution Authority to issue prevention of significant deterioration permits within Lane County.

(c) The requirements of sections 160 through 165 of the Clean Air Act are not met for Indian reservations since the plan does not include approvable procedures for preventing the significant deterioration of air quality on Indian reservations and, therefore, the provisions in § 52.21 except paragraph (a)(1) are hereby incorporated and made part of the applicable plan for Indian reservations in the State of Oregon.

[76 FR 80754, Dec. 27, 2011]

§ 52.1988 Air contaminant discharge permits.

(a) Except for compliance schedules under OAR 340–200–0050, emission limitations and other provisions contained in Air Contaminant Discharge Permits issued by the State in accordance with the provisions of the Federally-approved rules for Air Contaminant Discharge Permits (OAR chapter 340, Division 216), Plant Site Emission Limit (OAR chapter 340, Division 222), Alternative Emission Controls (OAR 340–226–0040) and Public Participation (OAR chapter 340, Division 209), shall be applicable requirements of the Federally-approved Oregon SIP (in addition to any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP. Plant site emission limits and alternative emission limits (bubbles) established in Federal Operating Permits issued by the State in accordance with the Federally-approved rules for Plant Site Emission Limit (OAR chapter 340, Division 222) and Alternative Emission Controls (OAR 340–226–0040), shall be applicable requirements of the Federally-approved Oregon SIP (in addition to any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP.

(b) Emission limitations and other provisions contained in Air Contaminant Discharge Permits and Federal Operating Permits established by the Lane Regional Air Pollution Authority pursuant to the rules applicable to sources required to have ACDP or Title V Operating Permits (Title 34, Sections 050, 060 (except for 060(6) ''Plant Site Emission Limits for Sources of Hazardous Air Pollutants'' and 060(8) ''Alternative Emission Controls (Bubble)''), and 070) and the rules applicable to sources required to have air contaminant discharge permits (ACDP) (Title 34, Sections 090 through 150), shall be applicable requirements of the Federally-approved Oregon SIP (in addition to any other provisions) for the purposes of Section 113 of the Clean Air Act and shall be enforceable by EPA

and by any person in the same manner as other requirements of the SIP.

[62 FR 10462, Mar. 7, 1997, as amended at 66 FR 40622, Aug. 3, 2001; 68 FR 2909, Jan. 22, 2003]

§ 52.1989 Interstate Transport for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS.

(a) On June 23, 2010 and December 22, 2010, the Oregon Department of Environmental Quality submitted a SIP revision, adopted by the Oregon Environmental Quality Commission on April 30, 2010, to meet the requirements of Clean Air Act section 110(a)(2)(D)(i). EPA approves the portion of this submittal relating to significant contribution to nonattainment of the NAAQS in any other state and interference with maintenance of the NAAQS by any other state. EPA also approves the portion of the submittal addressing the requirement in Clean Air Act section 110(a)(2)(D)(i)(II) that a state not interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (the third PSD element).

(b) On December 20, 2010, the Oregon Department of Environmental Quality submitted a Regional Haze SIP revision, adopted by the Oregon Environmental Quality Commission on December 9, 2010. EPA approves the portion of this submittal relating to section 110(a)(2)(D)(i)(II) as it applies to visibility for the 1997 8-hour ozone NAAQS and 1997 $PM_{2.5}$ NAAQS. The SIP revision also meets the requirements of Clean Air Act section 169A and 40 CFR 51.308(e) regarding Best Available Retrofit Technology and the requirements of 40 CFR 51.308(d)(2) and (d)(4)(v) regarding the calculation of baseline and natural conditions for the Mt. Hood Wilderness Area, Mt. Jefferson Wilderness Area, Mt Washington Wilderness Area, Kalmiopsis Wilderness Area, Mountain Lakes Wilderness Area, Gearhart Mountain Wilderness Area, Crater Lake National Park, Diamond Peak Wilderness Area, Three Sisters Wilderness Area, Strawberry Mountain Wilderness Area, Eagle Cap Wilderness Area, and Hells Canyon Wilderness Area, and the statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal Area.

[76 FR 33651, June 9, 2011, as amended at 76 FR 39005, July 5, 2011; 76 FR 80754, Dec. 27, 2011]

§ 52.1990 Interstate Transport for the 2006 24-hour $PM_{2.5}$ NAAQS.

(a) EPA approves the portion of Oregon's SIP revision submitted June 23, 2010, and December 22, 2010 (referenced in § 52.1989(a)) addressing the requirement in Clean Air Act section 110(a)(2)(D)(i)(II) that a state not interfere with any other state's required measures to prevent significant deterioration (PSD) of its air quality (the third PSD element).

(b) [Reserved]

[76 FR 80754, Dec. 27, 2011]

§ 52.1991 Section 110(a)(2) infrastructure requirements.

On September 25, 2008, Oregon Department of Environmental Quality submitted a certification to address the requirements of CAA Section 110(a)(1) and (2) for the 1997 8-hour ozone NAAQS. EPA approves the submittal as meeting the following 110(a)(2) infrastructure elements for the 1997 8-hour ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[77 FR 29905, May 21, 2012]

§§ 52.1992—52.2019 [Reserved]